



USA: 100 YEARS IN SOLITARY

THE 'ANGOLA 3' AND THEIR
FIGHT FOR JUSTICE

AMNESTY
INTERNATIONAL





39 years ago, three young black men were put in solitary confinement; two are still in isolation. In total, the three men have spent more than 100 years in solitary, mostly in the Louisiana State Penitentiary in Angola, USA. But the 'Angola 3' have refused to be silenced; their fight for justice continues.

For nearly four decades, 64-year-old Albert Woodfox and 69-year-old Herman Wallace have been held in solitary confinement, mostly in the Louisiana State Penitentiary (known as Angola prison). They have been denied any meaningful review of the reasons for their isolation. Indeed, for the past 15 years the prison authorities have breached their own policies in order to keep the men in isolation.

Albert Woodfox and Herman Wallace were convicted of the murder in 1972 of prison guard Brent Miller. They were placed in isolation together with a third man, Robert King, who was accused of a different crime.

Above: Herman Wallace, Robert King and Albert Woodfox – the Angola 3 – pictured in Angola prison, 2001.

Cover: Louisiana State Penitentiary, known as Angola prison. A former slave plantation, Angola in the 1970s was one of the most brutal prisons in the USA.

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Robert King was released in 2001 after serving 29 years in solitary.

Herman Wallace and Albert Woodfox remain in solitary confinement in Closed Cell Restricted (CCR) units.

“We’re not asking for sympathy. We’re asking for justice. We’re asking for humanity.”

Robert King, 2010

Known as the Angola 3, all three men are still fighting for justice and for recognition of the cruelty of their years in solitary confinement.

Legal aspects of the case against Albert Woodfox and Herman Wallace are deeply troubling. No physical evidence linking the men to the guard’s murder has ever been found; potentially exculpatory DNA evidence has been lost; and the convictions were based on questionable inmate testimony.

Over the years, documents have emerged suggesting that the main eyewitness 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 retracted his testimony.

“If they did not do this – and I believe that they didn’t – they have been living a nightmare for 36 years!”

Teenie Verret, widow of Officer Brent Miller, speaking in 2008 about the conviction of Albert Woodfox and Herman Wallace for her husband’s murder

Albert Woodfox’s conviction for the murder has been overturned twice. Judges cited racial discrimination, misconduct by the prosecution, inadequate defence and the suppression of exculpatory evidence in their rulings. In 2008, a US District Judge ruled that Albert Woodfox should be granted a retrial or released. In 2010, the 5th Circuit Court of Appeals reversed



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the 2008 ruling. Albert Woodfox's case is now under federal court review and a hearing is scheduled for 2011.


In 2006, a State Judicial Commission recommended that Herman Wallace's conviction be reversed. However, the Louisiana Supreme Court rejected this recommendation and denied Herman Wallace's appeal without comment. His case is now before the federal courts.

In addition to the legal appeals against the murder convictions, the Angola 3 are suing the Louisiana authorities claiming that their prolonged isolation is "cruel and unusual punishment" and so violates the US Constitution.



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Top: Herman Wallace and Albert Woodfox shortly after their arrests in the late 1960s.
Right: Albert Woodfox and Herman Wallace, Angola prison, 2008. The photo was taken by a prison photographer during a visit by a supporter.



Occasional visits and limited phone calls for family and friends are the only ways Herman Wallace and Albert Woodfox can interact socially.

“This call originates from a Louisiana correctional facility and may be recorded or monitored... you have 15 seconds left on this call.”



© Louisiana State Archives

“The cells are very small. Maybe four or five steps for the length and about three steps for the width.”

Albert Woodfox

CONDITIONS

Throughout their prolonged isolation, Albert Woodfox and Herman Wallace have endured very restrictive conditions. Herman Wallace was transferred to the Elaine Hunt Correctional Center in 2009 and, the following year, Albert Woodfox was transferred to the David Wade Correctional Center. But although both men have now been moved out of Angola prison, the conditions in which they are held have not changed. They are confined to their cells for 23 hours a day. When the weather is fine, they are allowed outside three times a week for an hour of solitary recreation in an outdoor cage measuring 1.8x4.5m. For four hours a week, they are allowed to leave their cells to shower or walk, alone, along the cell unit corridor.

