

May 20, 2003

VIA FACSIMILE

Honorable John Ashcroft
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

RE: OIG Investigation into Treatment of Post-September 11 Detainees

Dear Mr. Attorney General:

More than a year ago, the Justice Department Office of Inspector General announced that it was launching an investigation into allegations that the government had abused the civil rights and civil liberties of post-9/11 detainees. This investigation was an outgrowth of the reporting requirements of Section 1001 of the USA PATRIOT Act and was intended "to assess in a more systemic fashion the DOJ's treatment of aliens detained in the aftermath of the September 11 attacks."¹ The investigation was prompted in part by "numerous complaints of poor detainee treatment," and was undertaken by the OIG in order "to more fully implement its civil rights and civil liberties responsibilities."²

According to the Inspector General, this investigation focused on several key concerns: 1) detainees' access to legal counsel; 2) the length of time spent in detention without charge; 3) the Justice Department's practice of opposing bond for all September 11 detainees and delaying deportation or release pending completion of FBI "clearance;" and 4) conditions of confinement experienced by detainees, including allegations of physical and verbal abuse made by detainees against prison staff, access to medical care, and lighting conditions in high-security cellblocks.³

Last July, the Inspector General reported that the initial fieldwork of the investigation had been completed and that the report was expected to be released in October 2002. Since that time, the Inspector General has continued to indicate that the report will be released "soon."

We urge you to ensure that there are no further delays in making this report public. The serious concerns which led the Inspector General to launch this investigation have yet to be addressed. The Justice Department's failure to answer questions raised by the public, the press,

¹ U.S. Department of Justice, Office of Inspector General, "Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act," July 15, 2002, available at http://www.usdoj.gov/oig/special/patriot_act/index.htm (accessed May 19, 2003).

² Id.

³ U.S. Department of Justice, Office of the Inspector General, "Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act," January 22, 2003, available at http://www.usdoj.gov/oig/special/2003_01a/final.pdf (accessed March 5, 2003).

and Members of Congress about the treatment of people detained by the government in the aftermath of the September 11th attacks is contributing to an erosion of confidence that the Administration's anti-terror efforts are being conducted pursuant to the rule of law.

Thank you for your attention to this important matter.

Sincerely,

Elisa Massimino
Director, Washington office

cc: Glenn A. Fine
Inspector General, Department of Justice

Paul K. Martin
Counselor to the Inspector General, Department of Justice