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Submission to the United Nations Human Rights Committee  
on the occasion of its review of the  
U.S. Government's Second & Third Periodic Report  
concerning its compliance with the ICCPR

**Political Prisoners in the United States**

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**Introduction**

Political prisoners in the United States (U.S.) have been incarcerated for having dissenting political views and being advocates for change on behalf of various oppressed communities. Based on their organizational affiliations, these women and men were targeted in the 1950s to the 1980s by a U.S. government program run by the Federal Bureau of Investigation (F.B.I.) known as the Counter Intelligence Program (COINTELPRO). Many political activists of the time were arrested and tried on fabricated charges and received disproportionately long sentences for crimes they did not commit. Detailed government files were kept on their private and public lives, and their political beliefs and activities were central themes at their criminal trials.

In 1978, a petition to the United Nations filed by the National Conference of Black Lawyers, the National Alliance Against Racist and Political Repression, and the United Church of Christ Commission for Racial Justice exposed the existence of political prisoners in the United States, their political persecution, and the cruel, inhuman and degrading treatment and punishment they suffer in U.S. prisons. Today, there are more than 100 political prisoners in the U.S. Some of these prisoners have been held for over three, and sometimes as long as four decades (Ruchell Cinque Magee, who has served 46 years, is the longest serving political prisoner in the world). Six political prisoners: Richard Williams, Warren Wells, Teddy Jah Heath, Albert Nuh Washington, Merle Austin Africa and Kuwasi Balagoon have died in prison over the last ten years. Eight women continue to be held on politically motivated charges.

This report highlights violations of the U.S. government's obligations under international customary law, the Universal Declaration on Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR). We call on the Human Rights Committee to find that the U.S. government has failed to comply with its obligations to not target citizens for arbitrary arrest, trial, and incarceration for their political views and to not subject any person to torture or to cruel, inhuman or degrading treatment or punishment.

## *Political Prisoners*

Of the 100 political prisoners still languishing in prisons across the United States of America, nearly half were members of Black civil and human rights movements of the 1960s and 1970s. Many had political affiliations with the Black Panther Party and similar groups working towards the right to self determination<sup>1</sup> (article 1, ICCPR) of persons of African descent in the United States, and toward full realization of the rights enshrined in the UDHR including the “right to a standard of living adequate for the health and well-being of [one]self and of one’s family,”<sup>2</sup> and the “right to education.” In addition to political prisoners of African descent, political activists in the American Indian Movement, a social justice movement established to bring about the full realization of the American Indian peoples’ right to self-determination,<sup>3</sup> including the right to practice their religion, use their language, and enjoy their culture as guaranteed by article 27<sup>4</sup> of the ICCPR were targeted for politically-based criminal prosecutions. White anti-imperialists, some of whom were members of Students for a Democratic Society (SDS) and others supporters of the Black Panthers party were also targeted, and many remain in prison today for their political views. Further, three political prisoners who were involved in the Puerto Rican independence movement, Oscar Lopez Rivera, Carlos Alberto Torres, Haydee Beltran Torres, remain incarcerated, despite President Clinton’s grant of clemency and conditional release to eleven of fifteen Puerto Rican political prisoners in 2000.

The United States government, in an attempt to silence opposition voices, infringed on the right of these individuals to express their opinions<sup>5</sup> through a systematic, widespread

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<sup>1</sup> **International Covenant on Civil and Political Rights: Article 1 provides, in relevant part, that:**

1. All peoples have the right of self-determination, and by virtue of that right, the right to freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations

<sup>2</sup> **Universal Declaration for Human Rights: Article 25 provides that:**

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

<sup>3</sup> **International Covenant on Civil and Political Rights: Article 1 provides that:**

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations

<sup>4</sup> **International Covenant on Civil and Political Rights: Article 27 provides that:**

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

<sup>5</sup> **International Covenant on Civil and Political Rights: Article 19 provides that:**

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

policy and practice of “neutralization” of ‘dissident’ groups through COINTELPRO, the illegal precursor to the current Patriot Act I and II.

