

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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USA: Amnesty International urges State not to appeal as Albert Woodfox's conviction overturned again

Amnesty International is urging the Attorney General of Louisiana not to appeal a federal court ruling overturning the conviction of Albert Woodfox of the 'Angola 3' for the second-degree murder of a prison guard in 1972. This case, litigated for over four decades, has raised serious human rights concerns.

In his ruling on 26 February, which followed an evidentiary hearing in May 2012, District Judge James Brady of the US District Court for the Middle District of Louisiana found that racial discrimination lay behind the under-representation of African Americans selected to serve as grand jury forepersons in the jurisdiction in which Albert Woodfox, who is African American, was retried after his original conviction was overturned in 1992.

Judge Brady found that the State had failed to meet its burden "to dispel the inference of intentional discrimination" indicated by the statistical evidence covering a 13-year period from 1980 to 1993 presented by Albert Woodfox's lawyers. The State, Judge Brady found, had failed to show "racially neutral" reasons to explain the under-representation of African Americans selected as grand jury foreperson during this period.

Albert Woodfox was convicted in 1973 along with a second prisoner, Herman Wallace, of the murder of Brent Miller. This conviction was overturned in 1992, but Albert Woodfox was re-indicted by grand jury in 1993 and convicted again at a 1998 trial, and sentenced to life imprisonment in 1999. In 2008 a US District Court ruled that Albert Woodfox had been denied his right to adequate assistance of counsel during the 1998 trial and should either be retried or set free. The court also found that evidence presented by Woodfox's lawyers of discrimination in the selection of the grand jury foreperson warranted a federal evidentiary hearing. While the State appealed the District court for a retrial – and won, yesterday's ruling from the evidentiary hearing, once again sees the conviction overturned.

The organization has repeatedly expressed concern that many legal aspects of this case are troubling: no physical evidence links Albert Woodfox and Herman Wallace to the murder, potentially exculpatory DNA evidence was lost by the State, their conviction was based on questionable testimony – much of which subsequently retracted by witnesses, and in recent years, evidence has emerged that the main eyewitness was bribed by prison officials into giving statements against the men. Both men have robustly denied over the years any involvement in the murder.

Albert Woodfox, now 66, has been held since his conviction over 40 years ago in solitary confinement. The extremely harsh conditions he has endured, including 23 hour cellular confinement, inadequate access to exercise, social interaction and no access to work, education or rehabilitation programmes have had negative physical and psychological consequences. Throughout his incarceration he has been denied any meaningful review of the reasons for being kept in isolation; and records indicate that he hasn't committed any disciplinary infractions for decades, nor, according to prison mental health records, is he a threat to himself or others.

Amnesty International has repeatedly called on the authorities that both he and Herman Wallace be removed from such conditions which the organization believes can only be described as cruel, inhuman and degrading.

That Albert Woodfox's conviction has been overturned again gives weight to the organization's concerns that the original legal process was flawed. Amnesty International urges the State desist from appealing this latest ruling.