Torture, Cruel, Inhuman, and Degrading Treatment: USA Criminalizing Dissent Despite the International Covenant on Civil and Political Rights (ICCPR)

I. REPORTING ORGANIZATIONS
Malcolm X Center for Self Determination and National Jericho Movement for Amnesty and Freedom of All (U.S.) Political Prisoners respectfully submit this Update to supplement our previous response to the United States’ reply to the Committee’s List of Issues. We offer this updated report to provide additional information on the torture, cruel, inhuman and degrading treatment of incarcerated political activists from the United States’ 1960-70s COINTELPRO/Civil Rights Era to today and of more recently politicized activists calling for humane treatment. This addition points to continued violation of ICCPR Articles 7, 9,10, 12, 13, 14, 15, 17 and questions raised in Paragraph Number 16 of the Committee’s List of Issues, “prolonged cellular isolation.”

II. INTRODUCTION AND ISSUE SUMMARY

Medical Neglect and Denial of Compassionate Release Of the ten (10) cases of extreme medical neglect and compassionate release denials previously submitted, only terminal 4th stage breast cancer victim, Lynn Stewart, has been released. The health of the others continues to deteriorate. Most severe, Mohammad Kote, 86 years, not previously cited, and Abdul Maumin Khabir, wheelchair bound with COPD, has been denied repeatedly and told by the warden that unless (Maumin) is “bedridden” no compassionate release request will be submitted on his behalf “due to (Maumin’s) political beliefs.” Patent violations of ICCPR Articles 6,7,8,10,14,15,16, and 17-24.

Prolonged Cellular Isolation The most egregious treatment has been reserved for the imprisoned COINTELPRO/Civil Rights Era political activists, leading are Rachelle Magee and Hugo Pinell in their 50th and 43th year, respectively (San Quentin 6, Angela Davis’s Co-Defendant), Albert Woodfox in 42nd year (Black Panther Party-Angola 3; Co-Defendant Herman Wallace, in the 42nd, was released 4 days before dying), Leonard Peltier in 39th year (American Indian Movement), and Russell Maroon Shoatz in 30th year (Pennsylvania Black Panther Party), Jamil Al Amin 10th year (Student Nonviolent Coordinating Committee (SNCC), ICCPR Articles 7 and 10.

Retaliation for Peaceful Protest is being imposed on politicized prisoners across the USA. Up to 80,000 on any given day. Inmates have begun organizing themselves and hunger striking to demand an end to solitary confinement, arbitrary sentence extensions and other abuses. After 60 days on hunger strike, 30,000 prisoners in CA, suspended their action demanding an end to solitary confinement torture in California and U.S. prisons, on September 5, 2013. Forty (40) strikers went without solid food for 8½ weeks. Now, everyone who participated in the strike has received a “Serious Rules Violation Report” (a “115 write up”). If considered "gang related," it can be used to "validate" a prisoner as a "gang member" or a "gang associate"—causing him/her to be moved into the Security Housing Units (SHUs) or justify longer periods of time in SHU, up to decades. The SHU is an 8’ x 10’ concrete box, with total sensory deprivation and psychological torture, http://revcom.us/a/325/new-retaliation-targets-california-prisoner-hunger-strikers-en.html . The USA is in violation of ICCPR Articles 4,7, 10, 14,18,19,21,26

IV. Recommended Questions
We respectfully request that the following questions and concerns be raised during the U.S. government’s hearing:
1. Please provide justification for continued criminalization and imprisonment of COINTELPRO/Civil Rights Era political activists generally and those held in prolonged cellular isolation particularly.
2. Has the federal government taken any steps to fashion a Truth and Reconciliation process to bring a close to this chapter in United States history?
3. What steps has federal government taken to end use of prolonged solitary confinement?

V. Suggested Recommendations
As all the COINTELPRO/Civil Rights Era activists are aged and/or infirmed, and retaliation against peaceful protesters is a basic human rights violation, we respectfully suggest the Committee make the following Concluding Observations on the U.S. government report

1. That the State Party take immediate action to release the terminally and critically ill imprisoned COINTELPRO/Civil Rights Era activists.
2. That the Obama Administration create a national Truth and Reconciliation Commission for review of COINTELPRO/Civil Rights Era political activists’ convictions and/or deaths and the release and compensation of all currently imprisoned COINTELPRO/Civil Rights Era political activists, political prisoners, prisoners of war and exiles.
3. That use of solitary confinement be investigated and terminated in compliance with ICCPR and CAT.