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UNITED STATES POLITICAL PRISONERS/PRISONERS OF WAR

Submitted by the

____NATIONAL CONFERENCE OF BLACK LAWYERS____

I. Executive Summary

Political Repression-Political prisoners

1. The “Church Committee” hearings (1976) documented substantial and credible evidence of human rights violations against U.S. citizens based on race, political ideology and political affiliation. The final report recommended that Congress establish permanent means to review and address these massive violations. However, a major and important segment of groups that suffered and currently suffer unspeakable abuse and human rights violations- political prisoners, were not included. That may have been in part due to a reluctance or flat out denial to accept an inescapable conclusion that political prisoners exist within the United States. The United States’ government political repression against African-Americans, Puerto Ricans and Native Americans who made great sacrifices to expose and change the racial landscape, is evident when one reviews the denial of due process and lengthy prison term meted out to these groups of prisoners. From being severely abused during the “capture” process through the wholesale judicial alliances with “law enforcement” including prosecutors during the “trial”, to the excessive punishment after guaranteed guilty verdicts, this class of prisoners suffer the worst form of human rights violations at the hands of the government. After sentenced to terms of imprisonment unlike any others charged with the same or more serious charges, they are subjected to further cruel and inhumane conditions.

2. These inhumane conditions are not challenged but rather condoned by those whose obligation it is to see to it that there is a cessation of these types of treatment. Many of

these political prisoners endure years of isolation from family as they often are sent to locations that make visits by family and friends cost-prohibitive and extremely difficult. It is indeed a human rights violation to create that kind of isolation, when it is beyond dispute that prisoners fare better when they have contact with family and friends. Further abuse occurs when these political prisoners are deprived of health care which becomes important as that population ages. There is a large segment of elderly political prisoners because they are routinely denied parole no matter how impressive their institutional record and adjustment.

Scope of International Obligations

3. The United States is a member of the United Nations. The UN Charter commits all member States to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to **race**, sex, language or religion.”

4. The United States participated in the preparation and adoption of the Universal Declaration of Human Rights. The UDHR includes fundamental **economic, social, cultural, political and civil rights which includes the right to life, liberty and security of person, right to recognition as a person before the law, freedom from torture and cruel, inhuman or degrading treatment or punishment;**

5. There is an internationally accepted definition of the term “political prisoner”. They are men and women who have been incarcerated for their political views and actions. They have consciously fought against social injustice, colonialism, and/or imperialism and have been incarcerated and/or remain incarcerated for their political views and actions. Political prisoners have always been the most vulnerable of prisoners, singled out for inhumane treatment in blatant violation of the UDHR.

Political Prisoners in the United States: A Brief History of Political Repression:

6. The massive scale of abuse perpetrated by the Counterintelligence Program (COINTELPRO) can not be understated; neither can its far reaching trail of violations. COINTELPRO involved covert actions that targeted domestic groups that this operation deemed to be dissidents. Among these groups was the Black Panther Party (BPP). The FBI went beyond the collection of intelligence, to secret action to bring about certain destruction of the targeted groups and individuals.

7. The techniques ranged from simple tactics like mailing reprints of Reader’s Digest articles to college administrators to sending letters to members of a cohesive group informing them that certain member of the group are police informers. This bred distrust and of course resulted in the demise of these organizations that challenged injustice and inequality by the United States government. Once the groups are sufficiently divided, the core is weakened and the government can continue its unfair practices. A most vicious utilization of COINTELPRO was the arrest and malicious prosecution of many citizens who are still in prison for 3-4 decades. Because of their past or present political views, they have no realistic expectation of ever being released from prison.

8. Pressure from a broad spectrum of The American public saw the formation of a Congressional Subcommittee, popularly known as the Church Committee, which studied the FBI's covert action programs. This Committee concluded that the FBI had "conducted a sophisticated vigilante operation aimed at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the existence of dangerous groups and the propagation of dangerous, unpopular ideas would protect the national security and deter violence." It further reported that "many of the techniques used would be intolerable in a democratic society even if all of the targets had been involved in violent activity."

9. Indeed before COINTELPRO's demise it was responsible for maiming, murdering, false prosecutions and frame-ups, destructions and mayhem throughout the country. It had infiltrated and had its mark on every organization and association that aspired to bring about social change in America whether through peaceful or violent means. Many organizations selected by COINTELPRO for decimation were left in its violent windstorm. There was the Puerto Rican Independence movement, the Black Panther Party, the Young Lords, the Weather Underground, Students for a Democratic Society (SNCC), member of the American Indian Movement (AIM), the Chicano Movement, The Black Liberation Army (BLA), and even peace activists were all caught in COINTELPRO's wide net and were targeted for "neutralization."

10. Once arrested, often under very suspicious circumstances where constitutional rights were not even considered an option of protection for the accused political prisoners, prosecutors continued the blatant violation of their human rights. The withholding of exculpatory evidence was common place, as well as the harassment of potential witnesses for the accused. The goal of these prosecutions was to make certain the FBI's COINTELPRO's "work" which included illegal surveillance of these targeted organizations and individuals, would result in convictions no matter how unlawfully obtained. Most often, no relief was found in the American courts; the FBI and the prosecutors had a reliable friend in this regard.

