

US Political Prisoners Seek Justice at UN Committee on Torture

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“Expand the civil-rights struggle to the level of human rights. Take it into the United Nations, where our African brothers can throw their weight on our side, where our Asian brothers can throw their weight on our side, where our Latin-American brothers can throw their weight on our side, and where 800 million Chinamen are sitting there waiting to throw their weight on our side.

Let the world know how bloody his hands are. Let the world know the hypocrisy that’s practiced over here.” – Malcolm X, April 3, 1964. Cleveland, Ohio, [“The Ballot or the Bullet”](#) speech.

They say that charity begins at home – and so, it should be added, does torture. The United States, a nation born in slavery and genocide, has in recent years been compelled to justify its past and current crimes as measured by the standards of the United Nations Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment.

On November 12 and 13, a delegation led by the [U.S. Human Rights Network](#) traveled to the UN’s palatial compound in Geneva, Switzerland, to argue that the U.S. is in violation of international treaties against torture and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). More than a score of organizations and individuals attempted to, first, convince members of the Committee Against Torture (CAT) that the groups they represent (Blacks, women, LBGTs, prisoners, immigrants, homeless) have, indeed, been harmed by the U.S., and, second, that these grievances fall under the language of the relevant treaty. It is a cumbersome, often agonizingly long bureaucratic process that is made even more problematic when the perpetrator of the crimes is the world’s sole superpower and the UN’s biggest funder.

Black Americans have a long history of enlisting international support in the struggle against U.S. racial tyranny, predating by generations Malcolm X’s admonitions to “take it into the United Nations.” The bigger the empire gets, the more sensitive it must become to foreign criticism of its domestic policies. When the U.S. elevates itself to arbiter of human rights on Planet Earth, as President Barack Obama has attempted to do, it is obliged to at least go through the motions of compliance with the treaties it has signed, which – on paper – carry the force of U.S. domestic law.

Last week’s meeting of the Committee Against Torture took place against the backdrop of the unfolding saga in Ferguson, Missouri – the small city that has become an international household word in the three months since officer Darren Wilson gunned down Black teenager Michael Brown. Although the U.S. media’s lens on torture is focused mainly on

Guantanamo Bay and the pending U.S. Senate report on CIA torture, and most of the activists in the U.S. Human Rights Network delegation were transmitting grievances on issues other than race, the looming confrontation in Ferguson framed and colored the proceedings. [Michael Brown's mother and father](#) made international news with their appearance before the committee, and a group of Black Chicago young people representing We Charge Genocide held a 30-minute silent, standing, fists-up demonstration as the official U.S. delegation attempted to claim that torture is not endemic to U.S. domestic policy and practice.

However, the biggest media splash occurred when [U.S. representatives admitted](#) that America had used torture in the so-called War on Terror. "A little more than 10 years ago, our government was employing interrogation methods that, as President Obama has said, any fair-minded person would believe were torture," said Mary McLeod, the acting legal adviser to the State Department. Tom Malinowski, the assistant secretary of state for human rights, tried to assure the committee that the U.S. was not continuing to torture detainees in secret foreign locations or on U.S. aircraft or ships at sea. "We believe that torture, and cruel, inhuman and degrading treatment and punishment are forbidden in all places, at all times, with no exceptions. The legal and moral argument against torture would be dispositive under any circumstances."

No such definitive statements were forthcoming, however, when it came to physical or emotional torture in U.S. prisons, or by American police. Instead, the 20-plus member official U.S. delegation, drawn mainly from the Departments of State, Justice, Defense and Homeland Security, engaged in non-stop obfuscation, semantic contortions, and bald denials of fact to maintain that the U.S. obeys the letter and spirit of international law in its treatment of Blacks on the streets and inside the vast American Gulag, and is in no need of international oversight.

In the face of such superpower stonewalling, the biggest burden of proof lay on the shoulders of the three advocates for U.S. political prisoners: Efia Nwangaza, the veteran people's lawyer and director of the Malcolm X Center for Self-Determination, in Greenville, South Carolina; Dhoruba Bin Wahad, a former Black Panther and Black Liberation Army member who spent 19 years in prison, much of it in solitary confinement; and former Black Panther Party political prisoner Jihad Abdulmumit, of the Jericho Movement.

Their mission was made enormously more difficult by the fact that the term "political prisoners" is not even part of the United Nations vocabulary. As Efia Nwangaza explains, diplomats consider "political prisoner" to be a "conclusionary term," and they are loathe to use words that infer conclusions of fact. Instead, Nwangaza, Bin Wahad, and Abdulmumit are compelled, in formal communications with the UN Committee on Torture, to frame Black American political prisoners as "imprisoned COINTELPRO and Civil Rights era human rights defenders and political activists and other persons at risk."

