

Puente Human Rights Movement Shadow Report: Torture and Human Rights Abuses Within Arizona Immigration Detention Centers

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I. Reporting Organization

The Puente Human Rights Movement is a grassroots migrant rights organization focused on protecting the human rights and improving the quality of life of immigrants in the state of Arizona. Puente is located in Phoenix Arizona and has a base of over 300 immigrants including several who currently sit in detention centers. Puente focuses on fighting the attrition through enforcement policy that targets and strips away the quality of life of non-status holding immigrants in Arizona. Since 2007, Puente has worked to stop police and ICE collaboration by eliminating and limited access to 287(g) Agreements, Criminal Alien Program CAT, and Secure Communities SCOMM.

II. Issue Summary

The state of Arizona is home to the most anti-migratory policies in the United States. Arizona has been the pioneer in passing the most egregious laws and immigration policy that specifically targets and criminalizes immigrants as a measure of immigration enforcement through state sanctioned attrition. On a national level, the Obama Administration has set a 400,000 annual deportation quota (2010) and has mandated SCOMM to be the immigration extraction tool on a national level (2011). National pressure to deport immigrants at a rapid rate has affected local states such as Arizona to have their officials prioritize catching immigrants and deporting them. Nationally there are 1,300 deportations that occur every day; the state of Arizona removes 300 of the 1,300-deportation quota alone on a day-to-day basis.

Federal pressure to extract non-status holding immigrants has produced an anti-migratory climate in the state of Arizona that is focused on removing all immigrants. As a result of the pressure to meet the quota immigrant without criminal record have been criminalized through racial profiling tactics and worksite raids of Maricopa County Sheriffs Office (287(g) Agreements), traffic violations through (Operations Order 4.48), and crossing the border. Outcomes for increased anti-migratory policy and heavy saturation of police and ICE collaboration have contributed to the rise in apprehensions of non-violent immigrants carrying no prior criminal convictions and immigrants seeking asylum in the United States.

As a Non-Governmental Organization, Puente has received a high volume of cases of human rights violations and cases of torture of immigrants within immigration detention centers and Maricopa County jails. Immigrants in the state of Arizona have had little to no political agency since the passage of SB1070. Immigrants in detention are vulnerable to human rights abuses due to the lack of political agency that they possess in detention centers. While immigration is a civil proceeding, indefinite incarceration in detention centers appears no different from a prison sentence. Immigrants in detention centers have reported egregious violations of

their rights by ICE officials and detention staff. Immigrant detainees have reported being subject to lack of quality and nutritional food, limited access to water, inadequate access to legal resources to fight their case, verbal harassment and physical abuse by ICE officials, inadequate health care, sexual abuse, and even rape.

Ice Detention Centers in Arizona

In 2014 there is a total of five detention centers in the state of Arizona that currently have active contacts with Immigration and Customs Enforcement (ICE). According to the ACLU of Arizona 2011 immigration detention report, the state of Arizona houses over 3,000 beds for non-status holding immigrants within the detention centers.

- **Florence Detention Center**
- **Pinal Detention Center**
- **Eloy Detention Center**
- **Florence Correctional Center**
- **Central Arizona Detention Center**

From 2013- 2014, a majority of our cases and testimonies of immigrants have come from both Eloy Detention Center and Florence Detention Center. Florence Detention Center is an ICE immigration detention center that is equipped with bed space to house 717 people in deportation process. Eloy Detention Center currently stands as the largest privately owned immigration center in the state of Arizona and holds over 1,500 bed spaces. Eloy Detention Center houses both men, women, and trans immigrants who are awaiting immigration court, deportation orders, and pleading asylum.

Immigrants who receive visitations from family members have the opportunity to report their violations through phone calls, letter writing, and personal conversations. As a result of the public organizing around cases, ICE has proceeded to target detainees linked to activists outside of detention and retaliate against inmates. Immigrants who actively demand basic rights in detention experience aggressive treatment by ICE officials, interception and monitoring of phone calls, denial of meals, and even aggressive attacks by fellow detainees who are encouraged to disturb immigrant organizers by ICE officials. Extreme punishment for detainees who chose to organize has been transfer of detention wing, solitary confinement, and even deportation. In the next section of the shadow report we will provide cases of torture and extreme misconduct towards undocumented immigrants who sit in detention.

Cases of Extreme Abuse and Torture within Immigration Centers

J. Lopez Cruz

J. Lopez Cruz is 44 year old from Zacatecas Mexico. Lopez Cruz is a father of four US Citizen children and has lived in the country for 12 years. Lopez Cruz was stopped and arrested on December 12th 2011 by the Phoenix Police Department and has been in deportation proceedings.