As a testament to the political nature of their incarceration, several incarcerated political prisoners were rounded up, put in administrative detention - solitary confinement, restricted to their cells for between twenty three to twenty four hours a day - and held incommunicado within hours of the September 11, 2001 attacks on the World Trade Center and Pentagon notwithstanding the fact that no charges or allegations made against them.

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3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

And, the **Universal Declaration for Human rights: Article 19 provides that**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

## *Criminalization of a movement - COINTELPRO*

Between 1956 and 1971, the United States Federal Bureau of Intelligence (FBI) launched a series of covert actions against domestic ‘dissident’ groups under the auspices of COINTELPRO. Through this so-called “counter-intelligence” program, the FBI infiltrated, killed, and framed individual leaders, and “neutralized” social justice organizations throughout the country. Among those targeted were prominent peace activists such as Dr. Martin Luther King Jr., Rev. Philip Berrigan and Rev. Daniel Berrigan, as well as organizations and movements such as Students for a Democratic Society (SDS), the Student Non-Violent Coordinating Committee (SNCC), the National Association for the Advancement of Colored People (NAACP), the Congress for Racial Equality (CORE), the American Indian Movement and the Black Panther Party.

COINTELPRO was exposed following the leak of FBI files to the U.S. national media. Subsequently, a congressional sub-committee known as the Church Committee (Select Committee to Study Governmental Operations With Respect to Intelligence Activities) was established to investigate the existence, consequences and legality of COINTELPRO. The final report of the Committee concluded that the FBI had “conducted a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association (...),” thus violating articles 19<sup>6</sup> and 22<sup>7</sup> of the ICCPR and article 20<sup>8</sup> of the UDHR.

Today’s political prisoners were incarcerated as a direct result of illegal COINTELPRO activities which targeted them based of their political beliefs and activities. The tactics of COINTELPRO have been characterized as falling into four main areas: infiltration of organizations, external psychological warfare, harassment through the legal system and extralegal force and violence, and included the surveillance of private and public activities, interference with private correspondence, forging correspondence, anonymous letters and telephone calls relating to activists’ private and political lives, in violation of article 17<sup>9</sup> of the ICCPR and article 12 of the UDHR.<sup>10</sup> More than two thousand actions were officially approved under the COINTELPRO program. COINTELPRO activities also included harassment, intimidation and violence against human rights defenders

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<sup>6</sup> Ibid

<sup>7</sup> **International Covenant on Civil and Political Rights: Article 22**

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

<sup>8</sup> **Universal Declaration of Human Rights: Article 20**

1. Everyone has the right to freedom of peaceful assembly and association.

<sup>9</sup> **International Covenant on Civil and Political Rights: Article 17**

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

<sup>10</sup> **Universal Declaration of Human Rights: Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

through eviction, interference with employment, false arrests, vandalism and grand jury subpoenas. Evidence uncovered by the Church Committee demonstrated that the FBI routinely put out falsified leaflets, posters, pamphlets and other material to discredit its targets. The national media also knowingly published false and distorted material prepared by Bureau agents. As a result of these illegal actions political organizations became divided, mass incarceration of activists took place, entire movements were criminalized, and political activists were murdered.

The covert nature of COINTELPRO enabled the program to distort public perceptions of progressive organizations and thereby furthered their isolation and persecution. Ultimately, COINTELPRO's violent and covert tactics deprived various communities of some of their most committed, talented and experienced leaders. Furthermore, the covert nature of COINTELPRO enabled the FBI and local police to weaken domestic political opposition to government policies without disrupting the perception that freedom of expression, speech and association, among other rights, can be freely exercised in the U.S., and are in fact protected by the law.

### ***Politically motivated prosecution – Lack of fair trial or due process***

In a consistent pattern of intimidation, during the 1960s and 1970s police departments throughout the country routinely carried out surveillance of political activists' private and public activities, and followed, stopped, searched, and arrested them on false charges. The police often relied minor traffic offenses as justifications for disruption of political organizing, intimidation and arrest. In manner reminiscent of the McCarthy era persecution of communist activists during the 1950s, the judicial system of the U.S. was used to ostracize dissidents, label them as criminals and railroad them into prison for decades.

