



AMR 51/10/2007

The Honorable Alberto R. Gonzales  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington D.C. 20530-0001

8 February 2007

Dear Attorney General,

I am writing to raise Amnesty International's concern about the treatment while in federal custody of Dr. Sami Al-Arian, convicted for association with Palestinian Islamic Jihad. We are concerned that his conditions of confinement fail to meet international standards for humane treatment.

Amnesty International previously expressed concern about the harsh conditions under which Sami Al-Arian was held in pre-trial detention, which included two years in the Security Housing Unit (SHU) of Coleman federal prison, Florida, where he was confined to a cell for 23 hours a day with limited opportunity for exercise and was initially denied certain items, including adequate writing materials. Mr al-Arian was reportedly held in 23-hour cellular confinement throughout his 3 year pre-trial detention, including when in jail, often with no more than two or three hours of exercise a week.

In December 2005, following a lengthy trial, he was acquitted on eight of the most serious charges against him, with the jury failing to reach a verdict on nine others. Several months later, after remaining detained in lock-down conditions, he agreed to plead guilty to one charge of providing non-violent services to the Palestinian Islamic Jihad and to be deported after serving his sentence. According to his attorneys part of the plea agreement was that he would not be required to cooperate with the government. The US attorney recommended a sentence at the lower end of the scale, which, with credit for time served, would have meant his immediate release and preparation for deportation. In the event, the judge imposed the maximum sentence of 57 months, which gave him a release date in April 2007.

Dr. Al-Arian's prison conditions reportedly improved after he was sentenced in May 2006, when he was transferred to the medium security section of Coleman prison. However, he was removed from Coleman a few months later, when he was subpoenaed to testify before a federal grand jury in Virginia investigating the activities of the International Institute of Islamic Thought (IIIT). His conditions are reported to have worsened considerably since then. We have been told that the trip to Virginia took weeks, involving travel through five states, during which he had none of his personal possessions and was again held in 23-hour lockdown.

In November 2006, he was sentenced to up to 18 months' imprisonment on a charge of contempt for refusing to testify before the Virginia grand jury, and he stayed in jail in Virginia, with the remainder of his original sentence deferred until after he had served his time for contempt. Since then, he has reportedly been again moved around various federal institutions, spending two weeks in unsanitary conditions, with exposure to rats, in the Atlanta Federal Correctional Institute, again in lock-down. He was also reportedly denied adequate clothing while being transported in freezing

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conditions from Atlanta back to Virginia and was threatened and verbally abused by guards and accused of being a “terrorist”. We understand that he currently remains in a county jail in Virginia where he is still without any of his possessions, and is reportedly confined to his cell for 23 hours a day.

Amnesty International considers that his treatment in prison, as described above, is in breach of the USA’s obligations under international standards and treaties, including Article 10 of the International Covenant on Civil and Political Rights (ICCPR) which states that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”. The UN Standard Minimum Rules for the Treatment of Prisoners, internationally recognized guiding principles, direct that the prison system shall not aggravate the suffering inherent in the deprivation of liberty. The Human Rights Committee, the ICCPR monitoring body, reaffirmed this principle in its General Comment on Article 10, stating that persons deprived of their liberty may not be “subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons ...”.

The conditions under which Dr. Al-Arian has been detained both during his pre-trial detention, and since his sentencing, appear to be unacceptably harsh and punitive, contrary to the standards cited above. International standards discourage the use of prolonged cellular or solitary confinement and provide that prisoners must have access to adequate sanitation, clothing, fresh air and exercise. The Human Rights Committee has stated that solitary confinement can in certain circumstances amount to breaches of the prohibition against torture or cruel, inhuman or degrading treatment. We are concerned by evidence suggesting that some of the harsh treatment, including alleged abuses by guards, has been based, at least in part, on his political background.

We urge you to investigate these concerns and to take immediate steps to alleviate Dr. Al-Arian’s conditions of confinement so that he receives more out-of-cell time, adequate exercise and access to the possessions and privileges he would normally be allowed as a convicted prisoner. We also urge you to investigate the allegations of abuse by prison guards.

Finally, lawyers for Dr. Al-Arian have expressed the view to Amnesty International that the decision to call him before a grand jury in Virginia was politically motivated in order to extend his prison term as well as being in breach of the plea bargain agreement. While we are not in a position to reach conclusions on this matter, we are concerned by these allegations, in view of the punitive treatment described above. We are disturbed, too, by reports that the prosecutor leading the grand jury case in Virginia expressed anti-Islamic sentiments when discussing a request with Dr. Al-Arian’s lawyer to postpone his transfer to Virginia during Ramadan, a matter which we understand is currently the subject of a complaint before the court. This raises further concern as to whether these proceedings are being taken to punish him for his political profile rather than for legitimate purposes.

Our concerns in this matter do not call into question the seriousness of the alleged offences under investigation by the US authorities or for which Dr. Al-Arian was tried. However, international standards require that anyone charged with an offence may be punished only after proceedings which are scrupulously fair.

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We look forward to receiving your response to the concerns raised.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Susan Lee', written over a horizontal line.

Susan Lee  
Program Director  
Americas Regional Program

cc Director, Federal Bureau of Prisons