What results is worse than just a stilted conversation. The political prisoner advocates must measure the success of their interaction with the UN by their ability to convince Torture Committee members to adopt their grievances and proposals as the basis for questioning U.S. compliance with the treaty and for recommending remedies to the human rights situation in the United States. In practice, that means finding victories in convincing Committee members to use language that deals with the rights of prisoners that are indigent, aged or infirmed, or have served excessive sentences or spent long periods in

isolation - all of which applies to Black U.S. political prisoners of the COINTELPRO and Civil Rights eras.

The bottom line request is that the Committee “recommend that the U.S. government take steps to end” the prisoners’ incarceration - an ordeal that, for some, has lasted a half a century.

The other specific request is for the establishment of a “South Africa-like Truth and Reconciliation Commission” (TRC) to resolve any remaining issues. Dhoruba Bin Wahad and Jihad Abdulmumit said their comrades who remain in the behind bars insisted that this measure be pushed in Geneva as a means to both popularize the plight of political prisoners and provide a forum for larger discussion. For the purposes of the Committee on Torture, the Truth and Reconciliation proposal might be diplomatically transmitted through references to “alternative sentencing” - which is another way of framing the reduction of political prisoners’ sentences through a South-Africa-like commission mechanism.

Clearly, an appeal to the United Nations is more complex than carrying a sign saying “Free All Political Prisoners.”

The two-day process in Geneva began with the U.S. Human Rights Network’s broad-based delegation making brief presentations to the Committee Members, who hail from various nations but serve as individuals.

Efia Nwangaza, who has shepherded three complex proposals before UN committees and knows the ropes better than anyone in the delegation, described the “imprisoned COINTELPRO/Civil Rights era political activists and human rights defenders” as “survivors of an illegal scheme to crush the 60-70s social justice movements - political prisoners. They can wait no longer. They have served as many as 51 years in prison.”

Ethan Viets-VanLear, of Chicago-based We Charge Genocide, said U.S. police are allowed to act with “impunity,” while Congress has failed to even establish a data base to document the crimes. “We charge genocide, we charge torture,” he said.

Committee members, referred to as rapporteurs, questioned the delegates. Alessio Bruni, of Italy, noted that President Obama’s recent proposals for prison sentencing and standards reform are only applicable to the federal prison system, while 90 percent of U.S. inmates are held in state and local jails. The U.S. does not allow UN Special Rapporteurs to visit prisoners and inspect conditions at state prisons, claiming that’s beyond federal jurisdiction. Meanwhile, the Prison Litigation Reform Act (PLRA) severely limits prisoners’ rights to mount court challenges to prison conditions or the terms of their own confinement, resulting in a legal situation that Bruni called “unique in the world, because it established a separate and inferior justice system for prisoners.” Bruni said there are “significant gaps in remedies available to U.S. prisoners” - an important point, since the Committee is empowered to intervene if signatories to the treaty do not provide remedies for damages caused to victims.

Most of the U.S. delegation rate Bruni as sympathetic to their cause.

Jens Modvig, of Denmark, is also seen as open to the human rights activists’ appeals. He concludes that police violence and torture have no remedy in U.S. courts, and that prosecutors have full discretion whether to investigate violations of rights - or not to

investigate – particularly at the federal level, which is an arbitrariness inconsistent with justice.

The rapporteurs asked their own questions of the delegates. They elicited Jihad Abdulmumit's assessment of the U.S. government's stance on political prisoners. "The United States displays blatant arrogance. Albert Woodfox" – the sole remaining member of the Angola Three – "has been in prison for 43 years. The world sees this. You can see it on CNN!" But, the U.S. doesn't care who knows it, because no one can do anything to change it. No remedy.

Efia Nwangaza bored in on inadequate medical care, a key element for the Committee. Even when supporters have secured independent, third party medical services for political prisoners, "the assistance has been denied." Jamil Al-Amin, once known as H. Rap Brown, "waited a year for dental care, and then found out he had cancer," she said.

"The major force blocking police accountability," said Dhoruba Bin Wahad, "is the police unions" that use their oversized political influence to deny political prisoners parole or hold up their release even when they have maxed out their sentences. "We need to look into how police can be made accountable by mechanisms that are out of the purview of police" power – presumably including a Truth and Reconciliation Commission.

Ferguson, Missouri activist and rapper Tef Poe (Kareem Jackson) said "the Ferguson police department turned my neighborhood into a war zone. I fear the police will murder me and my friends simply for being here and exposing this torture" that has been inflicted on an entire community.