Following the success of COINTELPRO, politically motivated trials took place across the United States. From the trial of AIM members to the Panther 21 case in New York, the aim of these false arrests and frame-ups was to prevent and 'neutralize' the political activities of opposition groups by incarcerating and attempting to silence their leadership, instill fear among their supporters, and divert energies toward securing the release of political prisoners and away from political organizing.

Activists were brought to trial on false charges and falsified evidence. Most notably, former political prisoner Assata Shakur (née Joanne Chesimard), was accused, along with Rema Olugbala (née Melvin Kearney) who died during the criminal proceedings, of kidnapping for ransom in Brooklyn, New York on December 28, 1972. The State witness who testified to being the owner of the bar at which the alleged crime took place was subsequently proven through official records to have not been the proprietor of the establishment in question. In addition, the bar had been closed down for at least a year before the alleged crime. In essence, the scene of the crime did not exist. From the time of her incarceration until her eventual conviction on politically motivated charges, Assata Shakur was accused in six different 'criminal' cases. In all of them she was acquitted or the charges were dismissed due to insufficient evidence. The evidence presented against her in each case was insubstantial and clearly false, making her innocence evident even in the highly charged, racially biased and politicized court proceedings surrounding her case.

Widespread and systematic discrimination on the basis of race and class in the national judicial system of the U.S. continues in violation of article 26 of the ICCPR<sup>11</sup> and article 7 of the UDHR,<sup>12</sup> as has been documented and condemned by the United Nations Committee Against the Elimination of Racial Discrimination (CERD)<sup>13</sup> and other

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<sup>11</sup> **International Covenant on Civil and Political Rights: Article 26**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

<sup>12</sup> **Universal Declaration for Human Rights: Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

<sup>13</sup> Upon submission of the US' most recent State report to CERD, in 2001, the Committee noted "with concern that the majority of federal, state and local prison and jail inmates in the State party are members of ethnic or national minorities, and that the incarceration rate is particularly high with regard to African-Americans and Hispanics. The Committee recommends that the State party take firm action to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equal treatment before the courts and all other organs administering justice. Noting the socio-economic marginalization of a significant part of the African-American, Hispanic and Arab populations, it is further recommended that the State party ensure that the high

international human rights bodies. This discrimination was widely evident in cases against political prisoners against whom a politically charged climate was created using racially biased and discriminatory rhetoric during judicial proceedings. This inequality before the law continues to be manifest for both political prisoners and other incarcerated persons, who are disproportionately people of color and working class people. The treatment of prisoners while incarcerated and the continued denial of parole to political prisoners are consistent with the State's ingrained and continuous judicial discrimination.

Political prisoners' trials took place in a frenzied prejudicial atmosphere of persecution (in violation of article 14 (1)<sup>14</sup>), wherein the national media, in conjunction with the FBI, played a significant role in prejudicing the interests of justice through its overtly biased coverage of proceedings, feeding a presumption of guilt before trial. The defendants' political activities and opinions became central themes of their trials and of the media coverage. Within the courtroom, political activists were routinely denied the constitutional right to be tried by a jury of their peers including persons of color, often facing all-white juries. In addition, activists were characteristically denied the right to represent themselves or be represented by counsel of their choice, as is guaranteed by Sixth Amendment of the U.S. constitution and article 14 (3) of the ICCPR.<sup>15</sup> Of the case of political prisoner Mumia Abu Jamal (#AM 8335), Amnesty International states: "The politicization of Mumia Abu-Jamal's case may not only have prejudiced his right to a fair trial, but may now be undermining his right to fair and impartial treatment in the appeal courts."<sup>16</sup>

In clear violation of article 14 (3)<sup>17</sup> and in denial of due process under the U.S. Constitution, exculpatory evidence was routinely withheld by prosecutors in these cases—as has become apparent in the few instances in which political prisoners have been released, including the cases of Geronimo JiJagga Pratt and Dhoruba Bin-Wahad, who served twenty seven and nineteen years respectively for crimes they did not commit.

