

# UNITED STATES OF AMERICA

## Imminent deportations threaten to undermine integrity of investigation into abuses at Krome

*Two female detainees allegedly abused by officers at the Krome Service Processing Center are facing imminent deportation despite the ongoing and, as yet, incomplete investigation into allegations of sexual abuse and harassment at Krome.*

*Amnesty International is calling on the Immigration and Naturalization Service (INS) to ensure that alleged victims are not deported until a thorough investigation of the allegations has been carried out.*

*In October 2000, the Women's Commission for Refugee Women and Children issued a report detailing the widespread sexual, physical, verbal and emotional abuse by guards of female detainees at Krome<sup>1</sup>. The publication of the report led to an investigation, now headed by the Office of Public Integrity (OPI) at the Justice Department in Washington, into conditions at Krome, focussing particularly on the sexual abuse allegations.*

*To date, only one officer has been indicted. Charged with raping a Mexican transsexual woman on two separate occasions, the officer, under a plea agreement, pleaded guilty to a misdemeanour*

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<sup>1</sup> *Behind Locked Doors: Abuse of Refugee Women at the Krome Detention Center.*

charge of having sex with a detainee. More serious felony rape charges against him have been dropped. Sentencing is set for 23 July 2001.

Several officers implicated in the abuse remain at Krome, including those accused by the two women presently facing deportation. Other officers have been removed from the facility and reassigned to administrative posts pending the outcome of the investigation.

In June 2001, a Haitian man who was allegedly sexually assaulted by a Krome employee in December 2000, was deported. The INS rejected his application for a stay of deportation ruling that his allegation was not proven, and the investigation into his case closed.

Amnesty International is concerned that the deportation of victims and witnesses to abuse in Krome may bring to a premature end investigations into allegations of abuse.

Local advocates are disturbed that the current investigation into allegations at Krome is not exhaustive, and may soon end without completion. According to the *Florida Immigrant Advocacy Center* (FIAC) a number of women who were interviewed, and told that they would be interviewed further, have not had that opportunity. Other women who were told that they would be subpoenaed to appear before the grand jury have not been called upon to do so. FIAC is also concerned that victims and others with important information have not been interviewed by government officials.

Last year US Congress enacted the *Battered Immigrant Women Protection Act of 2000* to protect undocumented immigrants who are victims of crime. The legislation provides that victims of crimes

such as sexual assault who cooperate with investigations into the criminal activity, are eligible for “U” visa status. This would allow alleged victims to remain in the US until investigations into allegations of abuse are complete. Local advocates are concerned that the present oral certification provided by the District Attorney, or prosecutor, to confirm that the women have fully cooperated in the investigation, should be formalised in order for them to be eligible to apply for “U” visa status.

Amnesty International is disturbed that regulations implementing this legislation have not yet been issued, and women who might potentially be eligible for “U” visa status are facing imminent deportation.

The organization is concerned that previous investigations into the sexual and physical abuse of Krome detainees -- carried out in 1990 by the FBI and Civil Rights Division of the Justice Department -- did not result in the prosecution of any Krome detention officers. Investigators working on both the 1990 and current investigation are reported to have said that if there is a lack of “hard evidence” of abuse, or if the abuse was not witnessed by a third party, then charges would likely not be brought.

Advocates for the women involved in these cases state that the same officers' names keep appearing in testimony and that some of the guards implicated in the most recent allegations were the subject of the 1990 investigation. Detainees claim that the officers accused of wrongdoing have told them that nothing will come of the investigation because, as officers of the federal government, they have more credibility than INS detainees.

Amnesty International is calling on the OPI to ensure that investigations into allegations of abuse at Krome are thoroughly investigated and to ensure that anyone found responsible for abuses are brought to justice.

Amnesty International believes that women detained pending civil procedures such as asylum claims, and other immigration matters, are especially vulnerable. Immigration procedures are complex and local officials exercise broad discretion as to detention, or transfer to undesirable locations of detention. At various times in the process, detainees can be moved or even deported without their counsel being informed. According to local sources there is fear that INS officials have pressured investigators to end their investigation. Whether or not this is the case, it is of concern to the organization that the agency under investigation has so much control over whether the women are detained, where they are held, and even whether they remain in the United States.

**Background:**

Around 13 December 2000, the INS moved 90 female detainees (as many as 60 are asylum-seekers) from Krome to Turner Guildford Knight Correctional Center (TGK) including both women presently facing imminent deportation. According to reports received by Amnesty International, the treatment of female detainees at TGK is in many respects far more severe than at Krome.

*For a more detailed description of Amnesty International's concerns regarding the treatment of female detainees at TGK see: USA Women asylum-seekers punished for state's failure to protect them, published in March 2001 (AI Index AMR 51/028/01).*

*For further information on the conditions of detention for female detainees in TGK, please see the Women's Commission for Refugee Women and Children's report: *Innocents in Jail: INS Moves Refugee Women from Krome to Turner Guildford Knight Correctional Center, Miami* published in July 2001. The report is available on their website at: [www.womenscommission.org](http://www.womenscommission.org)*

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*6 Imminent deportations threaten integrity of investigation*

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