

Southern Poverty Law Center
Submission of Information in Preparation for US Country Visit
24 April-5 May 2023

Via Email ohchr-emler@un.org

International Independent Expert Mechanism
to Advance Racial Justice and Equality in Law Enforcement
(EMLER)
United Nations
Palais des Nations
CH-1211 Geneva 10
Switzerland

The Southern Poverty Law Center makes this submission to inform the EMLER of the shocking and inhumane detention of children, most of them of African descent, in a former death row unit at the Louisiana State Penitentiary commonly known as Angola. We urge the EMLER to include Louisiana in its upcoming country visit to the United States to investigate and highlight this serious deprivation of human rights.

The Louisiana Office of Juvenile Justice (OJJ) operates an overcrowded, failing system of juvenile detention facilities. About 83% of youth in OJJ's custody are Black, while only about 31% of Louisiana's population is Black. At a press conference on July 19, 2022, Louisiana Governor John Bel Edwards announced that in order to address serious failings at one facility, the state would "temporarily" move youth from that facility to Angola.

Angola originally existed as a forced labor camp before the US Civil War, when it was called the "Angola Plantations." Today, it houses nearly 5000 adult men, the vast majority of whom have been sentenced to terms of imprisonment for violent crimes. Much of Angola's notorious past continues into the present day – incarcerated Black men are [still forced to labor](#) in the fields (even picking cotton) under the watch of white "freemen" on horseback. SPLC and its coalition partners [reported](#) on this modern-day slavery and brought [testimony](#) from one of its victim to the US CERD

review last year. Angola also has a long and bloody history as one of the most violent prisons in the US.

Angola is not equipped to provide the necessary care to children. It is not even able to provide adequate care to the adult prison population it is intended to house. For example, in 2021, a federal district court in *Lewis v. Cain* that Angola “lacks the infrastructure necessary to provide a constitutionally adequate health care system for patients with serious medical needs.” A severe staffing shortage is part of that lack of infrastructure. In addition, Angola lacks the staff and facilities to provide for the educational needs of children, especially those who have learning or other disabilities. Up to 70% of youth in detention have such disabilities.

Despite outcry from human rights defenders, and litigation seeking to prevent the youth transfer, the first group of eight children – of about two dozen who are slated to go – were moved to Angola in October 2022. They are housed in a unit that formerly served as part of Angola’s death row, in windowless cells with floor-to-ceiling metal bars. In an order that allowed the transfer to happen, a Louisiana federal judge acknowledged that being held at Angola would likely be traumatizing to these children: “The prospect of putting a teenager to bed at night in a locked cell behind razor wire surrounded by swamps at Angola is disturbing,” the court wrote. Nevertheless, it held that the transfer could take place because the state did not have a suitable secure facility in which to house them.

Since the transfer, one child held in the former death row unit has told the court in filings that the children have been held in solitary confinement, sometimes for multiple days, and been subjected to chemical sprays by guards. The court filings also reported having only cold water in the showers, mold in the plumbing, and power outages during rainstorms, causing children to be locked in their cells during times they were supposed to be receiving educational services. The children are also routinely locked in their cells alone from 5:00 pm to 6:45 am, court filings state. Children with psychosocial disabilities are also receiving less treatment since their transfer to Angola, no access to special education services, and no accommodations for their disabilities.

The transfer of Black children to a death row housing unit in a notorious and violent adult prison is shocking, but it is also emblematic of the inhumane and racially discriminatory system of youth incarceration, especially across the South. We encourage the EMLER to devote a portion of its US country visit to listening to human rights defenders who are trying not only to remove these children from such intolerable circumstances but to hold the government to its responsibility to protect and provide for the children’s basic human rights, and to seek responses from representatives of the state. We are currently working to determine whether it might also be possible to arrange for the EMLER to meet with parents of some of the detained children.

SPLC will gratefully assist the EMLER in making arrangements should it decide to undertake the proposed visit. We have also joined our partner, Promise of Justice Initiative, in separate submission that includes an invitation to the EMLER to visit Louisiana to investigate issues of forced labor at Angola, and we will work with PJI in coordinating meetings and activities concerning both issues.

Please let me know if you have questions or require additional information.

With Best Regards,

A handwritten signature in black ink, appearing to read "Lisa Borden", is centered on the page. The signature is written in a cursive style with a large initial "L".

LISA W. BORDEN
lisa.borden@splcenter.org