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## Ashcroft's Post-9/11 Roundups Spark Lawsuit

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*by William Fisher (new york) | Monday, September 27, 2010 Inter Press Service*

Hundreds of people who believe they were falsely detained and imprisoned by the Department of Justice in the wake of the Sep. 11, 2001 attacks are now seeking redress through the U.S. courts.

The exact number of detainees is unclear, as no lists were ever released publicly. But according to a report by the Office of the Inspector General in 2002, 475 9/11 detainees were arrested and detained in New York and New Jersey. Hundreds more were arrested across the country.

Some of these men are plaintiffs in a federal class action lawsuit against former Attorney General John Ashcroft and other top officials in the administration of President George W. Bush (2001-2009) who were responsible for their illegal roundup, abuse and detention.

The suit charges that the detainees were kept in solitary confinement with the lights on 24 hours a day; placed under a communications blackout so that they could not seek the assistance of their attorneys, families and friends; subjected to physical and verbal abuse; forced to endure inhumane conditions of confinement; and obstructed in their efforts to practice their religion.

Some of the abuse included beatings, repeated strip searches and sleep deprivation. The allegations of inhumane and degrading treatment have been substantiated by two reports of the Justice Department's Office of the Inspector General, and several defendants in the case have been convicted on federal charges of cover-ups and beatings of other prisoners around the same time period.

On Sep. 13, six new plaintiffs joined the lawsuit, which is still a proposed class action; there has not yet been a ruling on class certification.

These plaintiffs include two Pakistani men, Ahmer Iqbal Abbasi and Anser Mehmood; two men from Egypt, Ahmed Khalifa and Saeed Hammouda; Benamar Benatta; an Algerian man who has sought and received refugee status in Canada; and Purna Raj Bajracharya, a Nepalese Buddhist whose prolonged detention after 9/11 prompted outrage not only by civil libertarians, but even by the FBI agent who originally investigated him.

Bajracharya was videotaping the sights of New York City for his family back in Nepal when he inadvertently included an FBI office. He was taken into custody, where officials found he had overstayed

his tourist visa, a violation punishable by deportation.

Instead, Bajracharya wound up in solitary confinement in a federal detention centre for three months, weeping constantly, in a six-by-nine-foot cell where the lights were never turned off. Bajracharya, who speaks little English, might have been in there much longer if James Wynne, the FBI agent who investigated him, had not summoned Legal Aid.

Despite the fact that the government never charged any of them with a terrorism-related offence, immigration authorities kept the men in detention for up to eight months, long past the resolution of their immigration cases, according to attorneys at the Center for Constitutional Rights, which brought the class action on behalf of the plaintiffs.

'I was deprived of my liberty and I was abused at the hands of the U.S. government simply because of my religion and ethnicity. Now, nine years later, I seek to vindicate my rights and hold the people who mistreated me accountable,' said Benamar Benatta. 'My hope is that this never happens to anyone again.'

Benatta succeeded in having a criminal charge for possession of false immigration documents thrown out of court when the federal judge in his case ruled that his immigration detention was a 'subterfuge' and 'sham' created to hide the reality that, because Benatta was an 'Algerian citizen and a member of the Algerian Air Force, [he] was spirited off to the MDC (Metropolitan Detention Center) in Brooklyn...and held in the [Administrative Maximum Special Housing Unit] as 'high security' for the purposes of providing an expeditious means of having [him] interrogated by special agents of the FBI.'

'After 9/11 hundreds of men were swept up and detained in deplorable conditions based only on their religion and ethnicity,' CCR Attorney Rachel Meeropol told IPS.

'Nine years later, my clients are still determined to hold the masterminds of these sweeps accountable, and we will continue this fight until former Attorney General John Ashcroft, and his cronies, are forced to answer for their policy of profiling and abuse,' she said.

'No matter what exalted position they hold, cannot get away with ordering abuse and racial profiling. This battle is far from over,' Meeropol added.

The suit names as defendants then-Attorney General Ashcroft; Robert Mueller, current director of the Federal Bureau of Investigation (FBI); former immigration commissioner James Ziglar; and officials at the MDC, where the plaintiffs were held.

It includes additional detail regarding high-level involvement in racial profiling and abuse, including allegations that Ashcroft ordered immigration authorities and the FBI to investigate individuals for ties to terrorism by, among other means, looking for Muslim-sounding names in the phonebook.

In the resulting dragnet, hundreds of men were arrested, many based solely on their physical appearance — 'Middle Eastern-looking men.'

Many other arrests were based on anonymous tips called in to the FBI. The complaint also discloses, in some cases for the first time, the 'discriminatory and nonsensical tips' that led to each plaintiff's arrest and detention, the CCR says.

Lead plaintiff Ibrahim Turkmen, for example, was arrested after his landlady called the FBI to report that she rented an apartment to several Middle Eastern men, and 'she would feel awful if her tenants were involved in terrorism and she didn't call.'

Among other documented abuses in detention, many of the 9/11 detainees had their faces smashed into a wall where guards had pinned a t-shirt with a picture of a U.S. flag and the words, 'These colors don't run.' The men were slammed against the t-shirt upon their entrance to MDC and told 'welcome to America'.

The t-shirt was smeared with blood, yet it stayed up on the wall at MDC for months.

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“When I give food to the poor, they call me a saint. When I ask why the poor have no food, they call me a communist.” — *Dom Helder Camara*

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