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incarceration rate is not a result of the economically, socially and educationally disadvantaged position of these groups."

<sup>14</sup> **International Covenant on Civil and Political Rights: Article 14**

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

<sup>15</sup> **International Covenant on Civil and Political Rights: Article 14**

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against himself or to confess guilt.

<sup>16</sup> A life in the balance: The case of Mumia Abu-Jamal. Amnesty International.

<sup>17</sup> Ibid.

Although violations of articles 14 and 26 are evident in all cases involving political prisoners in the United States, these prisoners have still served up to 40 years in prison and yet continue to be routinely denied parole. Assuming the essential aim of the penitentiary system be the “reformation and social rehabilitation”<sup>18</sup> of prisoners, the continued systematic denial of parole of political prisoners who have demonstrated model behavior while in prison is in clear violation of article 10 (3)<sup>19</sup> of the ICCPR.

Most recently, Herman Bell (#79C0262) was, for the third time, denied parole in February 2006, despite having served more than three decades in prison, and the fact that family members of slain police officer Waverly Jones, whom Mr. Bell was accused of murdering, have voiced their support for his release. In fact, in recognition of the failures of the judicial process and the political and discriminatory nature of the trial against Herman Bell and his co-defendants Albert Nuh Washington (who died in prison in 2004) and Jalil Muntaqim (née Anthony Bottom - #77A4283), the members of Waverly Jones’ family are ardent advocates for the release of these political prisoners and a reversal of the Court’s decision. Waverly Jones Jr., son of officer Jones, has said “Nothing would give us more pleasure or joy than to see that man [Herman Bell] walk out of prison doors,” he continued, “I am very proud of Herman Bell and his accomplishments. They are commendable.”

Other examples of discriminatory denial of parole to political prisoners include the case of Veronza Bower Jr. (#35316-136), who was granted parole on two occasions but remains, due to an extraordinary turn of events, incarcerated. In July 2005, the National Parole Commission blocked Mr. Veronza Bower Jr.'s right to be released on mandatory parole, after serving his full sentence of thirty years (he has spent more than 32 years in prison to date), at the request of Attorney General Alberto Gonzales. By notice of action dated June 14, 2005, the U.S. Parole Commission "retarded" Mr. Bower’s release date for a period not to exceed 60 days on the basis of a petition from the Attorney General to have the matter of his release on parole reconsidered by the National Appeals Board. In December 2005, in a highly politicized decision, the U.S Parole Commission reversed its two previous decisions to grant Mr. Bower’s parole. The Commission's decision is the last in a series of unjustified actions to deny Mr. Bower’s right to be released on parole in complete disregard of the Commission's legal obligation to follow applicable federal statutes as well as its own rules and regulations and in violation of the State’s international obligations under article 10 (3)<sup>20</sup> of the ICCPR.

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<sup>18</sup> **International Covenant on Civil and Political Rights: Article 10**

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

<sup>19</sup> Ibid

<sup>20</sup> **International Covenant on Civil and Political Rights: Article 10**

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## *Treatment in Custody*

Political prisoners have been subjected at the time of their arrest and during the course of their detention to various forms of torture and cruel, inhuman or degrading treatment or punishment in violation of article 7<sup>21</sup> and 10 (1)<sup>22</sup> of the Covenant and in violation of the United States' obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the United States ratified on the 21<sup>st</sup> of October 1994. Tom Manning, a political prisoner, describes his treatment as follows:

