

## CRUEL AND UNUSUAL

The world governments have a universally acknowledged standard for the treatment of prisoners held in confinement. These standards are codified in a document entitled, "BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT." The California Department of Corrections and rehabilitation is in direct violation of United Nations humanitarian mandates with the arbitrary reckless manner it employs in administration of its Security Housing Units (SHU).

The "Body of Principles" is dated December 9, 1988, and is further identified as, A/RES/43/173. Although American courts have ruled that prisons in the United States are not bound by the world wide humanitarian standards for treatment of prisoners. Nevertheless the U.N. Standards remain the goal if not the current reality.

Jurist of conscious understand the historical evolution of fundamentally fair concepts, and the evolutionary process of justice systems. Not long ago the guillotine worked overtime, prisoners were tied and lashed with a cot-o-nine-tails, prisoners were drawn and quartered, and even boiled in oil.

Today the world would be outraged at the prospect of a prisoner being tied to four horses that pulled his body into four separate pieces. America remains one of a dwindling group of countries that allow the death penalty, and even here, most of the 50 states prohibit the state sanctioned murder of human beings.

As one reads the Body of Principles for the protection of prisoners, its clear that many of the prohibited acts are incorporated in the official policy, practice, and common procedures within the California Department of corrections and Rehabilitation.

For example, the U.N. Protections require notice of any charges or allegations against a prisoner, and also require that a prisoner be given the opportunity to defend against any charges.

In glaring opposition to the world wide standard of RIGHT to Notice, the CDCR isolates selected prisoners who they deem a threat, or whom they classify as unofficial trophies. These prisoners are held in catastrophically inhuman security housing units in perpetuity. Many have been held in such conditions for three decades and more.

In an unsuccessful attempt to justify their illegal practice, the CDCR implemented a Nazi-like process where every year, once or twice a year there is a confidential memo that is put into the prisoners file that the prisoner does not see, that he has no way to challenge", that his lawyer can not see. The burden of proof standard is totally eliminated without the right of notice and defense !

The CDCR, practice is in direct violation of every fundamentally fair concept since mankind emerged from the dark ages. It is also in violation of the "BODY of Principles for the protection of all persons under any form of detention or imprisonment."

The absence of notice or right to defend and challenge the accuracy of false allegations, degrades the humanitarian principles of justice.

The questions presented here are several: (1) should CDCR be exempt from notifying prisoners of disciplinary allegations alledged against them?; (2) should prison officials be empowered to subject prisoners to liberty limitations and tortuous conditions in perpetuity?; and (3) should prison officials be permitted to render guilty findings bases on secret evidence unknown to the prisoners?

A flash point of outrageous anger should boil in your veins when one considers that these SHU trophy prisoners are incarcerated for felony offenses as minor as common theft, drug possession, and crimes that resulted in NO DEATH, or serious physical injury. Moreover, recently the U.S. Supreme Court has issued rulings that guarantee foreign terrorist suspects the right to notice of the charges, the right to counsel, and the right to defense against the alleged offense before an official judicial body. These rights should also extend to California citizens, California prisoners, as well as every human person.

In 1857, The United States Supreme Court issued a ruling that states, "The black man has no right that a white man is bound to respect." Back then slavery was legal in the United States. Legality doesn't equal morality.

However, in a society that is continually evolving, one must hope that as time progresses, it will incorporate improved conditions for the prisoners. That time is long past due!

Long live the spirit of resistance, unity, and solidarity.  
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