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# amnesty international

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## USA

30 July 2003

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### External

#### **Amnesty International raises concern about prison conditions of Dr Sami Al-Arian**

Amnesty International wrote to the US authorities on 17 July 2003 calling for a review of the pre-trial detention conditions of Dr Sami Al-Arian, aspects of which it said appeared to be “gratuitously punitive” and to breach international standards.

Dr Al-Arian, a university professor with permanent residency in the US, was arrested in February on charges of supplying funds and other support to Palestinian Islamic Jihad, a designated “terrorist” organization. He was transferred from a local jail in March to a maximum security wing of the Federal Correctional Complex in Coleman, Florida where he is confined to a cell for 23 hours a day.

In a letter to the Bureau of Prisons, Amnesty International said that the restrictions imposed on Dr Al-Arian appeared to go beyond what were necessary on security grounds and were inconsistent with international standards for humane treatment. Among the organization’s concerns were his prolonged cellular confinement and lack of exercise, routine shackling whenever he left his cell and alleged difficulties in obtaining adequate writing materials. Amnesty International said it was concerned that some of the conditions could adversely affect his ability to prepare his defence.

Dr Al-Arian was first held in total solitary confinement in the prison but now shares a cell with his co-defendant Sameeh Hammoudeh, who is the only other pre-trial detainee in the facility. Amnesty International has urged the Bureau of Prisons to ensure that both men are placed in conditions appropriate to their untried status and which meet standards for humane treatment. This should include adequate out of cell time and exercise, adequate materials to assist in the preparation of their defence, and reasonable contact with the outside world and their attorneys.

The organization also raised concern about reports of recent death threats made to Dr Al-Arian in prison by other inmates. It has urged that these be investigated and steps taken to ensure his physical safety as well as his mental wellbeing.

The organization has so far received no answer from the US authorities.

Please find here below the letter we wrote to the US authorities on 17 July 2003

Kathleen Hawk Sawyer  
Director,  
Federal Bureau of Prisons  
320 First St. N.W.  
Washington, DC 20534  
USA

17 July 2003

Dear Director,

I am writing regarding the conditions under which Dr. Sami Al-Arian is held in pre-trial detention in the Coleman Federal Correctional Complex, Florida. We understand that Dr Al-Arian was arrested in February 2003 after being indicted on charges of supporting Palestinian Islamic Jihad and transferred from a pre-trial detention facility in Tampa to Coleman prison on 28 March 2003, where he remains pending trial. We are concerned that his detention conditions, as alleged below, are unnecessarily punitive and may breach international standards. Our concerns include the following:

- Since his transfer to Coleman prison, Dr Al-Arian has reportedly been confined for 23 hours a day to a small cell in the prison's Special Housing Unit (SHU), a segregation unit, with only one hour's exercise a day in an enclosed, bare, cage. For a one-month period earlier this year exercise was not provided on all days.
- Mr Al-Arian is placed in ankle chains and wrist shackles whenever he leaves his cell, escorted by at least two guards. His hands are always shackled behind him and he is forced to bend forward, carrying papers on his back, when he is taken to visits with his attorney. The wrist shackles are removed for visits, and two visitors have reported to us separately that they have observed red marks and indentations on his wrists from the shackles.
- When he first arrived at the prison he was strip searched whenever he was returned to his cell after non-contact visits with his family. The strip searches for non-contact visits were reportedly stopped, after some delay, following an order issued by a federal judge in late May. He continues to be strip searched after visits with his attorney.
- Unlike other prisoners, Dr Al-Arian has reportedly experienced difficulties in obtaining adequate writing materials such as pencils or paper and sometimes is given a pencil which is only an inch long and almost impossible to write with. He allegedly has to ask repeatedly before these items are replaced. A newspaper subscription ordered by his family has not reached him. We have been told that he is also without a watch or clock and guards refuse to tell him the time, making it difficult to follow his daily prayer routine. Although he has a radio, the reception is said to be poor.
- He has not been allowed to attend a prayer service since his arrival at Coleman.
- While he was allowed daily telephone calls with his family at the jail where he was held before, at Coleman prison he is allowed only one 15-minute phone call every 30 days. We understand that the latter was suspended for six months in June after his mother connected him to his brother in London in a three-way conversation during one phone call.

- His attorneys have found it difficult to make the journey to prison, which is some 75 miles further away than the jail, and have often experienced delays before being allowed to meet with Dr Al-Arian on arriving at the prison. Reportedly, Dr Al-Arian is allowed only half an inch of legal documentation to review during these visits.

Some of the restrictions described above appear to be gratuitously punitive and to exceed what may be necessary for legitimate security purposes. They are particularly disturbing in view of Dr Al-Arian's untried status. The prolonged cellular confinement, lack of exercise, frequent shackling and other deprivations imposed on Dr Al-Arian are inconsistent with international standards and treaties which require that all persons deprived of their liberty must be treated humanely with respect for their inherent human dignity.

Certain aspects of his treatment may contravene specific standards relating to treatment of prisoners. The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (SMR) stipulate, for example, that instruments of restraint may be not be used except when strictly necessary to prevent escape during transfer, on medical grounds, or to prevent damage or injury, and states that chains and irons shall not be used as restraints. The routine shackling of Dr Al-Arian in the manner described would appear to breach this standard.

The SMR provide that all prisoners should have regular access to news through newspapers, periodicals or other media and further provides that: "An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution." (Rule 90).

On access to religion, the SMR provide, among other things, that "Access to a qualified representative of any religion shall not be refused to any prisoner" (Rule 41 (3) and that "So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution ..." (Rule 42).

We are concerned that some of the deprivations imposed on Dr Al-Arian may adversely affect his ability to prepare his defence. Article 14 (3) (b) of the International Covenant on Civil and Political Rights, which the USA has ratified, states that everyone facing a criminal charge shall be entitled, in full equality, to have "adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing".

We understand that for the first month after his arrival in USP Coleman, Dr Al-Arian was held in total solitary confinement but now shares a cell with his co-defendant Sameeh Hammoudeh, who is the only other pre-trial prisoner in the facility. This does not allay our concerns about the other alleged deprivations, or the time both men are confined to their cell. The cell is reported to measure 70 square feet, which we understand falls below the American Correctional Association (ACA) recommended minimum cell size for prisoners confined to cells for more than ten hours a day.<sup>1</sup>

We urge you to review the conditions of confinement of Dr Al-Arian and Sameeh Hammoudeh and take urgent steps to ensure that they are placed in conditions appropriate to their untried status which meet standards for humane treatment, including adequate out-of-cell time and exercise, adequate materials to assist in the preparation of their defence, and reasonable contact with the outside world and their attorneys.

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<sup>1</sup> ACA standards provide "at least 80 square feet of total floor space per occupant" when confinement exceeds 10 hours a day.

We understand that Dr Al-Arian has been on hunger strike since his arrest, with only limited intake of a nutritional liquid, and has lost 40 lbs. We have been told that he was seen regularly by a doctor in the jail but has not had such regular contact since his transfer to Coleman. Should this be the case, we urge that Dr Al-Arian be provided with adequate medical monitoring.

Finally, it is reported that Dr Al-Arian has recently received several “death threats” from other prisoners (verbal and at least one written threat). We urge that this be investigated and steps taken to ensure Mr A’s physical safety as well as his mental welfare.

We look forward to receiving your response to the concerns raised.

Yours sincerely,

Susan Lee  
Program Director  
Americas Regional Program

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