

URGENT ACTION

LOUISIANA MUST RELEASE ALBERT WOODFOX

Lawyers for Albert Woodfox, held since 1972 in solitary confinement, have filed for bail after the federal appeals court denied state request for further review. The state must stop its 'campaign of vengeance' against Albert Woodfox and allow him his freedom.

Albert Woodfox was convicted of the 1972 murder of a prison guard in Louisiana State Penitentiary along with his co-defendant, the late Herman Wallace. The state's evidence against the men consisted of the unreliable and inconsistent testimonies of three inmate witnesses, all of whom received favourable treatment in return for their statements, and whose trial testimonies were different from statements given just after the murder. There was no physical evidence linking the men to the murder; in fact, the only physical evidence presented at the trial – a crime scene fingerprint – exculpated the men.

Albert Woodfox, an African American man, was convicted in 1973 before an all-white jury. It took almost 20 years of appeals for this conviction to be vacated on the basis of 'ineffective assistance of counsel' and a new trial granted, but during the new trial in 1998 the jury found Albert Woodfox guilty and reconvicted him of murder. In 2008 on the basis of deficiencies of defence counsel for his second trial and the overall weakness of the state's case, Albert Woodfox's petition for habeas corpus relief, filed in 2006, was granted. However, Buddy Caldwell, Louisiana's Attorney General appealed to the Fifth Circuit Court of Appeals to not only block Albert's release on bail, but to appeal the ruling to overturn his conviction. Based on procedural arguments the Fifth Circuit court reinstated Albert Woodfox's conviction. In 2013, the case was reviewed again on the basis of discrimination in the selection of the grand jury foreperson. The court ruled for a third time that his conviction should be overturned.

The Attorney General appealed this decision to the Fifth Circuit court, which ruled in late 2014 to uphold the lower court's decision to overturn Albert's conviction. Once again, the Attorney General submitted a request to the appeals court to have it rehear the case before the entire banc of sitting judges. On 4 February the appeals court rejected this request. Two days later Albert's lawyers filed a request for bail. The hearing is set for 23 February. The options available to the Attorney General now are to oppose bail and to appeal the case to the Supreme Court. There is a small window of opportunity before the bail hearing to ensure that the Louisiana authorities are deluged with messages of support for Albert Woodfox, calling for his freedom. It is critical that Louisiana Governor Bobby Jindal shows leadership, and ensures that Albert Woodfox's cruel and unjust isolation is not his legacy.

Please write immediately in English or your own language:

- Calling on the authorities not to oppose bail for Albert Woodfox, as his conviction, gained through two flawed trials, has been overturned three times over four decades, he has an exemplary prison conduct record and at 67 years-of-age is in poor health;
- Noting that no other prisoner in the U.S. has been held in solitary confinement longer than Albert Woodfox. This is cruel, inhuman and degrading treatment, and according to the UN expert on torture, possibly torture.

PLEASE SEND APPEALS BEFORE 24 MARCH 2015 TO:

Governor

Bobby Jindal
Office of the Governor
PO Box 94004
Baton Rouge, LA, USA 70804
Fax: +1 225 342 7099
Email: Info@BobbyJindal.com
Salutation: Dear Governor Jindal

Attorney General

Buddy Caldwell
Office of the Attorney General
556 Jefferson Street #4
Lafayette, LA, USA 70501
Fax: +1 225 326 6297
Email: constituentservices@aga.state.la.us
Salutation: Dear Attorney General

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In 1972 a young white prison guard named Brent Miller was brutally and fatally stabbed inside Louisiana State Penitentiary, also known as "Angola". Although no physical evidence tied Albert Woodfox or Herman Wallace to the crime, the two men were immediately assumed to be guilty and placed in solitary confinement; 23 hours a day isolated in a small cell, four steps long, three steps across. Both Albert Woodfox and Herman Wallace were eventually convicted of the crime after trials rife with constitutional violations and other legal issues. Together with fellow prisoner Robert King, who was investigated in connection with Brent Miller's murder but convicted instead of the murder of a prison inmate, Albert Woodfox and Herman Wallace came to be known as the Angola Three. All three men spent decades in cruel, inhuman and degrading solitary confinement cells. Robert King was released after 29 years of this dehumanizing treatment. On 1 October 2013 Herman Wallace was finally granted his freedom after a federal judge overturned his conviction on the basis of the systematic exclusion of women from the grand jury that indicted him in 1973. It took a terminal diagnosis of cancer to compel the federal court to expedite their ruling on Herman Wallace's case and a judge who recognized that "the Louisiana courts, when presented with the opportunity to correct this error, failed to do so". Herman Wallace lived just days in freedom before he died.

In the past 41 years, significant flaws in the legal process have also come to light. In addition to racial discrimination in the selection of a grand jury foreperson, the state's case is riddled with inconsistencies and missteps. A bloody print at the murder scene does not match Albert Woodfox or Herman Wallace and was never compared with the other prisoners who had access to the dormitory on the day of the murder. Potentially exculpatory DNA evidence has been "lost" by prison officials – including fingernail scrapings from the victim and barely visible "specks" of blood on clothing allegedly worn by Albert Woodfox. Both he and Herman Wallace had multiple alibi witnesses with nothing to gain who testified they were far away from the scene when the murder occurred. In contrast, several State witnesses lied under oath about rewards for their testimony. Some later retracted their testimony. The prosecution's star witness, Hezekiah Brown, a convicted serial rapist serving life, agreed to testify only in exchange for a weekly carton of cigarettes, television, birthday cakes, and other luxuries. He was eventually pardoned.

The Angola Three have long maintained that they are innocent. They believe that they were convicted and placed in solitary confinement in retaliation for their activism and outspoken critique of injustice. After they were initially imprisoned on unrelated robbery charges, Albert Woodfox and Herman Wallace helped found a prison chapter of the Black Panther Party. The men campaigned for better treatment, racial solidarity, and an end to the brutal sexual slavery that was pervasive in Angola. More than a decade ago the three men filed a civil lawsuit challenging the inhumane and increasingly pervasive practice of long-term solitary confinement. Magistrate Judge Dalby describes their almost four decades of solitary as "durations so far beyond the pale" she could not find "anything even remotely comparable in the annals of American jurisprudence".

Thousands of prisoners across the USA – more than an estimated 80,000 – remain in prolonged or indefinite isolation, confined to small cells for 22-24 hours a day, often in units designed to reduce sensory and environmental stimulation. Exercise is typically limited to no more than five to 10 hours a week and is often taken in bare yards with no equipment or view of the outside world. Prisoners in administrative or punitive segregation usually have no access to work or meaningful rehabilitation or recreational programs and may spend years with minimal human contact. The use of long-term segregation as a management tool to control prisoners for security or behavioural reasons is being increasingly challenged by US penal experts and others as costly, ineffective, and inhumane. The UN Special Rapporteur on Torture has called on states to limit their use of solitary confinement, applying it "only in exceptional circumstances and for the shortest possible period of time". Of particular concern is prolonged solitary confinement, which the Special Rapporteur defines as any period of solitary confinement in excess of 15 days. He is aware of the arbitrary nature of the effort to establish a moment in time which an already harmful regime becomes prolonged and therefore unacceptably painful. He concludes that after 15 days it becomes "prolonged solitary confinement" because at that point, according to the literature surveyed, some of the harmful psychological effects of isolation can become irreversible. He has called for the absolute prohibition of solitary confinement in the case of children under 18 and persons with mental disabilities, on the ground that its imposition in such cases, for any duration, is cruel, inhuman or degrading treatment.

Name: Albert Woodfox

Gender m/f: m

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