



# 10 YEARS SINCE PUNISHED BODIES

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FOLLOW-UP AND UPDATE ON ILL-TREATMENT AND  
TORTURE IN FEDERAL PRISONS, 2017-2018



## “10 YEARS SINCE PUNISHED BODIES”

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Follow-up and update on ill-treatment and torture  
in federal prisons, 2017–2018

**PRISON OMBUDSMAN'S NATIONAL OFFICE**



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# Contents

<b>10 years since punished bodies.....</b>	<b>9</b>
<b>1. Project overview.....</b>	<b>16</b>
Background.....	16
Rationale.....	17
10 years since the research on ill-treatment and torture: the 2017 proposal.....	17
Hypothesis and objectives.....	18
Research methodology.....	19
<b>2. General report, results and analysis.....</b>	<b>25</b>
General considerations .....	25
<b>3. Body search.....</b>	<b>28</b>
Introduction .....	28
On the findings: the massive intrusion on bodies.....	29
Cross-tabulations by sex and age.....	35
Comparison between 2007 and 2018.....	36
Key points.....	38
<b>4. Isolation ..</b>	<b>40</b>
Introduction .....	40
On the findings: the recurrent desocialization.....	41
Cross-tabulations by sex and age.....	55
Comparison between 2007 and 2018.....	55
Key points.....	57

<b>5. Physical Assault.....</b>	<b>59</b>
Introduction.....	59
On the findings: the current state of corporal punishment.....	60
Cross-tabulations by sex and age.....	72
Comparison between 2007 and 2018.....	72
Key points.....	74
 <b>6. The production of scarcity and shortage: other practices     of violence in the framework of prison government.....</b>	 <b>76</b>
 <b>7. Theft and/or damage to belongings.....</b>	 <b>78</b>
Introduction.....	78
On the findings: massive looting and pillaging.....	81
Cross-tabulations by sex and age.....	85
Key points .....	86
 <b>8. Poor nutrition and hunger.....</b>	 <b>87</b>
Introduction .....	87
On the findings:	
the current reality of prison hunger .....	88
Cross-tabulations by sex and age.....	90
Access to food.....	91
Key points.....	93
 <b>9. General summary.....</b>	 <b>95</b>



## 10 YEARS SINCE PUNISHED BODIES...

### Foreword

This book is the English edition of *A 10 AÑOS DE CUERPOS CASTIGADOS (10 YEARS SINCE PUNISHED BODIES)*, carried out ten years after the original investigation on torture and ill-treatment in federal prisons, which was published by the Prison Ombudsman's National Office in 2008 under the title *Cuerpos Castigados (Punished Bodies)*.

The translation of this work arises in response to repeated requests from various international organizations that have recognized its fundamental relevance as a tool for documenting, analyzing, and denouncing torture and ill-treatment in contexts of confinement.

As head of the Prison Ombudsman's Office, I want to emphasize that both the original investigation and the study carried out ten years later were conducted entirely by the office's staff, encompassing every stage: from methodological design, fieldwork, and data processing to the critical reading of findings and the drafting of the final report.

It is important to underline the impact that the sustained work of the Prison Ombudsman's Office has had in reducing the prevalence of torture and ill-treatment in federal prisons over the past decade. The fieldwork carried out by the Prison Ombudsman's Office fulfills a dual essential role: on the one hand, prevention, through constant supervision and monitoring of prison facilities; and on the other, the denouncing and exposure of human rights violations, ensuring that these practices are neither concealed nor left unpunished. This continuous and rigorous work has shown that, despite difficulties, institutional action produces concrete results.

The importance of this international edition lies in expanding the reach and accessibility of valuable knowledge that not only contributes to exposing and denouncing these practices but also serves as an essential resource for judicial actors, human rights organizations, academics, and others committed to the defense and promotion of human rights worldwide.

With this publication, we reaffirm the commitment of the Prison Ombudsman's National Office to the production of rigorous, independent, and useful knowledge for the protection of fundamental rights. We hope that this English edition will strengthen the fight against torture and ill-treatment and become a key tool for those working in the prevention, investigation, and prosecution of these severe violations.

## BY WAY OF INTRODUCTION

Alcira Daroqui<sup>1</sup>

In 2017, the Research Department designed a Project to follow up on and update the 2007 investigation on Ill-Treatment and Torture in Federal Prisons, titled: *A 10 años de Cuerpos Castigados (10 Years Since Punished Bodies)*<sup>2</sup>.

The Department was therefore responsible for designing, implementing-applying the survey; compiling and processing the data; and preparing both the partial and the final report. It was a project for following up on and updating the categories of inquiry that had been part of the 2007 research, from a comparative perspective. To this end, the design took into account the quantitative dimension with representative weight for the entire prison population within the Federal Penitentiary Service (“SPF” for its acronym in Spanish). The conceptual and methodological tools of social research, ten years after those findings, once again made it possible to carry out an update and follow-up, while also incorporating other topics studied over these years in various research proposals by the Department, whose objectives focus on the relationship between government-punishment and the body within the framework of punitive confinement.

The design, coordination, and partial reports of the research were led by sociologist-researcher Carlos Motto, together with the team of sociologist-researchers Jimena Andersen, Florencia Tellería, Ornella Calcagno, Sofía Conti, and Alcira Daroqui, who jointly carried out the implementation during the fieldwork stage, the administration of surveys, and the analysis, both within the framework of the partial reports and for the final report. The final report was prepared by Carlos Motto together with the author of this introduction. A consolidated research team was able to undertake all the tasks required for a research process of this quantitative-qualitative scope.

## THE RESEARCH WITHIN THE INSTITUTIONAL CONTEXT OF THE OFFICE

This research proposal, the results of which are presented in this book, reflects an institutional process of the Office from a historical perspective. Why from a historical perspective? Because an Office such as the Prison Ombudsman's National Office (“PPN” for its acronym in Spanish), with more than 25 years of existence, has had the opportunity to design different policies both within administrative-executive intervention and in judicial intervention, concerning the protection and defense of the human rights of detainees at the federal level. In this regard, fundamental to the design of these policies has been the information produced by the Office, both regarding the types and number of interventions carried out during this long period, and regarding human rights issues in the prison system—those of a structural nature and those emerging from specific characteristics of the relationship between prison authorities and specific incarcerated populations, as well as among the different prison units that make up the prison archipelago of the Federal Penitentiary Service.

From this perspective, too, in historical terms of institutional policy on prison issues and human

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<sup>1</sup> Director of the Research Department of the Prison Ombudsman's National Office.

<sup>2</sup> “Cuerpos Castigados” (Punished Bodies) was the title given to the investigation “Malos Tratos y Torturas en cárceles federales” (Ill-treatment and Torture in Federal Prisons), published in 2008 by Editores del Puerto.

rights, the Office, since the year 2000, already 19 years ago, *also promoted the design and implementation of research within the framework of scientific knowledge production in the field of social sciences.*

From that year onwards, the Prison Ombudsman Francisco Mugnolo, head of an Office responsible for monitoring and protecting the human rights of detainees, also considered that social research on prisons, human rights issues, and in particular ill-treatment and torture, should be part of an institutional objective with a dual purpose: to provide knowledge for the various processes of executive and judicial intervention of the Office, and, moreover, to serve as scientific support for a policy of making human rights violations in the federal prison system publicly visible.

## ON SOCIAL RESEARCH

In 2004, the results of a first study on groups whose rights were particularly vulnerable—women and young people in federal prisons—were published under the title *Voces del Encierro (Voices from Confinement)*. Three years later, in 2007, the research project *Malos Tratos y Torturas en cárceles federales (Ill-treatment and Torture in Federal Prisons)* was launched. Once again, social research addressed an issue that the punitive power rendered invisible in a double sense: because the question of torture and human rights was not part of the current political-judicial agenda, and because, when acknowledged, this state violence was reduced to exceptional cases, almost always categorized under labels such as humiliation and/or coercion. The “issue” of torture was included on the agenda in terms of adherence to international agreements, but not as a “problem” embedded in the practices of our country’s security and custodial forces.

For this reason, the decision to produce rigorous knowledge on the issue of torture was undertaken through empirical research within the social sciences, based on conceptual and methodological tools oriented toward fields of sociological inquiry and problematization about the practices and discourses of criminal justice agencies in relation to the use of power to punish thousands and thousands of people who “move through” the punitive chain. That was the main objective of the 2007 research: methodological rigor, but not only as a set of well-applied techniques ensuring irrefutable results, but also, and fundamentally, as grounded in a specific theoretical and epistemological perspective—and not others—that guided and shaped the strategy and methodological framework, as should always be the case in any research process.

The work was carried out by the Prison Ombudsman’s National Office, a public authority for oversight responsible for the protection and defense of the human rights of detainees in federal prisons, involving all its members, including its management staff. It was an ambitious project, undertaken with full political and institutional commitment, as it included a survey of all maximum-security prisons of the federal prison archipelago, with a representative quota sample, reaching 10.2% of the SPF prison population at the time of data collection. The reliability of the sample made it possible to extend the results to the entire prison population regarding torture practices surveyed and referred to: physical assaults, humiliating body searches, and isolation as a sanction.

This institutional commitment of the Prison Ombudsman’s National Office was strengthened in 2007, when, taking into account the findings of the study “Ill-Treatment and Physical Torture in

Federal Prisons,”<sup>3</sup> it designed and launched the Procedure for the Effective Investigation and Documentation of Cases of Torture and/or Ill-Treatment (PIyDTyMT, for its acronym in Spanish)—as it was initially named—approved by Resolution No. 105-PP-07. This was instituted as a guide to identify and verify such cases, as well as to determine responsible authorities, carry out interventions, and collaborate with the Judiciary and the *Ministerio Público* (Public Prosecutor’s Office in Argentina). This Procedure applied the principles of the Istanbul Protocol<sup>4</sup> in the field of the PPN and became a priority tool for intervention in cases of torture.

Within the framework of this institutional policy for addressing torture, the Office once again promoted the production of scientific knowledge through the design, in 2009, of an initial project to follow up on and update the *2007 Investigation on Ill-Treatment and Torture*, the findings of which were published in the Office’s Booklets, focusing the investigation on the same categories: physical assault, isolation as a sanction, and humiliating body searches in five maximum-security units<sup>5</sup>.

Since then, the Office and the Research Department have produced information and research findings on the prison issue in general and on torture in particular. This process of gathering information and knowledge—in which we highlight the contribution of 10 years of data collection and analysis from the National Registry of Cases of Torture (“RNCT”, for its acronym in Spanish) and the focused research Studies carried out on the basis of this empirical corpus—has made it possible to incorporate other conceptual dimensions, such as “government through the production of shortage and scarcity” which substantiate new methodological approaches to empirical inquiry into torture. Therefore, to the categories of physical assaults, isolation as a sanction, and humiliating body searches—whose 2017 results were read in comparative terms with those of 2007—was added the production of information and knowledge aimed at identifying, describing, and analyzing *prison governance practices based on the management of “scarcity.”* In this case, scarcity referred to the lack of food and/or deficient nutrition, which contributed quantitative data to the Thematic Research Study that delves deeper into this field of inquiry, entitled: *Production and management of scarcity as instruments of prison governance. A study on food in federal prisons. (Producción y gestión de la escasez como instrumentos de gobierno carcelario. Un estudio sobre la alimentación en las cárceles federales)*<sup>6</sup>.

These other analytical dimensions are inscribed in the conceptual and epistemological framework guiding the different research processes designed by the PPN’s Research Department. We problematize the issue of prison governance both of individuals and of populations, where the management of time and space is articulated not only with the repressive but also with the

<sup>3</sup> Available online: [http://www.ppn.gov.ar/sites/default/files/CuerposCastigados\\_0.pdf](http://www.ppn.gov.ar/sites/default/files/CuerposCastigados_0.pdf)

<sup>4</sup> Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment is the first set of guidelines for documenting torture and its consequences. It was adopted by the Office of the United Nations High Commissioner for Human Rights in 2000. The purpose of the Istanbul Protocol is to serve as an international guide for the assessment of individuals who have been tortured, to investigate cases of possible torture, and to report the findings to the judiciary or investigative agencies. Available online: <https://ppn.gov.ar/pdf/publicaciones/cuadernos/cuadernos-ppn-02.pdf>. This Thematic Research Study involved the participation of all members of the Research Department and was coordinated by researcher María Jimena Andersen. The publication is available online: <https://ppn.gov.ar/pdf/deptoinvestigacion/PRODUCCION-Y-GESTION-DE-LA-ESCAZ-DE-LA-FALTA-COMO-ESTRATEGIAS-DE-GOBIERNO-PENITENCIARIO.pdf>

<sup>5</sup> Available online: <https://ppn.gov.ar/pdf/publicaciones/cuadernos/cuadernos-ppn-02.pdf>

<sup>6</sup> This Thematic Research Study was carried out with the participation of all members of the Research Department and was coordinated by researcher María Jimena Andersen. The publication is available online: <https://ppn.gov.ar/pdf/deptoinvestigacion/PRODUCCION-Y-GESTION-DE-LA-ESCAZ-DE-LA-FALTA-COMO-ESTRATEGIAS-DE-GOBIERNO-PENITENCIARIO.pdf>

productive dimension of punitive power. Moreover, the “production of shortage, scarcity, and deprivation” carries a conceptual weight that allows us to analyze and understand the articulation between extensive and intensive forms of violence in terms of ill-treatment and torture against thousands of incarcerated individuals.

## ON THE ETHICAL-POLITICAL POSITIONING IN SOCIAL RESEARCH ON THE CRIMINAL JUSTICE SYSTEM AND HUMAN RIGHTS

The results of the various investigations, together with the findings of the National Registry of Cases of Torture, have made a significant contribution to the process of raising awareness of the state violence deployed through ill-treatment and torture. After 12 years of research and intervention on prison and police torture, it has become evident and irrefutable that these practices of state violence occur systematically, regularly, and in a generalized way<sup>7</sup>.

Furthermore, the findings of these investigations and specific surveys such as the National Registry of Cases of Torture, conducted by the Research Department, have been incorporated into several court cases<sup>8</sup> in which the crime of torture has been charged against prison and security officers. They have been used both in the arguments of criminal complaints brought by lawyers from the PPN’s Judicial and Litigation Area<sup>9</sup>, by prosecutors as part of the Public Prosecutor’s Office’s accusations, and, most importantly, by Oral Courts in the reasoning of convictions handed down against prison officers.

In this introduction, it is worth mentioning one of those cases, which refers to the investigation conducted in 2007, published as *Cuerpos Castigados* (Punished Bodies).

On March 18, 2019, the Federal Criminal Oral Court of Neuquén rendered its judgment in the case investigating the “imposition of aggravated torture” by a group of Federal Penitentiary Service officers against the detainee Argentino Pelozo Iturri at the former Federal Prison No. 9 of Neuquén. *10 years after the events and following a long and complex judicial process, the Court sentenced eight prison officers to life imprisonment for the crime of “torture followed by death.” In addition, the head of the unit responsible for searches was sentenced to 7 years in prison, the deputy director of Unit 9 to 6 years, and the prison director to 6 years and 6 months for “failure to prevent torture and aggravated ideological falsification.”* Furthermore, for *failure to report the torture*, the prison nurse was sentenced to 3 years and 6 months, meaning effective prison time. Likewise, not only for acts committed but also for failure to report torture and ideological falsification, a doctor from the Unit was sentenced to 4 years in prison. In the same ruling, the Regional Director of the Federal Penitentiary Service *was sentenced to 6 years in*

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<sup>7</sup> We emphasize that multiple actions have been recorded from the political field and various organizations, including the “progressive field,” which have operated and continue to operate to produce “diffuse” understandings of state violence and human rights violations over the past 15 years. A clear example of this was the “establishment” of the concept of “institutional violence” as a “broader umbrella term over violence,” a breadth that requires clear and precise specific disaggregation; otherwise, it becomes a concept that is diffuse, unspecific, and functions merely as an operational term to “dilute” torture as a state practice and the impact of its occurrence and systemic nature carried out by security and prison forces legitimized by political and judicial power.

<sup>8</sup> To cite another case in which prison officers were convicted for the crime of torture, we mention the following: in the reasoning for the 2015 conviction of four prison officers in case 2986/2012, concerning torture against the young Brian Nuñez, which occurred in Unit 24 on July 16, 2011, the San Martín Criminal Oral Court incorporated content and analysis from the National Registry of Cases of Torture.

<sup>9</sup> In this Area, directed by Carlos Acosta, the lawyers in charge of the complaint were Rodrigo Borda, Deputy Director, and Sebastián Pacilio, Coordinator of Litigation, with the assistance of Beatriz Pugliese.

*prison for concealment and failure to report the torture.*

During the lengthy judicial investigation that lasted more than 10 years, the Prison Ombudsman's National Office participated as a plaintiff, and the findings of its investigation on torture and ill-treatment in prisons—published under the title *Punished Bodies: Physical Ill-Treatment and Torture in Federal Prisons*—constituted a significant contribution to the case brought by both the prosecution and the plaintiff, as well as to the grounds of the conviction itself. The Court placed particular value on the findings of this investigation, as documented in *Punished Bodies*, explicitly noting them in its judgment. This investigation had been the product of collective work carried out with rigorous methodology, producing compelling and irrefutable findings: in federal prisons, detainees suffered ill-treatment and torture at the hands of prison staff, senior officials, security officers, and also healthcare personnel, including doctors and nurses. Twelve years later, those findings were not only not “discredited” but were incorporated into the arguments of the plaintiff, the prosecutor, and the reasoning behind the Court's judgment.

In this regard, we consider it important to provide some historical background on Unit 9 of Neuquén, the practice of torture through recurring beatings there, and the death of Argentino Pelozzo Iturri as a victim of such prison violence. The results of the investigation were made public the same year the survey was carried out, that is, in 2007. At that time, sectors within the judicial and political-executive spheres attempted to discredit them, claiming that if all those acts of ill-treatment and torture were true, the various judicial authorities would be aware of them<sup>10</sup>. Back then, torture was denied by the judiciary and political authorities, led by the Ministry of Justice and Human Rights and the Federal Penitentiary Service: the highest authorities either denied or downplayed it. Meanwhile, the results of the investigation highlighted that, among the nine Federal Penitentiary Units included in the fieldwork, *Unit 9 of Neuquén* was the most violent in this federal archipelago in terms of *the use of beatings and assaults* against detainees' bodies. Only five months after this information became public, Argentino Pelozo Iturri died as a result of a form of beating described and analyzed in this investigation. The federal judiciary of Neuquén did not take the findings of that investigation as a warning that should have led them to monitor and oversee that unit. Perhaps if they had, Pelozo Iturri's death could have been prevented. Once again, in 2008, prison staff were guaranteed judicial impunity. In 2019, the Federal Criminal Oral Court of Neuquén put an end to that impunity, and the Prison Ombudsman's Office, acting as plaintiff, played a fundamental role in achieving these results.

In this regard, we reaffirm the ethical-political approach in social research on the criminal system and Human Rights that guides the investigations carried out in our Department and is framed within the institutional policy of the Prison Ombudsman's National Office. This can be summed up as follows: we are repeatedly asked, as a research team, what is the transfer effect of these kinds of studies? What purpose do these investigations serve? Today, as in 2007, we respond that these investigations generate knowledge about the unfolding of punishment, about the “prison issue,” and, in this case, by focusing the empirical inquiry and conceptual analysis on practices of torture, they contribute to problematizing the violation of human rights in the present.

Recovering the voices of victims of human rights violations perpetrated by the State is a theoretical-epistemological, methodological, and also political decision. The voices of the 50 victims interviewed in 2007 at Unit No. 9 of Neuquén revealed, through their accounts of different

<sup>10</sup> See: *Página/12*, December 8, 2007. Available at: <https://www.pagina12.com.ar/diario/elpais/1-95872-2007-12-08.html> (accessed on March 27, 2019)

events and types of torture, the complexity inherent in its multidimensional character. Of those interviewed, 69.1% reported and described in detail that they had been subjected to blows and beatings. The very same kind that, five months later, were inflicted on the body of Argentino Pelozo Iturri until they killed him. Those voices and accounts, recorded in *Punished Bodies*, were part of the body of evidence that made possible the conviction of those responsible for the crime of torture followed by death.

This approach operates in both the scientific and political fields in the disputes over the meanings attributed to the prison, and it stands as the commitment assumed within the framework of producing rigorous scientific knowledge, making visible the unfolding of state violence and torture as a constitutive part of the power to punish.

For this reason, once again, we hope that the findings of this research, published in this book **"Ten Years Since Punished Bodies. Follow-up and Update on Ill-Treatment and Torture in Federal Prisons, 2017-2018"** will contribute to the political dimension of the problem of human rights violations today and will also serve as a conceptual and empirical tool to support judicial interventions in the investigation and prosecution of the crime of torture.



## 1. PROJECT OVERVIEW

### BACKGROUND

In line with the 2017 annual work plan, the Research Department has monitored and updated the research conducted in 2007 on physical abuse and torture in federal prisons. The project was designed to ensure continuity in the production of scientific knowledge on the subject, highlighting the importance of advancing comparative readings within a time frame that will surely provide tools for addressing the Agency's intervention.

The main rationale is grounded in the institutional background on the subject. Thus, since 2007, in response to the entry into force of the Optional Protocol to the Convention against Torture, the Prison Ombudsman's National Office has adopted as institutional policy the documentation, investigation, and monitoring of cases of ill-treatment and torture occurring in federal prisons.

Within this institutional framework, two areas of work were then proposed with the aim of generating information on the aforementioned issue. On the one hand, through social research, a research project was carried out during 2007, the results of which were published in the book *Punished Bodies. Physical Abuse and Torture in Federal Prisons*, edited by Editores del Puerto in 2008<sup>11</sup>. Then, during 2009-2010, a follow-up investigation was conducted focusing on populations where higher frequencies of assaults had been detected, published in the PPN Booklets series: "*Nº2 Malos Tratos físicos y Torturas en cárceles federales*" (*No. 2 Physical Abuse and Torture in Federal Prisons*)<sup>12</sup>.

On the other hand, in 2007 as well, the "Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of the Prison Ombudsman's National Office was implemented, in line with the provisions of the Istanbul Protocol, focusing on cases of physical assault<sup>13</sup>. Finally, starting in 2010, the PPN's Registry of Cases of Torture was designed and established as part of the National Registry of Cases of Torture, which works with cases from the Manual on Investigation and Documentation as a secondary source, and also intentionally and systematically collects cases through fieldwork in various federal prisons, generating primary information on ill-treatment and torture. The results of the 2007

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<sup>11</sup> The publication can be accessed here: <https://ppn.gov.ar/pdf/publicaciones/ediciones-especiales/cuerpos-castigados.pdf>

<sup>12</sup> The publication can be accessed here: <https://ppn.gov.ar/pdf/publicaciones/cuadernos/cuadernos-ppn-02.pdf>

<sup>13</sup> Starting in 2017, "Threats" was added to the Manual's survey as a form of prison violence.



research and the follow-up conducted in 2009-2010, regarding the categories of data collection and analysis that formed their objectives, as well as emerging issues identified during both research processes, became a fundamental source of information for designing the National Registry of Cases of Torture. In this regard, it is important to note that the National Registry of Cases of Torture classifies and records 11 types of ill-treatment and torture: *isolation; burdensome transfers; constant transfers; physical assaults; humiliating body searches; poor material conditions; lack of food or poor nutrition; lack of or poor health care; theft and/or damage to belongings; impediments to family and social ties; and threats.*

## RATIONALE

Having outlined the Agency's track record in producing both primary and secondary information on ill-treatment and torture from 2007 to the present, we now turn to the research proposal developed in 2017.

This research aimed to replicate the thematic areas of the 2007 Research, focusing the data collection and inquiry on quantitative aspects, using a representative survey of the entire prison population in the SPF, thereby generating data comparable to that earlier research. At the same time, based on the knowledge accumulated over the past 10 years, the scope of the subject matter was expanded and made more complex, incorporating topics that had been addressed during these years, with an approach that also includes a quantitative dimension. Precisely, we highlight that the qualitative dimension of the 2007 research, arising from field observations and the broad and complex accounts of the detainees who were interviewed, brought to light issues that guided subsequent inquiries, deepening the analytical approach to the deployment of prison violence in terms of governance.

**Thus, the 2007 research made it possible to measure, identify, describe, reveal, and analyze prison practices of ill-treatment and torture within federal prisons under the responsibility of the Federal Penitentiary Service.**

Over the past 10 years, progress has been made in deepening the research regarding the modalities and circumstances in which these practices occur in each institutional setting, while also monitoring the changes, shifts, replacements, and/or the emergence of other ill-treatment and torturous practices. This is part of the conceptual and methodological justification for producing this comparative research proposal, the results of which are intended to serve as tools for the Agency's work in protecting and defending the human rights of incarcerated individuals.

## 10 YEARS SINCE THE RESEARCH ON ILL-TREATMENT AND TORTURE: THE 2017 PROPOSAL

In this regard, the scope of the study on ill-treatment and torture practices was expanded, particularly based on the implementation of the RNCT, which defines 11 types or categories of ill-treatment and torture. This has enabled us to identify a series of violent practices that we have categorized as *prison management of scarcity* which, when combined with *direct physical violence against the bodies of incarcerated individuals*, constitute the set of prison practices that form a significant dimension of the penitentiary governance of prison populations and reveal the systematic violation of human rights within the context of imprisonment. All this work has enabled us to continue identifying, describing, and analyzing these practices, while confirming their systematic, widespread, persistent, extensive, and constant use.

