



Congress of the United States
House of Representatives
Washington, DC 20515

October 23, 2020

H.E. Michelle Bachelet
United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland

Your Excellency:

We write you today to convey our grave concerns about recent, ongoing, and credible allegations of egregious human rights abuses by the United States Department of Homeland Security (DHS), its components, and its private contractors. As ardent believers in the principles laid out in the Universal Declaration of Human Rights (UDHR) and subsequent international human rights treaties, the inherent worth of all human life, truly democratic governance, and the rule of law, the human rights violations alleged in the September 14, 2020 complaint to DHS Inspector General Cuffari (the “September 14 Complaint” or “the Complaint”) horrify us and demand our action.

These allegations are hardly the first leveled against DHS, and, unless action is taken, we know they will not be the last. As the principal United Nations official responsible for promoting and protecting human rights, we respectfully request that your office, working with the Special Procedures of the Human Rights Council or other relevant United Nations entities as appropriate, facilitate independent, impartial, and transparent inquiries into the reported human rights violations by this department, its components, and its private contractors. This request relates to the specific allegations contained in the September 14 complaint, as well as the broader range of alleged DHS abuses discussed in this letter.

The September 14, 2020 complaint filed with the Office of the Inspector General of DHS, enclosed, details extremely disturbing allegations of medical neglect, malpractice, and abuse at one DHS Immigration and Customs Enforcement (ICE) facility. The complaint was filed by human rights and legal advocates on behalf of detained immigrants at the Irwin County Detention Center (ICDC), which is operated by the private prison company LaSalle Corrections, and whistleblower Ms. Dawn Wooten, a nurse employed at the ICDC. It documents the failure of DHS and its private contractor to take adequate precautions to protect detained immigrants’ health in the midst of the uncontrolled COVID-19 pandemic and alleges that unnecessary

surgeries – including partial or full hysterectomies and other gynecological procedures – were performed by a private doctor contracted by DHS on women detained at the center in 2018 and 2019, potentially without the full informed consent of the women.¹

One detained immigrant, who likened the facility to an “experimental concentration camp,”² reported that she knew several women between October and December 2019 who had invasive gynecological procedures and were confused about them. Nurse Wooten said that one doctor in question was referred to by others as “the uterus collector.”³ Since the complaint was filed in September, multiple other women have come forward with similar experiences of undergoing gynecological procedures without appropriate knowledge or consent.^{4 5} When considered in the context of the United States’ long and shameful history of forcibly sterilizing incarcerated women and the numerous allegations of human rights abuses already leveled against DHS, the necessity of an independent investigation is clear.

The most recent complaint to the Office of the Inspector General of DHS is only the latest in a long line of allegations of egregious human rights abuses perpetrated by the Department. As you yourself so rightly observed in July 2019 regarding the conditions facing detained immigrants:

As a paediatrician, but also as a mother and a former head of State, I am deeply shocked that children are forced to sleep on the floor in overcrowded facilities, without access to adequate healthcare or food, and with poor sanitation conditions... In most of these cases, the migrants and refugees have embarked on perilous journeys with their children in search of protection and dignity and away from violence and hunger. When they finally believe they have arrived in safety, they may find themselves separated from their loved ones and locked in undignified conditions. This should never happen anywhere.⁶

In April, Felipe González Morales, U.N. Special Rapporteur on the human rights of migrants, along with five other U.N. Special Procedures, all publicly condemned “unsanitary conditions and lack of proper healthcare”⁷ at the Northwest Processing Center in Washington state, and demanded effective measures “to prevent the outbreak and spread of COVID-19”⁸ within immigration detention facilities, including the prompt release of immigrants.⁹ Similarly, the Inter-American Commission on Human Rights recently ordered rare precautionary measures for

