

# **Torture, Cruel, Inhuman, and Degrading Treatment: Criminalizing Dissent in the United States Despite International Covenant on Civil and Political Rights**

## **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 report to supplement the United States' response to the Committee's List of Issues. We offer this shadow 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. 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.

## **II. Introduction and Issue Summary**

1. This report points to violations of the International Covenant on Civil and Political Rights (ICCPR) stemming from U.S. policy toward the more than 50 political activists, it has imprisoned for more than 30 years. They are held in "maximum security prisons...in prolonged cellular isolation" and consistently denied critical medical care, communication with lawyers and their families. Particularly egregious is the current case of terminally ill, federally held, political activist attorney, Lynn Stewart. She is being denied both medical care and compassionate release to obtain such needed care in violation of the ICCPR and Convention Against Torture (CAT), medical records attached. These violations continue against activists at the state and local levels with equally significant rights violations; medical records similar cases attached.
2. This report describes how federal and state policies of criminalization of political dissenters and other unpopular persons in custody are routinely denied regular communications and contact with their family and are isolated in so-called Communications Management Unit (CMU) and Special Administrative Units (SMU). Both are prison units designed to isolate and segregate persons in the prison systems from the rest of the prison population. The administrators claim that the units are designed to hold dangerous terrorists and other high-risk inmates, requiring heightened monitoring of their external and internal communications.

Many of these prisoners, however, are sent to these isolation units for their constitutionally protected religious beliefs, unpopular political views, or in retaliation for challenging poor treatment or other rights violations in the federal, state, and local jails and prison systems, prime targets are the COINTELPRO/Civil Rights Era political activists. These are all violations of the ICCPR; namely, the right to liberty and security of the person (Article 9), the right to the family (Articles 17 and 23), the right to freedom of assembly (Article 21), as well as Article 7 and Convention Against Torture..

3. Further chilling speech is the 2012 National Defense Authorization Act (NDAA), which contains provisions authorizing the U.S. military to pick up and imprison people, including U.S. citizens, without charging them or putting them on trial expands the specter of solitary confinement to again include ordinary unpopular citizens. Specifically, the legislation “affirms that the authority of the President to use all necessary and appropriate force pursuant to the Authorization for Use of Military Force (Public Law 107-40) includes the authority for the Armed Forces of the United States to detain covered persons (as defined in subsection (b)) pending disposition under the law of war.” It specifically authorizes “Detention under the law of war without trial until the end of the hostilities authorized by the Authorization for Use of Military Force.”
4. This “authority” has been extended, post facto, to challenge the political asylum of Black Panther Party member, Assata Shakur, formerly know as Joanne Cheismard. Although she has been in exile in Cuba for more than twenty-five years without incident. The U.S. government recently labeled her a “terrorist,” put her on it’s “Ten Most Wanted” list, and increased the bounty on her head to Two Million Dollars, a violation of ICCPR Article 15. Statements of the legal community’s is outrage attached.

### **III. Relevant Question in List of Issue**

The U. S. government has failed to respond to the Committee's Issue Number 16 regarding steps taken to reduce "prolonged cellular isolation," "increase out-of-cell recreation," to facilitate "regular family contact," report complaints of human rights violations in prisons and jails or of such investigations. Indeed, violations of the International Covenant on Civil and Political Rights and the Convention Against Torture are maintained at all levels of government with impunity.

### **IV. Recommended Questions**

As the Committee conducts its review, 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?

### **V. Suggested Recommendations**

As all the COINTELPRO/Civil Rights Era activists and their allies are aged and /or infirmed, 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, particularly Lynn Stewart and those cases cited here.
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.

## APPENDIX

### CRITICAL MEDICAL CASES AND RECORDS

Attorney Lynn Stewart, <http://lynnestewart.org/>

Tom Manning, <http://denverabc.wordpress.com/prisoners-dabc-supports/political-prisoners-database/thomas-manning/>

Dr. Mutulu Shakur, <http://mutulushakur.com/site/>

Mondo we Langa (David Rice), <http://denverabc.wordpress.com/prisoners-dabc-supports/political-prisoners-database/mondo-we-langa/>

Jalil Muntaquin, <http://www.freejalil.com/>

Robert Seth Hayes, <http://denverabc.wordpress.com/prisoners-dabc-supports/political-prisoners-database/robert-seth-hayes/>

Abdullah Majid, <http://denverabc.wordpress.com/prisoners-dabc-supports/political-prisoners-database/abdul-majid/>