

# United States of America

## ***"I'm not an inmate. Why should I be treated as one?"*** **Women asylum-seekers punished for state's failure to protect them**

*"[I] would rather have... been killed in Colombia by the FARC and the UAD (paramilitaries), than be detained at TGK."*

Testimony of an asylum-seeker detained at Turner Guildford Knight Correctional Center

Women asylum-seekers are being seriously ill-treated in a local Miami jail where they were transferred following allegations of sexual abuse at a Florida-based immigration centre. Amnesty International believes that the move has effectively resulted in the women being "punished" for the USA authorities' failure to protect them.

The organization is calling on the Immigration and Naturalization Service (INS) to take immediate steps to ensure the safety and well-being of INS women detainees transferred from the Krome Service Processing Center.

Around 13 December 2000, the INS moved 90 female detainees (as many as 60 are asylum-seekers) from Krome to the Turner Guilford Knight Correctional Center (TGK), a Miami-Dade county jail. The move followed the publication of a report by the Women's Commission for Refugee Women and Children detailing widespread sexual, physical, verbal and emotional abuse by guards of the female detainees at Krome. TGK has not been the model facility purportedly portrayed by the INS, however. According to reports received by Amnesty International, the treatment of female detainees at TGK is in many respects far more severe than at Krome.

Women have complained of being treated as criminal detainees rather than asylum-seekers. According to the Florida Immigrant Advocacy Center, which has been monitoring the move, the women's medication and other personal belongings were reportedly confiscated upon being transferred to TGK. The women, some of whom are pregnant, complain of insufficient food, inadequate medical care and very cold cells. A detainee alleged that they are told repeatedly that they are inmates and will be treated as such. The women are frequently locked up in isolation, sometimes arbitrarily; they have poor recreational facilities; are awakened frequently throughout the night for prison counts or for blood tests; are not allowed pens; and are subject to arbitrary rules. According to one detainee, the women were stripped-searched on arrival and ordered to squat three times naked.

Although the women are now supervised by female guards at TGK complaints of sexual harassment and abuse continue to be received. Just two days after their arrival, a male trustee -- a prisoner who is part of a work crew -- "exposed himself" to a group of women. That same day another male trustee allegedly kissed and fondled a female detainee while a male guard apparently stood by. On the following day another male trustee exposed himself

to a woman, who had reported sexual abuse by an officer who remains at Krome. The women are now placed in "lockdown" whenever a man is in the cell unit, thus effectively "punishing" the women. "... *We were moved [because] there was sexual harassment towards the female population and it was for our own protection. My question is whose protection?*" a women detainee stated in a letter received by Amnesty International.

Legal service providers report significant barriers to attorney access at TGK, and detainees are only allowed one personal visit per month, in comparison to the two visits a week they were allowed at Krome. Moreover, they are only allowed to make collect calls which many phones do not accept.

Amnesty International is also concerned that some women who have already passed their "credible fear" asylum interviews, and are thus eligible for release, still remain in detention. Moreover, those who are eligible for release are reportedly told that they will be denied release if they complain about conditions. Some detainees are threatened with file review denials, transfer or lockdown for expressing concern about their treatment. They are also handcuffed when taken to Krome for asylum interviews or immigration court hearings and stripped searched numerous times.

International Standards state that the detention of asylum seekers should normally be avoided. Yet asylum-seekers are not only routinely deprived of their liberty in US prisons and jails, are also often detained indefinitely beyond the limited period suggested by international standards in conditions entirely inappropriate to their status, which may amount to cruel, inhuman, or degrading treatment. The detention policies and practices in the USA fail to follow not only relevant United Nations (UN) standards on treatment of asylum-seekers and refugees but also violate fundamental international legal principles such as Article 9 of the International Covenant on Civil and Political Rights, which prohibits arbitrary detention.

Amnesty International is calling on the INS to take immediate steps to ensure the safety and well-being of INS female detainees transferred from Krome; ensure that they receive humane treatment; are not locked up in isolation or otherwise treated punitively while in detention; and that detainees are not held in local jails. The organization believes that in those limited circumstances where detention of asylum-seekers is justified, they should be detained in a facility appropriate to their status as asylum-seekers, in line with international standards. Amnesty International maintains that the practice of placing women asylum-seekers in punitive "lockdown" is unnecessary and constitutes cruel, inhumane and degrading treatment or punishment.

Amnesty International is also calling on the INS to ensure that male guards and inmate trustees do not have unsupervised access to female facilities which create opportunities for abuse. The INS should also ensure that preventive measures are in place so that women are not afraid to report abuses through fear of reprisals and to protect women from sexual abuse. The organization is also asking to be informed of the outcome of the

internal investigation carried out by the TGK Office of Public Affairs into the allegations reported.

Amnesty International believes that asylum-seekers should be given access to legal counsel -- and to the UN High Commission for Refugees and appropriate non-governmental organizations assisting detained asylum-seekers -- at all stages of their detention. The organization is also raising concern with the INS about reports that one detainee was transferred from TGK to Monroe County Jail, Florida, where she has no legal representation and is housed with the regular inmate population. It is also asking whether 21 asylum-seekers were recently transferred to Philadelphia without guaranteed access to attorneys.

### **Background**

In October 2000, the Women's Commission for Refugee Women and Children released a report detailing the abuse of refugee women at the Krome Detention Center. Based on interviews with current and former female detainees and INS officials, and the reports of local legal service providers, the Commission found widespread reports of sexual, physical, verbal and emotional abuse of the female detainees at Krome. In an attempt to find a solution to this problem, the INS, without warning, decided to move the 90 female detainees to TGK. The 1,000-bed jail houses male, female and juvenile convicted criminal offenders and those awaiting trial.

While Krome is no longer accepting female asylum-seekers, the women still have to return to Krome for court and asylum office interviews, although the latter will eventually be held at TGK.

A team of Justice Department and other federal investigators have been looking into conditions at Krome for months, focussing especially on the sexual abuse allegations. Two INS officers have been indicted, one for rape and the other for fraud; one Krome detention officer has been charged with sexually assaulting a Mexican transsexual detainee. Nine INS officers have been reassigned from their duties to desk jobs pending the investigation.

In January 2001, the INS issued national standards for the treatment of its detainees whether held in INS-run detention facilities or local jails. The 36 standards cover a broad range of issues, including visiting rights and grievance procedures. There is great concern, however, that the standards will not provide adequate safeguards as they are non-binding. Moreover, critics have argued that these standards do not address important issues such as the frequent transfer of detainees without the notification of their lawyers.

<p><b>KEYWORDS:</b> WOMEN1 / PENAL INSTITUTIONS1 / REFUGEES / SEXUAL HARASSMENT / PRISON STAFF</p>
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