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DETAINEES

Civil Rights Group to Sue Over U.S. Handling of Muslim Men

By SUSAN SACHS

In a new challenge to the Bush administration's prolonged detention of hundreds of Muslim men after Sept. 11, a civil rights group says it will ask a federal court to declare the government's treatment of the men biased and unconstitutional.

A class-action lawsuit prepared by the group, the Center for Constitutional Rights, accused the government of arbitrarily holding Muslim detainees in prison for months on minor immigration violations, with no hearings to determine whether the government had probable cause to hold them.

They have also been subjected to excessively harsh treatment in jails in New Jersey and Brooklyn, the complaint said, and in some cases could not practice their religion, contact their families or seek the help of their consular officials.

The lawsuit will be filed today in United States District Court in Brooklyn, said Barbara J. Olshansky, a lawyer for the center.

"We want the world to know that we are treating students, tourists, people here for short period of time, as criminals," Ms. Olshansky said. "We're putting them into arbitrary detention, just like the worst totalitarian regimes we cry out all the time about in this country."

About 1,200 Muslim men were arrested in the first weeks after the terror attacks, most eventually charged with minor immigration violations such as overstaying a visa.

As of mid-February, according to the only information provided by the Justice Department, 327 of the original detainees were still in custody on immigration charges.

Government officials have declined to identify the detainees or the reasons so many remain in prison, other than to say that all law enforce-

ment agencies must first clear them of links to terrorism.

The suit names as defendants Attorney General John Ashcroft; Robert S. Mueller III, the director of the F.B.I.; James W. Ziglar, the commissioner of the Immigration and Naturalization Service; Dennis Hasty, the warden of the Metropolitan Detention Center in Brooklyn; and unnamed corrections officers at the detention center who are accused of beating and abusing some detainees.

A Justice Department spokesman said the agency would not comment on the complaint.

Efforts by civil rights groups and

the detainees. In several District Court decisions, the civil rights groups have won favorable decisions, and the government has appealed.

The complaint by the Center for Constitutional Rights, a 36-year-old civil rights group, was made on behalf of Muslim men who were kept in two prisons in the New York City area long after immigration judges ordered them to leave the country.

Those men, according to the lawsuit, had violated immigration laws and had either agreed to leave voluntarily or had received a deportation order. Normally in such cases, the immigration courts order the foreigners to leave within a few weeks of their hearings.

The lawsuit focuses on conditions at the Metropolitan Detention Center in Brooklyn, a federal jail where the Muslim detainees were kept in a maximum-security area, and the Passaic County Jail in Paterson, N.J., where the I.N.S. rents detention space.

One detainee named in the lawsuit said that guards at the Metropolitan Detention Center bent his thumbs back, pushed him and kicked him in the face when he first arrived there. For the first week, he said, he did not have a bar of soap or a towel and he did not get his eyeglasses back from the guards for three months.

The detainee, Asif-ur-Rehman Saffi, said in the lawsuit that guards constantly called him a terrorist and insulted his religion. Mr. Saffi, who was born in Pakistan, is a French citizen and last month was released from prison and deported to France. The only charge against him was working while in the United States on a tourist visa.

Another detainee named as a plaintiff, Syed Amjad Ali Jaffri, was held in the Metropolitan Detention

Center for nearly seven months, four months after an immigration judge ordered him deported. He said a guard at the federal prison slammed his head against a wall, loosening some of his teeth.

Ibrahim Turkmen, another detainee cited in the lawsuit, was arrested by F.B.I. agents on Oct. 13 at his apartment in West Babylon, N.Y. According to the lawsuit, Mr. Turkmen spoke very little English and did not understand everything the agents asked him, but did vehemently deny any links to terrorists.

He was eventually taken to the Passaic County Jail and charged with overstaying his tourist visa. An immigration judge offered him a standard option in such cases of minor immigration violations that is, to leave voluntarily within 30 days.

Mr. Turkmen agreed but was nevertheless detained for four more months, until Feb. 25.

Months in prison on minor immigration violations, a lawsuit charges.