

YOUR RIGHTS AND HOW TO DEFEND THEM

A lot of what People Against Prisons Aotearoa does is help people who have been mistreated. We know the kind of treatment you have to put up with. We've written this article to help arm you with the knowledge that none of this treatment is allowed. All of it violates your legal rights.

More than that, we've written this article to help show you that joining the Inside-Outside Committees and getting organised for collective action is the only way to defend your rights. Ask any screw or manager and they'll tell you that if you have a problem, just write a complaint. And then you watch as they put that PC01 right in the toilet, under a chair, or in a shredder.

Corrections can ignore complaints, but they can't ignore collective action. When you join together as a Prisoner Political Committee, you have the power to make it impossible for Corrections to ignore your demand for change.

WHAT ARE YOUR RIGHTS?

Prisoners who write to PAPA for help have been treated like they have no rights. This isn't true. Here are just some of your rights. If these rights aren't being respected, you should be angry.

Punishment:

- If you are put in the management unit/involuntary segregation, Corrections must promptly provide you with their reasons in writing (Corrections Act, s 58). Does Corrections always tell prisoners in your unit why they're going to the pound?
- Even if you are put in the pound, Corrections cannot deny you your basic rights to food, bedding, exercise, legal visitors, medical treatment, and receiving mail (Corrections Act, s 69). Does Corrections violate these basic rights?
- You cannot be placed in prolonged solitary confinement, defined as lockdown of 22 hours or more



per day without meaningful human contact, for 15 days or more (United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), rules 43-44). Are people in solitary for so long it meets this international definition of torture?

Conditions:

- You have the right to at least one hour of exercise every day - not just weekdays (Corrections Act, s 70). Does Corrections give you enough time outside of your cells to keep healthy?
- You have the right to wholesome and nutritious food. Drinking water must be made available to you whenever you need it (Corrections Act, s 72). Is the food and water in your unit up to standard?
- You have the right to clean, warm, and 'reasonably comfortable' bedding. Your bedding must be laundered as often as needed to keep it clean (Corrections Act, s 71). Are you clean, warm, and comfortable?
- You have the right to get medical

treatment that is as close as possible to the standard of healthcare people outside prison receive (Corrections Act, s 75). Does Corrections let you see a doctor or dentist as easily as anyone outside could?

Relationships:

- You have the right to at least one private visitor per week for a visit of at least 30 minutes. Visits from lawyers, MPs, or kaiwhakamana do not count as a private visit (Corrections Act, s 73). Are prisoners' families able to make visits?
- You are entitled to make at least one phone call of up to 5 minutes per week. Legal advisers and official agencies do not count towards this entitlement (Corrections Act, s 77). Are you all getting access to phones?
- No member of Corrections staff 'may deliberately act or speak in a manner likely to provoke a prisoner' (Corrections Act, s 84). Is there an officer who consistently disrespects prisoners?

HOW CAN YOU DEFEND YOUR RIGHTS?

When your rights aren't being respected, the first port of call is to lay a complaint. However, as you know the complaints system doesn't work and prisoners' voices aren't heard.

Surveys of prisoners around the country show that:

- 80% of prisoners have no faith in the complaints processes
- 75% believe complaints aren't dealt with promptly

- 75% believe complaints aren't dealt with fairly.

If you made a complaint and it went nowhere, you aren't the only one.

So, should you write complaint forms, call the Inspectorate, and complain to the Ombudsman? Of course you should. You should insist on it. This leaves a paper trail, proving that you tried to do things their way. This is why so many prison guards refuse to let you fill in a form: so they can pretend they never knew anything was wrong. But will writing complaints fix your collective

problems? No. Not in our experience.

This is why we're encouraging you to form a Prisoner Political Committee. In our experience, it has taken brave action to make change. From PAPA members picketing Corrections offices to prisoners putting down their tools and refusing to work, it was always organised struggle that forced Corrections to give in.

Corrections will trample all over an individual who speaks out against injustice. They can never trample on an organised, disciplined Committee

that is standing strong with the backing of a Community Prison Oversight Committee, People Against Prisons Aotearoa, and the thousands of people who support your struggle.

You know first-hand where the system is failing, and know what needs to be done to improve conditions. With the power of collective action, you have the power to make this positive systemic change.

"When injustice becomes law, defiance becomes duty."

- Rawiri Waititi

THE MANIFESTO OF THE WAIKERIA UPRISING

During the uprising, family members of the protesters in Waikeria sent this Manifesto to People Against Prisons Aotearoa. This is the Manifesto of the Waikeria Uprising, a document laying out the collective problems of the protesters and explaining why they took action.