*The relevance of this study lies in its aim to advance the identification of various practices of prison violence that, in this case, are classified under the definition of ill-treatment and torture, as well as to analyze how they are carried out in different federal prisons. This has been one of the central objectives throughout these ten years of work on the issue of torture.*

For this reason, we consider it essential to reassess it in *quantitative and representative terms for the entire prison population within the Federal Penitentiary Service*. In this sense, we believe that, from the conceptual and methodological perspective of social research, and 10 years after those initial findings, it is relevant to update and monitor the data, while at the same time incorporating other issues that illustrate the relationship between governance-punishment and the body within the framework of punitive confinement.

The design and execution of the Research aimed fundamentally to produce rigorous information and knowledge that would be comparable to the results of the research carried out in 2007, thereby allowing us to track changes in ill-treatment and torture practices in quantitative terms for the overall population. Additionally, it sought to incorporate the production of information and knowledge to identify, describe, and analyze *prison governance practices based on the management of “scarcity,”* in this case, the lack of food and/or poor nutrition.

The governance of “scarcity” begins with the deliberate production of shortage and scarcity by prison authorities; that is, a *systematic lack* that structures social relations in prison around “survival,” which shapes precarious life under confinement and builds a social bond marked by multiple forms of violence, within an institutional policy that produces, regulates, and manages it. We identify shortage and scarcity across four thematic areas, each reflecting prison practices that generate them and that are inscribed within a form of violence that is clearly multidimensional in nature: *lack of food and/or poor nutrition; poor material conditions; lack of or poor health care; theft or damage of personal belongings and goods of the detainees.*

For this reason, we frame these prison practices as ill-treatment and torture within the context of the regularity and systematic nature of violent and degrading institutional practices by prison staff, thereby “imparting” to the prison the attribute of “physical and degrading punishment.”

Physical abuse and degrading treatment are thus considered forms of punishment reflected on the detainee’s body; the body serving as both the means and the end of these regular and systematic exercises of sovereignty, discipline, and control, which, as deployed and articulated mechanisms, constitute strategies of “governability” within the framework of prison social relations.

## **HYPOTHESIS AND OBJECTIVES**

The proposal took into account the legislative-regulatory framework at both the international and national levels, the institutional trajectory of the Prison Ombudsman’s National Office, the accumulated knowledge and experience on the subject, and the recognition of what we consider to be the most relevant precedents in our country regarding the systematic violation of incarcerated individuals’ human rights. This provided the conceptual foundation for developing the following working hypothesis that guided our research: *The prison sentence is, to a large extent, deployed as a corporal punishment through violent and humiliating prison practices that violate fundamental human rights—physical abuse, torture, and the production and management of scarcity—against*

*incarcerated individuals. These regular and systematic practices respond to governance strategies that are clearly institutional in nature.*

The overall objective was, on the one hand, to identify, describe, analyze, and reveal (make visible) the continuity and systematic nature of violent institutional practices: physical and humiliating ill-treatment, its deployment across the entire population, and on the different sub-populations of prisoners in the SPF (women and men: adults and young adults), and to compare them in quantitative terms with the results of the 2007 research. And, on the other hand, to identify, describe, analyze, and reveal (make visible) the quantitative dimension of the production and management of scarcity: the “food issue” in federal prisons.

To this end, we have formulated the following specific objectives:

1. Quantify, describe, and analyze institutional prison practices related to searches of the bodies and belongings of detainees. (Searches and theft and/or damage to belongings).
2. Quantify, describe, and analyze institutional practices related to the isolation of detainees. (Sanctions, living regimes, and protection of physical integrity).
3. Quantify, describe, and analyze institutional practices related to physical assaults against detainees.
4. Quantify, describe, and analyze institutional practices related to the production of scarcity and its effects, based on the provision -or deprivation- of food as a governance strategy within the imprisonment environment.
5. Establish comparisons for the sub-populations of detainees, for objectives 1, 2, and 3, with the data from 2007.

## RESEARCH METHODOLOGY

### Design

Regarding the research methodology, we briefly note that, to achieve the stated objectives, a survey-based data collection was designed with a representative sample of the entire population of detainees in prisons under the Federal Penitentiary Service. *The feasibility of the research* was ensured through three changes compared to the 2007 research, which nonetheless does not invalidate the comparability of the data in relation to the general population. These changes are:

1. A smaller *sample*, but still representative of the whole.
2. A more concise *instrument*, aimed at capturing key indicators rather than providing a detailed description of practices on which extensive information has been produced over the past ten years.
3. A longer *fieldwork* period, which allowed a smaller group of people to carry out the work while also maintaining other tasks of the Research Department.

As for the subject matter, the research addressed physical abuse and other violent and degrading practices as punishments inflicted on the bodies of detainees. In this regard, we considered physical

assault, body searches, theft and damage to belongings, isolation, and lack of food and/or poor nutrition as key indicators of prison violence, producing physical pain, degradation, and subjugation; serving as techniques of control and discipline within the framework of prison governance strategies.

The expansion of the practices addressed as indicators (isolation in general, not limited to sanction; theft and particularly damage to belongings; and lack of food and/or poor nutrition) makes it possible to account for a broader spectrum of practices related to prison violence and governance, enriching their study. These issues, which we now address quantitatively, have been and remain part of surveys and investigations conducted over the past ten years, constituting the research corpus, meaning they do not correspond to exploratory work but rather to the specification and measurement of already consolidated findings.

As in the 2007 research, a complex sample was designed; that is, a multi-stage design using strata (stratified by sex and age grouped into adults and young adults) and clusters (prisons and cellblocks). The sample size was considerably reduced compared to that of 2007, as priority was given to ensuring representation of the entire population of incarcerated individuals in the SPF<sup>14</sup>.

#### Sample calculation

The sample was obtained as follows: first, the minimum number of units of analysis was estimated at 372 cases through the calculation of the size of a simple random sample<sup>15</sup> of the total population (11,264 as of April 12, 2017). Then, prisons were selected to represent a sample of the federal system in terms of encompassing the different subpopulations under study<sup>16</sup>, defined by sex<sup>17</sup>, age (youth and adults), and prison regime. The following prison units were thus selected: in the Buenos Aires Metropolitan Area, Complexes I, II, IV, Autonomous City of Buenos Aires (CABA, for its acronym in Spanish), and the Young Adults Complex; and in the interior of the country, Units 6, 10, and 35. Finally, for each unit, a systematic selection of cases was made by cellblock, a procedure that increased the total sample size to 525 cases. Fieldwork began in May 2017 and was concluded in April 2018.

Table showing sample and fieldwork distribution

Summary table of the survey and sample			
Month and year of birth	Prison unit	Inmate population	Surveys conducted
May - 17	U 10	108	21
	U 35	161	27
July - 17	CPF I	2,019	130

<sup>14</sup> This implies having a series of methodological provisions when making comparisons between the two studies in terms of the units addressed.

<sup>15</sup> Although we did not work with this type of sample (simple random), this calculation allowed us to establish a minimum number of units of analysis to consider.

<sup>16</sup> Although the selection was made systematically, a minimum number of units was established using the complex sampling method in SPSS.

<sup>17</sup> Two particularly over-vulnerable but very small groups were not specifically addressed and were subsumed under the aggregation of women: on the one hand, young adult women, and on the other, transgender women. It is not that they were excluded; in fact, people from both categories were interviewed, but a specific and representative work would have increased the number of interviewees in each category to practically the entirety of these groups.

August - 17	CPF IV	585	53
August - 17 September - 17	CPF CABA	1,821	101
February - 18	CPF II	2,270	131
March - 18	U6	482	28
April - 18	CFJA	366	34
<b>TOTAL</b>		<b>7,812</b>	<b>525</b>

### Weighting

For the analysis, weighting was applied in order to project the results to the total prison population of the SPF. This weighting follows the logic of the sample design, in reverse: first, weighting was applied by cellblock, whereby the surveyed individuals were projected to each housing space (cellblock). The population present in the Unit during the fieldwork was used as the basis for this calculation. Then, weighting was applied by subpopulation, whereby results were projected according to the population characteristics of three segments: Women, Young Adult Men, and Older Men. For this last weighting, the SPF population as of April 2018, which had reached 12,246 detainees<sup>18</sup>, was used as the basis for calculation.

### Sample validation

Unlike in 2007<sup>19</sup>, for the validation of the sample we had access to current, publicly available disaggregated data from the SPF, which allowed for a more precise comparison, carried out as soon as the database was consolidated. Below, we present three tables comparing three population variables: age, nationality, and legal status, between the obtained sample, its projection (through weighting), and the population (according to SPF data for April 2018).

Age comparison between the sample, the weighting, and the population

Age	Survey			Population (April 18)	
	Sample		Weighting		
18-24	93	17.7%	14.8%	1,894	15.5%
25-34	191	36.4%	38.3%	4,398	35.9%
35-44	140	26.7%	27.3%	3,283	26.8%
45-54	70	13.3%	13.6%	1,610	13.1%
55-64	22	4.2%	3.9%	682	5.6%

<sup>18</sup> We took April 2018 as the weighting date, i.e., the population at the end of the field, in accordance with the fields carried out in CPF II (Federal Penitentiary Complex) and CFJA (Federal Complex of Young Adults) were subsequent to significant changes in those Units, which are also the most significant changes made throughout the SPF for the period in question. On the one hand, the CFJA began to focus on Units 24, 26, and CDR, and vacated Module V, which was reintegrated into CPF II. As a result, the following adjustments were made: a sample was taken from the entire CFJA (April 18) and not only from Module V as originally planned. On the other hand, more cases were taken in CPF II, since Module V was reincorporated into it, in addition to the inauguration of new cellblocks. This accounts for the largest quantitative change between April 2017 (initial sample calculation) and April 2018 (field closure), from 1,762 to 2,403, an increase of 624, accounting for most of the population increase in the entire SPF, which was 739 people in the same period.

<sup>19</sup> In the 2007 research, the sample was validated using data from the 2005 SNEEP at the time of processing and from the 2006 SNEEP (National System of Statistics on the Execution of Sentences in Argentina) at the time of publication. When the 2007 SNEEP data were published, the validation was reconfirmed.

65+	9	1.7%	2.2%	379	3.1%
<b>TOTAL</b>	<b>525</b>	<b>100%</b>	<b>100%</b>	<b>12,246</b>	<b>100%</b>

In none of these variables does the difference between categories exceed 2.5 points (the largest difference is 2.4 for the 25-34 age category in the age variable), which indicates an acceptable margin of error.

Comparison of the legal status between the sample, the weighting, and the population

	Survey			Population (April 18)	
Nationality	Sample		Weighted		
Argentine	401	76.4%	76.1%	9,563	78.1%
Foreign	124	23.6%	23.9%	2,683	21.9%
<b>TOTAL</b>	<b>525</b>	<b>100%</b>	<b>100%</b>	<b>12,246</b>	<b>100%</b>

Comparison of the legal status between the sample, the weighting, and the population

	Survey			Population (April 18)	
Legal status	Sample		Weighted		
Pre-trial detainee	313	59.6%	60.7%	7,160	58.5%
Convicted prisoner	212	40.4%	39.3%	5,038	41.5%
Legally incompetent	-	-	-	3	0.0%
<b>TOTAL</b>	<b>525</b>	<b>100%</b>	<b>100%</b>	<b>12,246</b>	<b>100%</b>

#### Instrument, thematic areas, and time frames

The data collection instrument, in relation to the one applied in 2007, maintained its structure in terms of the areas that were replicated, but in a simpler and more concise form. This was due to a substantial difference with respect to the earlier study. At that time, several of the dimensions and questions addressing them were exploratory in nature and aimed at providing a detailed description. This type of work has not only been replicated in targeted thematic studies (especially within the framework of the Registry of Cases of Torture) but has also been expanded thematically and deepened with detailed descriptions in different investigations carried out by the Research Department. The instrument was therefore designed in line with the overall objective of quantification, integrating all the indicators necessary to meet that goal. This allowed us to include new topics (in relation to 2007) while maintaining the feasibility of the work.

The data collection instrument was structured around six thematic areas that correspond to the research goals:



1. General data
2. Body searches
3. Isolation
4. Physical assaults
5. Theft and/or damage to belongings
6. Food

The general data serve a dual purpose by allowing for the administration of the sample and its subsequent weighting while also characterizing the surveyed population in terms of sociodemographic characteristics and institutional background.

The five remaining areas were addressed through a questionnaire administered by interviewers. The questions had both closed- and open-ended response options, and in all cases sought to determine whether the respondents had experienced the practices under study, to establish their timing, and to identify their most relevant characteristics.

An affirmative answer to the question about having suffered the different practices allows us to affirm that a specific portion of the incarcerated individuals in prisons under the custody of the SPF were victims of such ill-treatment and/or torture during their current detention, excluding any prior detentions, if applicable.

In terms of the time frame, we also sought to determine whether the practice is current, which is why a specific period (during the past year) was defined to account for the present nature of the situation described. This period of time was chosen because it was the shortest possible period given that the fieldwork was scheduled to last exactly one year, and it was also comparable to the 2007 study.

#### Application of the instrument and fieldwork

The instrument was administered by interviewers from the Research Department team, who asked the questions and recorded the information on the forms corresponding to each person surveyed. Since these were individuals with experience in fieldwork, specifically in prisons, and who had an understanding of the overall research process, all contextual and language clarifications needed could be provided during the interviews, with the instrument functioning more as a guide than as a strict questionnaire. The responses of the interviewees to the closed-ended questions could be recorded immediately thanks to the interviewers' knowledge.

This familiarity with the field implies a comprehensive approach that makes it possible to overcome the specific *limitations* of prison-based research. On the one hand, there is the *language barrier*: many prisoners come from sectors with limited access to education, compounded by the restricted use of language in the context of imprisonment, with a reduced vocabulary full of terms and expressions from prison slang (for example, “tumbero” (Argentine prison slang for convict)). In these conditions, and with these resources, expressing one's own experience requires a process of dialogue, translation, and understanding on the part of the interviewer. The other limitation is the *normalization of prison experience*. When asked directly whether they had ever been beaten, many respondents answered, “*that's how prison is*” or “*it's normal here*.” Such expressions require follow-up questions to overcome the reluctance to verbalize the situations they have suffered. This reluctance has multiple causes, fostered by the prison institution itself: impunity, arbitrariness, and the constant devaluation of the prisoner's

word are some of them. Within this context, daily ill-treatment raises tolerance levels and makes only the extraordinary experiences speakable (and reportable). Thus, in situations of beatings suffered on their own bodies or observed in other prisoners, a slap or a push loses significance and is not problematized. Only detailed follow-up questioning brings these experiences to light. Finally, there is the limitation of *temporal experience*: life in prison is imposed on detainees as a continuous present, and the vast majority of prisoners are unable to construct a temporal horizon while subjected to the immediacy of daily survival. This context quickly pushes experiences that occurred not long ago into the past and into oblivion. In this regard, the questions about institutional trajectory included in the instrument, along with the patient probing work of the interviewers, help to recall and reconstruct the prison experience.

### Presentation of the data

For the presentation of the data, we have chosen to report everything as a percentage of the total prison population under the SPF.

The purpose of this way of presenting the data is to emphasize the main contribution of this research: *to account for the extent of the practices of ill-treatment and torture across the entire prison population in the SPF*. Since the 2007 study, the Research Department team, along with various other areas of this Office, has carried out dozens of fieldwork projects, surveys, and qualitative and/or focused studies on various practices of ill-treatment and torture. This body of work, which includes the accumulation of information on thousands of incidents<sup>20</sup>, has enabled us to produce detailed descriptions of those practices as well as to verify their dynamics of reproduction and change.

What this research specifically contributes is **the measurement of the extent and transformations of ill-treatment and torture practices in quantitative terms**. For this reason, even **the characteristics of each type of ill-treatment and/or torture addressed are referenced against the total SPF population**.

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<sup>20</sup> Without taking into account other reports produced by this Office, the National Registry of Cases of Torture alone has recorded 11,615 victims in almost 100 prisons in the Federal Penitentiary System and the Province of Buenos Aires, in nine years of work, up to 2018. The corresponding reports can be accessed at: <https://ppn.gov.ar/documentos/publicaciones/registro-nacional-de-ca-sos-de-tortura>



## 2. GENERAL REPORT, RESULTS AND ANALYSIS

### GENERAL CONSIDERATIONS

We now present the results of the quantitative and qualitative processing of the data and, where applicable, their comparison with the results of the 2007 study. This requires a prior general comment regarding the trends that emerge in this research, especially those related to physical assaults.

In the last 10 years, there have been reconfigurations in the governance of prisoners, both as individuals and as populations within the SPF, which entailed a change in the way prison violence is exercised. This can be described as an approximation to the *Buenos Aires model* of prison governance, in the case of prisons for adult men. In this way, prison staff increasingly use informal management tactics that, on the one hand, transfer part of the direct exercise of physical violence to the prisoners themselves and, on the other, enable and encourage such violence, producing a generalized state of conflict, fear, and scarcity. However, in the SPF, these forms of violence, promoted and enabled among prisoners, are subject to much stricter monitoring, regulation, and control by prison staff than in the Buenos Aires system. Moreover, this change does not necessarily entail a decrease in direct assaults by prison staff. As we will see, young adult men continue to experience high rates of physical assaults by prison officers, while at the same time there is greater enabling of violence between prisoners, regulated by the SPF.

For this reason, we refer to this *governing strategy* as *penitentiary regulation of violence through outsourcing and delegation*.

However, in the case of female prisoners, it seems that there is a reinforcement of direct violence by prison officers, both through an increase in physical assaults and through more damaging cellblock searches that affect their belongings. These changes, and the variations for the different populations considered in the study, which we address further on, raise questions that warrant deeper investigation. In this sense, they serve as a background for the new ongoing investigations. In general terms, physical assaults will be the type of torture addressed in the RNCT focalized Study for 2019. Additionally, with regard to women and young adult men, the results of this survey will provide input for the Research Project: *“Penitentiary governance strategies over specific groups of women and young adults incarcerated in the Federal Penitentiary Service — 2019-2020.”*

The Federal Penitentiary Service’s adoption of governance modalities from the Buenos Aires Penitentiary System (as well as those of other provinces) requires an in-depth study to determine its

causes. However, it can be anticipated that one factor has had a profound impact: an increase in external scrutiny of violent prison practices.

In response to the increased and focused external scrutiny of physical violence against prisoners, the SPF adapted by shifting the 'responsibility' for violence onto the prisoners themselves. In 2007, it cannot be said that those violent practices were unknown, but their large extent had not yet been highlighted, a fact that the research of that year revealed.

The initial reaction to the results of that research was a widespread institutional denial, both by the SPF itself and by various other state institutions. However, just 5 years after the publication of that research and the implementation of the Manual on Investigation within this Office, torture had already emerged as an issue to be addressed by multiple state institutions, prompting the expansion of initiatives and the establishment of new institutional mechanisms to tackle it.

Additionally, serious incidents of violence perpetrated by prison staff occurred, which were investigated within the judicial system; that is, in these cases, the investigations led to convictions (notable examples include: the 2008 homicide of Pelozo Iturri at Unit 9; the 2010 torture and sexual assault of a prisoner at Unit 28; and the 2011 torture of another prisoner (the Brian Núñez case) at the Young Adult Complex).

The SPF responded with a gradual modification of its violent practices. Previously, widespread acts, such as the 'welcome' beatings at CPF I (Federal Penitentiary Complex, "CPF" for its acronym in Spanish), became sporadic, and the generalized beatings during searches at CPF CABA also became circumstantial. In the provincial maximum-security prisons (Units 6 Rawson, 7 Resistencia and 9 Neuquén), part of the conflict management with detainees focused on transferring them to Medium-Security Units (12 Viedma, 11 Sáenz Peña and 4 Santa Rosa). This process was institutionalized through the implementation of *polyvalence*, formalized by Resolution No. 845 of the National Directorate of the SPF, which 'encouraged' prison units to have different types of regimes within them<sup>21</sup>. These changes, among others that require further study, were accompanied by a general population-management strategy that involved a varied and heterogeneous use of isolation and confinement.

It is necessary to bear these transformations in mind when evaluating the results of this research in comparison with those of 2007, especially concerning the quantitative reduction in individuals directly subjected to physical violence by prison officers. This can be understood in two ways: first, prison violence, conceived as the deployment of violence managed by prison authorities, continues to serve as a central pillar of prison governance; second, direct acts of prison violence, though reduced in quantitative terms, still impact thousands of prisoners in their most extreme forms, confirming that they continue to structure the broader spectrum of other forms of violence.

We will now present the analysis of the information collected in the survey conducted with 525 *detainees in eight federal prisons*. Prison complexes and federal prison units located both in the Buenos Aires Metropolitan Area and in the provinces of the country, housing populations of adult men, women, and young adults.

<sup>21</sup> The following studies provide further information on these reconfigurations: PPN Notebook No. 6, Penitentiary Confinement – A study on confinement as punishment, 2014 (the publication is available at: <https://ppn.gov.ar/pdf/publicaciones/cuadernos/cuadernos-ppn-06.pdf>). And the chapter: Medium-Security Units toward a Maximum-Security Confinement Model, from the PPN Annual Report 2017, which analyzes findings from fieldwork in medium-security units as part of the RNCT surveys conducted between 2014 and 2017 (available at: <https://ppn.gov.ar/pdf/publicaciones/Informe-anual-2017.pdf>).

In the survey instrument, we organized the fields of inquiry along a progression, so that during the interview with detainees, the more widespread forms of prison violence were addressed first, gradually moving toward those of a more intensive nature. That is, the questionnaire began with body searches, followed by theft and damage to belongings, then addressed food-related issues, and concluded with isolation and physical assaults. However, in this presentation and for analytical purposes, the order has been modified based on two criteria, which, in turn, complement each other.

The first criterion is *analytical and comparative*, meaning that the analysis of the 2017-2018 study begins in relation to the findings from the thematic areas of the 2007 study—namely, *humiliating body searches, isolation, and physical assaults*—while taking into consideration all methodological caveats and changes, which were generally presented in the Research Methodology section of the study and will be revisited in each of the corresponding sections. The second is to incorporate two thematic areas of inquiry that address a dimension of prison governance related to the deliberate production of lack, scarcity, and deprivation. In this research, inquiries were made, on the one hand, into the **theft and damage to belongings**, which in 2007 had been addressed as a prison practice, but within the framework of cellblock searches (see methodological clarification), whereas on this occasion it constituted a specific area of inquiry. On the other hand, inquiries were made into **the lack of food and/or poor nutrition**. We addressed **both topics** in this research with the aim of quantifying certain prison practices that deliberately produce shortage and deprivation (see methodological notes), while at the same time contributing to research on this subject in other projects designed and carried out by the Department.

### **3. BODY SEARCH**

#### **INTRODUCTION**

Within the framework of the 2007 Investigation, among the types of ill-treatment and torture that were part of the inquiry process and made up its empirical corpus, the BODY SEARCH was extensively addressed. This prison practice, as those results showed, is not strictly linked to “security criteria” but rather forms part of the punitive supplements deployed by the prison authorities in the form of violence, not only at the bodily level but also with a psychological and emotional impact, since it constitutes a degrading, humiliating, and abusive practice.

Exposing one's naked body to strangers is a situation of particular vulnerability; within the framework of a prison body search, it also becomes a moment conducive to degrading and humiliating acts, ranging from verbal abuse and mockery to physical violence. A pedagogy of power that instills submission in a context of defenselessness.

For this research, we focused on two forms of body searches: full strip searches and full strip searches with squats. This differs from 2007, when partial strip searches and frisking were also examined. We selected these two forms because they are the most severe, and the ones most frequently amounting to ill-treatment. At the same time, reducing the methods contributed to the feasibility of the research by narrowing the instrument and the application times.

Since the 2007 study, a significant change has occurred regarding body searches: the introduction of scanners in many units. These have mainly been installed for visitor searches, but they are also present in areas where prisoners circulate, such as at the entry and exit of security zones; for example, in U28, CPF IV, and CPFJA (Federal Penitentiary Complex of Young Adults), where they are visible and we have observed their use. Although this may have contributed to a decrease in the most invasive searches (full strip with squats), as we will see below, it has neither prevented nearly all prisoners from having to expose their naked bodies, nor has it eradicated these more invasive practices. In practice, the use of these technologies (when they are actually used and not left aside as has especially happened with substance scanners), does not replace body searches; rather, they serve to complement them.

## ON THE FINDINGS: THE MASSIVE INTRUSION ON BODIES

99.6% of prisoners reported having been subjected to searches requiring them to fully expose their bodies in front of prison officers during the search; that is, they experienced one or both of the two search types we studied: full strip searches and/or full strip searches with squats.

