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

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² Id.
³ Id.
⁸ Id.
⁹ Id.
the U.S. Government to urgently protect the “rights to life, personal integrity and health”\textsuperscript{10} of detained immigrants.\textsuperscript{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:\textsuperscript{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)\textsuperscript{13} between January 2010 and July 2016. During this time period, the DHS Office of the Inspector General only pursued 570 investigations in total;\textsuperscript{14} \textsuperscript{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;\textsuperscript{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.\textsuperscript{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;\textsuperscript{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.\textsuperscript{19} Additional reports indicate that detained immigrants are being kept in extremely cold temperatures, with the lights on 24 hours per

\textsuperscript{11} Id.
\textsuperscript{13} Due to the way DHS Office of the Inspector General tracks complaints, this data contains instances in which one alleged incidence was reported several times, which is reflected as several complaints in these figures.
\textsuperscript{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
day, and with little to no access to food or medical care. Since December 2018, at least six children have died after exposure to these conditions in DHS border custody;\textsuperscript{20} The forcible separation of children from their families for indefinite periods of time for political purposes, and the indefinite detention of entire families;\textsuperscript{21}

- The deaths of 97 individuals killed by U.S. Customs and Border Protection (CBP) agents from 2003 to 2018, including six minors;\textsuperscript{22,23}

- 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,\textsuperscript{24} and the arbitrary arrest, detention, and short-term disappearance of protesters and apparently unaffiliated individuals;\textsuperscript{25,26}

- 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.\textsuperscript{27}

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

\textsuperscript{20} Adam Serwer, \textit{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/


\textsuperscript{22} Family Separation By the Numbers, ACLU, https://www.aclu.org/issues/immmigrants-rights/immigrants-rights-and-detention/family-separation


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,

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RASHIDA TLAIB
Member of Congress

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ILHAN OMAR
Member of Congress

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VERONICA ESCOBAR
Member of Congress

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ALAN LOWENTHAL
Member of Congress

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AYANNA PRESSLEY
Member of Congress

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ALEXANDRIA OCASIO-CORTEZ
Member of Congress

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MARK POCAN
Member of Congress

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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 degrading treatment or punishment
CC: Ms. Dubravka Šimonović, Special Rapporteur on violence against women, its causes and consequences
CC: Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
CC: Mr. Michael Fakhri, Special Rapporteur on the right to food
CC: Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association
CC: Mr. Ahmed Shaheed, Special Rapporteur on freedom of religion or belief
CC: Working Group on Arbitrary Detention
CC: Mr. Fernand De Varennes, Special Rapporteur on minority issues
CC: Mr. Joseph Cannataci, Special Rapporteur on the right to privacy
CC: Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
CC: Ms. Mama Fatima Singhateh, Special 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