Their cells measure 2x3m. All they can see from inside the cell is a small area just beyond the bars at the front. Each cell has a toilet, a mattress on a steel bed platform, sheets, a blanket, a pillow and a small metal bench attached to the wall. Natural light is limited to a very small window at the back of the cell.

They have restricted access to books, newspapers and TV. Throughout their imprisonment, they have been deprived of opportunities for mental stimulation;

they have never been allowed to work or to have access to education. Social interaction has been restricted to occasional visits from friends and family and limited telephone calls.

Lawyers report that both men are suffering from serious health problems caused or exacerbated by their years of close confinement. 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.

Decades of solitary confinement are also having a clear psychological effect on the men. After being held together in the same prison for nearly 40 years, they are now subjected to equally harsh conditions, but 250 miles apart in separate institutions. Herman Wallace is being held on a tier alongside mentally ill people and says that the shouting and screaming of inmates is making it very difficult for him to sleep.

Above: A cell in the Closed Cell Restricted (isolation) unit in Angola prison.

Left: Prison telephone at the Louisiana State Penitentiary.



***“I may be free of Angola.
But Angola will never be free of me.”***

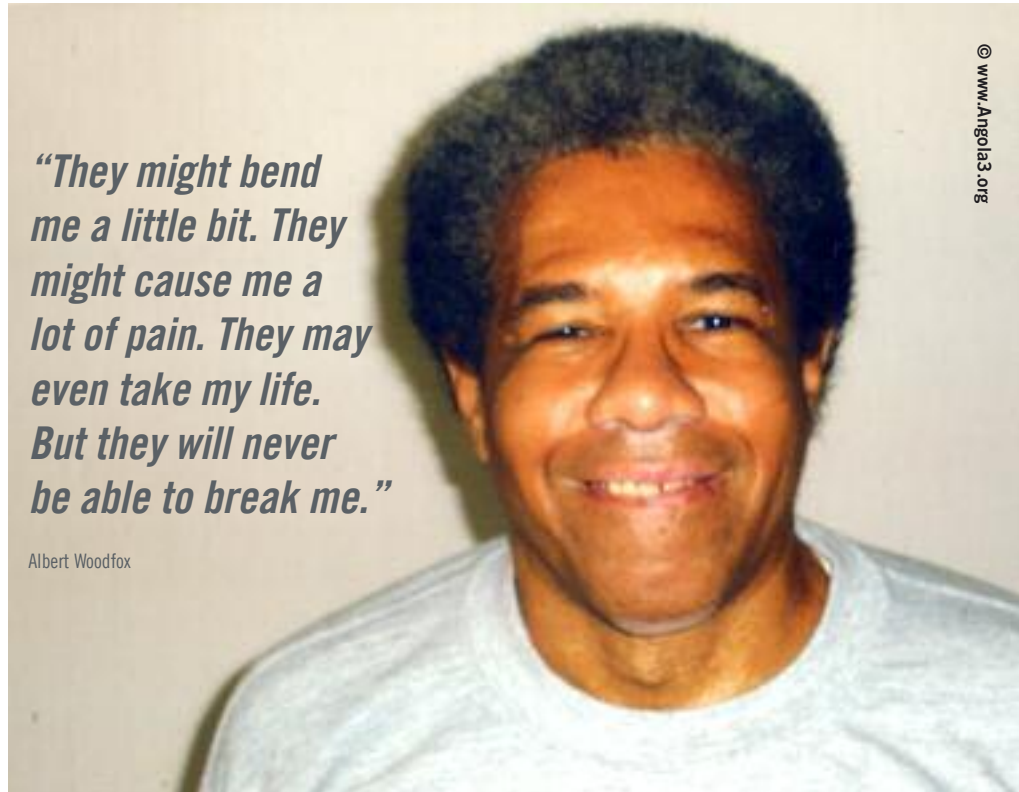
Robert King, released in 2001 after 29 years in solitary confinement

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“They might bend me a little bit. They might cause me a lot of pain. They may even take my life. But they will never be able to break me.”

Albert Woodfox



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Herman Wallace



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“[Wallace’s] record... doesn’t really matter a lot. The original sentence, that’s why he’s there, that’s why he’s there and that’s why he’s going to stay there”.

The Warden of Angola prison attempting to justify Herman Wallace’s continued isolation, 2008



Campaigning for justice for the Angola 3, Baton Rouge, 1972.

