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USA: Amnesty International calls for immediate end to nearly 73 years of solitary confinement endured by Louisiana prisoners, Herman Wallace and Albert Woodfox

Amnesty International is calling on the Louisiana authorities to end the cruel, inhuman and degrading treatment of two prisoners who have between them endured nearly 73 years lockdown in solitary confinement.

With the exception of a few brief intervals, Herman Wallace (68) has been held in solitary confinement for nearly 38 years, and Albert Woodfox (64) for nearly 35 years. The two men are confined alone for 23 hours a day in sparsely furnished cells measuring approximately 2x3 metres. Their only access to natural light while inside their cells is from windows opposite the cell tier. They are allowed outdoor exercise in a small cage, for one hour, three days a week, contrary to the daily exercise specified in the United Nations Minimum Rules for the Treatment of Prisoners. The unsheltered cages provide no protection from rain or sweltering heat. Restrictions are imposed on their personal property, reading materials, access to legal resources, work and visits. Until March 2009 both men were incarcerated at the Louisiana State Penitentiary at Angola. However, Herman Wallace was then moved to the Elayn Hunt Correctional Center in St Gabriel, where he continues to be held in isolation.

Herman Wallace and Albert Woodfox were incarcerated for unrelated robberies in the late 1960s and became members of the Black Panther Party (BPP), a black, radical organization while in prison. At that time prisoner-on-prisoner rape, violence by guards and inmates and murder were rife at Angola prison. The two men founded a chapter of the BPP and joined others in trying to improve living conditions at the prison, including through hunger strikes and petitions.

In the early 1970s, Herman Wallace and Albert Woodfox were convicted of the murder of a white prison guard, Brent Miller, who was found stabbed to death in the prison in April 1972. They were sentenced to life imprisonment and have been held in lockdown for most of the ensuing decades. Both men claim they did not carry out the murder and were falsely implicated for their political activism in prison. No physical evidence linked them to the crime and they were convicted solely on the basis of questionable inmate testimony. Over the years, documents have been obtained suggesting that the main eye-witness was bribed by prison officials into giving statements against the men, and that the state withheld evidence about the perjured testimony of another inmate witness. A further witness later recanted his testimony.

In 2008 a federal judge overturned Albert Woodfox's conviction for the guard's murder and ordered his release on bail. The state appealed against the order and bail was withdrawn; an appeal against the reversal of his conviction is still pending in the federal courts. In 2006, the State Judicial Commissioner recommended overturning Herman Wallace's conviction, but the district court did not uphold the recommendation; an appeal in his case is also currently pending.

Herman Wallace and Albert Woodfox are reported to be suffering from serious health problems caused or exacerbated by their years of close confinement to a small cell. In the case of Herman Wallace this includes osteoarthritis aggravated by inadequate exercise, functional impairment, memory loss and insomnia. Albert Woodfox is described as suffering from claustrophobia, hypertension, heart disease, chronic renal insufficiency, diabetes, anxiety and insomnia. Medical opinion has been presented to suggest that these conditions would worsen if they continue to be held in such restrictive conditions.

Herman Wallace and Albert Woodfox are suing the Louisiana authorities, claiming that their prolonged isolation is "cruel and unusual punishment" in violation of the US Constitution. They are joined in the lawsuit by Robert King Wilkerson, a former Angola inmate who spent 29 years in isolation before his release in 2001. A date for a trial on the lawsuit is expected shortly. Herman Wallace and Albert Woodfox are also challenging the fairness of the process for reviewing their custody status; an internal panel is said to simply "rubber stamp" their continued isolation every 90 days, without a proper review. Their solitary confinement has been extended indefinitely through this process.

Amnesty International continues to be disturbed by evidence suggesting that the long term isolation of Herman Wallace and Albert Woodfox is based, at least in part, on their past political activism and association with the BPP. This is supported by comments by the Angola prison Warden in 2008 on Albert Woodfox, in which he stated that "I would still keep him in CCR (Closed Cell Restricted). I still know that he has a propensity for violence. I still know that he is still trying to practice Black Pantherism, and I still would not want him walking around my prison because he would organize the young new inmates. I would have me all kinds of problems, more than I could stand, and I would have the blacks chasing after them. I would have chaos and conflict, and I believe that. He has to stay in a cell while he's at Angola." (extract from deposition of Warden Cain during appeal on the bail issue).

The prolonged isolation endured by the two men breaches international human rights treaties ratified by the USA, including the International Covenant on Civil and Political Rights and the Convention against Torture (ICCPR). The relevant treaty monitoring bodies -- the Human Rights Committee and the Committee against Torture -- have found that prolonged solitary confinement can amount to torture or cruel, inhuman or degrading treatment.

Both Committees have expressed concern that the harsh conditions of long-term isolation in some US segregation facilities are incompatible with the USA's treaty obligations. Amnesty International believes those findings are highly relevant to these cases, given that no other living prisoner in the USA is believed to have spent so long in solitary confinement as Herman Wallace and Albert Woodfox.

Amnesty International is urging the Louisiana prison authorities to take immediate steps to remove Herman Wallace and Albert Woodfox from solitary confinement and to ensure that they are not subjected to conditions that constitute cruel, inhuman or degrading treatment or punishment or which violate other fundamental human rights. It is also urging that they are provided with, among other things, adequate opportunities for exercise and participation in prison cultural, recreational and work programs.

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