*“Shortly after being captured in 1985, I was body slammed onto a concrete floor while cuffed to a waist-chain, with black-boxed handcuffs and leg irons. That resulted in a fractured hip that wasn't repaired until 1999 with a total artificial left hip replacement... My shoulders have both been severely damaged during beatings, while I was cuffed behind my back, during forced blood takings. This resulted in surgery on both shoulders. I have been stun-gunned twelve times in one night, resulting in temporary paralysis of my left side, like a stroke... I have been photographed naked numerous times in Federal prison, and also by NJ State police and the FBI; gratuitously strip searched uncountable times... Strapped to a gurney with my head overhanging the front, and then run through the prison; rammed into every door-frame or door and corners. Tear gassed in my cell at least six times. Forced to exit my cell naked, with my fingers laced on top of my head and told by a squad of six ninja-turtle suited guards that if I lowered my arms it would be considered an act of aggression and treated accordingly, while a German Shepherd dog was barking so close to my genitals that I could feel his breath and spittle striking me. Then forced to run down six flights of stairs, like that, with a dog and handler at every landing, shepherding us along. The group that I was in, was then herded into a large visiting room where all 24 of us stayed, naked, from 2 AM, until 8 AM, while our cells were wrecked; our personal property destroyed. I've lost count of the number of times I've been left in cells for hours while black-box handcuffed and leg ironed; spending as much as 17 and 20 hours in such restraints during transport and waiting delays, with no water and no toilet access. I have numb areas on my hands, wrists and ankles, from this treatment, and from being kept in control unit prisons for years, locked down for 23 hours or more a day; never less than this (6 years in NJ; 3 years at Marion; 3 years at ADX, Florence; and 2 years in Walpole, MA in the 1960's) for a total of 14 years of lock down.”<sup>23</sup>*

Other forms of cruel, inhuman or degrading treatment or punishment inflicted on political prisoners include sleep deprivation, solitary confinement for more than twenty three hours a day, inadequate access to health care and medical assistance.

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<sup>21</sup> **Article 7**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

<sup>22</sup> **Article 10**

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

<sup>23</sup> Excerpt from *In My Time*, by Tom Manning, US Political Prisoner, Leavenworth Penitentiary, Kansas, USA.

On October 3rd 2002, Mr. Robert Seth Hayes (#74-A-2280) was moved against his will from the hospital ward where he had been receiving treatment for Hepatitis C and type 2 Diabetes to the general prison population in Clinton Correctional Facility (CCF) in Dannemora, New York. The transfer and consequent elimination of the minimal level of medical care that Mr. Hayes was previously receiving resulted in a dire medical emergency and a serious deterioration of his medical condition. In the general prison population, Mr. Hayes no longer receives any monitoring of his blood sugar levels, and prison administrators have refused to allow Mr. Hayes or any of the other diabetics in the prison to purchase personal blood sugar testing units from their own funds. All diabetics in the prison are therefore injected with a pre-arranged amount of insulin regardless of their blood sugar levels. Further, Mr. Hayes has filed for disabled status under the American Disabilities Act due to the debilitating effects of his illnesses. Such status would result enable Mr. Hayes to legally refuse to work in conditions that negatively affect his health, but this request continues to be denied by prison authorities.

### ***Recent arrests and investigations – prospects for new wave of political prisoners***

With the “War on Terror” ‘justifying’ the criminalization of dissent domestically and internationally under the pretext of defending national security, a new wave of politically motivated charges is being brought against human rights defenders, advocates, and political opposition. This climate has also opened doors for government apparatus to resurrect old charges on persons linked to social justice movements of the 1960s and 1970s. In this vein, former Attorney General Ashcroft issued a broad ranging edict before leaving office that all closed cases involving incidents where a police officer had been killed be reopened. Below are but a few examples of the persecution now faced by political activists in the United States.

Thirty four years after having survived torture and other forms of ill-treatment while being interrogated by the San Francisco Police Department (SFPD), former Black Panther Party members John Bowman, Hank Jones and Ray Boudreaux again faced the perpetrators, Frank McCoy and Edward Erdelatz, former detectives of SFPD who now serve as agents with the Anti-Terrorist Task Force of the Federal Prosecutor’s Office, United States Department Homeland Security. The three were detained indefinitely in August 2005 for refusing to testify before a grand jury concerning the same alleged killing of two San Francisco police officers in 1971, for which all three men were freed because the grand jury recognized at that time that the methods used to obtain information from them were unlawful. The acts of torture perpetrated during the 1973 investigations included being stripped naked, beaten with blunt objects, wrapped with blankets soaked in boiling hot water, shocked with electric probes in the anus and penis, punched, kicked and slammed into walls.