WHY ARE THEY STILL IN ISOLATION?

In the early 1970s, conditions at Angola were brutal. Racism was rife. Inmates were racially segregated and guarded exclusively by white officers, as well as armed white inmates. The culture of violence that infused prison life was reflected in the high number of murders and the widespread use of sexual slavery among inmates.

In this toxic environment, Albert Woodfox and Herman Wallace, who were both imprisoned for unrelated cases of armed robbery, founded a prison chapter of the Black Panther Party (BPP). They were later joined by Robert King and together the men campaigned for fair treatment and better conditions for inmates; racial solidarity between black and white inmates; and an end to the rape and sexual slavery that was then endemic in the prison.

“They tried to change conditions... the prison was considered the worst in the nation. They brought people together and brought in an ideology that said that despite the fact that you were prisoners, you still had some rights. Because of this, the administration saw them as being threats and they have paid dearly.”

Robert King, 2011

Throughout the long years of isolation, Albert Woodfox and Herman Wallace have consistently maintained that they did not kill Brent Miller. They believe that they were falsely implicated in the murder because of their political activism in prison as members of the BPP. During the many years of litigation in the case, evidence has emerged to suggest that the decision to keep them in solitary was based at least in part on their political activism and association with the BPP.

“I would still keep [Albert Woodfox] in CCR. I still know 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.”

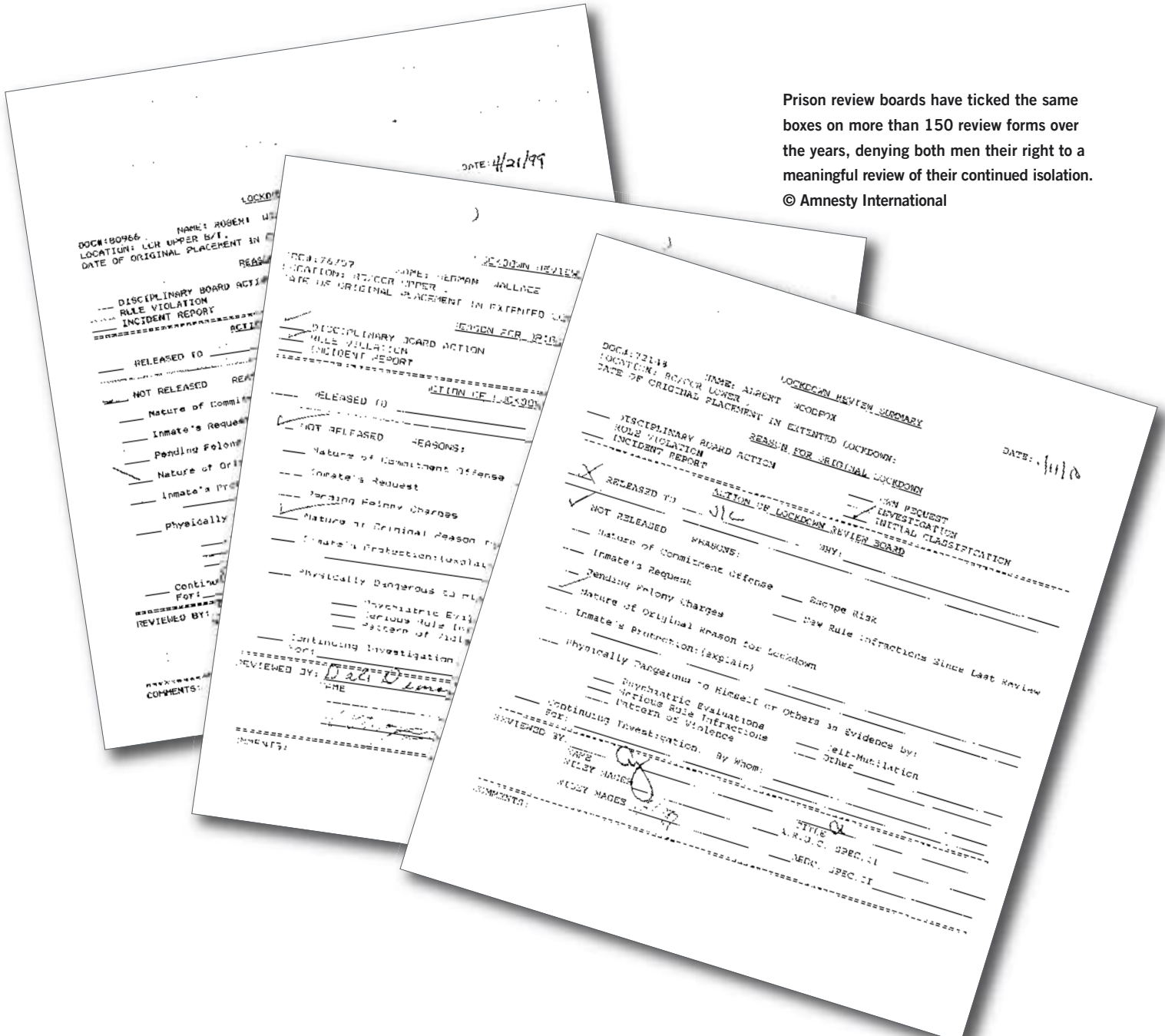
Burl Cain, Angola prison Warden, 2008. These remarks were made despite a finding by a US district judge in November 2008 that Albert Woodfox had maintained a clean conduct record for 20 years.