¹ Project South, Georgia Detention Watch, Georgia Latino Alliance for Human Rights, and South Georgia Immigrant Support Network, *Re: Lack of Medical Care, Unsafe Work Practices, and Absence of Adequate Protection Against COVID-19 for Detained Immigrants and Employees Alike at the Irwin County Detention Center*, Project South (September 14, 2020), <https://projectsouth.org/wp-content/uploads/2020/09/OIG-ICDC-Complaint-1.pdf>

² *Id.*

³ *Id.*

⁴ Caitlin Dickerson, Seth Freed Wessler and Miriam Jordan, *Immigrants Say They Were Pressured Into Unneeded Surgeries*, New York Times (September 29, 2020), <https://www.nytimes.com/2020/09/29/us/ice-hysterectomies-surgeries-georgia.html>

⁵ Suzanne Smalley, *More women allege coerced hysterectomies at ICE center*, Yahoo News (September 17, 2020), <https://news.yahoo.com/more-women-allege-coerced-hysterectomies-at-ice-center-004124130.html?guccounter=1>

⁶ Rupert Colville and Ravina Shamdasani, *Bachelet appalled by conditions of migrants and refugees in detention in the US*, Office of the High Commissioner for Human Rights, United Nations (July 8, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24800&LangID=E>.

⁷ Yiyao Zhang and Renate Bucher, *US: Migrants “held for processing” should be released from COVID-19 high-risk detention centres*, Office of the High Commissioner for Human Rights, United Nations (April 27, 2020),

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25827&LangID=E>.

⁸ *Id.*

⁹ *Id.*

the U.S. Government to urgently protect the “rights to life, personal integrity and health”¹⁰ of detained immigrants.¹¹ In addition to the allegations made public in the September 14 complaint and the issues addressed in the aforementioned actions by the international community, we would like to highlight the following potential human rights violations perpetrated by the Department, its components, and its private contractors, some of which are detailed in a June 2019 report by the ICE Inspector General:¹²

- Endemic physical and sexual abuse of and gender-based violence against detained immigrants, with approximately 14,700 complaints of sexual and/or physical abuse against ICE alone (out of a total of 33,126 complaints against all DHS component agencies combined)¹³ between January 2010 and July 2016. During this time period, the DHS Office of the Inspector General only pursued 570 investigations in total;^{14 15}
- Deprivation of the right to freedom of religion, including by feeding detained Muslims pork and providing them with expired halal meals that caused them to become ill;¹⁶
- Indications that medical care within DHS’ sprawling network of over 200 Immigration and Customs Enforcement (ICE) detention facilities is fatally neglectful. A 2018 analysis of a sparse public record found evidence that half of over 50 deaths since 2010 were linked to subpar medical care.¹⁷ Reported deaths in ICE custody this fiscal year are at a record high with 21 fatalities since October 2019 – at least seven linked to Covid-19;¹⁸
- Abject neglect and cruel conditions at Department border facilities that are overcrowded, where those held wear dirty clothes, babies have no diapers, and detained immigrants lack access to showers, soap, or toothbrushes.¹⁹ Additional reports indicate that detained immigrants are being kept in extremely cold temperatures, with the lights on 24 hours per

¹⁰ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLUTION 41/2020 Precautionary measure No. 265-20 Northwest Detention Center regarding the United States of America, Inter-American Commission on Human Rights, Organization of American States (July 27, 2020), <https://www.oas.org/en/iachr/decisions/pdf/2020/41-20MC265-20-US.pdf>.

¹¹ *Id.*

¹² John V. Kelly, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities*, Office of the Inspector General, U.S. Immigration and Customs Enforcement, Department of Homeland Security (June 3, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>

¹³ Due to the way DHS Office of the Inspector General tracks complaints, this data contains instances in which one alleged incident was reported several times, which is reflected as several complaints in these figures.

¹⁴ Lomi Kriel, *ICE guards “systematically” sexually assault detainees in an El Paso detention center, lawyers say*, Texas Tribune-ProPublica Investigative Unit (August 14, 2020), <https://www.texastribune.org/2020/08/14/texas-immigrant-detention-ice-el-paso-sexual-abuse/>.