### The current status of this procedure

The question we asked was the following: *During your current detention, have you been searched by prison officers in the following manner?* The results obtained are shown in the table below:

Prisoners who underwent the types of body searches by time frame<sup>22</sup>, as a % of the incarcerated population in the SPF, 2018

Body search	Current detention	Past year
Full strip search with squats	18.2%	15.4%
Full strip search	96.4%	95.9%

A *Full Strip Search* is one that requires removing all clothing, or even one that, while leaving some garments on, involves the exposure of the genitals and/or the breasts in the case of women. This includes removing clothing, handing garments to the prison officer, raising the arms, lifting the testicles, lifting the breasts, opening the mouth, turning around, and showing the soles of the feet. These actions are repeatedly mentioned in the accounts; let us look at a few examples:

### **CPF CABA**

“The admission was tough; I had never been in prison before, so it shocked me to be stripped. Completely naked, they look at your genitals, that’s it, but they don’t make you do squats. In the cellblock search, they make you strip in a line, in front of everyone; it’s horrible.”

### **CPF I - Ezeiza**

“For work, very few times; it depends on the guard and also on what kind of person you are. I used to work for searches, so they know me. You take off your sweatshirt, T-shirt, and pants, show them to the officer, rub your underwear, then raise your arms, stick out your tongue, and that’s it. Now the search has improved because they do it inside the cell. Before, it was in the middle of the cellblock, and everyone could see you.”

### **CPF II - Marcos Paz**

“Cellblock searches happen once a month or every two months. Everyone against the wall, they touch you, you turn around, and they ask for your clothes one by one until you are completely naked. Then you raise your arms, open

<sup>22</sup> For the definition of time frame, see “Instruments, Thematic Areas, and Time frames” on pages 22 and 23.

your mouth, stick out your tongue, lift your genitals. Then they make you turn around, lift one foot and then the other, and finally they tell you, 'get dressed facing the wall.'"

**CPF IV - Ezeiza**

"We keep our underwear on and pull our pants down to the knees. The top part, yes; you have to take off your bra and lift your tits, if you have them like mine. Sometimes they take us to the machine and sometimes not; it depends on the reason for the search. They film us while they search us, with a doctor present."

"It depends on the search; they check if you have any injuries, make you take everything off, pull down your underwear."

*The Full Strip Search with Squats* adds to the previous procedure the obligation to bend the torso forward and spread the buttocks, exposing the anus, and in the case of women, also the vagina; or, in other cases, the requirement to spread the legs and bend the knees while squatting.

Descriptions of Full Strip Searches with Squats by unit surveyed:

**CPF CABA - Devoto**

"They make you take everything off; shoes, socks, everything. Open your mouth, raise your arms, turn around, and they make you squat once."

"When I arrived, they made me take off my clothes, raise my arms, do squats twice, turn around, and do two back squats. Same in U28."

**CPF I - Ezeiza**

"They make you squat showing your butt, like in the army when we were kids. Like in the dictatorship, they'd come at 4 a.m. and make you strip completely. It's called the '*volanta*' search."

"They make you strip, lift your feet, open your mouth, stick out your tongue, spread your buttocks, leave you standing, lift your testicles. The problem is the repetition, always during visits, cellblock searches; it's repressive and humiliating."

**CPF II Marcos Paz**

"Upon admission to Unit 28, they made you take off your clothes and assume every imaginable position."

"When I arrived, I was treated very badly in the search of Module 3; they made me squat, dance naked, and slammed my head against the wall."

**U10 - Formosa**

"Two squats against the wall, then they asked me again to spread my buttocks."

**U35 - Santiago del Estero**

“Get naked, ‘get down,’ ‘stand up,’ ‘spread the buttocks,’ ‘lift one foot,’ ‘open your mouth,’ and done. One squat.”

**CPF IV - Ezeiza**

“During the search, there are men; you have to be naked in front of them. If you are menstruating, they make you strip anyway. They make you squat, make you cough. I told them I would stain the floor, and they said, ‘clean it afterward.’”

“Comodoro Py. They made me take off my clothes, my bra, and underwear, and made me spread my legs and my backside, open my butt. I felt humiliated.”

“A couple of times, ‘pull down your underwear,’ and well, I squatted; ‘squat so your vagina can be seen.’ It’s really awful. They make you spread your legs even if you are on your period; nothing matters.”

The *length of time a person remains naked* during these search procedures is important because it constitutes one of the forms of abuse that the nudity enables; an additional humiliation with no justification of any kind, involving staying naked longer than the “necessary” time for the search itself.

In the table below, we can see that most people went through searches lasting up to 10 minutes, which could be considered more than enough time if the search were intended solely for body search.

Prisoners who underwent the types of body searches by the length of time they spent naked, as a % of the incarcerated population in the SPF, 2018

Time spent naked	FSS	FS
Up to 10 minutes	Current detention	Past year
Up to 20 minutes	14.3%	88.4%
Up to 10 minutes or more	2.1%	4.1%
Up to 30 minutes or more	1.0%	2.8%
No data	0.8%	1.8%
<b>TOTAL</b>	<b>18.2 %</b>	<b>96.4 %</b>

However, 6.9% of prisoners underwent Full Strip searches, and 3.1% underwent Full Strip searches with Squats that lasted more than 10 minutes. Thus, one in ten detainees was at some point forced to remain naked for more than 10 minutes. This alone is already an additional form of abuse, but as we will see in some accounts, it is not just a delay. It is an intentional act aimed at degrading and humiliating.

**CPF I - Ezeiza**

“During cellblock and admission searches, at a minimum, half an hour naked. You

strip completely. Naked as God brought you into the world, photographed front and back. Lift your legs, lift your testicles. Public exposure. 5, 6, 8 guards taking photos.”

“The visit search is harsh; they strip you entirely. Sometimes there are many of us, and we can be naked for up to an hour. There’s no need to have prisoners standing naked waiting for others’ turn; it’s humiliating.”

#### **CPF CABA - Devoto**

“When I entered at Complex I, they threw me against the wall, made me strip completely, hurriedly, I was slow, they slapped me, made me lift my testicles, and as my hand was shaking, they laughed at me. They made me stand with my back against the wall, staying like that for about half an hour, and then they came with shields, pressed me against the wall, and beat me, naked, me and three others.”

#### **Unit 10 Formosa**

“If it’s for visits, it takes longer.”

#### **CPF IV Ezeiza**

“Take off all your clothes, hand them over, they make you turn around, let your hair down, and that’s it. It depends on who is in charge. If there’s a nasty officer, they make you stay longer.”

We present, for each type of search, *the frequency and the circumstance* together since both aspects are closely related. In this way, when asked “How often?”, the response mostly required reflection and calculation in relation to the circumstance(s) in which the practice took place. Thus, those who, for example, go through a *Full Strip (FS)* search when going to the education area and also to the visiting room stated: twice a week to the education area and once a month to the visiting room; a total of nine times per month. Furthermore, these frequency categories are not mutually exclusive. Many of those who follow a routine of searches have also experienced occasional situations. In this regard, we always followed the criterion of classification based on the worst experience; that is, the highest frequency. Thus, for example, someone who is routinely subjected to *Full Strip with Squats (FSS)* searches—for visits, for education, etc.—might also have experienced it once in the context of a court appearance and sanction. The variety of situations experienced can be seen in the question about circumstances, where the response is multiple, reflecting more than one type of situation.

For the Full Strip with Squats modality, we grouped the descriptions of the frequency of this practice into four categories, which we organized in the table below from highest to lowest frequency.

The *highest frequencies* occur in routine situations, which include half of those who underwent *FSS* searches. 6% of people with monthly frequencies, and 3.1% over longer periods, refer to the following circumstances: cellblock and visit searches, and, to a lesser extent, movements to access educational and/or working areas. The *lowest frequencies* cover the other half of those who have undergone *FSS* searches. Thus, those who experienced this type of search only once represent 8.2% of prisoners, and these experiences are linked to the **admission** into the prison. Meanwhile, the sporadic frequencies, which involve 0.9% of prisoners, are associated



with combined circumstances such as admission, court appearances, and sanctions.

Prisoners who underwent the types of body searches by time frame, as a % of the incarcerated population in the SPF, 2018

Frequency	Percentage
Monthly routine (between once and three times per month) <sup>23</sup>	6.0%
Loose routine (once every two or six months)	3.1%
Sporadic (twice or three times during the whole detention)	0.9%
Once	8.2%
<b>TOTAL</b>	<b>18.2%</b>

The question about circumstances allowed multiple responses, so the percentage of mentions is higher than that of individuals who underwent at least one FSS search. In this sense, the ratio is 1.3 circumstances per person.

Circumstances in which prisoners underwent Full Strip with Squats body searches, as a % of the incarcerated population in the SPF, 2018

Circumstances	Percentage
Admission/discharge from the unit	14.3%
Cellblock search	5.4%
Visitor search	2.0%
Court appearance <sup>24</sup>	1.7%
During sanction	0.3%
Work	0.2%
Education	0.2%
<b>TOTAL</b>	<b>24.1%</b>

For the *full strip* search modality, we have grouped the descriptions of how often this practice occurs into six categories, arranged in the table below from highest to lowest frequency. The first point to note is that this type of search, less invasive than the previous one, not only affects a far larger proportion, covering 96.4% of all female and male prisoners, but also occurs much more frequently. It is part of a daily routine for 5.7% of detainees and takes place weekly for 27.7%. The most common frequency is monthly, with 50.3% of prisoners subjected to this violent and humiliating practice, while the most sporadic occurrence accounts for 7.8%.

It is important to highlight that all of these routine categories together account for 91.5% of female and male prisoners when it comes to *full strip* searches. Thus, only 2.2% reported having undergone this type of search only sporadically, and 2.5% said it had happened just once.

<sup>23</sup> We included in this category a single case of a weekly routine, twice a week, each time the person went out for visits.

<sup>24</sup> Although the “Court appearance” could be grouped under the circumstance “Admission/discharge from the Unit,” we have kept it separate, as it emerges as a distinct category in the open-ended responses provided by the prisoners themselves.

As we will see, considering the two types of searches under study reveals how *routines of degradation and humiliation are extended* as a form of prison violence.

Frequency with which prisoners underwent full strip body searches, as a % of the incarcerated population in the SPF, 2018.

Frequency	Percentage
Daily routine (between 1 and 3 times a day)	5.7%
Weekly routine (between 1 and 6 times a week)	27.7%
Monthly routine (between 1 and 3 times a month)	50.3%
Loose routine (once every two to six months)	7.8%
Sporadic (two or three times during the whole detention)	2.2%
Once	2.5%
N/A (not specified / not classified)	0.2%
<b>TOTAL</b>	<b>96.4%</b>

Regarding the circumstances mentioned most often, they clearly align with the discussion on frequencies. Thus, the main circumstance in which a full strip search takes place is the *cellblock search*, with 81.4% of respondents answering affirmatively, an action that is typically routine. Other routine circumstances include *admission/discharge from the unit*, with 64.2%, and visits, with 45.2%. These are the circumstances in which this prison practice is repeatedly carried out. The circumstances of going to and returning from work affected 10.1% of prisoners, and that of going to and returning from education affected 8.4%. Furthermore, there is a set of circumstances that, while they are regular from the perspective of institutional practice, are not everyday occurrences from the prisoners' point of view. Accordingly, entering or leaving the unit was mentioned by 64.2% of respondents, attending a court appearance by 16.9%, and receiving a sanction by 4.4%; collectively, these three circumstances represent 85.5% of all mentions. If we consider that 4.7% of prisoners reported one-time or sporadic frequencies, it becomes clear that undergoing a full strip search (FS) in these circumstances does not constitute an exception in each prisoner's experience but rather forms part of generalized routines.

Circumstances in which prisoners underwent a full strip search, as % of the prison population in the SPF, 2018

Circumstances	Percentage
Cellblock search	81.4%
Admission/discharge from the unit	64.2%
Visitor search	45.2%
Court appearance	16.9%
Work	10.1%
Education	8.4%
During sanction	4.4%
<b>TOTAL</b>	<b>230.7%</b>

For this type of search, the question about circumstances also allowed for multiple responses, which is why the percentage of mentions is higher than that of individuals who underwent at least one full strip search (FS). In this case, however, the ratio is 2.4 circumstances per person, which tells us that this type of search, less invasive than the FSS, not only affects a much larger proportion of prisoners and occurs more frequently but also takes place in a greater variety of circumstances.

Finally, regarding the two types of searches under study, *full strip search with squats* and *full strip search*, it is important to note that their distinction is analytical, since in the lived experience of detainees, these modalities occur in combination with one another and with other types of searches, such as partial strip searches and frisking. The mere combination of the two most severe modalities under study already points to different and higher degrees of ill-treatment. Thus, while the vast majority of prisoners, 74.7%, report routines involving full strip searches without having been subjected to searches with squats, there is a 6.2% who are subjected to routines that combine both types, and another 7.4% who, within the framework of full strip search routines, have occasionally undergone searches with squats. Another particular situation is that of the 2.8% of prisoners who are subjected to a routine of full strip searches with squats, and only occasionally searched in less intrusive ways. Among the rest of those interviewed, there are various combinations of sporadic frequencies and/or single instances of both types of searches under study. These combinations underscore the need to further investigate and analyze the “meaning” of these practices and how they complement other searches, such as partial strip and frisking, lines of inquiry that require more qualitative approaches, contextualized to the dynamics of each prison.

## BODY SEARCH BY SEX AND AGE

When cross-tabulating *body searches by sex*<sup>25</sup>, there is a markedly heavier use of the most invasive search in the case of women, and a somewhat lower use of the full strip search, with figures well above and slightly below the average, respectively. For men, the trend is reversed. This differentiated distribution had already been highlighted in the 2007 study, although, as we will see when comparing the data with that study, the intensities have changed.

Prisoners broken down by sex and body search modalities, as a % of the prison population in the SPF 2018

Body search	Men	Women	Total
Full strip with squats	12.7%	44.9%	15.4%
Full strip	96.5%	89.2%	95.9%

Regarding the cross-tabulation of *body searches by age*, we see a greater incidence of the FSS search among older individuals, with the two oldest age categories showing values above the average, especially those aged 55 and over. Thus, *older people are subjected to full strip searches with squats more often than younger ones*. In the case of FS, the variation is the opposite, with the youngest prisoners being above the average. Although the differences from the average are not as marked as in the case of FSS, it is worth noting that in both instances, the increase for FSS and the decrease for FS, these changes occur progressively across the three age categories.

<sup>25</sup> The cross-tabulations are based on the past year, since this time frame is comparable with the 2007 investigation.

Prisoners broken down by age and body search modalities, as a % of the prison population in the SPF 2018

Body search	Age			TOTAL
	18-34	35-54	55+	
Full strip with squats	12.8%	17.8%	21.2%	15.4%
Full strip	96.6%	95.9%	89.7%	95.9%

## COMPARISON BETWEEN 2007 AND 2018

For the prison population as a whole, the full strip search remains much more widespread than the one that includes the obligation to perform squats. The changes have occurred in the prevalence of each type of search, while maintaining the relative importance of one over the other.

Prisoners broken down by body search modalities, as a % of the prison population in the SPF 2007-2018

Body search	2007	2018
Isolation	23.8%	15.4%
Full strip	83.5%	95.9%

Thus, full strip with squats decreased from 23.8% of the total in 2007 to 15.4% in 2018, while full strip increased from 83.5% to 95.9%; this was for the overall population of prisoners.

When we compare by sex, we see that both men and women experienced changes in the same direction as the overall population, but with different intensities, as the changes are much more pronounced for women.

Prisoners who underwent full strip body searches with squats by sex, as a % of the prison population in the SPF 2007-2018

Full strip with squats		
Sex	2007	2018
Men	17.8%	12.7%
Women	69.9%	44.9%

Thus, full strip with squats decreased from 69.9% to 44.9%, a more pronounced drop than that observed among men, which went from 17.8% to 12.7%; yet women still remain well above men.

Prisoners who underwent full strip body searches by sex, as a % of the prison population in the SPF 2007-2018

Full strip		
Sex	2007	2018
Men	88.0%	96.5%
Women	50.3%	89.2%

Regarding *Full Strip* searches, women went from 50.3% to 89.2%, a much more pronounced increase that almost brings them up to the frequency observed among men. This makes the transformation of the search practices clearer among women, although it evidently also affects a subpopulation of men that would need to be identified. In both groups, the specific characteristics of each population also play a role. However, when comparing men and women, a much larger difference remains for the most intense and invasive practice affecting women, the full strip search with squats.

Turning to the more general transformation, we can express it as follows: the decrease in the most invasive practice, *Full Strip with Squats*, is correlated with an increase in the next most intense search, *Full Strip*, with a clear expansion of its application to the incarcerated population. However, women are doubly affected in this general framework because, as noted, although they reached a frequency of *Full Strip* similar to that of men, the inverse trend in the more invasive practice, *Full Strip with Squats*, keeps them at a level far above that of men and even above the average for the overall population.

When considering the different types of body searches and comparing both surveys, this time looking at their impact across different age groups, we observe that the same trends recorded in 2007 are maintained: on the one hand, a gradual decrease in the prevalence of full strip searches as age increases, and on the other, an opposite trend for *full strip with squats*.

However, the impact of this overall shift was different when comparing each age group. Considering the oldest age group, 55 years and above, we observe that the decrease with increasing age is less pronounced in 2018, and the opposite trend for *full strip with squats* becomes even more pronounced in 2018. For individuals over 55, there is a shift similar to what we highlighted earlier for women.

Prisoners who underwent FSS and FS body searches by age, as a % of the prison population in the SPF 2007-2018

Full strip with squats			Full strip		
Age	2007	2018	Age	2007	2018
18 - 34	23.5%	12.8%	18 - 34	87.1%	96.6%
35 - 54	24.0%	17.8%	35 - 54	80.9%	95.9%
54+	25.5%	21.2%	54+	57.7%	89.7%

#### Some changes that emerge from the accounts

According to the accounts, searches that include squats are now more sporadic than in 2007. That year, we described contexts where *full strip with squats* were part of the daily routine; for example, in Unit 3 (now CPF IV) for women, where it was the most widespread practice. It was also found among men, though concentrated in Unit 9 in Neuquén. During the fieldwork in 2017 and 2018, we did not observe full strip searches with squats as a daily practice in men's units, although it was still noted as a routine in some limited areas within the units. In particular, a modality not detected in 2007 emerged, which does not involve squats but does require leaning forward and spreading the buttocks:

## Unit 10 – Formosa

“Two squats and against the wall, they asked me again to spread my buttocks.”

This practice emerged in the accounts throughout the fieldwork. Due to its invasive and degrading nature, it is fully comparable to FSS, even though it does not strictly involve a squat or bending over. It is therefore possible that FSS is underreported, as investigation into this practice was consolidated progressively throughout the fieldwork.

*Full strip searches* have expanded correspondingly to the reduced prevalence of full strip searches with squats. The accounts also indicate that some partial strip practices have effectively become full strip in their implications, because although they do not require removing all clothing, they do involve exposing the genital area by lowering the underwear. This practice is especially applied to women, among whom it is common to be forced to lift the bra and lower the panties:

### CPF IV – Ezeiza

“They make you take off your bra and lower your pants.”

“When I go to the visiting room and pass the checkpoint, sometimes they make me lower my panties, even though that step is now prohibited.”

“Currently, lifting the bra and lowering the panties, some searches still require it.”

A decrease in the practice of *full strip with squats* can be observed, more pronounced in the case of women. However, it should be noted, for this case as well as for young adults, that scanners are available for conducting searches. What is significant is the arbitrary use of these technological tools; they could allow for the complete elimination of intensive searches that require exposure of the vagina and/or anus. In fact, in some cases, the scanner is used as a last-resort measure and considered more effective, though only after the women have been made to strip naked:

### CPF IV – Ezeiza

“Sometimes they make you spread your buttocks. If they are not satisfied, they make you go through the machine.”

“Cellblock search: take off clothes, lift the bra, take off shoes, and then they take us to the machines.”

“Sometimes they take us to the machine and sometimes not; it depends on the reason for the search.”

## KEY POINTS:

- 99.6% of prisoners reported having been searched while having to fully expose their bodies to the gaze of prison staff.
- The most widespread modality is *Full Strip*, with 96.4% of incarcerated individuals

subjected to this practice.

- The most invasive and degrading form of body search, *Full Strip with Squats*, affects 18.2% of the incarcerated population.
- These searches are incorporated into institutional routines. Approximately 8 out of 10 prisoners undergo *Full Strip searches* as part of the routine (from daily to monthly), and about 1 in 10 are subjected to *Full Strip Searches with Squats* on a weekly or monthly basis.
- Those most affected by *Full Strip with Squats* are women, almost half of them experience this practice.
- Regarding age, it is the older prisoners who are most subjected to *Full Strip with Squats*, with slightly more than 2 out of 10 among those over 55 years old.
- In terms of the evolution between 2007 and 2018, strip searches remain widespread, involving nearly all detainees.
- However, the most invasive practice has decreased, with *Full Strip with Squats* dropping from 23.8% to 15.4%, while *Full Strip* correspondingly increased from 83.5% to 95.9%.
- This represents a shift from one modality to the other, which is particularly clear among women: *Full Strip with Squats* decreased from 69.9% to 44.9%, while *Full Strip* increased from 50.3% to 89.2%.
- There are two emerging points from the fieldwork:
  - On the one hand, the appearance of an invasive and degrading practice that does not entail squatting but does require spreading the buttocks while turning one's back.
  - On the other hand, the introduction of scanners did not replace invasive and degrading practices; rather, their use is complementary to searches that involve stripping.

## 4. ISOLATION

### INTRODUCTION

In this section, we will focus on solitary confinement. This refers to situations in which prisoners are deprived of regular contact with other detainees and their mobility is restricted to the space of a cell, with only brief periods outside of it. Isolation constitutes one of the most intense experiences of deprivation of liberty (only surpassed by being physically restrained in one place), in which confinement reduces living space to the bare minimum. This experience is intensified by the absence of contact with other people. In short, it is an extreme spatial and relational restriction.

As a sanction, it is presented as a suspension of rights; as a protective measure, it is framed as safeguarding against a danger; at admission, it is used as a temporary situation until the person is classified in prison terms and can be housed according to that classification. Isolation is often conceived as the imposition of a moment of reflection, as a forced dialogue with oneself, a moment of penance. But in terms of lived experience, it is the imposition of maximum restriction on any relationship other than with the prison institution itself. There is no dialogical reciprocity, not even with oneself; instead, there is an asymmetric relation of submission to the monologue of power. In isolation, every vital initiative (hygiene, medical care, eating, etc.) depends on the will of the prison authority, who may or may not permit it, by opening or closing a door, by listening to or ignoring a request. It is the starkest expression of the “tragic confinement” of the victim before the victimizer<sup>26</sup>.

In this investigation, we inquired into these lived situations beyond the prison “motivation/justification” for imposing them. This marks a difference from the 2007 study, in which our focus was on isolation as a sanction and the conditions under which it was applied. This broader inquiry is based on findings from that same 2007 investigation, as an emerging issue from the research, and even more so from subsequent years of fieldwork: isolation is applied in numerous and varied ways, which, whether regulated or not, have become a recurrent practice in the governance of prisoners. Hence, the need to measure them.

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<sup>26</sup> “The *tragic confinement* is paradigmatic of cruel abandonment: a situation of two places, without a third party to appeal, without regulation, where the victim, to cease suffering or avoid death, depends on someone they totally reject and by whom they are totally rejected.” (Ulloa, 1998).



## ON THE FINDINGS: THE RECURRENT DESOCIALIZATION

The initial question in this section of the instrument was: “Have you ever been isolated during your current detention?”

Prisoners who suffered isolation by time frame,  
as a % of the prison population in the SPF, 2018

	Current detention	Past year
Isolation	51.3%	34.9%

Half of the prisoners in the SPF have experienced situations of solitary confinement at some point during their detention, but this practice also remains current, as one third, more than 30%, of prisoners went through some form of solitary confinement during the past year. Below, we highlight the conditions under which these isolations take place, since in our country, this practice cannot be separated from those conditions, and they must be evaluated insofar as they determine its characterization as ill-treatment and torture<sup>27</sup>.

### Material Conditions of Confinement in Isolation

In the 2007 investigation, a series of questions was asked about living conditions during isolation sanctions. These revealed widespread deficiencies, showing a severe worsening caused by the poor material, sanitary, and nutritional conditions in which they took place. In addition, numerous interventions and surveys conducted by the PPN have, year after year, highlighted these deficiencies, making it clear that the practice of isolation occurs in degraded, unhygienic spaces and is accompanied by actions of harassment ranging from neglect to direct physical violence, as well as verbal abuse and threats. *Isolation* in federal prisons managed by the SPF is inseparable from these conditions and cannot be considered apart from them, as if the application of this measure merely entailed the limitation of space and suspension of rights.

Given the Office’s broad knowledge<sup>28</sup> of the conditions under which solitary confinement occurs, describing these conditions was not a specific objective of this investigation and was therefore not systematically surveyed. Nonetheless, it inevitably emerged when we asked prisoners to describe the circumstances of the isolation they had experienced. Let us look at some accounts:

#### **CPF I – Ezeiza**

“24 hours. No window glass, broken toilet flush, lots of rats, I had no clothes. Just

<sup>27</sup> International organizations usually consider solitary confinement to be prolonged when it lasts more than 15 days (Shalev, S., (2014). Reference Book on Solitary Confinement Centre for Criminology, University of Oxford. Available at <http://www.solitaryconfinement.org>). In general terms, in this same book Juan Méndez highlights in the preface that: *"This does not mean, however, that instances of solitary confinement lasting less than 15 days cannot also constitute cases of ill-treatment or torture. The assessment of whether confinement under a solitary regime constitutes torture or cruel, inhuman, or degrading treatment must take into account all relevant circumstances, analyzing each case individually."* It should also be noted that the general conditions under which isolation occurs in a country, region, or more specifically within a given prison system, must be considered.

