

COMMUNICATION SECTION
CENTRE FOR HUMAN RIGHTS
UNITED NATIONS OFFICE AT GENEVA
Palais des Nations
CH-1211 GENEVE 10
Switzerland

October 12th, 2011

Office of the Secretary General
UNITED NATIONS
New York, New York 10017

In RE: No. G/SO 215/1 USA

To whom it may concern;

I am writing this letter for review and consideration for a International Transfer and the treatment of offenders that create the implementation of the Standard Minimum Rules.

The Commonwealth of Massachusetts is not in compliance with treaties signed by the United States, violating human rights and warehousing prisoners for economic purposes.

Please note that the U.S. Department of Justice granted my petition for relief pursuant to I&N Act [18 U.S.C. § 1182 (a) (2) (A0 (i) (I) - Relief under the United Nations Convention Against Torture. While the petition was allowed, Massachusetts wants me to die in prison which is another type of torture that violates the treaties, in particular after I have served 40 years of my sentence.

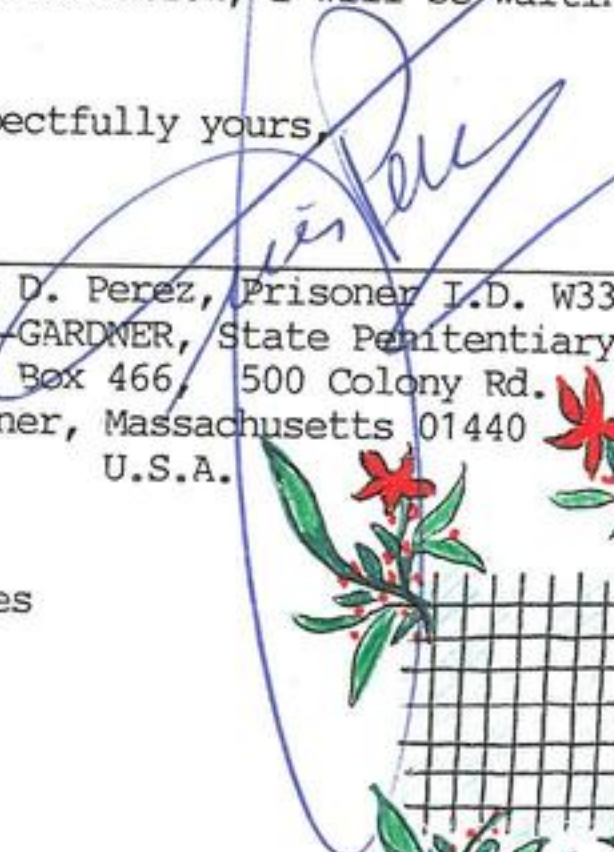
On the same approach, Massachusetts have created another form of "Mass-Punishment" and the Court System was declared "Guilty of Racism Against Minorities". The Civil Right Division in the United States is aware of this acts and failed to investigate by enforcing Title III of the Civil Rights Act of 1964 which proscribes racial discrimination against persons confined in State and Local Prisons and Jails.

Enclosed for review, please find copy of supporting documents, including the Newspaper Article of the "Second Chance Act that becomes law on May-2008".

I am hoping that the United Nations allows me access to the International Forum to address those issues and how this part of the country have created a legal Mass-Punishment, Warehousing prisoners, and further become a RACIST, while they proclaim tough against crime.

Thank you for your time and consideration, I will be waiting for your answer.

Respectfully yours,


Luis D. Perez, Prisoner I.D. W33937
NCCI-GARDNER, State Penitentiary
P.O. Box 466, 500 Colony Rd.
Gardner, Massachusetts 01440
U.S.A.

