

From: Edward Hasbrouck <edward@hasbrouck.org>
To: "CRCL" <Crcl@dhs.gov>
Subject: your reference number 11-01-DHS-0044
Date: Wed, 02 Feb 2011 16:25:49 -0800

Thank you for your e-mail message today regarding our nine complaints to which you have assigned your reference number 11-01-DHS-0044.

We are mystified as to what "efficiency" is gained by assigning one reference number to nine complaints, merely on the basis of the fact that they were submitted by the same organization, even though they were submitted to different DHS components over a period of more than three years, and relate to discrete actions by different DHS components.

We trust, however, that you will properly include these as nine complaints of distinct violations of the ICCPR in the DHS portion of the next US report to the U.N. Human Rights Committee on U.S. compliance with the ICCPR, and in other reports on complaints received by DHS such as those to agencies of the European Union (including in reviews of DHS handling of PNR data), and that you will properly identify the dates when the respective complaints were received by those DHS components.

We are concerned by the statement in your message today that, "We received your complaints on August 10, 2010." That suggests that *none* of these nine complaints was properly referred to you earlier than that date by the various DHS components to which they were submitted between 2006 and 2009.

This is particularly troubling as it suggests that other similar pending complaints may still not have been referred to your office by DHS components, even though they were properly filed in the form, manner, and docket duly designated by those components for filing of objections related to the actions giving rise to those complaints -- presumably including those based on incompatibility with US treaty obligations, since no separate docket was ever designated for such objections.

Will your investigation of our complaints automatically include investigation of the failure of the respective components to refer them to you, or do we need to file separate complaints with your office concerning this, in order to have those failures investigated by your office?

If so, since the language in our letter to you of August 10, 2010, "[W]e specifically request that you: (1) If you have not done so already, enter each of these complaints in your docket of complaints of violations of human rights treaties by DHS" was inefficiently clear to you, please advise *exactly* what more unambiguous language we should use in any future complaints to ensure that they are promptly recognized, docketed, acknowledged, and acted on as such complaints.

If your office or DHS has promulgated any instructions concerning the form, manner, or docket for filing of such complaints, please let us know.

Please also advise us of when your office was designated as DHS point of contact responsible for responding to complaints of human rights violations by DHS, and what

instructions were given, and when, to DHS components regarding their duty to refer such complaints to your office as the DHS office designated pursuant to Executive Order 13107..

Knowing when your office was so designated, and when and how DHS components were advised of this and of their duty to refer such complaints to your office, would help us understand the nature and scope of the problem of those components having failed to refer our complaints to you.

Sincerely,

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"Congress shall make no law ... abridging ... the right of the people peaceably to assemble"
(U.S. Constitution, Amendment 1)

"Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country."
(Universal Declaration of Human Rights, Article 13)

"Liberty of movement is an indispensable condition for the free development of a person."
(United Nations Human Rights Committee, General Comment No. 27)