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September 22, 2020

Re: Requesting Immediate Investigation of Inhumane Treatment of Individuals Detained in Immigration Detention Facilities in Georgia

Dear Members of the Georgia Delegation to the 116th U.S. Congress:

We are writing as a coalition of leaders from Georgia's law, medicine, faith, immigrant and human rights communities to express our outrage over the continuing inhumane treatment of immigrants held in ICE custody in our state,ⁱ resulting in the death of a third man from COVID-19 at Stewart Detention Center and growing evidence that women at Irwin County Detention Center have been subjected to medical abuse, neglect, and mismanagement, including unnecessary gynecologic procedures performed without their informed consent.

Thousands of men and women, many seeking protection from torture and persecution, are detained in Georgia by U.S. Immigration and Customs Enforcement (ICE) while they await the resolution of their

immigration case. For years, there have been reports of inhumane conditions in ICE detention facilities here, including unsafe and unsanitary living quarters, substandard medical care and medical neglect, and excessive use of isolation and force.

In 2019, a Congressional oversight committee demanded that the Department of Homeland Security (DHS) investigate mistreatment of immigrants in ICE custody in Georgia.ⁱⁱ In 2018, Atlanta journalists obtained nearly one hundred pages of records from the DHS Inspector General that described life-threatening conditions at Stewart, including “chronic shortages” of almost all medical positions.”ⁱⁱⁱ In 2017, the Inspector General concluded that Stewart Detention Center was plagued by “problems that undermine the protection of detainees’ rights, their humane treatment, and the provision of a safe and healthy environment” and demanded remedies that have yet to occur.^{iv}

Advocates, including those who have signed this letter, have repeatedly written to DHS and members of this Georgia Delegation, filed lawsuits, and lodged complaints to address these ongoing concerns. These include submissions to the InterAmerican Commission on Human Rights and the U.S. Commission on Civil Rights in 2018 and 2019, following the deaths of four individuals at Stewart in just two years. Among the lives lost were Jeancarlo Jiménez-Joseph, 27, and Efrain Romero de la Rosa, 40, two men with diagnosed mental illness who hung themselves by their bedsheets after suffering for weeks in solitary confinement.^v

Since the onset of the coronavirus pandemic, the thousands of people detained in ICE facilities in Georgia have faced an additional deadly threat: the rapid spread of COVID-19, unchecked by adequate health and safety precautions.^{vi} Today, nearly 500 men and women have contracted the virus in Georgia immigration detention facilities and many more Georgians employed there have been infected, making these facilities life-threatening not only for those inside, but for all those living in neighboring rural communities where health resources are already in short supply.^{vii}

Yesterday brought the tragic news that yet another person has died in ICE custody in our state. On September 21, the Stewart County Coroner announced that a third man had lost his life after contracting the disease in detention,^{viii} giving Stewart Detention Center the unwanted distinction of having the most COVID deaths of any ICE facility in the U.S. The death toll now includes Santiago Baten-Oxlaj, 34; Jose Guillen-Vega, 70; and Cipriano Chavez-Alvarez, 61.^{ix} Guillen-Vega and Chavez-Alvarez were both medically-vulnerable detainees at high risk of dying from COVID-19, due to their older age and their histories of hypertension and other disease.^x Medical professionals have specifically urged the release of individuals with comorbidities at Stewart but have been ignored by ICE on numerous occasions.

Stewart is not the only Georgia facility with dangerously inadequate COVID-19 protections. In April, nine women detained at Irwin made a video recording expressing their fear of contracting the disease and begging for better protections.^{xi} As reported by the Atlanta Journal Constitution:

“We’re very afraid of being incarcerated here and dying here,” one detainee said. Another woman said she had been the first Irwin detainee to contract the virus. But at the facility’s medical clinic, “they simply dismissed me,” she said. “They said, ‘You’re fine, go back to your cell.’” A third detainee, fighting tears, held a hand-lettered sign asking for protection. “We’re scared,” she said. “My God, we’re scared.”^{xii}

If not bad enough, there is now mounting evidence that women at Irwin have been exposed to unnecessary and unwanted gynecological procedures without their informed consent, including the removal of reproductive organs, which have compromised their health and left them forever unable to bear children. These reports are included in a complaint filed by Georgia advocacy groups on September 14, highlighting “jarring accounts from detained immigrants and Ms. [Dawn] Wooten [a whistleblower nurse from Irwin] regarding the deliberate lack of medical care, unsafe work practices, and absence of adequate protection against COVID-19 for detained immigrants and employees alike.”^{xiii}

On September 23, 2020 the women met with lawyers and reiterated their plea:

“We seek immediate freedom for those affected in order to heal somewhere that healing is possible and continue their immigration cases outside of detention.”