The scene shifted later that day to a huge room at the Palace of Nations, where the U.S. Human Rights Network delegation encountered, for the first time, the arrayed representatives of the American State that has tortured people all over the world – a bureaucratic phalanx of overwhelming whiteness. The U.S. position, expressed with absolute solemnity, is that this country holds no political prisoners and there is no such thing as solitary confinement – only varying stages of prisoner isolation for security purposes.

In point of fact, said David Fathi, director of the American Civil Liberties Union's National Prisons Project, "there are more than 80,000" prisoners held in solitary confinement on any given day, some of whom have been isolated from human contact for 20, 30 or even 40 years. "We appreciate the authority of the Civil Rights Division [of the U.S. Justice Department, which was represented in the official U.S. delegation], but it has no authority over the U.S. Bureau of Prisons, and it has never brought a charge" against the federal prison system, he said.

In other words, there are no remedies.

Committee members peppered the U.S. officials with questions on "standards" for imprisonment of young, sick and other vulnerable groups of prisoners. Denmark's Jens Modvig wanted to know how many U.S. cops are punished for brutality and homicide. Essadia Belmir, of Morocco, said "it seems that there is inequality before the courts" in the U.S. "Black people don't enjoy the same treatment" as whites. Alessio Bruni, the Italian, cited a potentially lethal lack of air conditioning at Angola State Prison, in Louisiana, and in sweltering Texas facilities. The U.S. is out of compliance with its treaty obligations while claiming its "national legal system already protects human rights." Turkey's George Tugushi

asked why the U.S. has failed to utilize alternatives to detention – a possible indication that he is thinking about the idea of a Truth and Reconciliation Commission, but who knows?

The United States is not obligated to answer all the questions, but its response will have an effect on the Committee's report, later this month.

The Empire Answers Back

The next and final day of the session, the official U.S. delegation tells Washington's side of the story.

A deputy attorney general claims that the infamous Prisoner Litigation Reform Act that Rapporteur Bruni maintained established "a separate and inferior justice system for prisoners" is really nothing of the kind, since all citizens "have a right to sue in civil court...and seek injunctions." In fact, the legislation was specifically designed to doom most such suits by inmates.

Another bureaucrat insisted that solitary confinement, which he called "restructured housing," is never used for the purpose of inflicting emotional harm. Oh, heavens no.

An acting senior counsel in the Justice Department's Civil Rights Division breezed through her spiel on the department's "ongoing and active" investigation into the Michael Brown shooting and a separate probe of Ferguson police procedures – pro forma exercises that no one expects to result in meaningful action. The Justice Department also looked into charges of police brutality in Chicago, but could find no evidence.

At that point, six young people from Chicago's We Charge Genocide rose from their seats and put their fists in the air, silently holding that position for almost half an hour, in protest. The chief U.S. spokesman later ostentatiously announced that the official delegation had no objections to the demonstration.

To show that the individual U.S. states were also respectful of prisoners' human rights, the Americans trotted out A.T. Wall, the director of Rhode Island's Department of Corrections and Mississippi's attorney general, Jim Hood. Wall said his population in solitary confinement were "completely isolated" because some had access to visits, radios, and cell phone calls. Mississippi's top lawman was of the opinion that police officers "want to do the right thing." But, if they do violate someone's constitutional rights, they can be sued in state and federal court. Even Mississippi, where, as the ACLU's David Fathi points out, "Blacks are six times as likely to receive a sentence of life without parole than whites," has remedies.

Tom Malinowski, the assistant secretary of state for Democracy, Human Rights and Labor, who had earlier assured the world body that the current U.S. policy forbids "torture, and cruel, inhuman and degrading treatment and punishment...in all places, at all times, with no exceptions," drew the line at allowing Special UN Rapporteurs to visit state prisons to inspect conditions for themselves. "We already have a strong system of oversight," he said, but the problems of allowing access to state facilities are "daunting."

Most Committee members seemed unmoved by the official U.S. performance. Denmark's Modvig was skeptical of the Justice Department's failure to find evidence of police wrongdoing in places like Chicago. "Well, you don't find what you are not looking for," he said. Georgia's Tugushi had a short but general commentary on the draconian nature of U.S. sentencing: "Life without parole – in Europe, that's considered a violation of human rights."

The Waiting Game

The Committee on Torture in Geneva will issue its concluding observations before the end of this month. The troika of political prisoners activists and the rest of the U.S. Human Rights Network delegates will then discover which of their issues shows up in the document, which will become the basis for review of U.S. compliance with the treaty on torture, four years from now. The wheels of UN justice turn slowly. Efia Nwangaza, Dhoruba Bin Wahad and Jihad Abdulmumit will pour over the wording of the Committee's observations, to determine if they have shifted the lines of battle in the people's favor. But, as Abdulmumit wrote a "Shadow Report" on Geneva, "everyone must realize that whether an issue is heard or not, the lion's share of the work is on stateside."

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