¹⁵ Community Initiatives for Visiting Immigrants in Confinement (CIVIC), *Re: Sexual Abuse, Assault, and Harassment in U.S. Immigration Detention Facilities*, CIVIC (April 11, 2017), https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5a9da297419202ab8be09c92/1520280217559/SexualAssault_Complaint.pdf

¹⁶ Lisette Voytko, *Muslim ICE Detainees Reportedly Fed Pork, Told By Chaplain: ‘It Is What It Is’*, Forbes (August 19, 2020), <https://www.forbes.com/sites/lisettevoytko/2020/08/19/muslim-ice-detainees-reportedly-fed-pork-told-by-chaplain-it-is-what-it-is/#6012696e6cc5>

¹⁷ Human Rights Watch, National Immigrant Justice Center, American Civil Liberties Union, Detention Watch Network, *“Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention.”* June 20, 2018, <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>.

¹⁸ Hannah Rappleye and Lisa Riordan Seville, *24 immigrants have died in ICE custody during the Trump administration*, NBC News (June 9, 2019), <https://www.nbcnews.com/politics/immigration/24-immigrants-have-died-ice-custody-during-trump-administration-n1015291>; American Civil Liberties Union, National Immigrant Justice Center, Human Rights Watch, *“Justice-Free Zones: US Immigration Detention under the Trump Administration*, April 30, 2020, https://www.hrw.org/sites/default/files/supporting_resources/justice_free_zones_immigrant_detention.pdf; American Immigration Lawyers Association, *Deaths at Adult Detention Centers*, <https://www.aiala.org/infonet/deaths-at-adult-detention-centers>.

¹⁹ Caitlin Dickerson, *‘There Is a Stench’: Soiled Clothes and No Baths for Migrant Children at a Texas Center*, New York Times (June 21, 2019), <https://www.nytimes.com/2019/06/21/us/migrant-children-border-soap.html>

day, and with little to no access to food or medical care.²⁰ Since December 2018, at least six children have died after exposure to these conditions in DHS border custody;²¹

- The forcible separation of children from their families for indefinite periods of time for political purposes, and the indefinite detention of entire families;^{22 23}
- The deaths of 97 individuals killed by U.S. Customs and Border Protection (CBP) agents from 2003 to 2018, including six minors;²⁴
- The Department's role in the federal response to protests in Portland, Oregon, including the deployment of chemical and "less-lethal" weapons against the civilian population,²⁵ and the arbitrary arrest, detention, and short-term disappearance of protestors and apparently unaffiliated individuals;^{26 27}
- The failure to protect whistleblowers from ICE-funded detention centers from retaliation and the failure to investigate their disclosures related to dangerous, life-threatening health conditions at ICE detention centers managed by private contractors.²⁸

These allegations illustrate a clear pattern of alleged human rights violations by DHS. This pattern of behavior is perpetuated and encouraged by the consistent and unforgivable failure of the United States government and its institutions to take these allegations seriously by investigating them in a transparent, thorough, and impartial manner. As representatives of the American people, it is our firm desire to engage our domestic institutions in a full and unrelenting effort to investigate these and other claims of human rights violations by this department. While we pledge to do all that we can to investigate any and all allegations of human rights abuses domestically, the variety of rights issues in question, the sheer number of complaints, and the serious nature of the allegations necessitates an international response. As the foremost U.N. official charged with protecting human rights, we call on you to lead that response.