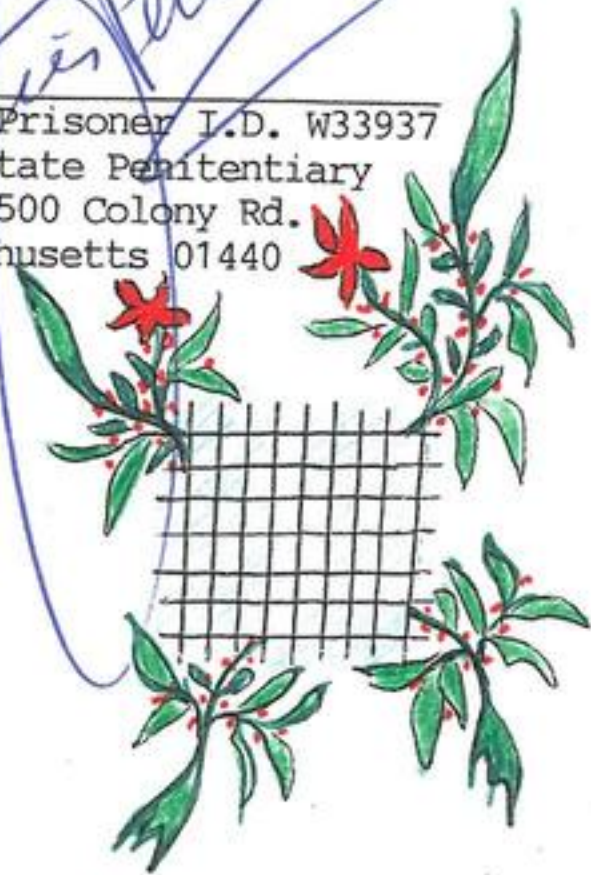
CC: Hon. Barack Obama
The President of the United States
THE WHITE HOUSE
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500 - U.S.A.

Hon. Deval Patrick
GOVERNOR
Executive Office of the Governor
State House - Room 360
Boston, Massachusetts. U.S.A.

American Civil Liberties Union
Carol Rose - Executive Director
211 Congress Street
Boston, Massachusetts. 02110 - U.S.A.

File.

---PS---For more information
log on:
www.writeaprisoner.com/w33937
www.betweenthebars.org./Blogs/350/



OFFICE DES NATIONS UNIES A GENÈVE

CENTRE POUR LES DROITS DE L'HOMME



UNITED NATIONS OFFICE AT GENEVA

CENTRE FOR HUMAN RIGHTS

Palais des Nations
CH-1211 GENÈVE 10



Téléfax: (022) 733 98 79
Télégrammes: UNATIONS, GENÈVE
Télex: 28 96 96
Téléphone: 734 60 11 731 02 11
RÉF. N°: G/SO 215/1 USA
(à rappeler dans la réponse)

11 February 1992

Your communication
dated 7 October 1991

1

Dear Mr. Perez,

This is to acknowledge the receipt of your communication referred to above, the contents of which have been noted.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jakob Th. Möller".

Jakob Th. Möller
Chief, Communications Section
Centre for Human Rights

Mr. Luis Perez
P.O. Box 466

Falls Church, Virginia 22041

File: A17 722 600 - Concord

Date: OCT 23 2000

In re: LUIS DEMETRIO PEREZ-SANCHEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF SERVICE: Richard G. Buyniski
Assistant District Counsel

John M. Furlong, Jr.
Assistant District Counsel

CHARGE:

Notice: Sec. 212(a)(2)(A)(i)(I), I&N Act [8 U.S.C. § 1182(a)(2)(A)(i)(I)] -
Crime involving moral turpitude

APPLICATION: Relief under the United Nations Convention Against Torture

In a decision dated April 11, 2000, an Immigration Judge found the respondent subject to removal as charged above, but granted the respondent's application for deferral of removal under the United Nations Convention Against Torture. The Immigration and Naturalization Service has appealed. The appeal will be dismissed.

The respondent is a 9-year-old male, native and citizen of Cuba. The record reflects that the respondent was granted political asylum in Mexico on October 6, 1966, shortly after his departure from Cuba. The respondent was admitted to the United States as a lawful permanent resident on April 16, 1967. The record further reflects that on January 23, 1973, the respondent was convicted in the Middlesex Superior Court at Cambridge, Massachusetts, for murder in the first degree and sentenced to life imprisonment. Removability is not at issue. The Service argues that the Immigration Judge erred in determining that the respondent has met his burden of establishing entitlement to deferral of removal under the Convention Against Torture.

We affirm the decision of the Immigration Judge insofar as it finds that the respondent has established eligibility for deferral of removal under the Convention Against Torture,¹ for the reasons set forth in that decision. *See generally* *Matter of Burbano*, 20 I&N Dec. 872 (BIA 1994). We agree that the testimony and evidence of record meet the respondent's burden of showing that it is more likely than not that he will be "tortured" if removed to Cuba, as that term is defined in the regulations. *See* 8 C.F.R. § 208.17 (2000); *Matter of S-V-*, Interim Decision 3430 (BIA 2000). We add the following.

