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USA: Amnesty International to tour jails housing post September 11 detainees - but access to federal detention facility "stonewalled"

An Amnesty International delegation has been given permission to tour two detention centres in New Jersey believed to house most of the non-US nationals detained for immigration violations in the post September 11 sweeps.

Passaic County Jail and the Hudson County Correctional Facility are run by the local county, but have contracts with the Immigration and Naturalization Service (INS) to house INS detainees. Amnesty International delegates will tour the facilities on 6 February and will interview a number of detainees (mainly Muslim men from the Middle-East or South Asia) in private.

Permission to visit the facilities was granted following a request for access made by the organization early last month. Regrettably, a similar request to visit the federal Metropolitan Detention Centre (MDC) in New York City -- where more than 40 INS detainees are reported to be held in harsh conditions in sealed, high security cells -- has been stonewalled by the authorities.

There have been alarming reports of conditions in MDC, with some detainees allegedly held for months in solitary confinement with little or no exercise; sleep disturbed by 24-hour lighting in cells; and restrictions on phone calls to relatives and attorneys. "These conditions are particularly disturbing as the detainees have not been charged with a criminal offence and many are reportedly detained for minor visa

violations for which they would not ordinarily be held in custody," Amnesty International said.

"If the authorities have nothing to hide, they should open up the facility to outside scrutiny, including by human rights groups," the organization added, noting that INS Detention Standards specifically state that INS facilities shall allow visits from outside bodies, including interested non-governmental organizations. Under these same standards, facilities housing INS detainees are requested to permit NGOs access to "non-classified and non-confidential information about their operation".

"We would be very concerned if the physical conditions in a detention facility are considered to be classified," Amnesty International said, calling for the authorities to reconsider its request for access.

Amnesty International's request to visit the three detention centers is part of an ongoing probe by the organization into the treatment of post-September 11 detainees. There has been wide concern at the secrecy surrounding the arrest of more than 1,200 people since the 11 September attacks, many of whom were apparently held incommunicado in the early stages of arrest. Of those arrested, around 100 have been charged with criminal offences (none directly relating to the 11 September attacks) and 460 people are reported to remain in INS custody for alleged visa or other immigration violations. Even now the government has refused to provide details on the INS detainees, even to groups providing *pro-bono* legal assistance to immigration detainees.

Lawyers can get access only if they already have a name or have been retained by the detainee's family, and even then some have experienced delays in locating their clients. According to reports, many detainees continue to be held pending "clearance" by the FBI long after

being granted bail by an Immigration Judge, or after agreeing to "Voluntary Departure" from the USA.

"We shall be raising these and other issues with officials, as well as viewing conditions in the jails -- where there have been claims of overcrowding, inadequate food and medical care," Amnesty International said. "There is also concern that immigration detainees held for minor violations may be housed with criminal detainees, and that some detainees picked up in the 11 September sweeps may have been physically or verbally abused."

Amnesty International said it would shortly be issuing a report of its findings - based on the visits and interviews with attorneys, former detainees and others.

Background

Amnesty International submitted its request to visit MDC on 11 January. The request was referred by the INS to the Federal Bureau of Prisons which then advised Amnesty International to contact the prison direct. The organization complied with their request to submit the names of detainees delegates wanted to visit, but all the organization has been told so far is that a written reply has been mailed to its International Secretariat -- which has not yet been received.

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