Since 1972, the prison review board has reviewed the prison’s original decision to keep the men in solitary on more than 150 occasions. At each review, without giving the men an opportunity to participate in the process or dispute the decision, the review board has determined that Albert Woodfox and Herman Wallace should continue to be held in CCR due to the “nature of the original reason for lockdown”.

In 1996, Louisiana prison policy was changed to remove “original reason for lockdown” as a factor to be taken into account by the review board when considering whether to continue an inmate’s confinement in CCR. This change has never been applied to reviews of the continued isolation of Albert Woodfox or Herman Wallace; the board simply continues to note “Original reason for lockdown” on all of the documents explaining why release from CCR has been denied.

Records show that neither man has committed any serious disciplinary infractions for decades and prison mental health records indicate that the men pose no threat to themselves or to others.

Prison review boards have ticked the same boxes on more than 150 review forms over the years, denying both men their right to a meaningful review of their continued isolation.
 © Amnesty International



However, none of this appears to merit consideration in the view of the prison Warden who in 2006 said of Herman Wallace: "his record... doesn't really matter a lot. The original sentence, that's why he's there, that's why he's there and that's why he's going to stay there".

Amnesty International believes that the men's continued classification as CCR inmates serves no legitimate penal

purpose. Under the direction of Warden Cain, who has dismissed the men's clean disciplinary record as irrelevant, the review board has effectively ignored Louisiana prison policies for 15 years. It has failed absolutely to provide a meaningful review of the men's continued isolation. By simply rubberstamping the original decision to confine the men in CCR, successive prison review boards have subjected Albert Woodfox and Herman

Wallace over the course of decades to conditions that can only be described as cruel, inhuman and degrading.

LEGAL CHALLENGE

Under US law, state prisoners held in cruel conditions can challenge their conditions in federal courts by alleging that there has been a violation of the Eighth Amendment to the US Constitution prohibiting cruel and unusual punishment.

In 2000, the American Civil Liberties Union of Louisiana filed such a lawsuit on behalf of Albert Woodfox, Herman Wallace and Robert King. The lawsuit alleges that the decades of confinement in extended lockdown have deprived the men of at least the following four basic human needs: exercise; sleep; social contact and environmental stimulation. The suit also argues that the men are being held in lockdown for their political beliefs in violation of the First and Fourteenth Amendments to the Constitution.

The case was brought in order to end the decades of extended lockdown for Albert Woodfox and Herman Wallace, to obtain damages for all three men, and to help others in the US prison system in similar situations.

During legal proceedings in 2007, the Magistrate Judge presiding over the civil rights case brought by the men, described their time in solitary as: "Durations so far beyond the pale" she could not find "anything even remotely comparable in the annals of American jurisprudence."

In August 2007, a Magistrate Judge ruled in the men's favour, and determined that there

was sufficient evidence to establish that their conditions of confinement did constitute a deprivation of a basic human need. The Judge also ruled that prison officials should have been aware that the lack of exercise, social isolation, lack of environmental stimulation and other deprivations could be seriously harmful to the men's physical and mental health.

Following this ruling, and with a view to settling the case, Albert Woodfox and Herman Wallace's lawyers began negotiations with the prison authorities for a system to be put in place – predicated on good behaviour – that would allow the men to be moved out of solitary confinement and into the general prison population.

