

# AMNESTY INTERNATIONAL

## Public Statement

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### **USA: Watchdog agency finds post 911 detainees were deprived of rights**

A report released on 2 June by the US Department of Justice's Office of Inspector General (OIG) confirms many of Amnesty International's findings that hundreds of non-nationals picked up in the post 11 September sweeps in the USA were deprived of basic human rights. Most of those detained were Muslim males of Middle Eastern or South Asian origin.

The 198-page report focused on the cases of 762 aliens detained for immigration violations as part of the FBI's initial investigations into the 11 September attacks, most of whom have since been deported. None was charged in connection with terrorism. While it recognized the challenges faced by the Justice Department in responding to the attacks, the OIG found "significant problems" in the way detainees were treated.

Their findings included the following:

Many detainees were denied prompt access to lawyers or relatives. There were also routine delays in charging detainees with any offence; some were held without charge, or without receiving notice of immigration charges, for more than a month after being arrested.

An information "blackout" meant that many detainees remained initially in high security units without their relatives or lawyers being informed of their whereabouts. In some instances the authorities denied holding the detainees during that period.

The FBI took an average of 80 days (and in some cases much longer) to "clear" detainees for release or removal by the immigration authorities, leaving them to languish for months in detention centres despite having no connection with terrorism.

The report was critical of the unduly harsh conditions in the Metropolitan Detention Center (MDC) in New York, where 84 detainees were kept in "lockdown" for 23 hours a day with restrictions on visits and phone calls and were shackled with "handcuffs, leg irons and heavy chains" every time they left their cells.

The report found evidence of a "pattern of physical and verbal abuse by some correction officers at MDC against some September 11 detainees". Complaints included detainees being slammed against walls and having their arms, hands, wrists and fingers twisted. Four cases had been referred to the FBI for investigation but no prosecutions had resulted. An OIG investigation into the cases was ongoing at the time of writing.

According to media reports, the Justice Department has rejected many of the report's criticisms, saying that they acted within the law. However, officials are quoted as stating that they were taking on board some of the report's 21 recommendations for improving procedures for handling such cases.

Amnesty International has broadly welcomed the report, although the organization remains concerned about the secrecy which continues to surround the detentions. The OIG investigation did not cover all areas -- it did not touch upon the issue of closed immigration hearings, for example, or the detention of material witnesses (people held without charge as potential witnesses before grand jury proceedings) where little information has been given out by the authorities.

Many of the OIG's findings echo the concerns raised by Amnesty International in its March 2002 report: *Amnesty International's concerns regarding post September 11 detentions in the USA (AI IndexAMR 51/044/2002)*. The delays in access to counsel, notification of charges and to release or removal, confirm Amnesty International's concerns that detainees were held arbitrarily and deprived of rights to which they were entitled under international law. Amnesty International will be studying the report's findings in more detail. In the meantime, the organization calls on the US government to implement the OIG's recommendations as well as those included in its own report.

### **Background**

The OIG investigation began in March 2002 after complaints about the treatment of detainees were reported by human rights organizations and in the media. Amnesty International released the first detailed report on the detainees in March 2002 and was one of several organizations to provide information directly to the OIG.

The OIG investigation focused primarily on detainees held in Passaic Jail, New Jersey and MDC, New York. An Amnesty International delegation visited the Passaic Jail in February 2002 and included its findings in its March 2002 report. Although Amnesty International was refused permission to visit MDC, it highlighted concerns about conditions in the facility in its March report, calling for a full inquiry and remedial measures.

To link to: *Amnesty International's concerns regarding post September 11 detentions in the US* please go to:  
<http://web.amnesty.org/library/index/engAMR510442002>

Public Document

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