<sup>28</sup> See in particular the Annual Reports of the National Registry of Cases of Torture from 2011 to the present regarding the type of torture: isolation. Additionally, see the chapter on isolation in the Annual Reports of the PPN.

one blanket, no heating, cold.”

“3 days as a sanction with my head split open, no medical attention, swollen arm, no medication. In *a single cell*.”

“You can’t be there, it’s inhumane, no light, nothing, they don’t even bring you a cup of *mate cocido* (an Argentine hot drink made from yerba mate, similar to tea).”

“I ate only when I had visits, the food is inedible. Just a prison jumpsuit, a window with no glass, cockroaches and rats.”

“Four days, filth, blood, everything, no light, that wasn’t even a mattress. No water. 23 hours locked in.”

“I spent 20 days, *bare cell*, always without water, without light.”

“I was there between 6 and 7 days in the admission cellblock K. Everything filthy, with leftover food, full of rats. You get out once every 23 hours, had to bathe with the rats.”

“Horrible, in the dungeon, without food, with a bottle for piss and paper for pooping. They took me out twice a day for half an hour.”

“Two days in cellblock H and then in a housing cellblock. The nauseating smell is inhumane, flooded, the toilet didn’t work, it was clogged, full of poop.”

“They took me from cellblock J (collective) to D and made me serve time there in a single cell. Filthy cell, clogged and flooded toilet, thin mattress that’s useless, you ask for a mattress and they won’t give you one. No window glass. Sometimes, the guys from the cellblock would pass me food.”

“We fought in the cellblock over the use of the *fuella* (homemade electric heater) and they took us out and put us in the *buzones* (Argentine slang for solitary confinement). They didn’t hit us, but they put us in a bare cell, with nothing, and no food. I didn’t eat, only drank water. It was hard, I was like that for seven days, with cockroaches, rats, no mattress or blanket.”

#### **CPF CABA – DEVOTO**

“Three days. Isolated all day, they don’t let you have anything. You have to ask for permission to go to the bathroom. I had a wound, they didn’t let me have white soap, they didn’t let me shower. My hand got infected.”

“It’s disgusting, you’re in the dark waiting for the ‘sandwich’ once a day and that’s it.”

#### **CPF IV – EZEIZA (WOMEN)**

“Four days. I was in flip-flops and shorts, I was menstruating, and they didn’t let

me take anything. I had to eat the food from the kitchen for all four days with my hands.”

“At U27 they left me naked, and they always inject you. *I spent almost half of the year in solitary confinement (buzones).*”

“I spent a week in Sector A. They don’t take you to go to the bathroom and you have to urinate in a plastic tray. You eat with your hands.”

“At U28 they didn’t take me out to wash myself. I spent hours waiting.”

#### **UNIT 6 – RAWSON**

“Seven days in *a single cell*. In a *bare cell*. Only one blanket and the clothes I had on.”

“Ten days locked in (often referred to as ‘*engome*’ in Argentine slang). I only went out three times in all that time.”

#### **CPF II – MARCOS PAZ**

“48 hours locked in *a single cell*. Very bad conditions, it’s a slum-like cellblock (no water, clogged toilets, half a mattress, dirty). They don’t give you anything, not even a blanket, nothing. You have to eat with your hands; they don’t give you anything to eat with.”

“At admission I had nothing, no light and no glass in the window.”

“I was there for five days. They wouldn’t even let me go out to shower.”

“They left me for a week in the 4-8, we didn’t have anything to cook, to heat water, or to cool it. I drank tap water and we ate the little tray as it came. Sometimes I didn’t eat, I tried to eat and couldn’t, it made me gag, sometimes it had no taste, or it was bad.”

“I had a very hard time there; the prison officers do whatever they want. *They make you sign that they give you a mattress and a blanket, but they don’t give you anything.* We slept on the floor, without a mattress or anything. There was no hot water; we bathed with freezing water.”

“Three days in the 3-6, locked in a single cell with nothing, no mattress, no blanket. I didn’t go out at all in three days; they passed me food through the tray slot.”

#### **CFJA – MARCOS PAZ**

“*45 consecutive days.* I got out for one hour per day. If another guy is sanctioned, maybe they take us out for an hour and a half.”

“At CPFJA Module 5, I was isolated 21 consecutive days, getting out one hour per day.”

“The longest sanction was seven days, in *a single cell*.”

“Three days in *a single cell*, they left me with some clothes.”

### U35 – SANTIAGO DEL ESTERO

“The cell was disgusting. Now they are closed; they rebuilt them. I had nothing. They gave me a mattress and a blanket, nothing more.”

“The food was inedible. The cell is disgusting; I went to the bathroom and saw a rat. In *solitary confinement (buzones)* you don’t get anything to eat.”

“The cells are a disaster, a mess. They have no water, they have nothing.”

“Sanctioned for 37 days. Nothing to cook with, I didn’t have my belongings, I went through cold, heat, everything.”

“Sanction of 15 days. It was the first days of July; they put us naked in the cell. So cold! They gave us clothes only on the third day. We had nothing. I cut the mattress cover and used it as a sleeping bag.”

“If they let me, I take blankets and some clothes. I couldn’t smoke; I didn’t have a lighter. The windows had no glass, I went through cold, mosquitoes, everything. There’s no light in the cell, no toilet or water. You have to yell so they’ll let you out to use the bathroom.”

“Terribly cold in the cell, no glass in the windows. The solitary confinement cells (*buzones*) are awful.”

“Bare cell with the window open and mosquitoes coming in. They gave me cold food. I had nothing, no blanket, no sheet.”

This long excerpt of accounts is highly descriptive of the conditions in which isolation is endured in SPF prisons: people go hungry, are forced to eat with their hands, access to toilets, showers, and water is restricted, they must live with their own excrement or that left by others who were in the cell before, they endure cold and/or heat, they coexist with cockroaches and rats, and they can be locked up for days on end without ever going outside. Under these conditions, most suicides of the last decade have occurred, which reveals extreme suffering and abandonment, since bodies are found several hours after death.

We highlight in the accounts two underlined expressions, because they are indicators of some significant changes that took place between 2007 and 2018: the expressions “*in a single cell*” and “*in a bare cell*.”

An emerging issue in relation to the 2007 investigation is isolation in *a single cell*, which requires us to pause for a moment to understand its significance. Although it was already contemplated in regulations at that time, what is new is the extent that this form of isolation has reached. That said, this extension has been correlated with closer judicial scrutiny of punishment cellblocks, the “*buzones*” or “*tubos*” (Argentine slang for solitary confinement cells), which has led in many units to the closure of those spaces for longer or shorter periods (for example, Units

9, 12, CPF II, etc.). The SPF's response has been to shift the practice of isolation to other spaces, which we could group into three variants:

1. Clearly unsuitable places to keep people housed, which were originally created for other purposes, such as, for example, the holding areas and mezzanines of the CPF CABA<sup>29</sup>.
2. The use of some cells from the most conflictive cellblocks, or those of worst behavior, or the 'slum-like' cellblocks (all names that indicate the most degraded and violent living conditions in every sense) as places for admission, holding, and/or sanction (we will return to this point in particular when addressing the forms of isolation). On some occasions, the sanction in "single cell" actually implies a relocation to these cellblocks, at least for the sanction period.
3. The sanction in a single cell strictly speaking, which involves isolation in the same housing cell occupied at the time of being sanctioned and, in most cases, "recreating the living conditions" of punishment cells.

All these displacements involve a kind of "invisibilization" of these spaces through their mobile and flexible nature, since they are tied to a sort of informality subject to the discretion and availability of prison authorities in each unit. This leads us to argue that these shifts are not simply a practical adjustment in response to the lack of a punishment cellblock, a way of substituting for a space that is no longer available. Rather, they constitute a strategy of concealment, what we call a strategic readaptation, aimed at adding isolation spaces in the majority of federal prison units.

It is at this point that the other notable finding we highlighted becomes revealing: *the bare cell*. This refers to the practice of recreating the degrading conditions of the punishment cellblocks in the prisoner's single regular housing cell, where, for example, a sanction is to be served. Thus, the prisoner has all belongings taken away, and even the glass (or the blankets or cardboard used to replace it) is removed from the windows. In other words, the relocation of the sanction site implies reproducing the degrading conditions of the punishment cellblocks, conditions that had been challenged and that led to certain closures. This reaffirms what we stated at the beginning: the practice of isolation in the SPF cannot be separated from the degrading conditions under which it is implemented. As can be seen, these are not conditions of a particular cellblock or cell, but conditions that accompany the very practice of isolation, regardless of the space in which it is carried out. They are degrading conditions produced along with the decision to isolate.

The last point we would like to highlight, based on the accounts and in relation to the isolation conditions, is that it affects all forms of isolation, whether regimes of daily life, sanctions, or security measures. In this regard, it is notable that, to a greater or lesser extent and depending on each unit, punishment cellblocks have gradually lost their presence. This can be seen with particular clarity in CPF I: In 2007, Module VI was practically used in its entirety as an isolation space, with half designated for sanctioned prisoners from across the Complex and the other half for prisoners under security measures. By 2018, each module of CPF I had its own isolation spaces, but these were not clearly delimited as punishment cellblocks; rather, they were used for different types of isolation and especially as holding areas. This multifunctionality of isolation spaces also shows that the poor living conditions during isolation are determined by the practice

<sup>29</sup> In the 2007 investigation, we specifically highlighted that, in U2 of Devoto, the use of informal sanctions was recorded, since the punishment cellblock had been closed.

itself, and not so much by the particular form of isolation in terms of the purposes claimed by the prison institution. Below, we present the types of isolation most frequently mentioned by prisoners.

For those who answered affirmatively to the previous question, about whether they had experienced isolation, we asked them about the types of isolation they had gone through with the question: “*In any of these forms...?*” From the answers, the following table emerges:

Mentions of types of isolation suffered during detention and the past year, as a % of the prison population in the SPF<sup>30</sup>

Types of isolation	During the current detention	Past year
Regime: admission/entrance	27.4%	14.9%
Sanction: formal	15.7%	11.9%
Sanction: informal	7.4%	5.4%
Regime: holding cells	4.6%	1.7%
Regime: sectorized	3.9%	3.5%
Security measure: judicial	2.4%	1.8%
Security measure: penitentiary	1.8%	0.9%
Other	0.9%	0.7%

#### Regimes of life with solitary confinement

*Admission* is the circumstance most frequently mentioned by those interviewed. The experience of isolation upon admission has left a clear *memory*<sup>31</sup> in nearly three out of every ten prisoners. But the procedure of isolation upon admission is a widespread practice in prisons, so it is possible that the percentage of those who went through this situation is even higher. However, it is often an experience that ends up being relegated to oblivion, whether due to the passage of time, its normalization, or the fact that much more serious situations have been endured, which render it insignificant within the overall trajectory of the prison experience<sup>32</sup>. What is important to highlight is that the main form occurs within the framework of an institutional procedure that has nothing to do with the characteristics or actions of the person being confined but rather is linked to the ways in which incarcerated individuals are managed within the prison space.

In this category of admission, three subcategories of admission are brought together: on the one hand, *admission into the SPF*, which for the vast majority of prisoners takes place through the Detention Center at the Palace of Justice, U28. For many prisoners, this is their first contact with the prison institution. Isolation may be the result of communication restrictions imposed by the

<sup>30</sup> Since the question allowed for multiple answers, the sum of the percentages is greater than that of those who went through isolation. We have 64.2% and 40.6% for the current detention and for the last year, respectively. Thus, the ratio is 1.25 mentions per victim for the current detention and 1.16 for the past year.

<sup>31</sup> The concept of “memory” here refers to a “mark” in their recollection of prison.

<sup>32</sup> On the obstacles to remembering and verbalizing prison suffering, see the methodological section.

courts or of an administrative decision by the prison authorities.

Then we have the situations of *entry/admission*, since isolation functions as a period during which it is decided whether or not the person will be admitted to a space, and if so, to which space. Thus, on the one hand, there is *admission into each Prison Unit*, which can be repeated in the event of a transfer, in which case the prisoner once again goes through the “admission situation.” But there is also *admission into a cellblock*, in which isolation is imposed as an “observation” period in a cell of the new block, a process that is repeated when moving from one cellblock to another within the same Unit. All of these modalities reveal that isolation upon “entering” the SPF, a specific prison, or a cellblock, is part of a procedure that constitutes a *ritual of submission* to those who govern the new space, a sort of rite of passage<sup>33</sup>. Thus, the end of isolation and effective admission into the unit or cellblock occurs when the head (of internal security or on duty, as the case may be) authorizes the transfer. Meanwhile, isolation itself becomes a “total and absolute suspension” of rights—bearing in mind that prison is an institution where the extent of the “suspension of rights” is *regulated*—as a form of governance, carried out through various degrading modalities of material deprivation and the production of suffering.

Let us take, for instance, the first contact with the prison institution in the **Detention Center at the Palace of Justice**, Unit 28:

“U28, the first day they put me in there right away and didn’t tell me anything.”

“I spent 4 days in the U28 dungeon, they didn’t give me food, I was new, I almost died of anguish.”

“Three days in the U28 solitary confinement cells (*buzones*), almost without food, I went hungry.”

Regarding *admissions to the prison units*, we can highlight two strongly expressive modalities of prison violence:

On the one hand, *subjection to extremely degrading conditions* for long periods of time. An example is the Admission, Security and Transit Module of CPF I, especially cellblock K, which has been the subject of repeated complaints about poor material, sanitary, and food conditions. Prisoners may spend weeks in it before “entering” the modules, under severe isolation regimes.

“In admission, in K, for about a week. They are solitary confinement cells (*buzones*); they only take you out for ten minutes to make a phone call.”

On the other hand, isolation occurs in the process of joining an *admission cellblock* where, in general, the rest of the population is unknown. In addition to the uncertainty, prisoners experience *conditions of harassment, dispossession, and constant threats*, generally for short periods of time<sup>34</sup>. For example, in CPF II in Marcos Paz, Module II had as its admission cellblock the one of “worst behavior,” the “most conflictive,” where a “free zone” was left for some prisoners to loot newcomers and/or demand various “payments,” following prior isolation in a cell within the cellblock, which amounts to a preview of a test in the framework of

<sup>33</sup> Isolation is one of the components of this rite; it is accompanied by body and belongings searches, as well as various forms of physical and verbal ill-treatment.

<sup>34</sup> As we will see shortly, this type of isolation in a single cell is replicated for the application of sanctions, in some cases.



“observation,”<sup>35</sup> in the prisoners’ own terms, before “going out onto the field”:

“I left the admission cellblock in Module II fighting because they wanted to charge me for the table. Since I was agitated, they ‘*pichicatearon*’ (administering a sedative or injection) me and sent me back to isolation in another cellblock.”

The same situation occurred in the CFJA of Marcos Paz in cellblock E, so isolation becomes a situation of extreme vulnerability:

“One week in (cellblock) E. They harassed and intimidated me (*often referred to in Spanish slang as “verdugueo”*) and other prisoners threw hot water at me. I didn’t eat because everything was wrong, if they opened the cell, they would beat me. I came out really skinny.”

The same technique of *cell isolation* within the same cellblock is used in the case of *admission to the cellblock*. Once the housing sector is determined, after going through the admission cellblock and the “evaluation,” but also after a housing transfer, it is common to **impose days of isolation in the destination cellblock, in a single cell**. Under these conditions, severe material restrictions are imposed that go beyond any intention to merely “observe” the prisoner’s behavior; rather, they seem to function as a form of “reception” or “welcome.” These multiple isolations and the multidimensionality of the violence involved—during different admissions—can be seen as a multiplication of regulated and structured welcomes by the prison authorities, in terms of presenting institutional violence that will form part of “their prison life” and which will only cease with the “decision of the Chief Officer.”

#### CPF II – MARCOS PAZ

“When I entered cellblock 6, I was locked in for 3 days without going out for a single minute; they passed food and water to me through the tray slot. In a bare cell, I slept on the platform.”

“When I entered, they put me in a bare cell, with nothing, for two days. The guys passed me some food and water.”

#### CPF I – MARCOS PAZ

“The guys passed food to you. It lasts until the officer sees you.”

The ***holding area*** is another *regime of life with isolation* of a purely institutional/administrative nature. It ranks fourth in the table; **one in twenty people has gone through this form of extreme confinement**, while waiting to be relocated within the same Unit or for a transfer. This modality often disguises an informal sanction, and sometimes it is confused with pre-admission isolation, prolonged for weeks while waiting for a “spot.” What distinguishes it is that it is

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<sup>35</sup> Prison authorities state that isolation in a cell within the cellblock, before being given access to the open area, is intended to carry out the observation that allows them to assess whether the prisoner in question has problems with the rest of the prisoners. It is highly revealing that, despite having professionals such as: psychologists, psychiatrists, social workers, and criminologists, the assessment for housing must be empirical, and based on that empirical assessment, the decision is made by the corresponding head of security. Moreover, it is perverse that this assessment is carried out in the very cellblocks that the prison officers themselves classify as conflictive, so that the options are either to assert oneself through confrontation and violence with other prisoners, or to submit to waiting for the prison decision that will remove them from that situation.



presented as a suspended period of time, again awaiting a prison decision, but with a higher degree of uncertainty. In general, the prison argument points to the need for a spot to become available in a specific sector: it could be a cellblock with Protective Custody (*RIF*, for its acronym in Spanish) or a population-specific cellblock, such as for homosexuals. Let us see some examples of this type that can be seen in Unit 28:

“(- Were you isolated? – Yes) In the holding area in Unit 28, 7 days.”

“They left me two days in the dungeons of Unit 28, without a blanket, with nothing, waiting for a spot in this module (Module 6 of CPF I) for being homosexual.”

Next, we have other cases of holding cells while waiting for a spot during admission:

#### **CPF I – EZEIZA**

“When I entered, I warned them that they could put me in a rough cellblock to (make me) fight. So, they sent me to the solitary confinement cells (*buzones*) for two months, and a court submitted a protection request to assign me to this module, and after two months they sent me here.”

“...They put me in the solitary confinement cells (*buzones*) upon admission because they said they had no space. No one came to visit me, not even my public defender. They completely forgot about me, with no communication with my family for more than two weeks.”

#### **UNIT 10 – FORMOSA**

“When I entered this Unit, they left me 4 days in the holding cell (known colloquially in Spanish as “leonera,” literally lion’s den) because they couldn’t put me in the cellblock since there were problems, I was isolated for 23 hours, but I knew I would eventually enter some cellblock.”

In these other accounts, we see holding-area isolations due to relocations within the same Unit:

#### **CPF II – MARCOS PAZ**

“I requested a cellblock change; I spent 3 days in the solitary confinement cells (*buzones*). I wasn’t sanctioned; I was waiting for a spot.”

“Two weeks in the solitary confinement cells (*buzones*) waiting for a spot in *RIF*.”

#### **UNIT 6 – CHUBUT**

“Three days in cellblock 11 without going out. Only 15 minutes at night until the head of internal security saw me and gave me open access to that cellblock.”

“4 days completely locked in. Because I left cellblock 11 and they didn’t want to give me a conduct-based cellblock. They left me in cellblock 9 until I had a spot in cellblock 14 for voluntary protective custody.”

### CPF CABA – DEVOTO

“They took me out of the cellblock, and I spent a week in the solitary confinement cell (*buzón*). I asked to leave. They didn’t sanction me. Because it was voluntary.”

In general, the same spaces formally designated for punishment through isolation sanctions are used as holding areas<sup>36</sup>. This means that the holding-area modality, framed as prison management, while presented institutionally as an administrative action, in practice is experienced by the prisoner in the same way as a sanctioned prisoner, in the same degrading spaces, suffering the same situation of abandonment, as we will see immediately.

For example, the following account refers to time spent in Sector A at CPF IV, which is used both for sanctions, as a holding area, and for the admission of young adult women.

### CPF IV – EZEIZA (WOMEN)

“Change of cellblock. One night isolated without a blanket; they make you grab a dirty blanket they give you. No access to showering, no access to anything. It took an hour to be seen only to be shouted at, I was feeling sick.”

In this other case, reference is made to a mezzanine holding cell of the CPF CABA, spaces that have been repeatedly reported and shut down due to their uninhabitable conditions. Nonetheless, we see how they are still used:

### CABA – DEVOTO

“I spent more than twelve hours in the *mezzanine holding cell* of Unit 12. I had a problem in the cellblock, but since those cells had already been *closed down*, I was only there for a short period of time; they got me out quickly.”

Meanwhile, the *sectorized* regime ranks fifth in the table: nearly *two out of every fifty* prisoners went through this type of isolation at least once. Justified on security grounds, it is applied as a collective measure to the entire population of a cellblock, following a conflict between two or more prisoners. In cellblocks with individual cells, “open access” (the period during which prisoners can leave their cells and share common spaces) is suspended, keeping the cells locked all day, while “open access” is fragmented into one-hour slots, granted individually or in very small groups. This procedure is maintained at the discretion of prison authorities for days or weeks, sometimes gradually expanding the “open access” until the restriction fades away completely. The measure is highly flexible and varies widely depending on the case. Thus, for instance, it may happen that after a fight between two people, they are sanctioned and removed from the cellblock to serve their punishment in solitary confinement (*buzones*), while the rest of the cellblock is placed under “observation” as a “security” measure (with prison arguments placed in quotation marks), in such a way that they are granted open access in a sectorized manner. From the perspective of prisoners, this measure is experienced as an informal, collective punishment. It can also happen, for example, that in response to a collective complaint, a formal sanction is imposed on the majority of the cellblock, and upon applying it, this sectorization

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<sup>36</sup> These spaces often overlap with admission areas. This multifunctionality of some isolation spaces is particularly evident in medium-to small-sized prisons, such as Units in Argentine provinces, but it has also been observed in CPF II and CFJA, for example.

technique is used. The following accounts illustrate these two modalities:

#### **CFJA – MARCOS PAZ**

“We were there for fifteen days; three days with one hour out, another three days with 2 hours, and five days with 4 hours. In the end, we got 7 hours out per day.”

#### **UNIT 6 – SANTIAGO DEL ESTERO**

“When there are problems, they lock up the entire cellblock for several days.”

“Collectively locked in for a fight, 5 days without a shower or phone.”

On other occasions, it becomes a permanent regime: under the argument that “they have problems among themselves,” the cellblock is divided into different virtual sections. The combinations vary and reflect the prison staff’s need for differentiated spaces in each unit. That is, as a prison technique, it involves dividing a cellblock of individual cells into virtual spaces. In this way, the same space facilitates the application of different types of isolation, encompassing sanctioned individuals, new admissions, people waiting for a spot, and/or those under Protective Custody (RIF). Yet this technique is deployed under the justification of security as a way to apply collective isolation sanctions.

*Sanctions.* *More than two in ten prisoners* have been subjected at least once to solitary confinement, whether formally or informally, serving the sanction in a specific sector, a punishment cellblock, “*buzones*” (solitary confinement cells), or through the modality of serving it in a single cell.

*Formal sanctions* (those officially notified as such) rank second in mentions in the table and have affected *more than three in twenty prisoners* at least once. This type of sanction receives almost twice as many mentions as informal sanctions, both in the current detention and over the past year.

Its formal character might lead us to assume a priori that this is the practice of isolation that is more structured in normative and regulatory terms. However, in its actual application, it is subject to a series of variations determined by the discretion of prison authorities, making it more a tool of submission to authority than to the rules. As we will see in the following accounts, one form of variability is the place where the sanction is served, which is closely linked to the imposed degrading conditions: in a single cell or in a differentiated sector. In the case of a single cell, it may be a bare cell or with the prisoner’s belongings. Moreover, the practice of isolation precedes the formalization of the sanction. While this is regulated, since prison authorities have 72 hours to impose the sanction (what prisoners often call the “precautionary measure”), in institutional records it appears as “at the Director’s disposal.”

Prison officials repeatedly resort to its use as an informal punishment—the Director can isolate a prisoner for three days without imposing a subsequent sanction. Even when the sanction is applied, it can be overturned (through an appeal), but the isolation has already taken place and can only be remedied in terms of the prisoner’s disciplinary record. In other cases, once the “precautionary measure” ends, prisoners are returned to their previous status, and the sanction is only communicated weeks or months later, depending on the effective execution of the penitentiary decision<sup>37</sup>. What we

<sup>37</sup> We have documented cases of prisoners serving a sanction from the previous year because they were transferred to another

want to emphasize is that even in the **most formal form of isolation, the administrative sanction runs parallel to the practice of isolation and is activated only after the isolation has already begun.** Let us look at the accounts:

#### **CPF I – EZEIZA**

“Sanctioned in cellblock C, I was only allowed out during the time when the inmate orderlies brought me food.”

“You only get out 2 hours a day to talk on the phone, and that’s it. Food? It was a bit of raw carrot and a piece of raw potato.”

“72 hours in the solitary confinement cells (*buzones*). I served it and went back to the cellblock, and then they make you sign the report, and take you back again. Another 7 days.”