Whether ICE officials authorized these medical abuses or allowed them to continue through a pattern of medical neglect and poor oversight, these allegations implicate the United States’ obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to The Center for Victims of Torture.^{xiv} The United Nations special rapporteur on torture has made clear that:

[M]edical treatments of an intrusive and irreversible nature, when lacking a therapeutic purpose, may constitute torture or ill-treatment when enforced or administered without the free and informed consent of the person concerned.... This is particularly the case when intrusive and irreversible, nonconsensual treatments are performed on patients from marginalized groups, such as persons with disabilities, notwithstanding claims of good intentions or medical necessity.^{xv}

As professionals who live and work in Georgia, we know that our state’s strong faith tradition and humanitarian spirit mandate that we treat all those within our borders, including those most vulnerable, with decency and compassion. We are outraged that ICE and its private detention corporations continue to operate in our state with complete disregard for these basic principles that Georgians hold dear.

We, therefore, respectfully urge you to come together as a delegation and, on behalf of the people of Georgia, request a prompt and thorough investigation into the continuing reports of medical neglect and abuse at ICE facilities here. More than that, we ask that you hold ICE accountable for its longstanding failure to remedy these problems and provide necessary oversight to ensure the humane treatment of every person in its custody, and that you demand it suspend operation of its facilities in our state unless and until it can provide medical care that meets professional standards.

Sincerely,

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ⁱ ICE detention facilities in Georgia are run by private, for-profit corporations and include Stewart Detention Center in Lumpkin (CoreCivic Corporation) and Irwin County Detention Center in Ocilla (LaSalle Corrections), as well as Folkston Detention Center in Folkston and Deyton Detention Facility in Lovejoy (GEO Group).

ⁱⁱ <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-11-18.CBM%20to%20Cuffari%20-%20DHS%20IG%20re%20StaffDels.pdf>

ⁱⁱⁱ Elly Yu, WABE, Exclusive: An ICE Detention Center’s Struggle With ‘Chronic’ Staff Shortages, May 13, 2018, <https://www.wabe.org/exclusive-an-ice-detention-centers-struggle-with-chronic-staff-shortag>, citing Records of U.S. Department of Homeland Security, Office of Inspector General, Office of Inspections & Evaluations, provided in response to Freedom of Information Request, dated January 11, 2018.

^{iv} Department of Homeland Security, Office of Inspector General, “Concerns about ICE Detainee Treatment and Care at Detention Facilities,” December 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG18-32-Dec17.pdf>.

^v Project South/Detention Watch Submission to the US Commission on Civil Rights, May 13, 2019, <https://projectsouth.org/wp-content/uploads/2019/05/Comment-to-U.S.-Commision-on-Civil-Rights-Georgia-Detention-Centers.pdf>; Project South/Detention Watch Submission to InterAmerican Commission on Human Rights, July 17, 2018, https://projectsouth.org/wp-content/uploads/2018/07/IACHR-Request-For-Hearing-Immigrant-Detention-in-Georgia_169-Period-of-Sessions.

^{vi} ICE reports of COVID-19 cases are found at <https://www.ice.gov/coronavirus>. Letters detailing inadequate COVID-19 protections include Coalition Letter to Georgia Congressional Delegation, March 31, 2020; Open Letter to Executive Office for Immigration Review and Department of Homeland Security, March 17, 2020. See also, Center for Victims of Torture, “Torture Survivors Confront COVID-19 in ICE Detention, July 22, 2020 at <https://medium.com/@cvt.communications/torture-survivors-confront-covid-19-in-ice-detention-3ae97c6efa9e>

^{vii} <https://www.ice.gov/coronavirus>

^{viii} <https://www.ajc.com/news/third-ice-detainee-dies-from-covid-19-in-southwest-georgia/LE3CHB24HFDWBBHADYHZEB5EMY/>

^{ix} <https://www.ajc.com/news/second-ice-detainee-dies-from-covid-19-in-southwest-georgia/IQLKPYX7AVESZLCQ2EKLWBP2KU/>; <https://www.ajc.com/news/third-ice-detainee-dies-from-covid-19-in-southwest-georgia/LE3CHB24HFDWBBHADYHZEB5EMY/>

^x <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

^{xi} <https://www.youtube.com/watch?v=aQt6QbkWslI&feature=youtu.be>

^{xii} <https://www.ajc.com/news/third-ice-detainee-dies-from-covid-19-in-southwest-georgia/LE3CHB24HFDWBBHADYHZEB5EMY/>

^{xiii} <https://projectsouth.org/wp-content/uploads/2020/09/OIG-ICDC-Complaint-1.pdf>

^{xiv} www.cvt.org/news-events/press-releases/cvt-calls-immediate-investigation-new-reports-gross-human-rights-abuses

^{xv} https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf.