

AMNESTY INTERNATIONAL

Public Statement

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USA: Amnesty International calls for immediate end to prolonged solitary confinement of Louisiana prisoners Herman Wallace and Albert Woodfox

Amnesty International has called on the Louisiana authorities to end the extended isolation endured by two prisoners in Louisiana State Penitentiary at Angola for more than 30 years, describing their treatment as “cruel, inhuman and degrading”.

For more than 30 years, Herman Wallace and Albert Woodfox have each been confined alone to a small cell for 23 hours a day. They are allowed to shower and walk alone along the cell tier for the remaining hour and, three times a week, may exercise alone in a fenced yard. Additional restrictions are imposed on their personal property, reading materials, access to legal resources, work and visits. According to a recent court finding, these were “the least restrictive conditions that they have lived under over the past 35 years”.

Herman Wallace and Albert Woodfox were originally placed in lockdown after being accused of killing a guard during a prison riot in 1972. The two have consistently claimed they did not carry out the murder and were falsely implicated for their political activism in prison. Appeals are still pending against their convictions. A third prisoner, Robert King Wilkerson, was placed in lockdown at the same time for other offences and collectively they became known as the “Angola 3”. Robert King Wilkerson was released in 2001.

The prisoners are suing the Louisiana authorities, claiming that their prolonged isolation is “cruel and unusual punishment” in violation of the US Constitution. In August 2007, a federal district court Magistrate Judge issued a recommendation to deny a motion by the Louisiana authorities seeking to dismiss the claim. The court found there was sufficient evidence to determine that the conditions constituted a deprivation of a basic human need. The court also found that prison officials should have been aware that the lack of adequate exercise, social isolation, lack of environmental stimulation and other deprivations imposed on the prisoners could be seriously harmful to their physical and mental health. Unless a pre-trial settlement is reached, the case will go before a jury to decide.

Herman Wallace and Albert Woodfox are both 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 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.

In a letter sent last week to Richard Stalder, head of the Louisiana prison service, Amnesty International said that the prisoners’ prolonged isolation breached international treaties which the USA has ratified, including the International Covenant on Civil and Political Rights and the Convention against Torture. 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.

In its letter to the Louisiana authorities, Amnesty International said it was further concerned by the district court’s finding that the prisoners’ lockdown conditions had been repeatedly extended by an internal prison review board on the basis of their original offences 35 years ago, without evidence that they were in any way a continued security risk.

The organization is particularly disturbed by evidence suggesting that their long term isolation may have been based, at least in part, on their past political activism in prison and association with the Black Panther Party (a black radical

organization). The Magistrate Judge noted in her Findings and Recommendations that “Punishment for crimes committed 35 years ago, for political beliefs, for religious beliefs, and for leadership qualities are not legitimate penological interests”.

The Human Rights Committee has emphasized that the requirement under Article 10 of the ICCPR to treat all persons deprived of liberty with humanity and with respect for their dignity is a “fundamental and universally applicable rule” which must be applied “without distinction of any kind, such as race, colour sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Human Rights Committee General Comment on Article 10

Amnesty International has called on 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 has urged that they are provided with, among other things, adequate opportunities for exercise and participation in prison cultural, recreational and work programs.