“3 days of sanction in a single cell for having a knife. The sanction came a month later. The report was for five days, but on the third day they opened the door, the guard told me it was because I behaved.”

“7 days in cellblock D locked in a single cell, and then 3 days in the solitary confinement cells (*buzones*).”

“Two days in cellblock H and then back to the original cellblock. The smell... it’s inhuman to be there, flooded, the toilet didn’t work, it was clogged.”

#### **CPF IV – EZEIZA (WOMEN)**

“Formal sanction that I appealed. I spent 2 weeks in the solitary confinement cells (*tubos-buzones*), without food or anything, only with clothes and hygiene items.”

#### **UNIT 6 – CHUBUT**

“Sanctions in the solitary confinement cells (*buzones*) if they’re serious. If they’re minor (weed or a shank), in a single cell.”

“7 days in a single cell. Bare cell. Just one blanket and the clothes on me.”

#### **CPF II – MARCOS PAZ**

“5 days. They accused me of fighting with a punch, I appealed because there was no video, nothing.”

“I was locked in my cell. For a stupid sanction because they caught me in the toilet with my wife and they took away three points.”

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Unit at the time of being sanctioned, and only when the Judicial Section reviewed their file (for some judicial request) was the sanction formally imposed.

**CFJA – MARCOS PAZ**

“Precautionary measure of three days plus 10 days locked in for a sanction.”

“Three days under a precautionary measure plus 12 days of formal sanction in U24. Another case: three days under a precautionary measure plus 7 days of sanction in U24. With one hour of recreation at night.”

**U35 – SANTIAGO DEL ESTERO**

“The cell was disgusting, now they’re closed down, they rebuilt them. There was nothing. They gave me a mattress and a blanket, nothing else.”

“The food was inedible. The cell was disgusting, I went to the toilet, and a rat appeared. In the solitary confinement cells (*buzones*), you don’t get anything to eat.”

“The cells are a disaster, filthy. They have no water, they have nothing.”

*Informal sanctions* rank third in mentions in the table and have affected *almost two out of every twenty prisoners*, on at least one occasion. Their importance has grown over time (we will address this when comparing these data with the 2007 investigation), in relation to the increased use of isolation in general.

These are highly ambiguous situations, where prisoners know they are being punished for something, but there is no clarity on how long they will remain in isolation or whether any sanction will actually be applied. As mentioned before, they often occur under the administrative authority that a prison Director holds, allowing them to keep a prisoner in isolation for 72 hours until deciding whether or not they will be sanctioned. These measures are often referred to as: “precautionary measure,” “at the director’s disposal,” or “provisional,” and their use is frequent. These 72 hours, authorized by regulation, can be extended for days without any formal isolation sanction being issued, or turn into a holding regime, but in practice the person remains in isolation under identical conditions.

**CPF I – EZEIZA**

"In the same cellblock, after visits, they kept me 3 days locked in. I didn’t sign any record."

“I got involved to break up a fight and they left me 3 days sanctioned, separated from the general population, but they didn’t make me sign anything.”

**CPF II – MARCOS PAZ**

“Problems with prisoners from cellblock 4. I went to cellblock 6 and stayed 4 days locked in. I didn’t have the prison jumpsuit with my belongings, nothing. They never informed me of the sanction.”

“They sanctioned me and I don’t know why, they didn’t show me anything. Three days. They said I disrespected them, but they were the ones who tried to take away

my belt.”

“I was held three days at the director’s disposal. I signed that, but then they didn’t give me any report, it’s just that during those days a public defender came and they made me sign that.”

#### **CPF IV – EZEIZA (WOMEN)**

“Because I asked for a doctor ‘the wrong way,’ it was treated as a punishment, but they didn’t give me any report.”

#### **CFJA – MARCOS PAZ**

“I’m under a precautionary measure, serving it in a cell from block E (their assigned housing is in cellblock F).”

Finally, there are instances of *isolation* carried out as security measures, whether *ordered by the courts* or imposed by *prison authorities*, ranking sixth and seventh place in the table, respectively. Taken together, *nearly two out of every fifty prisoners* experienced one of these types of isolation on at least one occasion.

In the context of applying *Protective Custody (RIF)*, special measures that imply restrictions on contact with other prisoners and/or certain prison staff as a form of protection, solitary confinement in a cell is imposed, that is to say, extreme restrictions on relationships. In some cases, this practice is referred to as the “*double RIF*”. In the CFJA, it is a common practice that, as we were able to confirm during fieldwork, has extended to nearly half of the prisoners under *RIF*.

#### **CPF I – EZEIZA**

“I was there for three days; I turned myself in because otherwise they would have locked everyone up (when he came in). They kept me about 15 days in the cell because they put me on *RIF*, but I got beaten up badly. My fellow prisoners assisted me.”

“*RIF* is the same as nothing. I never get out, and even there they threaten me, they hit me, they break me, and the SPF officers look the other way, I live locked in 24 hours a day.”

#### **CPF II – MARCOS PAZ**

“Because of conflicts I requested voluntary *RIF*.”

#### **CFJA – MARCOS PAZ**

“A sanction in the solitary confinement cells (*buzones*) of U30, and then a month locked in with a judicial *RIF* until they transferred me.”

#### Physical assaults in isolation

Finally, the section on isolation addresses the physical assaults that occur during isolation.

Were you physically assaulted by prison officers during the isolation measure? **9,3% of prisoners in the SPF answered affirmatively.**

That is, nearly one in ten detainees experienced the combination of isolation and physical assault. Based on the descriptions, it can be determined that most of these combinations occur in *cases of sanctions*, at the moment when the cellblock searches remove people from their cellblock to transfer them to the punishment sectors.

## CROSS-TABULATIONS BY SEX AND AGE

Prisoners who suffered isolation, broken down by sex, as a % of the prison population in the SPF, 2018.

Body search	Men	Women	TOTAL
Isolation	34.6%	37.9%	34.9%

The difference observed between men and women, while not large, is nonetheless significant. In this case in particular, the practice of *Isolation as a Sanction* plays a role, being applied much more clearly in CPF IV, and specifically through a circuit that goes through *Sectors A and B (the “tubos”)* and through admission to the “Annex U27” (the psychiatric unit—psychiatric emergency sector). The practice, when a conflict arises, is to remove female prisoners from the cellblock (generally with a very violent procedure carried out by the search officers, which includes beatings and dragging them by the hair across the ground), inject them forcibly (with a sedative—“*la plancha*” (Argentine slang for ‘knockout’)—that causes loss of consciousness for between 12 and 48 hours), and transfer them to admission at the psychiatric-emergency sector (former Unit 27).

“I went to the CRD (Rehabilitation Center for Drug addicts) for a week, I didn’t fight, I just had a verbal argument, and they threw me in a cell in Unit 27, under observation for 10 days, without a blanket or anything.”

“I’ve been there loads of times. In U27 they left me naked, and they always inject you. I spent almost half of the year in the solitary confinement cells (*buzones*).”

“I was in U27 for one day and one day in the solitary confinement cells (*tubos*).”

Prisoners who suffered isolation, broken down by age, as a % of the incarcerated population in the SPF 2018.

Body search	18-34	35-54	55+	TOTAL
Isolation	39.3%	31.0%	23.3%	34.9%

Regarding the cross-tabulation by age, we see a lower incidence as age increases. The proportion of prisoners affected by isolation decreases progressively across the three age categories.

## COMPARISON BETWEEN 2007 AND 2018



Before contrasting the data between the two studies, it is necessary to set out certain methodological issues in order to clarify the scope of the results. In the presentation of the data on *Isolation in general*, it is possible that we are facing a bias specific to the 2007 study. This is because the objective of that study was limited to determining the number of prisoners who were subjected to isolation sanctions, and therefore, the question about isolation in general appeared as a control question intended to detect disguised sanctions. While in strict logical terms, this should have allowed to detect all individuals who experienced isolation, it is necessary to note that, in practical terms of data collection, the research focus, while shedding light on what is sought, may at the same time obscure the surrounding areas. With this in mind, it should be noted that **the 34.6% of people recorded in 2007 as having experienced isolation very likely underestimates the forms of isolation that have now been investigated specifically**. In any case, it is revealing that the accounts of those other types of isolation (not referring to sanctions) recorded in 2007 described practices of isolation upon admission and holding cells, precisely those we have been verifying (especially through fieldwork) as having expanded in the intervening years.

Prisoners who suffered isolation, as a % of the incarcerated population in the SPF, 2007–2018

Isolation	2007	2018
Current detention	34.6%	51.3%

Accounting for these caveats, **the difference between 34.6% in 2007 and 51.3% in 2018 remains significant, given the 16.7-point gap**. At the same time, this figure must be triangulated with the transformations we have been describing over the past ten years, based on the daily work of the Office, specific investigations, and the RCT (Registry of Cases of Torture) surveys, which point to a marked increase in the use of isolation in its various forms.

The following table shows that while the resort to isolation by prison authorities has generally increased, it is much more pronounced in the case of women. Whereas in 2007 there were notable differences compared to men, by 2018 the proportions had become similar. The gap between 2007 and 2018 amounts to 33.3 points.

Prisoners who suffered isolation,  
as a % of the incarcerated population in the SPF, 2007–2018

Sex	2007	2018
Men	37.1%	51.6%
Women	14.8%	48.1%
TOTAL	34.6%	51.3%

A similar trend can be observed as the age of incarcerated individuals increases. As shown in the following table, the overall rise in the use of isolation is accompanied by a more pronounced increase among older age groups.



Prisoners who suffered isolation, broken down by age, as a % of the incarcerated population in the SPF, 2007–2018

Age	2007	2018
18-34 years old	41.1%	56.6%
35-54 years old	26.0%	47.0%
55+	13.0%	34.5%
<b>TOTAL</b>	<b>34.5%</b>	<b>51.3%</b>

The following table, in turn, is limited to isolation sanctions imposed in the year prior to each survey. It can be said that the 2.2-point decrease, from 18.5% in 2007 to 16.3% in 2018, is not significant in itself, as it falls within the margin of sampling error.

Prisoners who suffered isolation as a sanction in the past year, by type of sanction, as a % of the incarcerated population in the SPF, 2007–2018<sup>38</sup>.

Isolation sanctions	2007	2018
Sanction: formal	16.2%	11.9%
Sanction: informal	2.3%	4.4%
<b>TOTAL</b>	<b>18.5%</b>	<b>16.3%</b>

However, the corresponding *decrease in formal sanctions and the increase in informal ones* are particularly significant due to their nature as a cross-movement. Moreover (as with the data in the previous table), these cannot be separated from the broader transformations we have been describing over the past 10 years, based on the day-to-day work of the Office, specific investigations, and RCT surveys, all of which point to an extended and diffuse use of informal sanctions. It is diffuse, especially because it overlaps with other forms of isolation, particularly confinement in holding cells prior to a transfer, especially in situations of conflict between prisoners.

## KEY POINTS:

- Half of the female and male prisoners in the SPF (51.3%) experienced solitary confinement at some point during their detention, and more than one in three suffered it during the last year (34.9%).
- The conditions under which isolation takes place add an extra layer of degradation to the already harsh general conditions of prison life, in terms of material conditions, health care, neglect, food, and clothing. The clearest expression of this is the ‘bare cell’

<sup>38</sup> For the comparison of data between 2007 and 2018 to be consistent, we must treat them in a similar way. In 2007, respondents were first asked about formal sanctions, and if they had not experienced one, they were asked about informal sanctions, so these categories were mutually exclusive. In 2018, however, a multiple-response question was used (which is why a table of mentions is presented). We therefore reprocessed the data here in order to present individuals who went through one type of sanction or the other. As a result, the percentage for informal sanctions in this table is 4.4%, whereas in the earlier tables it was 5.4%. This is because, in the previous case, we presented mentions, which is why in the earlier note we emphasized the relationship between mentions and individuals. The 1% difference is accounted for among those who experienced formal sanctions, since their answers included a double mention, formal and informal, and we therefore grouped them in the formal category in order to compare them with the 2007 data, which had been structured in that way.

sanction, that is, confinement in a single cell while depriving the prisoner of their belongings, including blankets, the mattress, and window coverings.

- There is a multiplication of isolation spaces, ranging from the 'single cell' in cellblock units with individual cells, to cells in other blocks (generally in worse material and living conditions), or spaces such as holding areas that are not suitable for housing.
- There is a proliferation of situations and reasons for which solitary confinement is applied, ranging from the most formalized, such as duly communicated sanctions and/or security measures ordered by a judge, to the most informal and arbitrary, such as extending the "observation" period upon admission, multiplying "observation" periods when moving from one cellblock to another, informal sanctions, long periods of "holding" cells while awaiting transfer, and sectorized regimes that are more or less formalized and/or applied as collective punishments.
- One in ten detainees experienced the combination of isolation and physical assault.
- The difference observed between men and women, while not large, is nonetheless significant. In this case in particular, the practice of Isolation as a Sanction plays a role, being applied much more clearly in CPF IV, and specifically through a circuit that goes through Sectors A and B (the "*tubos*") and through admission to the "Annex U27" (the psychiatric unit—psychiatric emergency sector).
- Regarding age, isolation practices are less frequent among older prisoners.
- **In terms of evolution since 2007**, isolation increased from 34.6% in 2007 to 51.3% in 2018.
- Although the overall use of isolation increased, it is much more pronounced among women, who showed significant differences compared with men in the 2007 study (Men 37.1% and Women 14.8%), reaching similar proportions in 2018 (Men 51.6% and Women 48.1%).
- A similar trend occurs with older prisoners, among whom the increase between 2007 and 2018 is more pronounced.
- In a context where isolation modalities have multiplied, sanctions remain almost the same. However, it is important to highlight, especially due to its nature as a cross-movement, the corresponding decrease in those subjected to formal sanctions and the increase in those affected by informal sanctions.

## 5. PHYSICAL ASSAULT

### INTRODUCTION

In this study, a series of questions and indicators regarding *Physical Assault* were posed to be comparable with the 2007 research. However, physical assault has been closely monitored over the past ten years, resulting in a broader approach to the practices considered and more precise conceptual tools and indicators used for data collection. This has led to the development of a more specific typology of both the acts of aggression committed by prison staff and the circumstances in which they occur. Likewise, regarding the qualitative description of both circumstances and acts of aggression, a broad empirical corpus has been achieved, which is why **in this study priority was given exclusively to the quantitative-representative inquiry of all prisoners in the SPF.**

Therefore, the design of the instrument for this research sought to gather information that would allow quantitative comparability with the 2007 study without giving up the tools developed over these years for data collection, nor the conceptual developments particularly reflected in the reports of the PPN's Registry of Cases of Torture. For this reason, no open-ended questions were asked on these aspects, thereby facilitating the feasibility of the fieldwork. On the other hand, quantitative comparisons will require certain categorical adjustments that will be detailed in each case in order to capture overall transformations.

There has also been a shift in focus from one study to another. The focus in the 2007 research was on "the blow" (as the paradigmatic physical assault), thus inquiries were made in relation to aggressions in general as a way to approach that core issue. In contrast, in this research, the different types of blows share a place in the long list of *acts of aggression* that we have been detecting in our work in prisons and categorizing in our research. Indeed, one of the findings, after a decade of empirical research, is that the blow, while it is the paradigmatic physical assault, is accompanied by a wide variety of acts that have a direct impact on the body. One of the objectives of the research we are presenting has been to quantify the scope of all these practices, which we have been recording and describing, and which **constitute *Physical Assault* as direct prison actions upon the bodies of detainees.**

The deployment of prison violence persists both in its material and symbolic dimensions; however, as we will see below, it has decreased in scope. This *quantitative change* must be correlated with a transformation in the production and management of violence in federal prisons. There is a shift towards forms of *delegated* and *outsourced* violence, but clearly *regulated* by prison authorities, in which isolation and the production of scarcity (in this case,

we focus on some of its aspects: food, theft, and damage to belongings) constitute central government techniques for the control and regulation of these forms of violence. Thus, regulation and administration of prison populations take place through the production of latent and recurrent conflict, with the same objective as the violence exercised directly by prison staff: to produce submission.

At the same time, in some cases, penitentiary intervention is recurrently enabled as a “restoration of order.” Therefore, the forms of violence deployed must be understood within a framework of conflict regulation through an administration of prison violence that partly relies on the production and control of peer-to-peer violence as a means.

## ON THE FINDINGS: THE CURRENT STATE OF CORPORAL PUNISHMENT

The first question regarding physical assault was: Have you ever been physically assaulted by prison officers during your current detention?

Prisoners who suffered physical assault by time frame, as a % of the incarcerated population in the SPF, 2018

	Current detention	Past year
Physical assault	32.5%	25.4%

Although the figures for physical assault have dropped considerably compared to the 2007 research (which we will analyze further below), it should be noted that one in three prisoners has suffered physical assault at some point during their detention, and one in four experienced it in the past year. This indicates that it remains to be a current and widespread practice with an impact on the entire detained individuals.

### On the circumstances in which physical assault occurs

Based on the development of the different investigations, the reports contained in the PIyDT (Procedure for the Effective Investigation and Documentation of Cases of Torture) files, and the records from the PPN's Registry of Cases of Torture, we can identify the circumstances in which detainees are victims of physical assault by prison staff.

As we have been highlighting, in other studies and in the RCT reports the various categories of circumstances cover a wide range of situations that practically encompass all aspects of prison life, and which all prisoners undoubtedly experience. In other words, *there are no everyday circumstances free of violence*. This reflects a violent penal style in the governance of the detained population by the SPF: throughout the prison environment as a whole, under different circumstances and with varying degrees of intensity, **the violence exercised by prison staff** governs the detained populations; its existence is manifest and acts directly on some and as a latent threat on all.

The number and percentage of people physically assaulted under different circumstances were determined based on the following multiple-response question: Was any assault committed *under*

any of these circumstances? (multiple-response question) Based on the answers to the previous question, the following table was obtained:

Circumstances in which prisoners suffered physical assault,  
as a % of the incarcerated population in the SPF, 2018

Circumstance (multiple response)	Percentage
During admission	14.57%
During a cellblock search	10.9%
Repression due to conflict between prisoners	7.0%
During isolation	4.6%
Repression following requests and/or complaints	3.8%
During a transfer	3.0%
While moving around the unit	2.0%
During visits	0.8%
Inside the cellblock	0.8%
During housing/transfer within healthcare facilities	0.2%

As we will see shortly, the different circumstances have significantly lower frequencies than those found in the 2007 research. However, according to the relative importance of the circumstances, we can reiterate what we stated in that research:

*“...the institutional variable is essential to explain the ill-treatment of prisoners. This means moving away from the idea that these practices are exceptional, both in terms of when they occur and their rarity or irregularity. If one speaks of discretion and arbitrariness on the part of the officers when inflicting physical ill-treatment (...), it must be done taking into account that the predominant circumstances in which these events occur are highly ritualized, meaning they are firmly rooted in institutional traditions and, therefore, enable and legitimize such ‘discretions’ and ‘arbitrariness’.”*

When briefly analyzing each circumstance, we can verify the meaning of the above statement. The vast majority of the circumstances described<sup>39</sup> involve scenarios in which *prison officers* clearly have total control of the situation, and the use of violence is therefore embedded in practices as an additional form of aggression and a means of enforcing submission. We first review the circumstances where the above is most evident. This is the case in the first two most important circumstances: *during admission to the unit* (14.5%) and *during cellblock searches* (10.9%), as well as in the fourth circumstance: *during isolation* (4.6%) and in the sixth and seventh circumstances: *during a transfer* (3.8%) and *while moving around the unit* (3%). We

<sup>39</sup> We present typical descriptions that are the result of the systematization of dozens and hundreds of accounts from the prisoners themselves. As mentioned above, no qualitative survey was conducted using open-ended questions on this matter, but the accounts can be found in the various RCT reports of the PPN.

can confirm this by reviewing each of them below.

During admission to the unit: Admission to the unit, known as the “welcome”<sup>40</sup>, consists of various forms of prison violence, constituting a “ritual of submission.” Prison officers engage in acts of humiliation such as strip searches combined with verbal aggression, harassment and intimidation (*“verdugueo” in Spanish slang*), and threats, as well as theft or destruction of belongings. It is in this context that they also often commit physical assault, ranging from slaps and shoves to beatings involving multiple aggressors. In these situations, physical assault is part of a broader set of ill-treatment and torture practices. As we have seen in previous chapters, *admission* is one of the main circumstances in which the following acts are carried out: *food deprivation, theft and/or destruction of belongings, isolation, and humiliating searches.*

Based on the RNCT surveys, it should be noted that, for some years now, under this circumstance, blows have been recorded less frequently or with less intensity than in the early years of the Registry. In line with this, there is a noticeable delegation of violence to prisoners upon entering the admission cellblock, combined with the isolation of newly detained individuals. During this period, detainees are placed in cells with the worst material conditions, without blankets or hygiene items, where they receive no food and, in some cases, not even water, for the entire period of isolation.

During a cellblock search: Search procedures, whether ordinary or extraordinary, entail their own pattern of violence. Several armed officers enter the cellblock equipped with helmets, carrying shields, sticks, and shotguns. They shout, insult, and threaten the prisoners held there while assaulting them indiscriminately and ordering them to run to their cells or another area within the cellblock to avoid being beaten. This order is internalized, and the detainees know they “must” run; those who have not internalized the order—newcomers or inexperienced ones—immediately find the order reinforced through blows and/or shoves. Officers generally use their shields to push or press them and, at times, hit them with batons, kick them, and punch them. This situation is combined with a strip search and of belongings, which often results in the destruction or loss of those belongings. When the victims complain or protest, such ill-treatment often leads to further acts of aggression.

During isolation: Physical violence in this context involves aggressions during the transfer to the isolation area (*“buzones”*) or other confinement spaces (*holding cells (“leoneras”), detention cells, ‘psychiatric’ areas*, etc., as well as while the victim is in isolation. This second phase includes the surprise entry of prison officers into the cell, followed by acts of aggression of various kinds. This occurs as a ritual reaffirming the asymmetries, highlighting the capacity to cause harm in a situation of extreme vulnerability and defenselessness of the victim.

During a transfer: This circumstance is significant because the aggressors are usually officers from the Transfers Division of the Penitentiary Service, which confirms the institutional nature of the application of ill-treatment and torture, since this division has no organic link with the prison units but rather with the central operational structure of the penitentiary service.

While moving around the unit: This refers to transit within the unit to educational, work, and recreational spaces, or meetings with prison officers. This category also corresponds to the transfer of the detainee through the unit for a change of accommodation. It is important to

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<sup>40</sup> See “welcome” in the isolation section.



highlight that, on multiple occasions, the circulation does not end with access to these spaces but rather involves the mere confinement of the victim in a classroom, office, or *holding cell* (“*leonera*”) where they are physically assaulted by several prison officers before being returned to their housing area.

It is worth highlighting that the control of circulation within SPF prisons is supervised by the unit responsible for searches. At the entrance and exit of classrooms, in yards, workshops, or offices of the authorities, as well as in hallways or in the holding cells (“*leonerías*”) (cells used for transit), the search officers—although Shift Supervisors or Guards/Officers are also often involved—control the timing and the circulations. It is there that prisoners are forced to assume submissive positions (such as keeping their heads down and their hands behind their backs) and undergo humiliating and degrading body searches. These violent prison practices are most often accompanied by insults and harassment and intimidation (“*verdugueos*” in Spanish slang), which, at the slightest resistance (and often without any resistance at all) tend to escalate into acts of physical assault, ranging from a kick, slap, or shove to severe beatings.

In all these circumstances: admission, cellblock searches, isolation, transfers, or simply moving around the unit, the reasons that “trigger” violence are trivial or nonexistent. While admission involves the enactment of the “codes” governing relations between prison officers and prisoners, in each of the other circumstances these “codes” are reinforced by imposing the practical behavioral regime that is expected of prisoners.

There are two circumstances that we review separately from the previous ones, as they could be considered penitentiary “responses” to breaches of “institutional order.” These are ranked third in importance, *repression due to conflict between prisoners* (7%), and fifth, *repression in response to a request or complaint* (3.8%)<sup>41</sup>. However, rather than “reasons” that justify a violent intervention, these appear as “pretexts” for the excessive use of generalized violence, reinforcing asymmetries through the production of a logic of submission, as expressed in the previous circumstances. Furthermore, as we will see below, these situations involving conflicts between prisoners and/or requests and complaints are, in fact, often made in advance by the prison officers themselves. Let us look at some brief examples.

