

AMNESTY INTERNATIONAL

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USA: Albert Woodfox of the 'Angola 3' back in federal court

A three-day evidentiary hearing into a claim of racial discrimination in the selection of the grand jury foreperson prior to the 1998 retrial of Albert Woodfox is due to begin in federal court in Baton Rouge, Louisiana, on 29 May 2012.

A ruling in his favour could result in Albert Woodfox's conviction being overturned for the third time, and could secure his release from prison after being held in solitary confinement for 40 years.

Albert Woodfox was convicted in 1973 - along with a second prisoner, Herman Wallace - of the murder of a prison guard in 1972. Both men have vigorously denied involvement in the crime. Albert Woodfox's conviction was overturned in 1992, but he was re-indicted and convicted again at a 1998 trial.

In 2008, a federal District Court judge ruled that Albert Woodfox had been denied his right to adequate assistance of counsel at his 1998 retrial and ordered the state to re-try or release him. The District Court had also found that Albert Woodfox's lawyers had made a *prima facie* case of discrimination in relation to the selection of the grand jury foreperson, and that this warranted a federal evidentiary hearing to give the state an opportunity to rebut the claim.

The state appealed the District Court order for a retrial, and in June 2010 a three-judge panel of the Court of Appeals for the Fifth Circuit overturned the decision. The case was remanded to the District Court for an evidentiary hearing on the grand jury discrimination claim. It is this hearing that is about to begin.

The foreperson of the grand jury that indicted Albert Woodfox for his 1998 retrial was white. Woodfox's lawyers have presented evidence of the consistent under-representation of African Americans serving as grand jury forepersons compared to their numbers in the general population of the parish in which Albert Woodfox, who is himself African American, was tried.

Amnesty International considers the issue of discrimination in the selection of the grand jury foreperson to be a significant one. The right to trial, in full equality and free from discrimination, before a competent, independent and impartial tribunal lies at the heart of due process of law and requires that justice must not only be done, it must also be seen to be done. Actual impartiality and appearance of impartiality are both fundamental for maintaining respect for the administration of justice.

The organization will continue to monitor developments in this case.

On 17 April, Amnesty International submitted a petition to the Governor of Louisiana with over 67,000 signatures from individuals in 125 countries urging that Albert Woodfox and Herman Wallace be removed from long term isolation. The two men have spent nearly 40 years in solitary confinement in Closed Cell Restriction (CCR) at Louisiana State Penitentiary (known as Angola prison).

For more information and to take action, please see:

<http://www.amnesty.org/en/appeals-for-action/wheres-the-evidence>