

civil rights



...WE'RE KEEPING
AN EYE ON THEM.

New Jersey Civil Rights Defense Committee

Detainee Newsletter

Inside the New Jersey Jails

Vol. I, No. 1

March 23, 2004

We Must Not Give in to Fear

A vicious war has been launched against immigrant communities all across the United States. People are being ripped away from their families, held in jail as criminals for long periods of time pending deportation, forced to plead their cases without legal representation and then "removed" back to their countries of origin. Why is this happening? Who is this happening to? Why haven't you heard about it?

This newsletter is a way to spread the word, by encouraging detainees to speak out and by making their stories available to a wider public. These assaults on the immigrant communities are immoral and unjust. They are also unconstitutional. We are now living in a two-tier, apartheid-style society where citizens have legal protections but immigrants do not. If we accept this treatment of our nation's immigrants, the next target will be the constitutional rights of U.S. citizens.

The only way to resist the government's campaign of fear and intimidation is to speak out. Send us your stories and we will print them. Leave copies of this newsletter at your local bookstore, read the stories and poems at local gatherings. Tell the world what is happening! These injustices will only end when we become outraged enough to stop them.

Solidarity Messages from Hemnauth Mohabir, Guyana and Sacha Sealey, Canada

From Sacha Sealey about his 8 month detention in INS custody at Bergen and Middlesex County Jails.

The mental, physical abuse myself and countless others endured throughout that time has made me realize how important it is for each and every one of us whom has been subjected to such treatment, speak out. County, State, Federal official alike played a part in the abuse, many of them warrant investigation, and in some cases legal actions. We must expose all individuals responsible for the abuse, Human/ Civil Rights Violations as well as the cover ups surrounding these issues. My last and Ex-Attorney Arturo Saurez-Silverio along with a number other Attorneys are taking advantage of the less fortunate. Apparently it has proven to be profitable, especially in INS cases.

Lebanese Detainee in Middlesex County Jail who has signed out for voluntary deportation nine months ago but still sits in jail

The real problem is that I arrived in America in 1989 at JFK Airport, I was unable to establish papers for myself because of the civil war in Lebanon, when I came on my mother's passport 15 years ago. So now I am stuck in jail. The search for my documents has been going on without success. On Feb. 9, 2004 I received an answer from the Lebanese Embassy. They said I was not Lebanese and there was no paperwork on me. I have no attorney and cannot afford one.

From Hemnauth Mohabir

Greetings to you my brothers and sisters. I've been in INS custody for over 22 months now. I caught one charge in 1997 from a police entrapment case. My lawyer told me to take the small charge. I paid a fine of \$250 and no jail time or probation was required. I was not told of any immigration consequences so I thought I didn't need to appeal so I carried on with my life. I took a two week vacation to Guyana to see my mother and on my return I was arrested at JFK airport. The immigration inspector said that I am charged as an arriving alien, but I have a resident status and a Guyanese passport, I am from Earth. He said the small charge violated my resident status. I said why tell me now, they should have told me then in 97 and I would have appealed my case, he said welcome to the INS. They took me straight to jail. They told me that I am not a prisoner, but I am behind bars, I sleep when they sleep, I eat the same food. I was assaulted twice at Passaic County Jail by the guards for protesting against the police abuse, I had to eat in puddles of sewer water, I slept in roach infested beds for one year and didn't see sunshine.

DEPORTATION UPDATE

Every day innocent men and women are being deported from the United States without the benefit of due process of law and in violation of the Constitution. Last week Sacha Sealey was deported to Canada from the Middlesex County Adult Correctional Center. As we go to press, Hemnauth Mohabir is scheduled to be deported this week to Guyana after being detained in New Jersey jails for 22 months in Passaic and Hudson County Jails.

Both Hemnauth and Sacha were respected leaders inside the jails. They are speaking out and working ceaselessly for justice. Inside the jails they helped their brothers get legal assistance, reported ongoing abuses, and encouraged their fellow detainees to write down their stories and send them to the New Jersey Civil Rights Defense Committee (NJCRDC). In word and deed, Sacha and Hemnauth are courageous standard-bearers for justice.

Detainees Beaten at Hudson County Jail: First Hand Reports on Brutal Beating by Jail Guards

On March 1st, 2004, at 5:30 pm at least three correctional officers Sergeant House, Officers Friday and Vargas severely physically assaulted two detainees. Officers reportedly repeatedly punched, kicked, and stomped an inmate in the face, back, shoulders, neck and groin, breaking three of his teeth. Another detainee was banged against the wall, punched and kicked in the ribs, face, back, and legs (which had just been operated on). Both of these unprovoked incidents took place in front of all the inmates in B 100 West. Both were initially denied proper medical care, and the first inmate was hurriedly transferred to Middlesex County jail, which denied his admittance and he was returned to Hudson. Both inmates have since been moved out of B 100 West and the guards that assaulted the detainees have also been moved out of the unit. Several witnesses have come forward to give testimony. "Today I bear witness to the worst physical abuse by correctional officers." stated one inmate witness who has been detained for two years. Internal Affairs and Immigrant Rights groups are presently conducting separate investigations.