11. When one considers for example, cases of former political prisoners Dhoruba Bin-Wahad, and Geronimo Ji-Jaga Pratt, just to name a few, it can be seen how pernicious was the FBI's COINTELPRO, for these two men who spent 27 years and 19 years respectively, incarcerated for crimes the FBI and not they, committed. Another example of egregious human rights violation involve the case of political prisoner, Mumia Abu-Jamal. Despite documented clear evidence of prosecutorial and judicial misconduct at his trial, and convincing evidence of his innocence, Mumia Abu-Jamal languishes on death row after having served nearly three decades in prison.

Prolonged Isolation: Violates Convention Against Torture

12. U.S. political prisoners and prisoners of war are often singled out for some of the worst forms of torture. They are arbitrarily placed in isolations for as much as 23 hours a day with no opportunity for exercise, or in some cases visits from family. These type of "special" treatment are not the result of infraction; they are punished not for what they

have done, but rather for their political thoughts past and present. Such punishment is in direct violation of The Convention against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment.

13. The men's federal prison in Marion, Illinois has one of the worst records for torture of political prisoners and has been condemned by Amnesty International for violating international standards on the minimum treatment of prisoners. Political prisoner, Sundiata Acoli (Clark Squire) was one of Marion's victims of human rights abuse when he was incarcerated there.

14 Immediately following the September 11, 2001 attack on the World Trade Center and the Pentagon, political prisoners were placed in what is called "administrative segregation" commonly known as "the hole." Some were fed the lie that their placement in "the hole" was for their own safety". The hypocrisy is glaring. Political prisoners who have been abused, denied proper medical care, and denied basic human interaction, treated worst than any other class of prisoners, were now being told the institutions where they were incarcerated were concerned for their safety.

15. For example, political prisoner Sundiata Acoli was told as he was being placed in "the hole", "Squire, you're terrorist. You were a member of the Black Panther Party and the BLA". Mr. Acoli was denied access to any visits including his lawyers, for over 6 weeks following the September 11th attack. The "special" treatment accorded political prisoners like Sundiata Acoli violates all standards of decency and falls squarely within those actions proscribed by the United Nations Charter.

16. The excessive sentences imposed on the political prisoners are additional evidence of the courts' alliance with the prosecutors who are overzealous and unscrupulous in their approach to prosecution of these cases. Prosecutors and judges know all too well that once political prisoners have been sentenced to prison, their chances of being released on parole is next to nonexistent. It is that nexus between "law enforcement" and the judiciary that makes the process so biased and credits a perception that justice will not be meted out to political prisoners and prisoners of war in the United States.

Denial of Parole

17. There seems to exist, a dual parole system in the U.S.; one that hears the cases of "regular" prisoners and a de facto separate one to schedule "perfunctory" hearings for political prisoners. While family members, supporters, friends from diverse backgrounds that cover a wide geographical spectrum provide every credible evidence of the prisoner's eligibility for parole, the boards in these type of cases need expend no energy in reaching their predetermined decisions to deny parole for political prisoners. Hence, the crimes committed by the FBI through its COINTELPRO, gets rewarded as long as the victims of this shameless era in U.S. history languish under some of the worst prison conditions with no realistic hope of being released. Impressive institutional adjustment under these conditions yields no points for political prisoners; neither do other factors that should mitigate heavily in favor of release.

18. Several years ago, massive support for political prisoner Jalil Muntaqim (Anthony Bottom) included the son of the police officer for whose murder the prisoner had been convicted . Submitting a victim impact statement on behalf of his family, he urged the parole board to release Mr. Muntaqim. Mr. Muntaqim had done all that was required of him for release on parole, but was denied by the New York state parole board, after having serving decades in prison. Several political prisoners, among them Albert Nuh Washington and Basheer Hameed have died in prison from terminal illnesses after having received substandard medical care.

19. Sundiata Acoli is a 73 year old political prisoner who was sentenced in 1974 to a Life sentence plus 30 years. The then governing statute made him eligible for parole after serving twenty years in prison. Mr. Acoli's profile is extremely impressive and his support tremendous. Yet the hearing officers in his most recent parole hearing on March 4, 2010, focused on his past association with and membership in the Black Panther Party and the Black Liberation Army, both termed "terrorist" organizations by the parole board and the prosecutor's office. such focus makes it clear that the State of New Jersey parole board will never release this elderly man who has served 37 years in prison. That is so because their questioning of him evinced total disregard for any of his rights guaranteed by the U.S. constitution-Right of Free Speech, Right of Association and general Due Process rights.

20. The parole boards are confident in disregarding parole eligibility criteria and is almost sadistic in their denial of these political prisoners. The United States holds itself out to the world as the guarantors of freedom, liberty and equality. It boasts of its courts and the right of all to have fair trials. However, there is a special form of abuse set aside for political prisoners/prisoners of war who challenged the still many forms of inequity that exists in America. It is time that the FBI's COINTELPRO be laid in a final resting place. But that can not happen as long as the victims of its destruction find no relief from the unlawful practices that guaranteed them a life behind bars.

Recommendations

21. All U.S. political prisoners /prisoners of war (PP/POW) must be granted unconditional release from prison.

22. The United States must issue a formal pardon after release of PP/POW, to those victims of COINTELPRO and condemn the crimes perpetrated by it.

23. The United States must cease its targeting for repression, those who fight to make the United States live up to its documents that guarantees life liberty and the pursuit of happiness, and also guarantee the Right of Association and Free Speech.