Repression due to conflict between prisoners: Imprisonment does not allow interpersonal conflicts to dissipate; on the contrary, it intensifies them by forcing relationships and coexistence within a confined space. This scenario, intrinsic to imprisonment, is further

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<sup>41</sup> In 2007, we adopted the category “During Riots and/or Fights,” but over the years this category came into crisis, as field surveys revealed that many “repressive actions” were triggered by various reasons that could not be considered either riots or fights. This category somehow assumed a prison-like characterization of the actions of prisoners. In this regard, we stated in the 2015 RCT report: “Until the 2013 report, the category ‘during riots or fights’ was maintained, which had been presented as the main circumstance. This category was composed of two terms: riots and fights. Based on fieldwork carried out in 2014, the specific characteristics of each of the terms in the category were observed, and they were therefore recorded separately. This highlighted the secondary importance of the category ‘intervention/repression of riots’, as only two incidents were recorded during that year. For this reason, and because ‘in reality, acts of disobedience in the context of complaints are often labeled as ‘riots’, although only exceptionally do they actually qualify as such’, it was decided in 2015 to stop using the category ‘Intervention/repression of riots’ to describe conflicts between prisoners and the SPF, and instead include them under the category ‘Repression in response to requests/complaints.’. This latter category is more appropriate according to the analysis of interviews with prisoners, in which they describe the systematic lack of response by prison officers to various individual and collective complaints, and the different types of conflict this produces.” Thus, the categories “Repression due to conflict between prisoners” and “Repression in response to requests and/or complaints” were specified as emerging categories from empirical information, that is, from the accounts of the prisoners themselves. The reference to “riots” was abandoned as none have been recorded for years. Instead, in the context of prisoner protests, self-harming protests are widespread (such as cuts, threats of hanging—known as the Argentine slang *corbato*—or hunger strikes). This kind of reversion of violence against oneself requires specific studies, as it is also a form of violence administered by prison officers. It can be consulted in particular in the report on CPF III in Gral. Güemes, Salta, Annual RCT Report 2014.

intensified by a context of material scarcity that is intentionally induced, and by the authorization of violence between peers as a means of control and submission. In this sense, **penitentiary practice does not tend to resolve conflicts but rather to manage them, establishing differential spaces for violence.**

Thus, when a confrontation occurs between two or more prisoners, prison officers do not usually intervene immediately to stop the confrontation, but rather do so afterwards, to repress and remove them from the common area and impose sanctions on those involved. However, in these circumstances, the aggression of prison officers is not only directed at the prisoners in conflict but extends it to all prisoners present in the cellblock. This is a form of “*extensive*” violence of a repressive nature in terms of its impact on the population, constituting a collective “*punishment*” because of the acts of a few prisoners. Prison violence is *particularly brutal* due to the participation of a large number of search officers, who generally intervene with batons, shields, pepper spray, and shotgun blasts. In addition to the suffering caused by widespread and indiscriminate beatings, this creates a sense of “*unease*” among all prisoners in that cellblock, which fosters new violent conflicts both there and in other cellblocks, where the prisoners affected by these violent episodes are subsequently relocated.

Repression in response to requests or complaints: This category includes both repressions that occur in response to collective complaints (where the most violent acts of physical assault are generated, involving a large number of prison officers, tear gas, rubber bullets, batons, etc.) and individual petitions and requests made by prisoners. In general, prisoners’ demands and requests are disregarded (leading to a state of irritation and deep distress), and must be repeated by the prisoners until they become complaints or grievances that are then met with physical assault by prison officers. This happens for various reasons, which are “produced” by the institution itself, whether within the framework of scarcity or as a result of different forms of neglect, arbitrariness, and injustice. Thus, as emerges from the accounts of detainees, when they express their complaints—whether due to lack of access to the telephone, lack of health care, poor material conditions, lack of food or the refusal of food delivered in poor condition, as well as low grades and obstruction of penitentiary progression, requests for work, or for a change of accommodation, among the most common—the **immediate institutional response is the deployment of repressive acts of physical violence aimed at producing obedience, submission, subjugation, and defenselessness.**

Finally, we have a series of circumstances in which the occurrence of physical assault is quantitatively less significant. These are: *During visits* (0.8%), *inside the cellblock* (0.8%), and *during accommodation/transfer in healthcare facilities* (0.2%), which are ranked eighth, ninth, and tenth in importance in the table of circumstances. However, they reveal that there are practically no environment or situations free from the possibility of suffering physical assault.

## **ACTS OF PHYSICAL ASSAULT USED IN CORPORAL PUNISHMENT**

In addition to the diversity of circumstances, there is a variety of acts of aggression that occur in combination, demonstrating the particular viciousness with which these violent practices are performed. Thus, the aggression on the victims’ bodies can range from a shove or a slap to incidents in which different and varied violent acts occur either simultaneously or successively.

Between the investigations conducted in 2007 and the current one, 10 years later, we have



analyzed these incidents and broken them down into typical acts. However, we should always bear in mind that these acts do not occur in isolation, but rather in aggregated and combined forms, which reveals the *complex nature of physical assault*. Moreover, these acts are often combined with other types of torture and ill-treatment, such as isolation, strip search, deprivation of food, and theft and/or destruction of personal belongings—to name only those addressed in this study—leading us to adopt the analytical category of the *multidimensional nature* of torture and ill-treatment.

Returning to *acts of physical assault*, in this research we used the categorization of these types, implemented in the RCT since 2017<sup>42</sup>, which recognizes 25 categorized acts of aggression and also makes room for an open category for acts not considered yet and that may emerge. This latter category, the open category, allowed for the identification of 9 disaggregated acts in 2017, enabling the description of 34 *different acts of physical assault*. This is the breadth and diversity of aggression that can be accessed through intensive and targeted research on the most vulnerable sectors, such as the one carried out in the RCT<sup>43</sup>.

However, even in an investigation like the one we are presenting, with a representative and therefore more extensive approach, we documented 23 *different types of physical assault*, which stem from references to 19 of the acts categorized in the instrument<sup>44</sup>, along with 4 acts identified through the coding of open-ended responses in the ‘other’ category<sup>45</sup>.

Below we present a table with the processed results from the question: Did you suffer any of the following acts of aggression? (multiple-response question).

Mentions of types of physical assault, as a % of the incarcerated population in the SPF, 2018.

Mentions of types of physical assault (multiple)	Percentage
Punch(es) (*)	22.9%

<sup>42</sup> In this regard, the 2017 RCT report states that: “acts of physical assault, that were not previously included in the survey instrument, were incorporated, although they were systematically recorded and processed in the category ‘Other acts of physical assault’. These are prison practices that have a significant quantitative presence and occur regularly and in a generalized way in the federal prison system, which justified the modification of this dimension for the analysis of physical assault.” It is then specified in a footnote to the previous paragraph: “The following were incorporated: ‘Dragging along the ground/by the hair,’ ‘Prolonged restraint/binding,’ ‘Slap(s),’ ‘Push(es),’ which, although they do not always involve serious injury, (...) constitute violent practices that prison officers carry out systematically. Likewise, some categories were modified: in addition to ‘Dry submarine’ and ‘Wet submarine,’ the new instrument includes ‘Suffocation/strangulation,’ meaning the act of compressing the airways by constricting the neck with the hands or an object (rope, cloth, etc.).” Also, the category ‘blows with sticks’ was broadened to ‘blow(s) with blunt object(s),’ so that this new category records acts of violence committed with sticks, pieces of wood, iron bars, or other objects that cause contusions to the victims’ bodies. In light of these changes, the category “Beating” was removed, as it included several acts of aggression that were disaggregated with the aforementioned modification, and the category “Blow” was specified for the purpose of recording “Punch(es).”

<sup>43</sup> For the RCT methodology, see the various reports produced between 2011 and 2017.

<sup>44</sup> The following types, that were included in the instrument, were not mentioned: stabbing(s) or cut(s), dry submarine, wet submarine, burn(s), sexual abuse, and finally, electric prod. This does not imply that these practices do not exist, as they have been documented and described on previous occasions, but rather that their absence is due to their low statistical weight, which implies a low probability of detecting them based on a representative sample.

<sup>45</sup> On the other hand, from the coding of the open-ended responses under the “other” category, four categories emerged that were not included in the instrument’s list: *blows against the wall or bars*. This is a category that had not been recorded previously, although the use of the surrounding space had indeed been detected, such as pressing limbs with doors, throwing against a window, or pushing down the stairs—all of which demonstrate the ferocity of the violence unleashed. In addition, the other three categories coded had already been described on other occasions: *spraying with fire extinguishers* was recorded in the RCT reports of 2013 and 2014; and “being thrown to the ground” and “crushing” were recorded in almost all RCT reports, although always in smaller proportions.

Kick(s) (*)	14.7%
Blows with blunt objects (*)	12.4%
Push(es)	9.6%
Slap(s) (*)	8.3%
“ <i>Criqueo</i> ”/scooter (stated as “ <i>motoneta</i> ” in the original Spanish version)	4.8%
Peper spray/tear gas	4.0%
Stomp(s)	3.1%
Rubber bullet(s)	3.1%
Pata-pata (*) (Spanish term, no direct translation)	2.4%
Pile/pyramid	2.3%
Prolonged restraint/binding	1.6%
Dragging/pulling by the hair	1.5%
Crushing	1.1%
Plaf-plaf (*) (Spanish term, no direct translation)	0.9%
Forced injection(s)	0.6%
Pushing against the ground	0.6%
Blows against the wall or bars (*)	0.6%
Cold shower/hose	0.4%
Suffocation/strangulation	0.4%
Spraying with fire extinguisher	0.4%
“Little pig” (stated as “ <i>chanchito</i> ” in the Spanish original version)	0.3%
“Chinese bridge” (stated as “ <i>punte chino</i> ” in the Spanish original version)	0.2%

On the one hand, we have the categories marked in the table with an asterisk (\*) which describe different modalities and intensities of blows<sup>46</sup>, grouped together for comparison with the 2007 investigation, which we will see later. These are: *Punch(es)* (22.9%); *Kick(s)* (14.7%); *Blow(s) with blunt object(s)* (12.4%): acts of violence carried out with sticks, pieces of wood, iron bars, or other objects that cause contusions on the victims' bodies; these three acts are among the most widespread. Fifth on the table is *Slap(s)* (8.3%): according to prisoners, this act of aggression is “unprovoked,” meaning completely unmotivated; it is an act of harassment and intimidation (“*verdugueo*” in Spanish slang), a provocation and an assertion of submission.

Lastly, we have three types of aggression that involve blows and a greater degree of cruelty, as they require a more deliberate execution: *Pata-pata* (2.4%): blows to the soles of the feet, usually with sticks. This is a method of torture used in Greece and Iran in the middle of the

<sup>46</sup> We recall that the 2007 research was focused on blows, which is why we have processed this type of physical assault in particular, in order to have a point of comparison with that study.

last century. *Plaf-plaf* (0.9%): simultaneous blows with both hands on both ears, causing disorientation and hearing loss, and in some cases rupturing the eardrums. And *blows against the wall or bars* (0.6%): this category was classified based on the description of the open category “others” ... and also includes acts such as: slamming a door on someone’s limbs and throwing them against a window, among others.

The following types of physical assault are relevant as they reflect the range of “resources” used by prison officers to inflict harm on detainees. These acts of physical assault were carried out in combination with other acts of aggression and targeted at specific individuals, thereby intensifying the physical harm and adding an extra measure of humiliation. Throwing the victim to the ground, spitting on them, urinating on them, crushing them with a shield or knee, bending, stretching, or squeezing a body part are some of the methods that emerged from victims’ accounts of ill-treatment and physical torture suffered over the course of a decade and which, once classified, are repeatedly recorded and also documented in this investigation. Many of these acts of aggression occur in small percentages, but what is important is their persistent appearance and recurrence year after year, which reveals a pattern of ill-treatment and torture practices within the penitentiary system.

First, we highlight *Push(es)* (9.6%): this act stands out both for its prevalence and for sharing with the slap its provocative nature, as prisoners are generally pushed when they are already walking, in order to “hurry them up” as another form of *harassment and intimidation* (“*verdugueo*” in Spanish slang). These intrusions upon the body are degrading and aim to mark the prison officer–prisoner relationship with a difference in hierarchy and submission. In addition, the sudden push is also harmful in many cases, as it seeks to cause the person to fall to the ground, trip, or knock down bars and walls, and is often the prelude to being crushed against the wall with shields or to various types of blows.

We also have a series of acts that highlight the abusive use of various items: *Pepper spray/tear gas* (4.0%): these two items are presented as deterrents and/or means of subduing a person; however, they are used to inflict pain on individuals already subdued, especially with pepper spray, which is often sprayed in the face of people who are already restrained and handcuffed. *Rubber bullets* (3.1%): as in the previous case, this is an instrument that is theoretically used to deter collective complaints or large-scale fights; nevertheless, there are recorded cases where victims were directly shot in the body after dispersal. *Stomp(s)* (3.1%): prison officers wear heavy boots, making stomping a harmful practice, but in addition, individuals who have been thrown to the ground are sometimes stomped on different parts of their bodies. *Spraying with fire extinguisher* (0.4%): using a fire extinguisher as if it were tear gas, sometimes on individuals already subdued and lying on the ground, causing them breathing difficulties.

We then have a series of acts of aggression that involve methods of subjugation for immobilizing individuals who, whether they resisted or not, had their movements reduced to a minimum. These acts are carried out with intensity and over periods of time that exceed the supposed purpose of immobilization and are therefore intensified and/or prolonged as a means of causing pain and suffering.

“*Criqueo*” or *scooter* (4.8%): this is a technique used to immobilize individuals, that is inherently painful, where, in addition to handcuffing detainees with their arms behind their backs, their arms are lifted over their head, causing pain and, in some cases, shoulder tears and dislocations. *Prolonged and/or harmful restraint/binding* (1.6%): it refers to the ways in which

prison officers restrain detainees by tying/handcuffing them by the wrists in a harmful manner, deliberately causing pain and injuries. This may occur due to the prolonged restraint or the intensive compression of the tie/handcuffs. *Crushing* (1.1%): it is a practice carried out by one or more officers, consisting of restraining and pressing the detainee against the ground or wall, causing physical pain and suffocation, using objects such as shields or parts of the body such as the knee or elbow. *"Chanchito"* (0.3%): binding both feet and hands behind their backs at the same time (with handcuffs, cables, ropes). In some cases, they are hung from bars, sticks, or other objects. We save for last in order to highlight the following act: *Forced injections* (0.6%): the compulsory administration of sedatives after or during a beating (which entails submission by force), producing a state of *"plancha"*: total loss of consciousness and memory of what occurred during that period, which can last from 12 to 48 hours; unlike the previous restraint techniques, this form of immobilization causes unconsciousness, which is equivalent to a blow that causes fainting, that is, from restraint to physical and psychological neutralization. This is a particularly persistent and widespread practice applied to women, especially in CPF IV. Women victims of this medical-prison violence wake up beaten, in pain, poorly clothed, with no memory of what happened, with no sense of the time that has passed, and in a different place, usually in the psychiatric observation cellblock.

There are two acts of physical assault that are applied collectively, generally after a cellblock search, as forms of retaliation either after a specific conflict or because the population of a particular cellblock is considered to be disruptive.

*Pile/pyramid* (2.3%): Several people are forced to pile on top of each other, usually naked, after a body search, until those at the bottom suffer suffocation from the crushing weight. And the *"Puente chino"* (0.2%): The victim is forced to walk between two rows of prison officers who simultaneously inflict blows (punches, kicks, blows with sticks, and/or shield blows). In this way, they are returned to the cellblock before being locked in their cells after a search. On other occasions, this method is used to transfer them to punishment cells.

Lastly, we have a series of varied acts of physical assault that reveal the animosity with which aggressions against detainees are carried out.

On the one hand, a method particularly used on women: *dragging/pulling by the hair* (1.5%): it is one of the ways used to remove women from the cellblock and take them to the punishment or to "psychiatric emergency" area. Women are dragged by their hair, taken out of the cellblock, then restrained on the ground and compulsorily injected with tranquilizers. Another method is *throwing them to the ground* (0.6%): the aim here is to cause the loss of balance and cause the person to hit themselves. And finally, *cold showers/hose* (0.4%): forcing people to stand under a cold shower or dousing them with a hose. This is a form of torture that usually accompanies blows and beatings, and is used to reduce the visibility of bruises, but it is also employed as a means of causing suffering through the cold or pressure of the water. And finally, *suffocation/strangulation* (0.4%): the act of compressing the airways by constricting the neck with the hands or an object (rope, cloth, etc.).

#### The consequences of physical assault, body marks and harm: injuries

The survey of injuries resulting from physical assault was addressed through the following question: on any occasion(s) when you were assaulted, were you injured? 16.5% answered affirmatively, which represents *just over half of the prisoners who suffered physical assault*,

which was 32.5%.

This question was followed by an open-ended section for descriptions of those injuries, applied only to those who answered affirmatively to the previous question. During processing, the injuries were coded according to the categorization established in the 2007 research. According to that categorization, *minor injuries* included physical harm that resulted in marks and pain in different parts of the body: bruises, scrapes, abrasions, etc., resulting from significant intensity and frequency of the blows inflicted. *Moderate injuries* involved greater intensity of physical pain and harm than minor injuries and also left marks on the detainee's body such as cuts and bruises, even if they did not compromise any organ or organic function; they also included swelling or inflammation of different body areas (ankles, knees, eyes, mouth, etc.). *Severe injuries* included fissures, fractures, tears, deep cuts from stabbings, deep external or internal injuries (organic-functional injuries that entail the loss of an organ or an organic function that is essential for a person's normal development of their daily life). Examples: perforated eardrum, hemoptysis (vomiting blood), concussion, retinal detachment, loss of teeth or eyes, fractures and fissures of upper or lower limbs (arms or legs). Based on this categorization, we obtained the following table:

Prisoners who suffered injuries from physical assault, classified by severity, as a % of the incarcerated population in the SPF, 2018

Types of injuries	Percentage
1. Serious injuries	1.9%
2. Moderate injuries	7.3%
3. Minor injuries	6.3%
Unspecified	1.0%
<b>TOTAL</b>	<b>16.5%</b>

In relation to these injuries, the following question asked in the questionnaire was: Did you receive medical attention for that injury? YES / NO.

6.4% answered affirmatively and 10.1% negatively, meaning that almost **two out of three victims were not seen by a doctor after being physically assaulted**.

*“Lack of and/or inadequate medical care”* is one of the types of torture and/or ill-treatment reported by the RCT that arises from any illness or ailment suffered by detainees. However, in this case, it is specifically linked to another type of torture and/or ill-treatment, namely physical assault, as one of the ways in which it is prolonged. As mentioned above, two-thirds of those injured were not even seen by a doctor or other health staff. Among those who answered negatively, there were accounts that reveal how medical intervention occurred in the context of this physical assault. On the one hand, there is clear neglect:

“No, the doctor didn’t see me at all, they just threw me back into the cellblock.”

“I never received any care; it went away on its own.”

“Nothing, the doctor never came. I don’t think there are any doctors in this unit.”

Then we have some accounts that highlight the prisoners’ distrust of the health staff:

"I didn't ask, and I don't want to be seen by the doctors in this prison."

"The doctor is on their side; he also beats us."

Other accounts point to one of the reasons for this distrust: the complicity of doctors with the perpetrators, which prolongs physical assault by linking it to sanctions:

"We sort things out among ourselves because sometimes the doctor writes that it was a fight between us and sends you to solitary confinement (*buzones*), so the search doesn't get recorded."

"No, because I arranged not to be seen by the doctor so I wouldn't get sanctioned."

Among those who responded affirmatively about medical care, several accounts were recorded when asked the follow-up question: What kind of care? While reviewing them, we found that being seen by a doctor does not, in most cases, mean actually receiving medical care. Let us begin with those accounts that describe some type of medical care:

"A gauze pad with disinfectant on the cut and diclofenac for the pain."

"They treated my wounds and gave me medication."

"The nurse sees you for a minute, puts on a bandage, and that's it."

"Tranquilizers and painkillers."

"They gave us painkillers; they checked on us for six days in solitary confinement (*buzones*)."

As we can see, in the few cases where medical care is described, it is described as superficial, while in others, the delay in accessing care is emphasized:

"They treated my hand after about three days."

"I had to go down to the courthouse to get treatment. They barely treated me. What's wrong? Take this. From a distance, they didn't even look at me. Now it's healing on its own and they haven't seen me since. They didn't do any tests, no X-rays, nothing."

"After 15 days, following several complaints, and by court order, they checked my lungs and did an X-ray; they gave me painkillers."

In the following accounts, there are no complaints about the care itself, but it is highlighted that it took place outside of prison:

"By a forensic doctor, acceptable."

"Forensic doctor at the court, it wasn't in the SPF."

"I went to a public hospital; they treated me well because my family was there."

The next accounts describe "care" as an administrative formality, where they are not even examined, only looked at:



“He wrote down that I had bruises and didn’t give me anything.”

“Just the *Visú* (visual inspection to verify injuries).”

“They see you when they take you there; that's the procedure for getting you out, but then they forget you're in solitary confinement (*buzones*).”

“But they didn’t do anything.”

“They saw me, but it’s like everything was settled. They didn’t give me any medication, nothing.”

“They treated me, but they didn’t give me any medication.”

“They only looked at me.”

“They saw me, but I don’t know what they wrote down.”

In the following cases, however, the doctor goes beyond neglect and directly denies the existence of injuries:

“(The doctor) told me there was nothing wrong with me.”

“The doctor here is useless because they just look at you and say: ‘You’re fine.’”

“Naked. The doctor told me I didn’t have any bruises.”

“They only looked at me to see if I was injured, and I had bruises on my face and legs, and I saw that they wrote down ‘no injuries,’ and I told them, and they looked at me and said, ‘You’re not injured, you’re not bleeding, and you’re not burned.’”

In these other accounts, the injuries are acknowledged, but the doctor plays an active role in covering up the prison officers’ aggression that caused them:

“They came to see me and gave me ibuprofen and made me sign a statement saying that I had fallen.”

“They told me to say that they did it to me in the truck, otherwise things would be worse for me... The doctor interviewed me and left, she told me to put ice on it and nothing else.”

“I mentioned it to the lawyer, he sent me to the doctor, but they didn’t even examine me; they forced me to sign, and I signed out of fear.”

Finally, two accounts indicate that the doctor was one of the prison staff who carried out the aggression that caused the injuries.

“The doctor sees you, but they also hit you.”

“Even the doctor hit me.”

We can see that the affirmative response to whether one was treated by a doctor after being injured does not describe medical care, but in most cases points to a pattern of complicity, in which health staff engage in practices that combine physical assault, involving neglect or insufficient care, concealment, falsification of documents, sanctions, and even participation in physical assault.

## CROSS-TABULATIONS BY SEX AND AGE

Prisoners who suffered physical assault, broken down by sex and time frame, as a % of the incarcerated population in the SPF, 2018

Physical assault	Sex		TOTAL
	Men	Women	
Past year	26.2%	17.1%	25.4%
Current detention	33.6%	19.5%	32.5%

With regard to the first variable, sex, the prevalence of physical assault suffered by male prisoners is higher than that of female prisoners. However, this difference becomes less pronounced if we consider those assaulted within the past year. In addition, this must be read in light of the different trends in each group (see below, comparison between 2007 and 2018). While *among men there has been a decrease in physical assault, in the case of women the trend has been the opposite, showing an increase.*

Prisoners who suffered physical assault, broken down by age and time frame, as a % of the incarcerated population in the SPF, 2018

Physical assault	Age			TOTAL
	18-34	35-54	55+	
Past year	29.7%	22.5%	8.0%	25.4%
Current detention	36.8%	29.4%	15.1%	32.5%

As for the age variable, we see that *physical assault* is more frequent among the youngest. Clearly, the first age group, between 18 and 34 years old, is above the average value. The youngest, among these young individuals, have the highest rate of physical assault, reaching *64.4% for the population of the CFJA in Marcos Paz*<sup>47</sup>. This variable is influenced by the time already spent in detention, as seen when comparing physical assault during the current detention and that which occurred in the last year; as age increases, the proportion of more recent aggressions decreases.

## COMPARISON BETWEEN 2007 AND 2018

The first thing we present below is a comparative table of the results of the 2007 and 2018 studies regarding prisoners who suffered some type of physical assault during their detention, expressed as a percentage % of the total incarcerated population for each year.

<sup>47</sup> A more detailed analysis will be carried out in the Survey Report on Ill-Treatment of Specific Groups of Women and Young Adults.



We observe and highlight a **significant decrease both in terms of physical assault in general (from 64.3% in 2007 to 32.5% in 2018) as well as in relation to aggressions involving blows (from 59% in 2007 to 29.4% in 2018)**. This data must be viewed in conjunction with the transformations we have been describing over the past ten years, based on the daily work of the Office, specific investigations, and the RCT surveys, which point to a marked transformation in the management of violence by prison authorities.

Prisoners who suffered physical assault and, among others, beatings during their current detention, as a % of the incarcerated population in the SPF, 2007-2018

	2007	2018
Physical assault	64.3%	32.5%
Beatings <sup>48</sup>	59.0%	29.9%

When we make the same comparison between the results of the 2007 and 2018 studies, but include the sex variable, we find that for men the downward trend is even more pronounced than the general highlighted above. In the case of *women*, however, the trend is the opposite, *showing an increase in physical assault and beatings, nearly doubling the values reported ten years ago*. This tendency applies both to physical assault in general and to beatings, although in the latter case it is even more pronounced, **with the proportion of women beaten in the 2018 study nearly doubling that of 2007**.

Prisoners who suffered physical assault and beatings, broken down by sex, as a % of the incarcerated population in the SPF, 2007-2018

Physical assault			Beatings		
Sex	2007	2018	Sex	2007	2018
Men	70.7%	33.6%	Men	65.8%	31.1%
Women	15.2%	19.5%	Women	5.7%	10.5%

When comparing the different age groups, we first confirm that the distribution order of physical assault in general, and of beatings, remains the same, with higher frequencies in the younger age groups and decreasing with age. In addition, the three age groups follow the general downward trend, but it should be noted that they do so in different proportions. Thus, in the two youngest age groups, the number of those physically assaulted, as well as those who were hit<sup>49</sup>, decreased by approximately half, while for the older age group, the reduction was to 4/5.