In May 2005, a bounty of one million dollars was issued by the State of New Jersey for the capture of Assata Shakur, (née Joanne Chesimard) former Black Panther Party member and political prisoner, who is currently in political exile in the Republic of Cuba. The U.S. government also placed Assata Shakur on the FBI’s wanted list of “terrorists”. Both of these actions pose serious threats to Assata’s life and are an escalation of the U.S. campaign to destabilize the Republic of Cuba by providing a pretext for military

aggression, and are in contravention of the United States' international obligations to the Geneva Convention Relating to the Status of Refugees, adopted in Geneva in 1951 and the Protocol Relating to the Status of Refugees, adopted in New York in 1967.

Other acts of persecution under recent "anti-terrorism" legislation of political activists previously targeted by the U.S. government include the arrest during 2005 in Berkeley, California of fifty five year old Don Juan Warren Graphenreed and fifty six year old school teacher Styles Price for the alleged murder of a police officer in 1970.

### ***Former Political Prisoners***

While most political prisoners in the U.S. remain incarcerated, those who have been released are contributing positively to society. It is well worth noting that some of these people were codefendants of the prisoners still seeking release. For example:

- Dr. Alan Berkman, having once been sentenced to over 12 years in prison based on his political activities, is now Medical Director of High Bridge Woodcrest Center in the Bronx, a long-term care facility for adults and children with AIDS. He is also Assistant Professor of Clinical Psychiatry at Columbia University, and a medical specialist for the HIV Center for Clinical and Behavioral Studies at the New York State Psychiatric Institute and Columbia University. He has been honored by many medical profession organizations for his work.
- Jamal Joseph, who once received a sentence of nine years based on politically motivated charges, now teaches screenwriting at the Film Division of Columbia University's Graduate School of the Arts. His script credits include television and theater films, and he has won numerous awards, among them a Director's Fellowship at Sundance. Joseph is a co-founder and artistic director of Impact Repertory Theater in Harlem, and he serves as a mentor, counselor, and teacher in creative and leadership training for young people, including his own three children.
- Laura Whitehorn, having served over 14 years in federal prison for participating in anti-imperialist actions, has been Associate Editor of POZ Magazine, a national monthly periodical educating the public about HIV and AIDS, and is now a coordinator of educational panels and events for POZ's national HIV education program, the POZ Life Forums.
- Eddie Ellis, a former Black Panther Party leader who served over 20 years in prison, is now the Executive Director of the Community Justice Center, and an educator and frequent speaker on prison reform. Like the rest of these released political prisoners, Mr. Ellis is a role model for young people, turning them away from the path to prison and helping them to lead productive lives.
- Patricia Levasseur, who served five years for harboring a fugitive (her husband), is now a paralegal at a New York City law firm. Prior to this, she worked for five years

for the Center for Constitutional Rights. She has three daughters who are attending college.

### *Recommendations*

While the incarceration of most political prisoners took place prior to the United States' ratification of the Covenant in 1992, the continued incarceration and treatment while incarcerated of these prisoners constitutes an ongoing and grave violation of the United States' international obligations under the International Covenant on Civil and Political Rights. In addition, these politically motivated arrests, trials and convictions constitute a breach of international customary law and the United States' obligations under the Universal Declaration of Human Rights. In light of the State's non-compliance with its international obligations under the International Covenant on Civil and Political Rights, we urge the United Nations Human Rights Committee to:

- recognize the existence of political prisoners within the United States;
- demand the unconditional and immediate release of all political prisoners in the United States;
- demand that the United States comply with its obligations under the ICCPR and respect the rights of individuals to dissent, to self determination without fear of persecution.

For the United States to truly embrace the values enshrined in the Universal Declaration for Human Rights and to respect its obligations under the International Covenant on Civil and Political Rights, all political prisoners must be unconditionally and immediately released.