During his stay at Eloy Detention Center, J Cruz has advocated for basic needs such as access to a therapist, well-cooked food, and visitation rights. Further, Lopez Cruz became a target of ICE officials due to his activism in confronting the mistreatment of immigrants in detention. Detainees such as J. Lopez Cruz have been targeted and punished through measures of solitary confinement as a method of punishment for demanding basic rights to health care and visitations of family members. J. Lopez Cruz is one of several who participated in a hunger strike in February of 2014 calling attention to the human rights violations that occur behind closed doors of the privately owned immigration detention centers. As punishment for publicly outing the treatment of immigrants in Eloy Detention Center (Eloy, Arizona) J. Cruz Lopez was sent to solitary confinement where he served a total of three days. During the duration of his punishment J. Cruz Lopez continued his hunger strike, within this time he was never seen by a medical professional and was told by the guards he would be force-fed if he refused to comply. J. Lopez Cruz has been held in Eloy Detention center for almost two years. He has resorted to taking anti-depressant pills in order to treat his chronic depression that has resulted from his detention sentence.

Jaime Valdez Reyes

Is a 33 year old from Michoacán, Mexico. Jaime migrated to the United States when he was (?) and has lived in Phoenix Arizona without status. In November 2012 he was stopped by Phoenix Police Department and charged with Driving Under the Influence. Throughout his immigration proceedings Jaime was coerced into accepting an additional charge of endangerment in order to minimize his criminal sentence. Jaime like many other immigrants accepted the endangerment charge with the assumption that it would expedite his criminal sentence and in turn this further complicated his case. Most immigration judges are unsympathetic to endangerment charges and typically decide to give a deportation order. From 2013-2014 Jaime spent his immigration sentence in Eloy Detention Center while his family attempted to fight for his freedom with Puente. Jaime has chosen to fight his case in detention and is pleading for asylum. His brother was deported in 2009 and sent back to Mexico where he was murdered in his first 6 months of living in Michoacán, Mexico. Jaime and his parents fear a judge ordering his deportation because of the high risk of murder due to the cartels.

Jaime's parents Alma and Jose Valdez participated in various campaign tactics to expose the wrongful detention of their son. Throughout their involvement with Puente they participated in various protests, spoke to media, went to Washington DC, and even participated in a hunger strike. The awareness raised about Jaime's case by his parents made him a target of harassment by staffed ICE officials in Eloy. Jaime's phone calls to media and his parents were intercepted and even disconnected when he began to report conditions within the detention center. On February 12th 2014 Jaime called the Puente Human Rights Movement and read a letter on the conditions in Eloy Detention Center. In this letter he stated that immigrants have no access to fight their case because immigration officials interfered with their access to due process. Valdez mentioned that ICE officials have a continuous habit of opening immigration letters and omitting immigration court information and or important immigration paper work that would help their case. Valdez exposed the cruel treatment of sick immigrants who are often denied medication and

access to proper medical treatment. Moreover, he exposed how immigrants with high profile cases are targeted and bullied both by ICE and detainees. Jaime made a declaration over the phone exposing how immigrants are treated as a financial commodity and not as humans, "They treat us like numbers, we are just a pay check to them, they don't care if we suffer in here, they don't care if we have our families away, all they want is their paycheck for filling the bed." ICE had intercepted this phone call and lowered the volume so that Valdez could not reveal the conditions in this detention center. Since the phone call his mother and father have been intimidated when attempting to visit Jaime in detention.

On February 17th 2014 parents and loved ones of Jaime and others in detention took part in a hunger strike for 10 days outside of an ICE building to expose the horrible treatment of their loved ones. Simultaneously Jaime and others began their own 10-day hunger strike inside Eloy. Within the second day of the hunger strike Jaime and others called their loved ones informing them that ICE had targeted the hunger strikers and sent an email informing all of the officials on who the hunger strikers were. Additionally, they informed their loved ones that they were being threaten with solitary confinement if they did not break the strike and eat. By the 3rd and 4th day of the hunger strike more men joined the strike on the west wing of Eloy detention center. At that moment ICE made the decision to quarantine the original hunger strikers by blocking their calls to outside detention and from media, and relocating them. On the 4th night all hunger strikers, including Jaime, were sent to solitary confinement. There, they were threatened with longer sentences and threatened with forced feeding if they refused to end the strike. Jaime along with the other men in solitary were sent meals that were not removed from the cell while they refused to eat.

