

## Edmonton inmates file lawsuit alleging abuse in max security prison

Beatings, forced fights, racial slurs and humiliation common practices, inmates say  
Five inmates at the Edmonton Institution, a maximum security federal prison, are suing guards, the warden and the federal government. They allege they were subject to beatings, abuse and forced by guards to fight with each other.

In one case, an inmate died after he and another man, a member of a rival gang, were sent to showers together, even though guards knew they were incompatible. An inquest into the stabbing death of Mason Montgrand, who died in the prison on August 16, 2011 is pending.

The incidents all occurred in the past three years in the Segregation Unit on and "G Range," a unit that is described as housing difficult inmates.

The allegations have yet to be proven in court. A spokesperson for Correctional Service of Canada declined to comment on the lawsuits.

### Inmates ordered to fight or face consequences

In separate statement of claims, James Wigmore, Arafat Fatah, Terrence Naistus and Lance Regan all claim they were beaten, abused and faced degrading treatment at the hands of the warden, Kelly Hartle, manager Chris Saint and supervisor Chris Spilsbury. Several guards and other staff are also named in the actions, which were filed in Alberta's Court of Queen's Bench.

Wigmore, who was sent to the Edmonton prison in December 2010, witnessed the death of Mason Montgrand and claims guards stood by laughing and joking while the inmate died.

He claims on several occasions he was ordered to beat up other inmates. He was told if he refused, he would be assaulted and his personal effects destroyed. He says he was further threatened and assaulted after he complained about the guards' behaviour and contacted his lawyer.

"It needs to be made public because guards think they can get away with abuse because it's behind closed doors," he told CBC News in an interview from his jail cell. "Guards treat you like crap and get away with it."

Wigmore, who is serving sentences for drug crimes, theft and assault, says he suffered physical and psychological damage as a result of his time in Edmonton Institution.

The inmates also allege that those who complained about the guards' behaviour to the Correctional Investigator, the ombudsman for inmates, were threatened with retaliation by staff.

### Racial slurs, humiliation, food tampering

Another inmate who was housed on the same units, Arafat Fatah, claims he was often refused his Halal diet. He says on one occasion, guards poured shampoo over his meal and liquid on his bed, leaving it soaked.

He says he asked the guards why they were tampering with his food and the guard responded saying it was because of his race, and used a racial slur.

Fatah says he complained to the warden but nothing was done.

Terrence Naistus, a member of the Onion Lake First Nation in Saskatchewan, says in his statement of claim that guards also used racial slurs against him and frequently called him a "maggot."

The inmates say they were denied access the grievance system and faced retaliation for trying to file complaints. One inmate says he complained to the warden and asked to be moved to another area of the prison. He says Warden Kelly Hartle told him: "You should have thought about that when you signed on with a lawyer. Now you have to deal with the consequences" and "stop rocking the boat if you want to do your time here."

### Abuse of authority, human rights

"It's just shocking stuff," says Tom Engel, whose Edmonton law firm represents the inmates. "Essentially it's guards acting as thugs. It may seem incredible to the general public but believe me it happens."

Engel calls the actions and a flagrant abuse of authority and a violation of human rights. He says these five suits are the first and several more from other inmates will be filed shortly.

Edmonton Max has the reputation of being one of the worst prisons in Canada. It's not the first time the actions of prison staff at the maximum security prison have been questioned. Last year the Office of the Correctional Investigator, the ombudsman for federal prisons, received 270 complaints from inmates in Edmonton. Staff from that office spent almost three weeks in the prison, investigating similar complaints, more time than in any other federal prison.

"I think there's definitely something in the culture," says Engel. "I think it's the mentality of street justice ... if a prisoner or a group of prisoners pisses off the guards then they just think the best way to deal with it is to visit violence on them, or to lock them up or treat them in very cruel ways."

#### Code of silence

"One of the very serious problems is that Correctional Service of Canada management is not doing anything about it. In fact they are part of the subculture, they support the guards, they cover up for them. It's the code of silence at work within our jails, there's no doubt about it."

The suits are seeking millions of dollars in damages. Those named as defendants have yet to file statements of defense.

Wigmore says what he wants is accountability and help. "I don't care about the money," he said. "I want to stop this from happening to other inmates."

Wigmore says despite his years in prison, he has never been given the programs he needs to overcome his drug and psychological problems. "I just hope that in the end I can get the programming I need. Institutions don't correct nothing without programs and people come out twice as bad as when they went in."

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