### List of Political Prisoners

1. Haki Malik Abdullah (s/n Michael Green) □# C-56123□PO Box 3456□Corcoran, CA 93212
2. Mumia Abu-Jamal #AM 8335, □SCI-Greene, 175 Progress Drive, □Waynesburg, PA 15370
3. Sundiata Acoli #39794-066, □USP Allenwood, P.O. Box 3000, □White Deer, PA 17887
4. Charles Simms Africa #AM4975, □SCI Graterford, Box 244, □Graterford PA 19426□□
5. Delbert Orr Africa #AM4985, □SCI Dallas Drawer K, □Dallas, PA 18612
6. Edward Goodman Africa #AM4974, □301 Morea Road, □Frackville, PA 17932
7. Janet Holloway Africa #006308, □451 Fullerton Ave, □Cambridge Springs, PA 16403-1238□□
8. Janine Phillips Africa #006309, □451 Fullerton Ave, □Cambridge Springs, PA 16403-1238
9. Michael Davis Africa #AM4973, □SCI Graterford Box 244, □Graterford, PA 19426-0244
10. William Phillips Africa #AM4984, □SCI Dallas Drawer K, □Dallas, PA 18612□□
11. Debbie Sims Africa #006307, □451 Fullerton Ave, □Cambridge Springs, PA 16403-1238
12. Jamil Abdullah Al-Amin #EF492521, □Georgia State Prison, 100 Georgia Hwy 147, □Reidsville, GA 30499-9701
13. Zolo Azania #4969□Pendelton Correctional Facility□PO Box 30 , I.D.O.C. 6-6 D□Pendelton, Indiana 46064□
14. Herman Bell #79C0262, □Eastern Correctional Facility, Box 338, □Napanoch, NY 12458-0338□□
15. Haydée Beltrán Torres #88462-024, □SCI Tallahassee, 501 Capitol Circle NE, □Tallahassee, FL 32031
16. Kojo Bomani Sababu □(Grailing Brown) #39384-066, □USP Victorville Satellite Camp, □P.O. Box 5700, □Adelanto, CA 92301

17. Jalil Muntaqim (Anthony Bottom) #77A4283, □ Auburn Correctional Facility, □ Box 618, 135 State Street, □ Auburn, NY 13024 □ □
18. Veronza Bowers #35316-136, □ FCC Medium C-1, □ P.O. Box 1032, □ Coleman FL 33521-1032
19. Marilyn Buck #00482-285, □ Unit B, Camp Parks, □ 5701 Eighth Street, □ Dublin, CA 94568
20. Rubén Campa #58738-004, □ F.C.I. Oxford, P.O. Box 1000, □ Oxford WI 53952-0505
21. Marshall Eddie Conway #116469, □ Box 534, □ Jessup, MD 20794
22. Bill Dunne #10916-086, □ Box 019001, Atwater, CA 95301
23. Romaine “Chip” Fitzgerald #B-27527, □ CSP/LAC - AL-225 □ 44750 60th Street West □ Lancaster, CA 93536-7619
24. William Gilday # W33537 □ MCI Shirley □ PO Box 1218 □ Shirley , MA 01464-1218
25. David Gilbert #83A6158, □ Clinton Correctional Facility, □ P.O. Box 2000, □ Dannemora, NY 12929 □ □
26. René González Reg. #58738-004, □ FCI Marianna, P.O. Box 7007, □ Marianna, FL 32447-7007
27. Antonio Guerrero #58741-004 , □ U.S.P. Florence, P.O. Box 7500, □ Florence CO 81226
28. Bashir Hameed (s/n James York) #82-A-6313, □ Sullivan Correctional Facility, □ P.O. Box 116, □ Fallsburg, NY 12733-0116
29. Eddie Hatcher #0173499, □ P.O. Box 2405, □ Marion, NC 28752
30. Robert Seth Hayes #74-A-2280, □ Wende Correctional Facility, □ Wende Rd., PO Box 1187, □ Alden, NY 14004-1187 □ □
31. Alvaro Luna Hernández #255735, □ Hughes Unit, Rt. 2, Box 4400, □ Gatesville, TX 76597
32. Gerardo Hernández #58739-004, □ U.S.P. Victorville, □ P.O. Box 5500, □ Adelanto, CA 92301
33. Freddie Hilton (Kamau Sadiki) # 115688 □ Augusta State Medical Prison, Bldg 13A-2 E7 □ 3001 Gordon Highway □ Grovetown , GA 30812-3809 □

