

USA: Amnesty International calls for respect of detainees' rights in wake of 11 September

Amnesty International is calling for all those detained during US police investigations into the 11 September attacks in New York and Washington to be treated with full respect for their rights under US law and international standards.

The organization is disturbed by reports that many individuals arrested in the wake of these attacks were denied prompt access to lawyers or relatives. In some cases there were delays in gaining information on the whereabouts of detainees.

Prompt access to counsel for detainees is a basic right under international standards, and an important safeguard against abuse, even during emergency situations. It is particularly important to ensure these rights are upheld in the present situation, in which police have been given new powers to hold people for questioning for an extended period without charge.

Amnesty International is also concerned by the physical conditions of some of those in custody, which may violate standards for humane treatment. Two men held in solitary confinement in the Metropolitan Correctional Center in New York, for example, are reportedly denied exercise; given certain foods which they cannot eat on religious grounds; kept in cold cells, with only one blanket; subjected to full strip searches twice a day despite having non-contact visits; and are shackled hand and foot whenever they are taken from their cells.

These conditions appear to be unduly punitive, especially as the two men had not been charged with an offence but were being held as material witnesses. In some respects their treatment, and that of others held in local jails, has been worse than for convicted prisoners.

Other cases include a Saudi national being held for a week in a Dallas jail without a mattress, bedding, blanket, cup or clock. His conditions improved only

after appeals by his attorney to the regional immigration services director who intervened directly with the jail.

Background

More than 700 people, mainly of Arab or Middle Eastern origin, have been arrested and detained in the USA in connection with the criminal investigation into the attacks in New York and Washington on 11 September. Many of them are being held under new powers to detain non-citizens for 48 hours or longer in emergencies, and many were reportedly held for immigration violations.

In some cases lawyers of individuals charged, or held as material witnesses to a criminal investigation, have been subjected to "gag" orders which prevent them from reporting on the proceedings in the case. There have been complaints by civil rights attorneys about the difficulty of getting information about many of those detained.

The US Congress is currently considering draft legislation which would, among other things, allow for detention for up to seven days without charge.

International standards provide, among other things, that all arrested or detained persons should be treated humanely; that they shall have prompt access to a lawyer and the right to communicate with their families; that foreign nationals should have the right to notify consular staff or a national organization that can provide assistance; and that anyone arrested or detained on a criminal charge shall be promptly brought before a judge or judicial authority.

Standards for the treatment of prisoners stipulate that all prisoners should receive at least one hour=s daily outdoor exercise; that restraints should be used only when strictly necessary and that chains and irons should not be used as restraints.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>