All countries, regardless of size, power, or international standing must respect the human rights of all people and the United States is no exception. Our government cannot be allowed to commit human rights atrocities or escape investigation, oversight, or criticism based on its

²⁰ Adam Serwer, *A Crime by Any Name: The Trump administration's commitment to deterring immigration through cruelty has made horrifying conditions in detention facilities inevitable*, The Atlantic (July 3, 2019), <https://www.theatlantic.com/ideas/archive/2019/07/border-facilities/593239/>

²¹ Dara Lind, "The Crisis of Children Dying in Custody at the Border, Explained," May 22, 2019, <https://www.vox.com/2019/5/22/18632936/child-died-border-toddler-patrol-three-five>

²² *Family Separation By the Numbers*, ACLU, <https://www.aclu.org/issues/immigrants-rights/immigrants-rights-and-detention/family-separation>

²³ *UN experts to US: "Release migrant children from detention and stop using them to deter irregular migration"*, UN Office of the High Commissioner (June 22, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23245&LangID=E>

²⁴ Sarah Macaraeg, *Fatal encounters: 97 deaths point to pattern of border agent violence across America*, The Guardian (May 2, 2018), <https://www.theguardian.com/us-news/2018/may/02/fatal-encounters-97-deaths-point-to-pattern-of-border-agent-violence-across-america>

²⁵ Caroline Linton, *Federal officers again tear-gas protesters in Portland, Oregon*, CBS News (July 20, 2020), <https://www.cbsnews.com/news/portland-protest-tear-gas-federal-officers-courthouse/>

²⁶ Jonathan Levinson and Conrad Wilson, *Federal Law Enforcement Use Unmarked Vehicles To Grab Protesters Off Portland Streets*, Oregon Public Broadcasting (July 16, 2020), <https://www.opb.org/news/article/federal-law-enforcement-unmarked-vehicles-portland-protesters/>

²⁷ *Portland protests: Federal agents 'abuse power' in arrests*, BBC News (July 18, 2020), <https://www.bbc.com/news/world-us-canada-53453077>

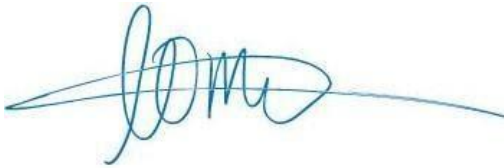
²⁸ Samantha Feinstein, Dana Gold, and John Whitty, *Government Accountability Project. Whistleblower Disclosures on COVID-19 -- Private Contractors Mismanaging ICE Detention Facilities Are Endangering Public Health and Safety* (July 10, 2020), <https://whistleblower.org/wp-content/uploads/2020/07/071020-Letter-to-Congress-from-GovAcctProj-re-whistleblowers-ICE-Detention-COVID-FINAL-Submitted.pdf>.

powerful geopolitical position, as it so often has. We thank you for considering this request and hope you will be able to ensure swift and timely investigations into these many allegations.

Sincerely,



RASHIDA TLAIB
Member of Congress



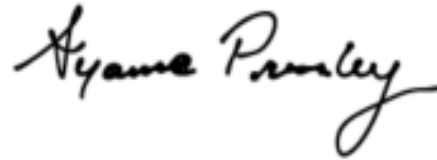
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Member of Congress



MARK POCAN
Member of Congress



MARY GAY SCANLON
Member of Congress

CC: H.E. Elisabeth Tichy-Fisslberger,
President of the Human Rights Council

CC: Mr. Felipe González Morales, Special
Rapporteur on the human rights of migrants

CC: Ms. Tlaleng Mofokeng, Special
Rapporteur on the right of everyone to the
enjoyment of the highest attainable standard
of physical and mental health

CC: Mr. Nils Melzer, Special Rapporteur on
torture and other cruel, inhuman or
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CC: Mr. Clément Nyaletsossi Voule, Special
Rapporteur on the rights to freedom of
peaceful assembly and of association

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Rapporteur on contemporary forms of
racism, racial discrimination, xenophobia
and related intolerance

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Rapporteur on the sale and sexual
exploitation of children, including child
prostitution, child pornography and other
child sexual abuse material

CC: Ms. Fionnuala Ní Aoláin, Special
Rapporteur on the promotion and protection
of human rights and fundamental freedoms
while countering terrorism

CC: Inter-American Commission on Human
Rights, Organization of American States