**Get involved in helping put out the NJ Civil Rights Defense Committee Detainee Newsletter.
To join up send an email to info@nj-civilrights.org or call us at 646-247-3238**

Detainees Released from Guantanamo are Freed

In the last week 5 British and 23 Afghan detainees were released from Guantanamo Bay in Cuba. The five British detainees who were held at Guantanamo Bay were released upon arrival in England and gave exclusive interviews about the torture they underwent at Guantanamo, specifically that they were badly beaten by the ERF (Extreme Reaction Force) and given rotten food and horribly polluted water. Lawyers representing the detainees are planning to bring charges against the US government for torture. While the personal stories of the detainees are being widely circulated in the foreign press, the US press has failed to report on the conditions at Guantanamo Bay. News articles with testimony from freed detainees can be found at <http://www.nj-civilrights.org>

Oh Lord I Plead

by English Detainee at Hudson County Jail

Oh Lord I Plead

Have mercy on me

For what the wicked done to us

*This government is so unjust
(WHY)*

In a jail cell I sit

And ask myself why

Do broken spirit die

The voice of my son cry

*Daddy why why Daddy why
(WHY)*

Being from a foreign land

Trying to be a part of this nation

But instead I am in prison

*Fighting deportation for my freedom
(WHY)*

O government why Judge

If your constitutional rights are not guaranteed

Your plan is to segregate

*Us detainees from our family immediately
(WHY)*

O Lord I plead

And you show mercy on me

Thank you to the NJ Civil Rights Defense Committee

By helping us immigrants, the detainees

(O Lord I plead)

1996 WAS A VERY BAD YEAR: Part I *by Bryan Lonegan, Esq. The Legal Aid Society of New York*

Bryan Lonegan has a free legal clinic on Fri day from 1 to 5 p.m. During that time, NY residents being detained in NJ jails and loved ones can call the Hotline collect at 212-440-4360 or 1-888-818-4840

In 1996, Congress passed the most comprehensive changes to our nation's immigration laws in decades. Entitled the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), these laws, among other things, dramatically changed the immigration consequences of criminal convictions for lawful permanent residents or green card holders.

All lawful permanent residents may be placed in removal (deportation) proceedings for various criminal convictions, including aggravated felonies, controlled substance offenses, a single crime involving moral turpitude (CIMT) within five years of admission to the United States, two CIMTs at any time after admission to the United States, firearms, and domestic violence (including violations of orders of protection).

Aggravated felonies include crimes such as murder, rape and robbery, but also include such crimes as sale of a controlled substance (including marijuana) no matter how little an amount or how minimal a sentence was imposed, any theft offense (including shoplifting) where a sentence of one year was imposed, any assault conviction with a sentence of one year, or any fraud conviction involving amounts over \$10,000. Crimes Involving Moral Turpitude are generally any crime that involves theft, fraud, or violence with sentences less than a year. Even jumping a subway turnstile is a CIMT.

Prior to 1996, most noncitizens who were subject to deportation because of a criminal conviction could apply for a waiver of deportation – a kind of second chance – pursuant to Section 212(c) of the Immigration and Nationality Act. This terminated provision looks lenient now, since immigrants could be disqualified from a waiver only if they had served a sentence of more than five years for an aggravated felony conviction. They needed only to convince an immigration judge that the positive factors in their lives outweighed the negative factors of their convictions.

Of course, someone presenting a 212(c) case would have had to provide evidence about all aspects of her/his life: childhood, education, family life, employment history, tax paying history, substance abuse history, and evidence

of rehabilitation. Yet In 1995, approximately half of all applicants for 212(c) relief – some 10,000 people – were granted waivers. [Part II in next issue.]

NJCRDC & Families for Freedom Launch Immigrant Detention Updates

Civil and human rights organizations are alarmed at the number of incidents in the past two weeks at Hudson County jail against immigration inmates held on civil charges. We will illustrate the breadth of problems that immigration detainees face by reporting incidents bi-monthly from both Hudson County jail (considered one of the better facilities in NJ) and Passaic County jail (considered one of the worst). We hope to expand our reports to other jails in the future. We seek public accountability from both the Bureau of Immigration and Customs Enforcement and elected leaders to ensure immigration inmates' right to a safe and healthy environment

Can you Help Report Bad Conditions in the Jails?

Do you know of problems inside New JerseyJails? Would you like to submit reports for our bi-monthly letter and to BICE officials and civil rights organizations? Please send detailed reports to NJ Civil Rights Defense Committee at 9 Tower Place, Lawrenceville, NJ 08648

Italian Detainee at Hudson County Jail

I came to this country 37 years ago, I've never been in jail until I caught a charge in 1997 in which I was sentenced to three years in jail. I was released on parole for three years which ended on August 23, 2003. I decided to go to Italy to pay respects to my dead father and brother. On December 15th, 2003 I was arrested by the INS. They said that because of the law change in 1996 that I am not supposed to leave the country although my parole had ended. This is a real injustice. I feel I should have been warned of these consequences. If I was warned, I would have known what to do because I have a wife and two children to take care of, they are all Americans. I am awaiting deportation and I am very worried about my family. I don't know what will happen to them when I am gone. The US government has no respect for family values. I appeal to all of you to take a stand and prevent this from happening to others.