<sup>48</sup> In 2007, the survey involved asking directly about beatings, whereas in 2018, the results are obtained by adding people who mentioned at least one of the seven types of physical assault involving different kinds of beating: punch(es), blow(s) with blunt objects, kick(s), “plaf-plaf,” “pata-pata,” slap(s), and blows against the wall or bars.

<sup>49</sup> A particular and focused study is required in the older age group to clarify the reasons why practically all cases of physical assault among these detainees take the form of blows, especially since both investigations highlight this characteristic.

Prisoners who suffered physical assault and beatings, broken down by age, as a % of the incarcerated population in the SPF, 2007-2018

Physical assault			Beatings		
Age	2007	2018	Age	2007	2018
18 - 34	70.9%	36.8%	18 - 34	66.5%	34.39%
35 - 54	59.1%	29.4%	35 - 54	51.9%	25.13%
54+	18.9%	15.1%	54+	18.9%	15.06%

## KEY POINTS:

- One in three prisoners suffered physical assault during detention (32.5%), and one in four suffered it during the last year (25.4%).
- The predominant circumstances in which these acts occur are highly ritualized, deeply rooted in institutional practices, as shown by the two main circumstances of physical assault: *upon admission to the unit and during cellblock searches*.
- Physical assault involves a wide range of acts, with 23 different types of physical assault being identified.
- The three most important types of physical assault are: punch(es) (22.9%); kick(s) (14.7%); blow(s) with blunt objects (12.4%).
- 16.5% of prisoners reported having been injured, which represents just over half of those who suffered physical assault, which was 32.5%.
- As for medical care for these injuries, two out of three victims were not seen by a doctor after being physically assaulted.
- Those who were seen by a doctor after being injured did not describe receiving medical care, but in most cases pointed to a pattern of complicity involving neglect or insufficient care, concealment, falsification of documents, sanctions, and even participation in physical assaults.
- The prevalence of physical assaults among male prisoners (33.6%) is higher than among female prisoners (19.5%), but this gap narrows when looking at the most recent assaults.
- In relation to age, physical assault is less significant as the age of detainees increases.
- Compared with the 2007 study, the reduction is notable both in physical assault in general (from 64.3% in 2007 to 32.5% in 2018) and in aggression involving beatings (from 59% in 2007 to 29.4% in 2018).
- For women, the trend is the opposite: both physical assault and beatings increased, nearly

doubling the levels of ten years ago. This pattern applies both to physical assaults in general and to beatings, but in the latter case it is more pronounced, with the proportion of women beaten in the 2018 study nearly doubling compared to 2007.

- In terms of age, the three age groups follow the general downward trend, but it should be noted that they do so in different proportions. In the two youngest age groups, the number of physically assaulted individuals dropped by approximately half, while for the oldest age group, the reduction was to 4/5.
- However, if we focus on young adults, the reduction is minimal: those physically assaulted in 2007 were 68.4%, and in 2018, this had only dropped to 64.3%.

## **6. THE PRODUCTION OF SCARCITY AND SHORTAGE: OTHER PRACTICES OF VIOLENCE IN THE FRAMEWORK OF PRISON GOVERNMENT**

The dimensions of direct and intense prison violence discussed in the previous sections—physical assault, isolation, and searches—occur in conjunction with a whole series of other forms of violence that characterize certain living conditions inside federal prisons and are central within the framework of prison governance. These other forms of violence, which we refer to as extensive, occur within the framework of the production and management of scarcity. Prison governance is part of a strategy that oscillates between scarcity and deprivation, producing a record that ranges from “there is nothing” to “there is something, but not much,” and managing it through the differentiation of spaces. It is a practice of prison government that is carried out by violating various rights of detainees: the lack of and/or inadequate health care; the production of poor and/or inadequate material conditions of detention; the lack of and/or inadequate provision of work and education; poor nutrition; and the regulation of detainees’ belongings.

We therefore propose to move forward by examining the ways in which prison authority penetrates the bodies and subjectivities of detainees, both in their daily lives and in a generalized manner, laying the groundwork for differential governance in the management of incarcerated populations. This entails going beyond interpretations that directly associate poor living conditions exclusively with the material–infrastructural conditions inside the prison, particularly those that, by focusing on the issue of “overcrowding,” overlook its productive aspect within an articulated plurality of practices of prison governance, which include other dimensions of “prison life.”

These exercises in the production of vital deterioration—understanding “the vital” as that which physically and psychologically structures a person—and degradation are identified in the humiliating and degrading living conditions of cells and cellblocks, which go beyond the “issue of overcrowding.”

We also identify these acts of prison violence in the “production of hunger” that hundreds and hundreds of prisoners are subjected to on a daily basis: due to the absence or scarcity of food provided or, worse still, because the food is often rotten, with pieces of green-colored meat, with

nauseating smell, worms or cockroaches, because it is inedible, because it causes physical ailments, diarrhea, vomiting, skin problems, boils and abscesses. And because these health-deteriorating consequences of food are not medically addressed: they are simply integrated into daily life as an inherent aspect of prison.

It is about producing the worst possible living conditions across the different prison spaces, with varying degrees of intensity; spaces where the autonomy of individuals is reduced to the bare minimum, sometimes exercised through violence against a “peer,” sometimes sustained through prisoners grouping (Argentine prison slang for “*ranchadas*”), and—perhaps the only one generalized in its exercise at some point during detention—sometimes through self-harm as a form of protest.

A prison management of incarcerated populations that produces scarcity and deprivation thus generates, in turn, the most degraded forms of “all against all” type of violence. The horizon of this violence is, on the one hand, the justification of unrestrained institutional violence against those who are “animalized” and, on the other hand, for prisoners, the achievement of an ephemeral survival that reaffirms the “social place of precariousness” assigned to thousands of detainees who come mainly from marginalized social sectors.

Life in prison is marked, as we said, by the production of scarcity and deprivation: rather than living, prisoners survive by relatively and sporadically alleviating (when solidarity within the prison or family and social bonds allow) the state’s neglect and deprivation of resources, as well as the limitation of access to essential goods for biological and social reproduction. The habitability of the spaces, food, clothing, health care, and the imposed living conditions are part of a patronage system that commodifies rights in the form of “benefits” in exchange for the submission and collaboration of prisoners, thereby guaranteeing the reproduction and maintenance of degradation as the matrix of survival within prison life.

These other forms of violence, which were not explicitly included in the 2007 study, became apparent during the course of a decade due to their obvious material and subjective impact, both at the level of individuals and in the formation of different incarcerated populations. This is why we have been asking about the deliberate ways in which the living conditions, deterioration, and degradation of detainees<sup>50</sup> are produced. However, we had not made any progress in quantifying this in a way that was representative of the entire incarcerated population in federal prisons.

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<sup>50</sup> These forms of violence have been classified as ill-treatment and/or torture in the National Registry of Cases of Torture and/or Ill-Treatment (RNCT): poor material conditions of detention, the lack of and/or inadequate health care, absent or deficient food, theft and/or damage to belongings, threats, and impediments to family and social ties suffered by prisoners. They constitute degrading, humiliating, inhuman, and cruel treatment, whose widespread, systematic, and intense nature means that, in a significant number of cases, they are considered practices of torture. The RNCT Annual Reports contain an analysis of each of these types of ill-treatment and/or torture from 2011 to the present.

## 7. THEFT AND/OR DAMAGE TO BELONGINGS

### INTRODUCTION

Life in prison is marked, as we said, by the production of scarcity and deprivation: rather than living, prisoners survive by relatively and sporadically alleviating (when solidarity within the prison or family and social bonds allow) the state's neglect and deprivation of resources, as well as the limitation of access to essential goods for biological and social reproduction. The habitability of the spaces, food, clothing, health care, and the imposed living conditions are part of a patronage system that commodifies rights in the form of "benefits" in exchange for the submission and collaboration of prisoners, thereby guaranteeing the reproduction and maintenance of degradation as the matrix of survival within prison life.

What is at stake, rather, is a style of punishment—in Foucault's words—that defines a particular microeconomy of punishment, where bodily and emotional suffering is a constant, though with varying degrees of intensity.

Prison officers engage in *theft, damage, or destruction of prisoners' belongings*, during cellblock searches as well as in searches carried out to relatives and friends at the time of visits or when it is carried out to goods, during transfers, upon admission to the prison units, or in circumstances of isolation. This clearly worsens living conditions, especially when it involves items necessary for survival (food, hygiene products, warm clothing), constituting acts of theft that produce effects of subjugation and helplessness, promoting distress and conflict.

*Theft and/or damage* constitute ill-treatment affecting objects, items, and belongings that prisoners need in order to *survive* or that hold emotional significance, and whose loss produces emotional distress. Theft and/or damage to belongings thus constitutes ill-treatment both because of deprivation in a context of scarcity, and because its predatory nature, as "spoils of war," serves to reinforce relations of subordination and submission.

The main circumstances in which *theft and/or damage* occur are during cell searches, as part of routine cellblock searches, during extraordinary searches, transfers to *buzones* (punishment cells) or upon return from visits, as well as in the case of transfers, during searches upon admission to new units.

The approach to this category of ill-treatment and/or torture in the current investigation should be distinguished from the one carried out in 2007. At that time, the practice of theft and/or

damage to prisoners' belongings by prison officers was addressed as an *aggravating factor* in the survey carried out on the methods of cellblock searches. It was carried out using a specific instrument applied by cellblock to prisoners serving as key informants on the different practices carried out on the entire prison population within the framework of such searches.

This made it possible to determine the extent and magnitude of this practice based on its occurrence in prison areas where these searches were carried out and which affected prisoners' belongings, both by damaging them and by removing them, in the form of *theft and/or robbery*. In the 2017 investigation, 168 cellblocks were surveyed across the 10 prisons that comprised the empirical corpus. Of these 168 cellblocks surveyed, as a result of violent practices during cellblock searches, we recorded the *damage and destruction of food and merchandise in 144 cellblocks; in 121 cellblocks, the damage or destruction of clothing and footwear; and in 107 cellblocks, the damage and/or destruction of personal items* (ornaments, keepsakes, religious images, etc.).

Furthermore, in 107 cellblocks *thefts and/or robberies* of various detainees' belongings by prison officers were recorded.

However, in this 2017-2018 investigation/update, our approach is broader in two ways: on the one hand, by including it in the individual questionnaire, we did not focus on a specific space where *theft and/or damage* to belongings occurs, but rather on the number of people affected by it. On the other hand, by focusing on personal experience, we broadened the circumstances and spaces considered, so that the cellblock search is just one circumstance among others in which *theft and/or damage* to belongings occur.

Moving forward with the description and analysis of the information gathered regarding this practice carried out by prison officers, *theft/robbery* from prisoners is identified in the following: clothing (jackets, pants, T-shirts, sneakers), cigarettes, phone cards, personal hygiene items (toilet paper, shampoo, paper towels, soap, razors), food/drinks (mainly *yerba mate*), and even a radio and a television. In several cases, the victims reported that all their belongings were stolen. As for *damage and destruction*, most individuals said that their goods were broken, especially packages of *yerba mate*, sugar, rice, and noodles, which were opened and their contents scattered over their clothes or directly on the wet or dirty ground. This destruction of food in prisons—where there is already a lack of food—is followed by *damage to personal belongings*, especially photos of loved ones, court papers, religious images, etc. Two incidents exemplify this boundless prison violence, which is in no way related to *security concerns*: a detainee who was in a cast had his crutch broken, and a diabetic detainee had the special sugar sent by her family destroyed.

In this category, as in the others analyzed, the dimensions of torture and ill-treatment are intertwined precisely in their *multidimensional* nature. During cellblock searches and searches upon the return of prisoners from visits, thefts of belongings are often perpetrated in conjunction with physical and verbal assaults by the Penitentiary Service. In both circumstances, they take advantage of a situation in which the victims are subjected to a strip search, that is, they are naked in front of several prison officers, often facing the wall, with their heads down and their hands behind their backs, and it is under these conditions of “defenselessness” that thefts of belongings take place: mostly food or personal hygiene items, all products purchased at extremely high costs in the canteen or that their families send them in order to mitigate the deficiencies in food, clothing, and hygiene that detainees suffer in



imprisonment.

The theft and/or damage to belongings not only materially affects prisoners through the loss of a particular object and therefore its use but also has a subjective impact in several ways<sup>51</sup>. This is particularly acute in the prison context, since the circulation and possession of objects in prison are restricted and regulated by prison authorities. It is in this strict sense that the theft and/or damage to belongings contributes to the production of deprivation and scarcity. The logic of the production of deprivation and scarcity is divided into three interrelated stages: poor or non-existent provision (essentially of that which by law should be provided by the State), restriction of access by alternative means (specifically of those goods that can be obtained through family assistance or purchased with prison funds, if they obtain work inside the prison), and, finally, the *looting and plundering* of the few belongings to which they have access.

In terms of *material deprivation*, let us take clothing as an example. Since it is not provided by the SPF, prisoners only obtain clothing if it is brought to them by visitors or given to them by other prisoners. Furthermore, the vast majority of prisoners come from impoverished sectors, which means that providing clothing or anything else is extremely costly and difficult. Under these conditions, the *theft and/or damage* of an item of clothing means restarting a cycle of provision in order to replace it; a cycle that will be uncertain and lengthy. Let us take another case that may be more trivial but is very common: a prisoner buys cigarettes with money earned through his prison funds, and they are stolen during a search. If he still has money left, he will have to wait until the next canteen purchase, which could be in a week, two, or at the end of the month, depending on how the unit regulates it, in order to replace them. In the meantime, he either does not smoke at all or depends on other prisoners who are just as deprived as he is.

In the following section, we will examine the complex circuit of provision and circulation of food, which will give us an idea of what the theft or damage of these and other goods means. In other words, in material terms, the loss of a belonging, whether through theft or damage, implies a prolonged, uncertain suspension, subject to arbitrariness, of its use and of the activities associated with it, because the context in which this occurs is one of deprivation and inaccessibility of replacements, a situation that is also produced by the very institution that enables<sup>52</sup> its agents to *steal and/or damage* those belongings. For this reason, we classify these acts as *looting and/or pillaging*, since this theft and destruction of belongings occurs within the framework of domination and violence.

In subjective terms, personal belongings contribute to the construction of a person's identity. We are presentable if we have clothes to wear, we are clean if we have hygiene products, we are healthy if we have the means to treat ourselves, and our diets help define us. Objects are also crystallizations of the social relationships in which we are immersed, and even more so if we possess them only thanks to external provision. This objectification of relationships is particularly evident in relation to letters, photographs, ornaments, jewelry, in short, objects that concretize the presence and affection of loved ones. Their destruction and/or theft, therefore, constitutes a form of ill-treatment that obstructs and violates the production of an individual

<sup>51</sup> The distinction between material and subjective harms is an analytical one, with a descriptive purpose, since both are present in the different practices we will address.

<sup>52</sup> This authorization is not legal or regulatory but practical, meaning that the institution facilitates and promotes situations that allow theft and/or damage, while guaranteeing impunity for those who commit them.



identity, which is the representation of oneself and one's connection to others. The damage is mainly emotional, resulting from the combination of material and symbolic violence exercised by prison staff.

Returning to the “*matter of clothing*,” it not only provides warmth, but also constitutes part of one’s presence before others. Most prisoners save their best clothes and a clean garment in good conditions for visits, for any type of interview, and for court appearances. To ruin or steal that garment means degrading that person’s presence before their loved ones and/or judicial officials, thereby violating that space of relative autonomy and imposing a condition of deprivation and subjugation on the relationship between the prisoner and those who come from the outside.

These material and subjective damages are reinforced by the generalized state of deprivation; the production of scarcity sharpens material lack and drives the assault on identity to the extreme of degradation.

## ON THE FINDINGS: MASSIVE LOOTING AND PILLAGING

The question that opens this section of the instrument, corresponding to Theft and/or Damage to Belongings, is as follows: Did you suffer theft and/or damage to your belongings by prison staff during your current detention? 58.3% of prisoners answered affirmatively, stating they had suffered one, the other, or both forms of violence against their belongings.

In other words, almost **6 out of 10 incarcerated individuals have had, at some point, one of their belongings stolen and/or damaged**. Moving forward to the present, for the past year, the affirmative responses account for 43.4%. That is, during the last year of detention, more than four out of ten incarcerated individuals had some of their belongings stolen and/or damaged. When looking further into which of the two modalities was suffered, we obtained the following table:

Prisoners whose belongings were damaged, by type of damage, and by time frame, as a % of the incarcerated population in the SPF, 2018

Types of damages	Current detention	Past year
Theft	42.7%	29.5%
Damage	41.7%	32.1%

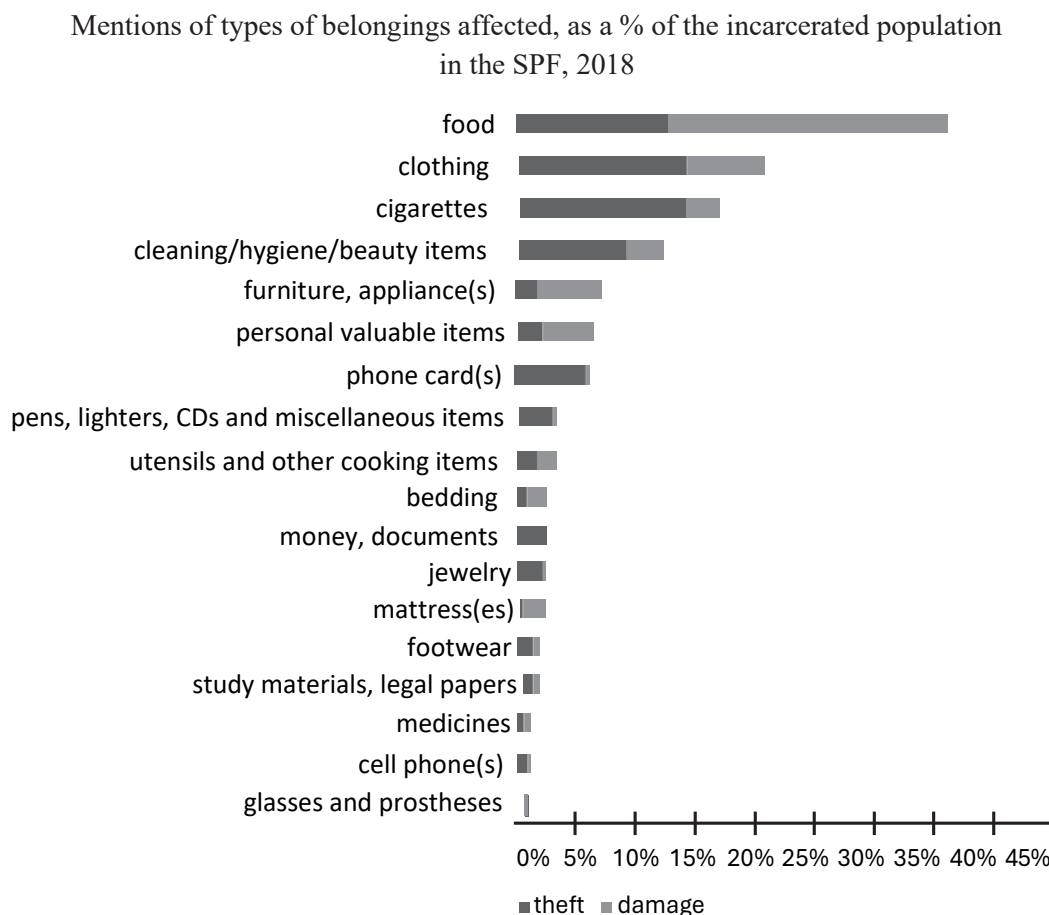
There is no significant difference in quantitative terms between theft and damage, as both affect prisoners in similar proportions. Nor are there significant differences in terms of the time frame between one modality and the other.

What we should highlight, since this was a multiple-response question, meaning that respondents could choose one modality, the other, or both, is that the ratio between mentions of modality and people affected is 1.45. In other words, approximately *half of those whose belongings were affected experienced both modalities, theft and damage*.

### Belongings affected by theft and damage

Regarding the affected belongings, we asked about a series of previously listed objects, which are items that repeatedly appear in fieldwork as the most affected. At the same time, new categories were created based on the open-ended responses, for items that were not included in the list. The response is multiple in two senses: several types of belongings could be indicated, and respondents could mark theft, damage, or both. This latter mention, the combination or alternation of one or the other modality, under different circumstances and for different types of belongings, indicates the intensity and recurrence of these practices of dispossession.

We thus identified 18 types of affected belongings, covering everything that prisoners may possess during their detention. First, we present a chart that highlights the belongings, ranking them according to the number of mentions of theft and damage for each type. We then present a table to show the specificities of these practices in terms of which modality most affects each item, thereby revealing the intentionality behind these practices.



It is clear that *food* is the most affected area, and to a much greater extent than the rest. In the following section, we will focus on food, hunger, and access to meals, but these data already highlight the importance of this issue, indicating the scale and intentionality of prison action in producing scarcity. As noted earlier, the logic of scarcity production is divided into three interconnected stages: poor or nonexistent provision, restriction of access through alternative means, and finally, the looting and pillaging of the little that can be obtained. Not only because

it provides insufficient, and in many cases poor-quality food (despite having a legal obligation to feed prisoners), or because it limits provision per visit with restrictive and arbitrary regulations, but also because it intervenes in the theft and destruction of food obtained by prisoners, which we will describe as looting and pillaging.

For two of the following three types of belongings, in order of importance: second place, *clothing*; and fourth place, *cleaning and hygiene items*<sup>53</sup> (especially soap, shampoo, deodorant, and razors), theft and damage are embedded in the same sequence of non-provision, restriction, and looting. For the belongings in third place, these differ from other items—*cigarettes*—where restriction is reinforced through looting, given that no provision of such items exists. The same occurs, for instance, with *phone cards*.

The order of the items reflects, on the one hand, areas of focus in prison practices, but it also highlights a material issue related to the very existence of these items. In other words, those most affected are also the goods that prisoners access, enter and circulate the most.

The data presented in the following table seeks to highlight the variations in looting. **Theft and damage are the reverse side of more complex practices** which, as mentioned above, **are exercised on objects but directed at people**. In this regard, theft in general unfolds as pillaging enabled for prison officers, and destruction as an added form of punishment, which is why we refer to the logic of looting. The table shows the same data from the previous chart in another format, presenting percentages of mentions and highlighting the highest for theft or damage, as appropriate. This indicates whether each belonging is more damaged than stolen or vice versa.

Mentions of types of belongings affected, highlighting the most frequent type of impact, as a % of the incarcerated population in the SPF, 2018

Belongings	Theft	Damage
Food	15.1%	<b>27.9%</b>
Clothing	<b>16.6%</b>	7.8%
Cigarettes	<b>16.6%</b>	3.2%
Cleaning/hygiene/beauty items	<b>10.8%</b>	3.6%
Furniture/appliance(s)	2.0%	<b>6.7%</b>
Phone card(s)	<b>7.2%</b>	0.2%
Personal valuable item(s)	2.6%	<b>4.9%</b>
Utensils and other cooking items	<b>1.9%</b>	1.8%
Pens, lighters, CDs, and miscellaneous items	<b>3.3%</b>	0.5%
Bedding	1.0%	<b>1.8%</b>
Money, documents	<b>2.8%</b>	0.0%
Jewelry	<b>2.6%</b>	0.2%
Mattress(es)	0.3%	<b>2.1%</b>
Footwear	<b>1.6%</b>	0.5%

<sup>53</sup> Cleaning and hygiene items were grouped together with beauty items, specifically makeup and hair dye stolen from women. We made this decision because the latter represented only a few cases.

Study materials, legal papers	<b>0.9%</b>	0.5%
Medicines	<b>0.6%</b>	0.5%
Cell phone(s)	<b>1.0%</b>	0.1%
Glasses and prostheses	<b>0.5%</b>	0.1%

If we focus on *damage*, we will see that it reveals the meaning behind institutional practice. There is nothing in the items themselves that encourages damaging them; thus, damage clearly expresses a purpose of punishment directed at individuals. Therefore, food, furniture (particularly broken toilets), personal valuables (especially photographs and letters), mattresses, and bedding are the belongings most frequently reported as damaged rather than stolen. We identify three areas that guide the practice. First, food: almost three out of ten prisoners had their food damaged, a practice that primarily affects survival. Second, the degradation of detention conditions: the affected items are furniture, bedding, and mattresses, and the damage is not so much to items that distinguish prisoners (like a music player), but rather to basic necessities (toilets, mattresses). And third: personal belongings, objects that clearly represent identity and social and emotional ties. Damage to belongings thus becomes a clear indicator of the overall meaning of the harm inflicted on the belongings of incarcerated individuals: to keep survival below a certain threshold, to degrade living conditions, and to affect emotional integrity. This is also expressed in theft, but it can be attributed to an agent's individual motivation, to their greed, since the items most often stolen, unlike those most often damaged, possess intrinsic value. It is necessary to take a comprehensive approach that links the act of theft with the conditions in which it occurs, its extent and regularity, in order to understand that it is possible because it is not merely an "*individual decision*" (not just an excess on the part of a prison officer) but rather an institutional enabling factor. We will look at this in more detail when we examine the circumstances under which these acts of damage to belongings occur.