We are not rioting.

We are protesting.

We have showed no violence towards Corrections officers – none whatsoever – yet they show up here in force armed with guns and dogs to intimidate us.

We are the ones that are making a stand on this matter for our future people. Showing intimidation to us will only fuel the fire of future violence. We will not tolerate being intimidated any more.

Our drinking water in prison is brown. We have used our towels for three straight weeks now. Some of us have not had our bedding changed in five months. We have not received clean uniforms to wear for three months – we wear the same dirty clothes day in and day out. We have to wash our clothes in our dirty shower water and dry them on the concrete floor. We have no toilet seats: we eat our kai out of paper bags right next to our open, shared toilets.

These are only very few of the reasons for the uprising.

We are tangata whenua of this land. We are Māori people forced into a European system. Prisons do not work! Prisons have not worked for the generations before! Prisons just do not work. They keep doing this to our people, and we

have had enough! There is no support in prison, all the system does is put our people in jail with no support, no rehabilitation, nothing.

We have had enough.

This is for the greater cause.

"We have had enough. This is for the greater cause."

As the Waikeria protesters say, the uprising wasn't the result of a single event. The Waikeria Uprising was part of the resistance to centuries-long oppression. The criminal justice system – cops, courts, Corrections – none of this is from here. It was all imported by the British Empire and imposed at the point of a gun. It's no coincidence that it's the victims of imperialism, the poorest people in our

society, who are sent to prison. Look around: do you see many CEOs or landlords? The Waikeria protesters are right to say that prisons uphold a racist society, a society based on capitalism and exploitation.

Just like every action causes a reaction, all oppression leads resistance. The inhumane conditions in Waikeria weren't just a denial of basic human rights, they were an attack on Māori sovereignty and on the working class that we all belong to. It's natural and justified to defend yourself when you're attacked. The Prisoner Political Committees are a way for prisoners to defend yourselves. We can begin building now so that future generations will be free from harm.

The Waikeria Uprising took extreme, radical action to call attention to the situation in the prison. You can make your own mind up about their actions. Read their words: everything they say about prisons is right. Prisons are racist. Prisons are violent. Prisons are harming people, not helping them. We can work together and we can stop the violence. It will take joint action but we can end a system that is unjust, racist, and violent. Inside-Outside Committees are the way we can achieve true justice.



PEOPLE AGAINST PRISONS AOTEAROA ON THE WAIKERIA UPRISING

The Waikeria Uprising protesters have come down safely from the rubble of the prison unit they destroyed. The last burning embers have been extinguished. As a member of the prison abolitionist group People Against Prisons Aotearoa, I spent a week in contact with the whānau members of the Waikeria protesters. For now, there will be no more late-night calls about armed offenders squad midnight raids and no more petitions to organise.

For now the uprising is over, but the struggle goes on.

During the uprising, People Against Prisons Aotearoa did what we could to support the protesters' family members. We did this because these people deserved to be heard. No matter what comes out of the government inquiries that are about to happen, we know that the Waikeria Uprising happened because Corrections didn't listen. Corrections didn't listen to whānau when they complained about solitary confinement in Waikeria Prison. Corrections didn't listen to the protesters when they complained about disgusting conditions in the Upper Jail unit. And Corrections didn't listen to People Against Prisons Aotearoa in 2018 when we told them that Waikeria was on the brink of revolt.

The latest report into Waikeria Prison from the Ombudsman makes it easy to understand why an uprising happened at Waikeria. The official report said what we all already knew. The cells were stuffy and hard to breathe in, especially for asthmatic prisoners. The building where the uprising took place was

a hundred years old and had very little sunlight. The bedding was stained, and there wasn't enough of it. One kaiwhakamana visited every fortnight, but aside from that, there were no cultural services. Half of all prisoners struggled to see a doctor.

“These are some of the most horrific conditions found in New Zealand prisons.”

Three quarters said they had no help for their mental health. People bathed in and drank brown, silty water. These are some of the most horrific conditions found in New Zealand prisons. In my professional opinion as a criminologist, Waikeria was a shithole. A place for people to rot.

When the confrontation started, whānau members of the Waikeria uprising protesters contacted People Against Prisons Aotearoa to ask if we would carry a message for them. In our inbox was the Manifesto of the Waikeria Uprising. In the Manifesto, the protesters claimed that their living conditions in Waikeria were disgusting, and all other attempts to change those conditions had failed. They were burning the unit down to take a stand for future generations.

