

# **AFGHANS CONTEST DETENTION IN U.S.**

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## **Body**

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Three **Afghans** in a **detention** center in New York say they cannot understand why they are being held when the **United States** Government claims to support the struggle of rebels against the Soviet-backed Government in Afghanistan.

The three men, in their mid-20's, have proved a "well-founded fear of persecution," according to immigration lawyers, and are therefore eligible for refugee status, but have been denied asylum because they tried to enter the **United States** without proper travel documents.

Appearing ill at ease, the three **Afghans** said in separate interviews that they faced execution if they returned to their homeland. They asked that their full names not be disclosed to protect relatives in Afghanistan. #33 **Afghans** at Center The interviews took place in the presence of a guard in a visiting area of the Immigration and Naturalization Service's **detention** center at 201 Varick Street in Manhattan.

"Every day there is news here about Afghanistan, how the American Government wants to help Afghanistan and supports the freedom fighters, and so we never expected to be put in jail here," said Abdul, a 26-year-old former bank employee who has become an informal spokesman for Afghan refugees at the center because of his fluent English.

There are 33 **Afghans**, including two women - mostly in their teens or mid-20's - being held in the **detention** center, along with about 220 other illegal aliens.

The assistant deputy director of the Immigration and Naturalization Service in New York, Scott Blackman, declined to comment on the **detention** of the Afghan refugees, on the ground that the issue is in litigation.

### Suit Filed

The Lawyers Committee for International Human Rights has filed a suit on behalf of the refugees, who one committee director, Arthur Helton, said were being victimized by the Government's efforts to deter more refugees.

"It stems from the general I.N.S. policy of deterrence," Mr. Helton said. "They don't want to encourage plane people as well as boat people."

Another of the three **Afghans** interviewed, Ezatullah, a 27-year-old former engineering student, was deported Nov. 21 to Pakistan after his request for asylum for himself, his wife and their 11-month-old daughter was denied.

When he arrived in Karachi, however, Pakistani authorities told him they would have to send him to Afghanistan or try him for illegal entry into Pakistan. Trial would eventually result in his return to Afghanistan, because Pakistan does not accept **Afghans** who have applied for asylum elsewhere.

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## Lawyer's Letter

He said he was saved - and returned to the United States - by a letter from his Manhattan immigration lawyer, Robert Carr, stating that the Federal immigration administrative law judge who had denied his request for asylum had also ruled that he should not be deported to Afghanistan.

Ezatullah explained he was afraid to return to Afghanistan because he had been forcibly inducted into the army and had escaped three times. He said his father had been killed, two brothers were missing and his home destroyed. He said the mujahedeen, the forces opposing the Soviet-backed regime helped him and his wife, who was pregnant at the time, to escape to Pakistan.

"But I learned there were Afghan agents in Pakistan and many Afghan refugees had been killed or their relatives at home had been punished, and so I decided to come with my wife and baby to America, which says it supports Afghan refugees," Ezatullah said. He was detained by immigration authorities when he arrived here seven months ago.

## Practiced Medicine

The third Afghan, Sayed, a 27-year-old psychiatrist, also refused to join the Soviet-backed Afghan army. He said he fled to a village in central Afghanistan that is controlled by freedom fighters and practiced medicine there from February 1982 until December 1984, when the village was destroyed by the army.

Last February, Sayed decided to flee to Pakistan with his wife and 4-year-old daughter, but the mother and child were killed by a mine. On his way to Canada, he was detained at Kennedy International Airport.

"I have two brothers in the United States and know the American Government supports the freedom fighters and has sent them medicine," Sayed said.

Sayed was detained by immigration authorities four months ago. On Nov. 4, a judge ruled he would not be deported to Afghanistan but denied him asylum.

Detained for 14 Months

Abdul, 26, his wife and sister-in-law have been held in the detention center for 14 months. Afghan authorities arrested him and five other bank employees in June 1984 and accused them of distributing anti-Government literature.

After only three days, the army camp, which was located on the outskirts of Kabul, was attacked by members of the mujahedeen, who helped him and 34 other known opponents of the regime to escape, he said. He fled to the border area, where he was joined by his wife and her sister, and they went together to Pakistan and then the United States.

He said that their request for political asylum had been denied because they had tried to enter the United States without proper documents.

His only hope now, he said, is the suit that was filed last April by the Lawyers Committee for International Human Rights and the Civil Rights Clinic of the New York University School of Law, challenging the detention of 30 Afghans and one Iranian. The suit, filed in Federal District Court in Manhattan, holds that the refugees' confinement violates domestic and international law and demands their immediate release.

## Graphic

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Photo of three Afghans during an interview at immigration and Naturalization Services' detention center (NYT/John Sotomayor)

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