In March 2008, an experimental dormitory was set up by Angola prison to house 15 men from CCR, including Albert Woodfox and Herman Wallace. The premise of the dormitory was to determine whether the individuals involved could function in a group environment. If they were successful, they were to be allowed into the general prison population. If not, they would be returned to lockdown.

The dormitory was set up less than a week after the Chair of the US House of Representatives Committee on the Judiciary, John Conyers Jr, travelled to Angola to meet the men. He released a statement expressing concern that they may be innocent and noted that they had been in isolation for "possibly a longer period than any other inmate in U.S. history."

While the dormitory provided the men with the opportunity to interact with one another, they remained isolated from the rest of the prison. No provisions were made to enable the men to occupy themselves. They were promised a garden, but given no tools for gardening. They were promised recreation, but given no weights or equipment. Eventually, after six months of negotiations by lawyers, hobby craft was allowed.

Despite these shortcomings, the dormitory functioned without incident for eight months. However, shortly after Albert Woodfox's conviction for murder was overturned in October 2008, he was removed from the dormitory and returned to 23-hour solitary confinement. According to his lawyer, the reason for the removal was based on charges of making improper phone calls. Herman Wallace too was removed from the dormitory for similar reasons and placed in lockdown under severe restrictions. The charges against both men were later dropped.

The experimental dormitory was closed in February/March 2009.

The civil rights lawsuit, which prior to the setting up of the dormitory was close to being settled, is now set to go to trial in 2011.



THE STRUGGLE FOR JUSTICE

As Albert Woodfox and Herman Wallace approach their 40th year of isolation, Amnesty International is once again calling on the Louisiana authorities to end the cruel, inhuman and degrading conditions in which they are held by immediately removing the men from solitary confinement.

Amnesty International believes that the conditions in which the two men are held, including the length of time they have spent in isolation, violate international human rights treaties to which the USA is a party.

The USA has an obligation under international standards to ensure that all prisoners, regardless of their background, are treated humanely and that any security measures that may be necessary conform to this requirement. The prolonged and indefinite isolation of Albert Woodfox and Herman Wallace without meaningful review runs directly counter to this obligation.

The USA has ratified the International Covenant on Civil and Political Rights, and the UN Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment, both of which prohibit torture and other ill-treatment. 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 other cruel, inhuman or degrading treatment. Both bodies 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 their findings are particularly significant in the case of Albert Woodfox and Herman Wallace given that few, if any, other prisoners have spent so long in solitary confinement in recent times.

Their treatment also contravenes the UN Standard Minimum Rules for the Treatment of Prisoners. These and other relevant standards emphasize the importance of providing work and educational, recreational, religious and cultural activities for prisoners' mental and physical wellbeing, as well as to prepare individuals for reintegration into society.

Campaigners demanding justice for the Angola 3, January 2009, New Orleans.

“I do believe that there is something that can be done and a pro-active position in the case can help... The ripples in the pond are increasing and we need to see some waves... and these are the things that keep me going. I can see the waves coming from the ripples.”

Robert King, 2011

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ACT NOW

Please write, urging the US state authorities to remove Albert Woodfox and Herman Wallace from solitary confinement immediately and bring an end to the years of cruel, inhuman and degrading treatment that they have suffered.

Please also write to the US Attorney General, expressing concern that the decades of isolation and cellular confinement under which the two prisoners continue to be held in the Louisiana prison system – and the lack of any meaningful review process – constitutes cruel, inhuman and degrading treatment, in violation of international standards.

Urge the Attorney General, in the continued absence of an effective state remedy, to take action to ensure that their treatment complies with the USA's obligations under international standards and the US Constitution.

PLEASE WRITE TO:

Governor Bobby Jindal
Office of the Governor
PO Box 94994
Baton Rouge
LA 70804
USA

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
USA

Top: *In the Land of the Free*, a documentary film about the story of the Angola 3, narrated by Samuel L. Jackson and directed by Vadim Jean.

For more information on the film, go to: www.inthelandofthefreefilm.co.uk/ or the main A3 website for more on the case: www.angola3.org/

Above: Please go to www.youtube.com/watch?v=Kotf68mrqCl to see an Amnesty International video about the Angola 3, including extracts from an interview with Robert King in 2011.

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INTERNATIONAL**



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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English

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