On the night of February 25th 2014 at 1am Jaime made a phone call to a family member and told them that ICE officials had come into his cell, grabbed him and forced him into a car. Jaime told his loved one that the ICE officials were laughing at him and harassing him and telling him that his strike had caused him his deportation. Jaime Valdez was punished for speaking out on the treatment in detention by methods of solitary confinement and a deportation without due process. It is important to highlight that Jaime's case was in the process of appeal in the 9th circuit of the Supreme Court. During this time his case was open and the decision to deport Valdez was made by ICE in Eloy and not a deportation judge.

Since his deportation, Jaime chose to live in Nogales Arizona and wait for his opportunity to return to the United States where he can appeal his case and fight his wrongful deportation. On April 1st 2014, Jaime Valdez crossed back in the Nogales MX/Nogales AZ entry point with his attorney Ray Ibarra and asked for asylum. Since that day Jaime awaits the judge's decision in Florence Detention Center. Decision on his stay will be granted on October of 2014.

Marichuy Leal Gamino

Marichuy Leal Gamino is a transgendered woman who is currently stationed in the men's holding facility in Eloy Detention Center. Marichuy, who was formally known as Jesus Alfredo Leal Gamino is 23 years old and currently holds two felony convictions for

possession of a dangerous drug and human smuggling. Marichuy was born in Mexico and migrated to the United States at 7 years old. Leal Gamino obtained a residence card but when granted her felony convictions ICE revoked her permanent residency and deported her. Leal Gamino returned to the US upon her immediate deportation and declared asylum and stated that she faced great fear of violence in Mexico because she is a transgendered woman. At the moment she is in withholding proceedings.

Throughout Leal Gamino's stay in Eloy Detention Center she has been denied access to stay in a women's holding facility. Failure to relocate Leal Gamino has made her vulnerable to intimidation, violence, bullying, and even rape. Leal Gamino has written letters stating that she left like she was a target to extreme bullying because she was a trans woman. She has stated that ICE officials ignore her pleas to be transferred and her claims to being bullied and threatened. On July 20th 2014 Marichuy Leal Gamino reported that she was being bullied and threatened of being raped by a cellmate. The ICE officer responded to her claims by stating "you just have to deal with it". That night the cellmate who had earlier threatened her raped Leal Gamino. The next morning Marichuy reported the rape, there was a failure to investigate the case. Days later Leal Gamino was encouraged by ICE officers to sign a declaration that the incident of rape was consensual sex. Marichuy refused. Later, Marichuy was put in solitary confinement for 2 days as punishment for refusing to sign the declaration of consent. She is currently housed in the same male holding wing where she continues to be a target to extreme bullying and rape.

Leal Gamino has sent various letters pleading for help and mentioning that she is extremely depressed and suicidal. She continues to be in pain and is in extreme need of medical attention. She has been denied her requests for medical attention. According to information provided by the Florence Project, ICE has started the process to relocate her to another detention center in Santa Ana California due to the media attention that her case is drawing to Eloy Detention Center.

Elder Lopez Gomez

Elder Lopez Gomez is a 31-year-old immigrant from Guatemala. Lopez Gomez sat in Eloy Detention Center and fought his deportation case for 3 years. Throughout his tenure in Eloy, Elder has been fighting his criminal charges (identity theft and having possession of burglary tools) without access to a legal attorney. Elder is a father of two US Citizen children and fears being deported because his life is in danger in Guatemala. In 2000 Lopez Gomez was beaten and shot by a local gang in Guatemala. This incident produced serious injuries that resulted in the need of two surgeries. Further his injuries required him to use a colostomy bag for two years after the operations. Due to the attacks by Guatemalan gangs, Lopez Gomez decided to migrate to the United States and reunite with his family where he would be safe from gang violence and attacks.

In 2011 Lopez Gomez was arrested and sent to Eloy Detention Center. During this time he was still recovering from his surgeries. Failure to access immediate and regular medical treatment caused complications in his wounds that resulted in gastritis and ulcers. Elder Lopez Gomez wrote letters and made phone calls to his mother urging her to call Eloy and demand that they have a medical doctor treat him. When a medical doctor did see him he

was in need of a third surgery and was sent to Florence Hospital in Florence, Arizona. After his surgery Lopez Gomez spent 4 days in an infirmary and was then sent back to his cell. Elder Lopez Gomez suffered further medical complications as a result of the expedited recovery process; he began to see an infection around his wounds. Lopez Gomez reported his condition to the ICE officers, medical officials, and even his Deportation Officers where his claims were ignored. Medical attention was given only after Lopez Gomez fainted and was spotted losing blood in his cell.