It might seem extreme that the Waikeria Uprising protesters gave up on the complaints system and torched the unit instead. But they succeeded where everyone else has failed. The first Ombudsman's report into Waikeria was in 2018. The disgusting conditions described in the manifesto have been on the public record since then, but nothing changed. Corrections ignored the reports, and they sat on some admin's desk until they became kindling for the uprising. The government showed us that it could not reform the prison, so the Uprising reformed the prison to the ground.

One person might be put in solitary confinement a lot – this is a personal problem. But if you all agree that everyone is being put in solitary confinement or kept locked up too often, this is a collective problem. Personal problems can be ignored, but Prisoner Political Committees fight against collective problems because they can't be ignored.

Once you know what your collective problems are, Prisoner Political Committees communicate with the Community Prison Oversight Committee (outside committee). You write a letter to the Community Prison Oversight Committee, explaining what your collective problems are and what you want the prison to do about them. The Community Prison Oversight Committee will contact you and help to plan a campaign.

Once your campaign to end a collective problem is underway, you should meet regularly to decide what you'll do next.

HOW DOES A PRISONER POLITICAL COMMITTEE FIGHT COLLECTIVE PROBLEMS?

Prisoner Political Committees fight by working together with Community Prison Oversight Committees. When the Waikeria Uprising started, Corrections and the media said that it was just a random violent riot. It wasn't until the protesters gave People Against Prisons Aotearoa a political manifesto listing their collective problems that people understood them. Community Prison Oversight Committees help you to tell your story to the world outside the wire.

For example, you might want to start fighting for change by organising a petition. This is just a document describing your collective problems, explaining what you want the prison to do about them, that you get as many prisoners as possible to sign their names on. You give one copy to the Prison Director, so they know you are serious about seeing changes, but you also give one copy to your Community Prison Oversight Committee. The CPOC will then talk to the media about your petition. Now the Prison Director is being pressured not just by you, but from outside as well. They might not take action on

your collective problems yet, but they can't ignore you any more.

If a petition doesn't work, your Community Prison Oversight Committee will help you plan your next steps. You might hold a peaceful protest. Irish prisoners of war would protest by refusing to wear prison uniforms, by holding demonstrations in prison yards, or by going on strike and refusing to work. Your Community Prison Oversight Committee will inform the media that your protest is occurring, and the Prison Director will look like a cruel bully if they ignore your collective problems.

The point of these actions is persistence: You are showing that you are unified, strong, and will not give up. Once the prison understands that you will not stop causing them grief until your collective problems are addressed, and they see that the Community Prison Oversight Committee is keeping public attention on them, they will do what you sav.

“You are showing that you are unified, strong, and will not give up.”

HOW DO WE START A PRISONER POLITICAL COMMITTEE?

STEP ONE: talk to each other. Who else is sick of waiting weeks to see a doctor, of the dirty water, of the freezing cold or boiling hot cells, of spending days and weeks in solitary confinement, of getting paid a dollar an hour for a hard day's work, of your families being turned away from visits or having your cells turned upside down for non-existent contraband? These are the people who want to change things, and they're the ones who will make up your Prisoner Political Committee.

STEP TWO: have a meeting. You need to discuss what's wrong in the prison, to see if you all have collective problems that we can work together to fix. You also need to make sure enough people actually want to participate! Committees need to have at least ten people in them, so that you can truthfully claim to be speaking on behalf of prisoners in your facility. Once you have ten, you're on your way to making change.

STEP THREE: pick spokespeople. Spokespeople aren't in charge of the Prisoner Political Committee. Spokespeople are links in a chain that ties the inside to the outside. Your spokespeople will write to and hopefully be visited by the Community Prison Oversight Committee. Together, they will help to plan and strategise. It's a good idea to choose spokespeople who have regular contact with supportive family members outside. Their family members can act as messengers if Corrections tries to shut you down or prevent the Community Prison Oversight Committee from seeing you.

STEP FOUR: tell us you exist! We can help you get organised, but you have to let us know you're out there first. Get your spokespeople to write a letter to People Against Prisons Aotearoa PO Box 5870, Victoria St West, Auckland Central 1142. Tell us how many members you have, how your meeting went, and what your collective problems are. To make sure your committee has the authority to speak on behalf of the people at your facility, we also ask for this letter to be signed by at least ten members of the committee.

Once you tell us a Prisoner Political Committee has been set up, a Community Prison Oversight Committee member will get in touch with you to help come up with a plan of action. If we have to, your spokesperson's family members can act as go-betweens, so that nobody can stop your Inside Committees and our Outside Committees from working together.

Together we can struggle, together we can win!