34. Sekou Kambui (William Turk) #113058, □Box 56, SCC (B1-21), □Elmore, AL 36025-0056
35. Yu Kikumura #090008-050, □P.O. Box 8500 ADX, □Florence, CO 81226
36. Mohamman Geuka Koti 80A-0808 □354 Hunter Street Ossining , NY 10562-5442
37. Jaan Karl Laaman #W41514, □Box 100, □South Walpole, MA 02071-0100
38. Matthew Lamont #T90251, □A-5-248 UP, Centinella State Prison, □P.O. Box 901, □Imperial, CA 92251 □□
39. Mondo We Langa (David Rice) #27768, □Box 2500, □Lincoln, NE 68542-2500
40. Maliki Shakur Latine # 81-A-4469 □PO Box 2001□Dannemora , NY 12929
41. Oscar López Rivera #87651-024□U.S. Penitentiary□P.O. Box 12015□Terre Haute, IN 47801
42. Jeffrey 'Free' Luers #13797671, □OSP, 2605 State Street, □Salem, OR 97310
43. Ojore Lutalo # 59860□PO Box 861 , #901548□Trenton NJ 08625 □
44. Ruchell Cinque Magee # A92051 □3A2-131 □Box 3471 □C.S.P. Corcoran, CA 93212
45. Abdul Majid (Anthony Laborde) #83-A-0483, □Drawer B, Green Haven Correctional Facility, □Stormville, NY 12582-0010
46. Thomas Manning #10373-016, □United States Penitentiary - Hazelton □Box 2000 □Bruceton Mills, West Virginia 26525
47. Luís Medina #58734-004□(envelope is addressed to Luis Medina, □letter to Ramón Labañino)□U.S.P. Beaumont, P.O. Box 26030, □Beaumont TX 77720-6035
48. Sekou Odinga #05228-054, □Box 1000, Marion, IL 62959
49. Sara Olson #W94197, □506-27-1 Low, CCWF, P.O. Box 1508, □Chowchilla, CA 93610-1508□□
50. Leonard Peltier #89637-132, □USP Lewisburg□U.S. Penitentiary□P.O. Box 1000□Lewisburg, PA 17837
51. Hugo "Dahariki" Pinell # A88401□SHU D3-221 □P.O. Box 7500 □Crescent City, CA 95531-7500 □

52. Ed Poindexter #110403 □ Minnesota Correctional Facility, □ 7525 Fourth Ave., Lino Lake, MN 55014-1099
53. Luis V. Rodríguez # C33000 □ Mule Creek State Prison □ P.O. Box 409000 □ Ione , CA 95640 □
54. Hanif Shabazz Bey (Beaumont Gereau) #295933, Wallens Ridge State Prison, □ P.O. Box 759, □ Big Stone Gap, VA 24219
55. Mutulu Shakur #83205-012, □ Box PMB, Atlanta, GA 30315
56. Byron Shane Chubbuck #07909-051, □ USP Beaumont □ P. O. Box 26030 □ Beaumont, TX 77720
57. Russell Maroon Shoats #AF-3855, □ SCI Greene, 175 Progress Drive, □ Waynesburg, PA 15320
58. Carlos Alberto Torres #88976-024, □ FCI Oxford, P.O. Box 1000, □ Oxford, WI 53952
59. Gary Tyler # 84156 □ Louisiana State Penitentiary □ ASH-4 □ Angola LA 70712
60. Herman Wallace #76759 □ CCR Upper E # 4 □ Louisiana State Penitentiary □ Angola, LA 70712
61. Gary Watson #098990, □ Unit SHU17, Delaware Correctional Center, □ 1181 Paddock Road, Smyrna, DE 19977 □ □
62. Albert Woodfox #72148 □ TU/CCR U/B#13, □ Louisiana State Penitentiary □ Angola LA 70712