#### Circumstances in which theft and damage occur

Finally, a question was included in the instrument regarding the circumstances in which theft and/or damage to belongings occurred. The following table was obtained from the processing of the responses:

Circumstances in which prisoners suffer damage to their belongings,  
as a % of the incarcerated population in the SPF, 2018

Circumstances	Theft	Damage
Cellblock search	28.3%	32.8%
Visitor/package search	5.9%	5.7%
Search upon return from visits	4.1%	4.1%
Transfer	1.8%	0.0%
Admission	8.9%	0.7%
Isolation	0.6%	0.0%
Change of housing within the prison	0.6%	0.4%

The most important circumstance is the Cellblock Search, in which damage is relatively more prominent than theft. This difference is not statistically significant in itself, but it is in its relation to the 2007 research, where many more spaces (cellblocks) were reported as sites of damage than of theft.

We see that for the other most frequently mentioned circumstances, there is no relevant difference between theft and damage. Taken together, these three circumstances (cellblock searches, visitor/package searches, and searches upon return from visits) reaffirm the concept of looting, as moments in which it is permitted to take possession of prisoners' belongings in various ways.

All circumstances imply institutional control over the situation; they are rituals that reaffirm the relationship of domination and are accompanied by body searches (see corresponding section). These are situations in which theft is not the removal of property but an act of violence against individuals, where prisoners are separated from their belongings, often in front of their own eyes; thus, theft and damage are also acts that produce subjugation.

A particular mention should be made of the circumstance of Admission, in which the harm consists almost entirely of theft. Admission to prison is a situation of institutional transition in which dispossession is highly ritualized<sup>54</sup>. However, as we can see in our work, there is an additional factor that reinforces this degrading aspect of the transition. For almost one in ten detainees, it involved not the confiscation of prohibited items, items that must be abandoned along with their former identity, but outright theft. Therefore, the first contact with the prison institution does not appear as an act of dispossession of what is not allowed, but rather as looting and submission to prison arbitrariness.

## CROSS-TABULATIONS BY AGE AND SEX

The first table shows reports of theft and damage in the last year broken down by the sex of the victims. The significant difference is found among women in relation to damage: four out of ten women, compared to three out of ten men, had their belongings damaged.

Prisoners who suffered damage to their belongings, broken down by sex and type of damage, as a % of the incarcerated population in the SPF, 2007-2018

	Men	Women	TOTAL
Theft	29.6%	28.4%	29.5%
Damage	31.4%	39.1%	32.1%

The higher frequency of damage among women is related to the cellblock search procedure in CPF IV; this is particularly harmful in relation to the belongings that female prisoners keep in their places of detention.

In terms of age, the data show that in both modalities the youngest prisoners are the most affected, while the oldest group reports rates below the overall average.

Prisoners who suffered damage to their belongings, broken down by age and type of damage, as a % of the incarcerated population in the SPF, 2007-2018

<sup>54</sup> As Erving Goffman describes in his book "Asylums", the institution ritualizes the admission process with the aim of the mortification of the SELF.

Physical assault	Age			TOTAL
	18-34	35-54	55+	
Past year	30.3%	28.8%	27.7%	29.5%
Current detention	32.6%	32.3%	26.0%	32.1%

It is quite possible that older age, as with other forms of ill-treatment and torture, points to more complex variables: on the one hand, a longer institutional history, and with it, become established in places with lower levels of prison ill-treatment, as well as having acquired a wider repertoire of defensive resources.

### KEY POINTS:

- 58.3% of prisoners suffered theft and/or damage to their belongings. That is, almost 6 out of 10 incarcerated individuals had some of their belongings stolen and/or damaged at some point.
- We identified 18 types of belongings that were affected, covering everything that prisoners may have in their possession during their detention.
- Food is the most affected type of belonging, followed by clothing, then cigarettes, and in fourth place, cleaning and hygiene items.
- The most frequently mentioned circumstances refer to different types of searches: cellblock searches, visitor/package searches, and searches upon return from visits. These reaffirm the concept of looting, as moments when it is permitted to advance upon the belongings of prisoners in various ways.
- Theft and damage are the reverse side of more complex practices that, exercised upon objects, are directed at people. In this regard, theft in general unfolds as pillaging enabled for prison officers, and destruction as an added form of punishment, which is why we refer to the logic of looting.
- It should be noted that damage is more frequent among women, due to the particularly harmful procedure of cellblock searches in CPF IV.
- In terms of age, it is noteworthy that in both modalities, theft as well as damage, the youngest prisoners are the most affected.

## 8. POOR NUTRITION AND HUNGER

### INTRODUCTION

The conceptual framework of the thematic field concerning the issue of food in this Investigation on ill-treatment and torture in federal prisons is framed, as presented in the methodological chapter and in the Introduction, *within prison governance through the deliberate production of shortages, scarcity, and deprivation*.

This practice of prison violence against thousands of detainees produces and reproduces “other forms of prison violence,” shaping subjectivities of precarious lives framed in a *permanent struggle for survival* in a context of subjugation and degradation within the framework of prison social relations.

In this regard, decisions were made that required conceptual work based on the analysis of empirical corpora that formed part of the systematization of information from intervention reports, court filings, previous investigations, and eight consecutive years of surveys on the category/type: lack of food and/or poor nutrition within the framework of the RNCT<sup>55</sup>.

This section of the report will therefore consist of two presentations of the information with the corresponding analysis.

Within the framework of the prison government through the production of shortage, scarcity and deprivation in relation to the “issue of food,” we will first address its extreme expression: the production of *hunger* in its objective dimension.

In this regard, for this part, we worked from an empirical-conceptual framework in order to propose a methodological strategy that would narrow the scope of the investigation to the practice of production of shortage and scarcity, in its most extreme consequence as a form of torture: *hunger in its objective dimension*; complemented in its analysis by the associated situation in palliative terms, of irregular and discontinuous intake of some type of food in the context of enduring absolute starvation. This implied recognizing, based on empirical findings

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<sup>55</sup> The “issue of food” has been addressed by the Research Department. In 2017, a targeted study was conducted on the PPN’s Registry of Cases of Torture on the type of torture involving lack of food and/or poor nutrition in federal prisons (see RNCT Annual Report 2017). In 2018, based on the information gathered in that focused study and the research we have been presenting, the Thematic Research Study was produced: Production and management of scarcity and deprivation as a prison governance strategy. A study on food in federal prisons (see summary of this study in the 2018 PPN Annual Report).



within the framework of different research and intervention approaches to the prison context, the complexity and modalities assumed by the production of hunger as an effect of various prison practices. The *production of shortage and scarcity* in terms of the “*food issue*” therefore recognizes degrees and levels of suffering, that both differ and overlap: from hunger in its extreme form, that is, the lack of food provision, the non-ingestion of food, to insufficient food due to meager provision or the poor condition of the food provided. In this latter problematic field, we recognize *hunger* as widespread, regular, and generalized suffering affecting thousands of detainees in federal prisons. We refer to this as *lack of satiety* in terms of the quantity and quality of food intake, recognizing it as an experience undergone by most incarcerated individuals throughout detention. This condition acknowledges an objective situation but also a subjective perspective, meaning that for one reason or another the food is “not enough,” “not sufficient for everyone,” or “not edible.” This causes suffering due to food insufficiency that affects them physically and also psychologically.

With this differentiation established, the methodological decision in the process of investigation, data collection, and analysis focused on *hunger as the objective lack of food*. This strict definition of hunger arises from the prison experience described by the detainees themselves. Therefore, in this study, we addressed hunger empirically and analytically not as lack of satiety<sup>56</sup>—so widespread, systematic, and prolonged in prison detention—but as the *lack of food provision, which entails specific and time-limited suffering*.

The second part addressed the thematic field of investigation, data collection, and analysis in relation to *access to food*, that is, within the framework of a government that produces lack and scarcity of food, reconstructing the various alternatives that detainees implement to resolve, or at least mitigate, the impact of the absence or insufficiency of food provision, or of the provision of food in poor condition.

In this survey, we sought to quantify that experience, to learn how many prisoners have been affected by these prison practices of producing deprivation in its most acute form: *the lack or deprivation of food*.

## ON THE FINDINGS:

### THE CURRENT REALITY OF PRISON HUNGER

To the question: “Did you experience hunger during your current detention?”, 50.1% of respondents answered affirmatively, and when we further examined when they had experienced this situation, **38.1%** of responses referred to situations that occurred during the last year.

Prisoners who suffered physical assault by time frame, as a % of the incarcerated population in the SPF, 2018

	Current detention	Last year
Hunger	50.1%	38.1%

<sup>56</sup> This requires qualitative approaches that were developed in the specific research on food, whose empirical basis was the result of the RCT 2017 study focused on lack of food and/or poor nutrition.



### Types of hunger

21.8% described situations in which *they did not eat at all* (they were not given food or what they were given was inedible, and they had no alternatives). Meanwhile, **32.1%** described situations in which they *ate food irregularly or intermittently*, meaning, they ate “*sporadically*” some days and not others, and/or only a minimal portion (just bread, or some parts of their meal that they took from their portion).

Prisoners who suffered from hunger by type of hunger, as a % of the incarcerated population in the SPF, 2018

Type of hunger	Percentage
Did not eat food	20.8%
Food intake was irregular or discontinuous	32.1

This question allowed two possible answers (“*Did not eat food*” or “*Food intake was irregular or discontinuous*”) regarding the worst situation experienced. In some cases, both were marked because for the same event combined situations were described, as can be seen in the following account:

“When you are sanctioned for 30 days, for the first 10 days I drank water and *mate cocido*, they didn’t give me anything to eat. After that, yes, it’s like that, you don’t eat; for the remaining 20 days I ate once a day.”

### Did not eat food

Situations were described in which they ate nothing, or only drank water, tea, or *mate*, and in some cases bread. That is, nothing, or only bread and water. In these cases, they were asked how long they remained in that situation:

How long: \_\_\_\_ days

- Average number of days in this situation: 9.1 days.
- Extremes: Minimum 1 day / Maximum 150 days.

### Food intake was irregular or discontinuous

32.1% reported situations in which food intake was (or is) irregular or discontinuous. Either because they were not given all the necessary meals, or they could only eat part of the food because the rest was inedible. This situation of prison deprivation was aggravated because they had no alternative sources of food: because of the lack of visits, because food from outside was not allowed to be brought in, because they had no *peculio* (prisoners’ earnings) to buy food, because scarcity was widespread in the cellblock, or because they had no other prisoners to help them. In other words, they had no access to any of the sources that generally make it possible to cope with food in prison. We will look at this in the next section on access to food.

### The prison environments of hunger

When asked about the circumstances under which they experienced *hunger* (the question was

open-ended), we found that many respondents described several circumstances within the same response, which suggests that experiences of hunger can be repeated and become recurrent.

We grouped the circumstances into four broad categories relative to different typical stages of detention, taking, in cases of multiple events, the most relevant one for the respondent. These are: time spent in police detention centers/squadrons, etc., that is, initial holding facilities during the first stages of detention; then we have admission to the units; then we group together situations referring to regular housing in a particular space (a given cellblock, module, or unit) during the current detention; and finally, situations of disciplinary sanctions or transfers.

Circumstances in which prisoners suffered from hunger, as a % of the incarcerated population in the SPF, 2018

Circumstances	Percentage
In the unit (admission)	14.5%
U28 (or other detention centers)	14.1%
In housing (previous or current)	13.2%
No response	4.7%
Sanctions or transfers	3.7%

## CROSS-TABULATIONS BY SEX AND AGE

As can be seen in the two tables below, there is a lower incidence of hunger among women and male and female prisoners over 55 years old.

Prisoners who suffered from hunger, broken down by sex, as a % of the incarcerated population in the SPF, 2018

	Men	Women	TOTAL
Hunger	39.1%	27.2%	38.1%

A possible explanation for this lower incidence of hunger among women is the fact that in CPF IV there is greater access to paid work than in most men's units, especially in metropolitan complexes. Thus, purchases with prison funds are the main alternative source of food in prison (64.1% of female prisoners), while the main alternative source for men (also 64.1%) is other prisoners. This may indicate a greater circulation and distribution of food among women, who are confined in smaller numbers per cellblock and therefore may influence this dynamic.

Prisoners who suffered from hunger, broken down by age, as a % of the incarcerated population in the SPF, 2018

	18-34	35-54	55+	TOTAL
Hunger	36.6%	42.3%	23.9%	38.1%

For those over 55 years old, there is a different explanation: age seems to be an indicator of a longer trajectory in prison and therefore points to the possibility of having become more

established. However, an explanation for these differences, both in terms of age and sex, requires more detailed work with the data and, undoubtedly, specific studies.

## ACCESS TO FOOD

Following the section of questions on hunger, the survey also included a section aimed at determining the general conditions under which food is accessed.

This point is of great importance because it relates to what we refer to as the management of scarcity by prison authorities. Two aspects of this issue were addressed: first, how the food provided by the prison is used, and second, the alternative sources detainees have for obtaining food. The first question asked was: Do you currently eat the food provided in the prison?

- 89.5% answered affirmatively.
- 8.2% answered negatively. These are people who obtain all of their food from alternative sources rather than eating the food provided by the prison.
- Finally, there are 2.3% of cases that did not answer, some because it was not applicable as they were recent admissions.

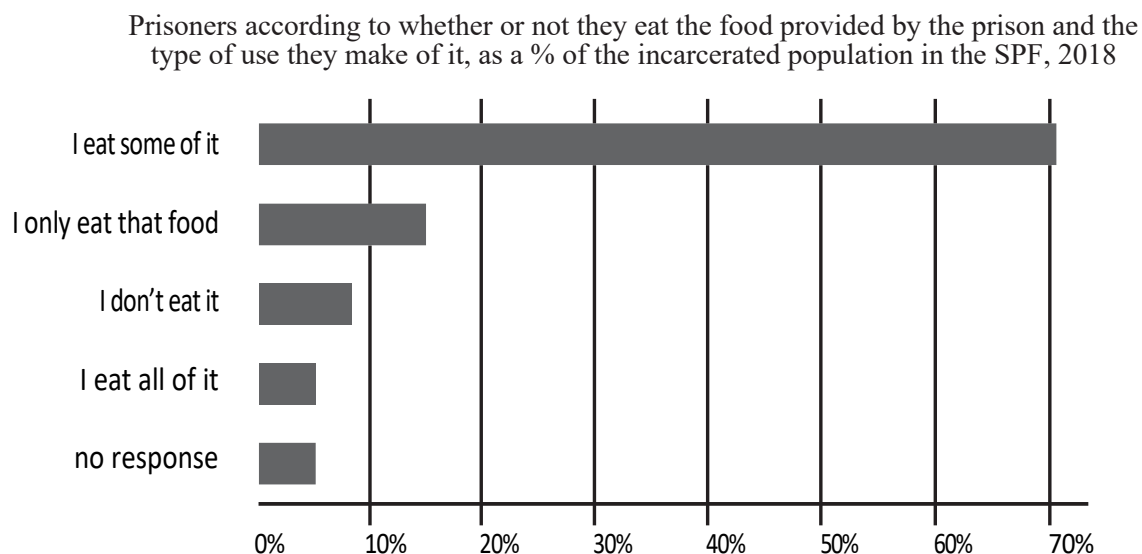
Those who answered affirmatively were asked to specify whether they *only eat that food* or if they *eat some of it* (there was also an open category: “other” to record other possibilities).

Prisoners who eat the food provided by the prison, by type of use,  
as a % of the incarcerated population in the SPF in 2007-2018

Do you eat the food provided by the prison?	Percentage
I eat some of it	71.4%
I only eat that food	15.7%
I eat all of it	2.4%

- 71.4% stated *they eat some of it*. This means that they eat some of what they are given, either directly or—in most cases—by cooking it again. They take some of the food provided and, by adding other products from alternative sources, prepare a meal. For example, they might take the small amount of meat provided and make a sauce for pasta or use it to prepare a stew.
- 15.7% indicated that *they only eat that food*. Based on the type of open-ended responses (and the fact that approximately two-thirds responded that they have other sources), this does not necessarily mean that they only eat what is provided by the prison, but rather that it is their *main source of food*.
- The remaining 2.4% said they *eat all of it*. These are cases of CPF CABA who receive raw food. However, it is important to emphasize that even so, it is not enough, as all of these individuals also say they have other sources of food, that is, they cook what is given to them but add other products to supplement it.

The overall picture in relation to the question: “Do you currently eat the food provided by the prison?” is as follows:



As can be seen, there are practically no prisoners for whom the food provided by the prison is sufficient. The two categories that could fall into this category (“I only that food” and “I eat all of it”), as we have already seen, do not imply that the food does not need to be supplemented with other sources.

In relation to alternative sources of food, we asked the following question: Do you currently have other sources of food? 92.6% answered “YES.” 5.1% answered “NO” and 2.4% did not answer.

When we inquired about what these other sources were, we used closed-ended questions (Visits / Purchases with prison funds / Other prisoners) and an open-ended “other” response. Respondents could give more than one answer, meaning that the responses were multiple, which is why the percentages presented below exceed the percentage of affirmative responses.

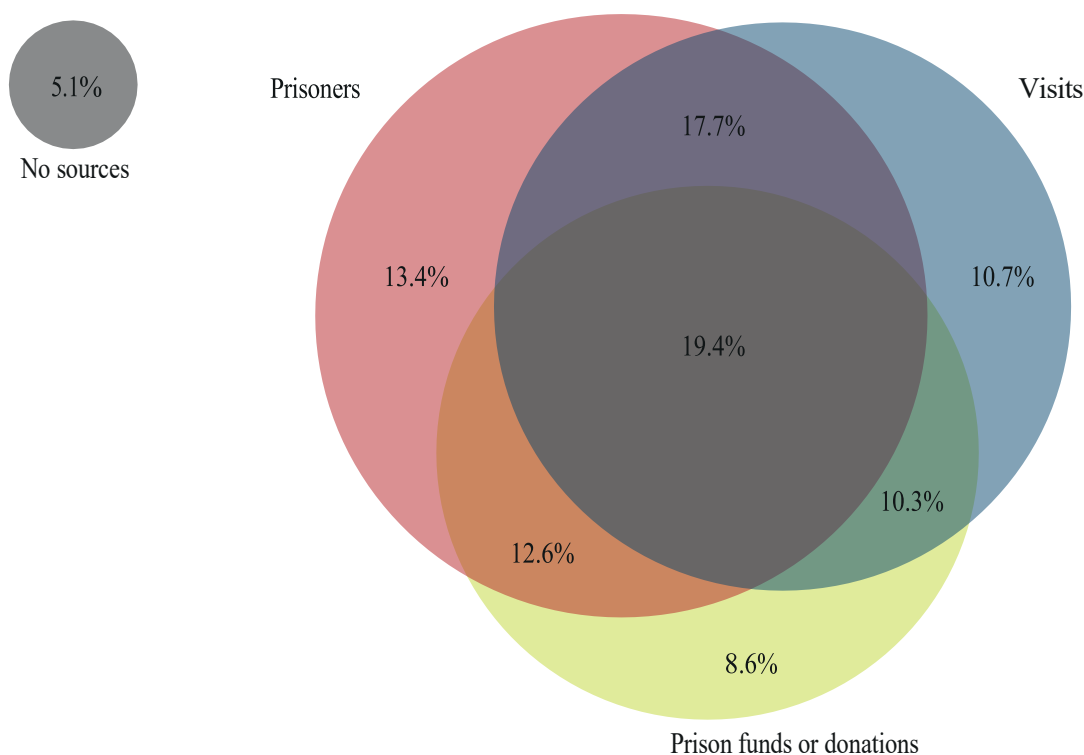
Mentions of complementary and/or alternative sources to the food provided by the prison, as a % of the incarcerated population in the SPF in 2018.

Sources	Percentage
Other prisoners	63.1%
Visits	56.3%
Purchases with prison funds	50.1%
Deposits	4.2%
Donations	0.9%

- 63.1% reported receiving food from other prisoners. This response refers both to receiving, and also sharing, what they buy or what is brought to them. It also demonstrates the extent to which food is self-managed by prisoners.

- 56.3% stated that their *visitors provide them with food*.
- 4.2% referred to *deposits* (purchases in prison with money deposited by family and/or friends). If we add this category to the previous one, we see that 60.5% *rely on a source external to the prison*.
- 50.1% reported *making purchases with their prison funds*, meaning they use part or all of what they are paid to supplement (and in some cases directly replace) the food provided by the prison.
- We have categorized 0.9% as *donations* (it could also be called tips or rewards). These are goods or leftover food given to prisoners who work in the kitchen (central kitchen or in dining facilities). If we combine this category with the previous one, 51% of prisoners are supplementing the food provided with resources obtained inside the prison itself. These administrative compensations are part of a game of demands and negotiations that fall outside any guarantee of the right to access food.

We present below, in graphic form, access to alternative food sources to illustrate the scale and the complexity of this issue. The diversity of sources and their combination show us that food involves an economy of exchange between prisoners themselves and between prisoners and the prison administration, limited by a complex network of relationships arbitrarily regulated by the prison administration. Within this context, it makes sense that 33.3% of detainees reported that their food had been affected by theft and/or damage.



### KEY POINTS:

- We have focused on hunger as the objective lack of food, not as the lack of satiety,

which is widespread, systematic, and prolonged throughout imprisonment, but rather as the absence of food provision that recognizes specific and time-limited conditions.

- 50.1% reported having experienced hunger at some point during their current detention, and 38.1% of responses referred to situations experienced during the last year.
- In terms of the types of hunger experienced, 21.8% described situations in which they did not eat anything at all, while 32.1% described situations in which they ate food irregularly or intermittently, meaning, they ate "sporadically," some days and not others, and/or only a minimal portion.
- Regarding the circumstances, four can be highlighted: time spent in police detention centers/squadrons, etc., that is, initial holding facilities during the first stages of detention; then we have admission to the units; situations referring to regular housing in a particular space (a given cellblock, module, or unit) during the current detention; and finally, situations of disciplinary sanctions or transfers.
- In terms of incidence across sex, hunger is more frequent among men, while in terms of age, the intermediate age group, between 35 and 54 years old, is above average.
- In terms of access to food, nine out of ten prisoners reported eating what is provided by the unit, while the remaining prisoner relies entirely on alternative means.
- However, when asked if they have alternative sources of food, more than nine out of ten answered affirmatively. The three main sources are: other prisoners, visitors, and purchases made with their prison funds.
- There are practically no prisoners for whom the food provided by the prison is sufficient. This implies a complex system of food access, where survival depends fundamentally on exchanges among prisoners.

## 9. GENERAL SUMMARY

With respect to the context in which the survey was carried out (2017–2018), the main findings are as follows:

- All prisoners (99.6%) reported having been searched, having had to fully expose their bodies to the gaze of prison staff.
- Half of prisoners (51.3%) experienced solitary confinement at some point during their detention.
- One in three prisoners suffered physical assault at some point during their detention (32.5%).
- Almost six out of ten prisoners (58.3%) have had some of their belongings stolen and/or damaged at some point.
- Half of prisoners (50.1%) reported having experienced hunger (in objective terms, lack of food) at some point during their current detention.

In comparison with the 2007 study, *Punished Bodies*, the following changes can be noted:

- Regarding *body searches*, the most invasive practice, *full strip with squats*, decreased from 23.8% in 2007 to 15.4% in 2018, while full strip searches increased from 83.5% to 95.9%. This shows one modality being replaced by another, without the use of scanners leading to the disappearance of the most invasive method. In addition, a new invasive and degrading modality appeared that does not involve squats but does require prisoners to spread their buttocks while turning one's back.
- Regarding *isolation*, there has been an increase from 34.6% in 2007 to 51.3% in 2018. At the same time, its uses and modalities have expanded, and its application has spread across more and less-defined spaces, making the conditions for its use less transparent and more arbitrary.
- Regarding *physical assaults*, the incidence fell from 64.3% in 2007 to 32.5% in 2018. This reduction corresponds to a change in prison governance that enables violence

among prisoners and manages it in a context of greater degradation of general living conditions caused by shortage and scarcity.

These changes do not necessarily mean a replacement of direct assaults by prison staff for violence among prisoners, but rather a complex way of combining the two. We therefore describe this governance strategy as prison regulation of violence through outsourcing and delegation. This strategy is deployed by multiplying differentiated spaces, which expands the use of isolation and solitary confinement, while regulating the shortage and scarcity of resources for survival.



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This edition was translated into English by certified translators  
Romina Sibille and María Laura Stepanenko.

This book is the English edition of *A 10 AÑOS DE CUERPOS CASTIGADOS (10 YEARS SINCE PUNISHED BODIES)*, carried out ten years after the original investigation on torture and ill-treatment in federal prisons, which was published by the Prison Ombudsman's National Office in 2008.

The translation of this work arises in response to repeated requests from various international organizations that have recognized its fundamental relevance as a tool for documenting, analyzing, and denouncing torture and ill-treatment in contexts of confinement.

This continuous and rigorous work has shown that, despite difficulties, institutional action produces concrete results.

We hope that this English edition will strengthen the fight against torture and ill-treatment and become a key tool for those working in the prevention, investigation, and prosecution of these severe violations.

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Prison Ombudsman's  
National Office  
"Defending prisoner's human rights"