

**USA : Post 11 September detainees deprived of their basic rights**

*"I have now been in solitary confinement for 3 and a half months and by the time of the next hearing I will have been here for four months. [...] Why am I imprisoned? Why in solitary confinement? And why under maximum security measures? I have many questions and no answers. What are they accusing me of? Nobody knows."*

*(Letter from a detainee held at the Metropolitan Detention Centre, Brooklyn, New York, for an immigration violation)*

Six months on from the 11 September attacks, a significant number of people detained in the USA in their aftermath continue to be deprived of some basic rights under international law, and many appear to have been detained arbitrarily, Amnesty International said today.

The organization released today a report detailing its concerns on the post-11 September detentions in the USA, based on research including numerous interviews with attorneys, detainees, relatives, and visits to two jails.

"These detentions have been surrounded by extreme secrecy, which creates the potential for abuse," Amnesty International said. "Our research confirms that basic rights have been violated, including the rights to a humane treatment, to be informed of the reasons for the detention, to have prompt access to a lawyer, to be able to challenge the lawfulness of the detention and to be presumed innocent until proven otherwise."

"Reports of cruel treatment include prolonged solitary confinement; heavy shackling of detainees during visits or when they are taken to court; and lack of adequate exercise," the organization added.

*Rabid Haddad, a Lebanese national, charged with overstaying his tourist visa, has been held in solitary confinement since 14 December in the Metropolitan Correctional Centre, Chicago. According to his letters from prison, his cell windows are whited out so he has no view; he is put in handcuffs while being escorted to secure showers some 10 paces from his cell; and he is allowed only one 15-minute call to his family every 30 days.*

*Amnesty International is also concerned that 11 September detainees are routinely shackled when taken to court. Detainees in the Metropolitan Detention Centre (MDC) in New York are made to wear full shackles when appearing before immigration judges (during hearings which take place within the facility) - in direct contravention of international standards.*

*"The harshly punitive conditions in which these detainees are held appear excessive considering that many of them have been charged with routine visa violations for which they would not normally be detained," Amnesty International observed.*

*Some Immigration and Naturalization Service detainees have been held for weeks or months pending security "clearance" by the Federal Bureau of Investigation (FBI). Amnesty International has received disturbing reports of people being held well beyond the dates posted for voluntary departure, deportation to their home countries, or after bail had been set and was ready to be met.*

*"Amnesty International recognises the government's obligation to take all necessary measures to protect its citizens from potential security threats, however we are concerned that the Immigration Service is being used to hold people on flimsy evidence, pending broad criminal probes, without due safeguards," the organization added.*

The organization is urging the authorities to release detailed information on the detentions (including data on those still detained and those released or deported) as requested under a Freedom of Information Act (FOIA) lawsuit filed by Amnesty International and other human rights groups; to ensure that everyone arrested or detained is treated humanely and provided with their rights under international law and that no-one is deported to a country where they would be at risk of serious human rights abuses.

Amnesty International is also calling for a full inquiry into conditions in the federal Metropolitan Detention Centre in New York, where some 40 detainees (many held for routine visa violations) are reported to be confined to sealed, usually solitary cells for 23 hours or more a day and subjected to other deprivations. AI's request to visit this facility was denied by the federal authorities.

### **Background**

More than 1,200 non-US nationals -- mainly men from Muslim or Middle Eastern countries -- were taken into custody in sweeps for possible suspects. Of these, some 300 are believed to remain in Immigration and Naturalization Service (INS) detention, and an unknown number have been deported or released on bail, often after months in custody.

An "interim rule" introduced shortly after 11 September allows the Immigration and Naturalization Service to hold people for up to 48 hours without charge or for a further undefined period "in an emergency, or in other extraordinary circumstances". AI has examined documents showing that scores of people arrested in the wake of 11 September were held for more than 48 hours - 36 were held for a

month or more and several up to 50 days before being charged with a violation.

Amnesty International's report updates a memorandum sent to the US Government in November 2001: Memorandum to the US Attorney General - AI's Concerns relating to the post 11 September investigations. (AI Index AMR 51/170/2001)

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