Aside from being denied adequate health care in Eloy, Lopez Gomez was a target to bullying and harassment by ICE officers for helping others fight their case and prolonging their deportation. Further, Elder has also exposed the foul treatment in the immigration detention centers which has made him a target by ICE officials and has been punished by being denied visitations (at times for months), food, and even recreational time. Despite his complex medical case, Elder Lopez Gomez has also been punished for his activism and his mother's activism and sent to solidarity confinement during his participation in a hunger strike in February of 2014.

Norma Bernal

Norma Bernal is a 36-year-old mother of 4 US Citizen Children. Bernal was born in Mexico and has resided in the United States for over 15 years. In 2014 Bernal was walking with her children in Avondale, Arizona where she was stopped and questioned by Goodyear Police. Bernal was found to not have an identification card and was charged with trespassing. Bernal was placed into deportation proceedings and deported to Nogales Mexico. Upon her deportation, Bernal decided to return to the United States so that she could reunite with her children. Bernal was caught by Border Patrol and sent to Operation Streamline where she was given a criminal charge by an immigration judge. She then requested asylum and was granted the opportunity to fight her case within Eloy Detention Center.

On her first week at Eloy Detention Center, Bernal was subject to psychiatric supervision. Further, Bernal was screened by medical doctors and asked if she was a threat to herself- Bernal answered that she was not having suicidal thoughts and that the only thing she wanted was to return to her children. In a letter Bernal sent to her sisters she states that the medical staff did not care about her responses rather she felt like she was being punished for fighting her deportation. Bernal explained to her sisters that the psychiatrist ordered her clothes to be removed and have a straight jacket put on by medical staff. Bernal reported to have been placed in a room alone, naked in a straight jacket where she spent days alone. Additionally, Bernal claims to not have been fed or have been checked by a medical professional for days. She said "I was not crazy before I saw the doctors, but if their intention was to make me crazy, they were on the right path by the way that they were treating me on my first week at Eloy." Bernal reported to have been in that condition for 4 days before being released and transferred to a women's holding unit. Bernal was denied phone calls on her first two weeks in detention and her only method of communication with her family was through her letter writing. Norma Bernal continues to sit in Eloy Detention Center where she suffers from chronic depression and suicidal thoughts. In the past two months she has attempted to commit suicide three times and has not been seen by medical staff despite her pleas.

III. Concluding Observations

Cases like the four highlighted above are reoccurring cases that continue to take place within immigration detention centers. As anti-migratory policies continue to criminalize working class immigrant communities, detention facilities are rapidly filled with men and women seeking to fight their deportations. By committing to fight their cases legally and in some cases politically immigrants become targets of acts of torture such as; solidarity confinement, starvation, isolation, and the denial of medical treatment. Moreover, there has been an increase of cases of abuse and rape towards transgendered immigrants housed in detention. We have found that immigrants are beginning to be punished and re-serve their criminal convictions in ICE custody due to their organizing/exposure of inhumane treatment in Eloy Detention Center. Immigrants in Eloy Detention Center are in an extreme state of danger and vulnerability because they have little to no access to report an incident and report abuse by ICE officials to family members and lawyers. We have found that the escalation of detention abuses correlate with the increase of chronic depression and suicide attempts.

IV. Recommended Questions

- a. Why do USCIS and ICE officials believe that is solitary confinement is the best alternative for immigrants who are victims of rape or abuse? Instead of seeking reparations or investigating why are we finding more cases of victims becoming even more tortured in detention?
- b. In the past five years there have been several federal investigations on immigrant detention centers. In the end of the investigation federal officials had made formal recommendations that immigration detention centers had to fix. Why hasn't there been any progress in making any changes?
- c. As more men and women are placed in detention on a national level we are witnessing a pattern of women, trans-women, and members of the LGBTQ community become subject to sexual harassment and rape by fellow inmates and ICE officials. Why hasn't the federal government and ICE taken action on stopping the torture of women and LGBTQ migrants in detention?

V. Suggested Recommendations

1. We recommend a system of accountability for ICE officers and medical doctors who violate their roles in detention center
2. We recommend that all claims of rape and abuse be documented and investigated
3. We recommend all victims of rape and abuse should have access to a U-Visa and be allowed to fight their case outside of detention
4. Limit immigration detention contracts on a local and national level

5. Conduct a Federal government in-depth investigation of the management and personnel training, use of inmate disciplinary actions by personnel, culture and oversight
6. Create an office of an independent Detention Centers monitor to ensure full transparency and accountability in respecting the human rights of all detainees
7. Create an independent reporting process and tracking system for all claims of abuse, excessive use of force, torture, denial of basic needs by detention center officials. This system will also be used to report inmate on inmate violence or threat of violence
8. Create a Civilian Review Board for all claims of abuse to be reviewed, investigated and addressed