The findings of an Immigration Judge regarding matters of credibility are ordinarily given significant deference, since an Immigration Judge hears an applicant's actual testimony and is in the best position to observe an applicant's demeanor. *See, e.g.,* *Matter of Burbano*, *supra*; *Matter of Kulle*, 19 I&N Dec. 318 (BIA 1985), *aff'd*, 825 F.2d 1188 (7th Cir. 1987), *cert. denied*, 484 U.S. 1042 (1988). Moreover, we find that the Immigration Judge's favorable credibility determination in this case is supported by the record. *See Matter of A-S-*, 21 I&N Dec. 1106 (BIA 1998). The Service argues on appeal that the respondent has failed to provide adequate corroborating evidence to support his claim. More specifically, the Service submits that the respondent failed to independently corroborate any connection between himself and an organization known as "Cuban Representation in Exile" - a critical aspect of his claim.² In this regard, the Service notes that respondent's request for information from the Central Intelligence Agency (CIA) resulted in a written response reflecting that the CIA had no record or information relevant to the respondent's inquiry. However, the response from the CIA (Exhibit 7), dated May 8, 1986, goes on to indicate that many records maintained by the agency concerning foreign intelligence surveillance remain classified and, therefore, the response in question should not be construed "as either confirming or denying the existence of FISA (Foreign Intelligence Surveillance Court) records within the scope of the [respondent's] request." We are satisfied that the failure to provide this particular type of independent evidence is excusable under the circumstances of this case. *See Matter of S-M-J-*, 21 I&N Dec. 722 (BIA 1997) (necessity of corroborative evidence when available). Moreover, the respondent's claim in this case comports with known country conditions as reflected in the ample and reliable documentary evidence of record. An applicant's testimony alone may be sufficient to sustain the burden of proof without corroboration if credible in light of known general conditions in the applicant's country of nationality. *See generally*, 8 C.F.R. § 208.13(a) (2000). We have reviewed the arguments made by the Service on appeal, and do not find that they present any reason to disturb the decision of the Immigration Judge. Accordingly, the appeal will be dismissed.

¹ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature Dec. 10, 1984, G.A. res. 39/46 (annex, 39 U.N. GAOR Supp. (No. 51) at 197), U.N. Doc. A/39/51 (1984) (entered into force June 26, 1987; for the United States Apr. 18, 1988) (Convention Against Torture or Convention).

² The respondent claims to have been affiliated with this Florida-based organization which sponsored infiltration raids into Cuba, and which, according to the respondent, was occasionally financed by the Central Intelligence Agency.

R 17

State's court chief says sentencing bias may spark appeals

By MAGGIE MULVHILL

The head of the Massachusetts court system predicted yesterday that discrimination in sentencing criminals may trigger a wave of litigation from defendants claiming they were more harshly punished because they are minorities.

A report released yesterday by the Supreme Judicial Court's Commission to Study Racial and Ethnic Bias in the

Court's states that a review of robbery convictions across the state show blacks were more likely to get prison sentences than whites and that other "disparity in sentencing" exists.

"Somebody could bring a lawsuit because the truth always creates problems," said Supreme Judicial Court Justice Paul L. Liacos in acknowledging that defendants may "get some inspiration" from the commission's findings.

The 213-page study, which cost

\$750,000 and took four years to prepare, concluded that widespread bias exists against minorities in Massachusetts courts.

The study found that minorities and non-English speaking people face higher bail than whites in criminal cases, have a harder time getting restraining orders and are more likely to lose custody of their children.

When a black person walks into a Massachusetts courthouse, "the likeli-

hood is that they are not going to get equal justice," said Liacos.

The report also found minority judges are severely underrepresented on the bench.

The report recommends a series of ways to diminish discrimination, including hiring more interpreters, hiring more minority court employees, making court forms available in many languages and diversifying jury pools.

Courts are guilty of racism

The Associated Press - C -

BOSTON - Minority and non-English-speaking residents in Massachusetts courts face higher bail than whites in criminal cases, have a harder time getting restraining orders and are more likely to lose custody of their children, according to a four-year, \$750,000 study. They also may get harsher sentences, the report said.

When a black person walks into a Massachusetts courthouse, "the likelihood is that they are not going to get equal justice," said Chief Justice Paul Liacos.

The report, by the state Commission to Study Racial and Ethnic Bias in the Courts, was released yesterday after four years in preparation.

It found state courts were guilty of overt and subtle racism, especially in cases that involved non-English-speaking people.

And while the state court system's antiquated record-keeping made it impossible to analyze sentencing trends, a limited review of robbery convictions showed that blacks were more likely to get prison sentences than whites. The report said sentencing disparities also probably exist for other crimes.

"A lot of times this is not malicious," said Liacos. "It is subtle. A lot of times we don't realize we're motivated in ways that lead to these results."

But the report, and several members of the study commission, blamed what one called "too much political meddling."

"Only when the Legislature gets their hands out of the courts' pockets will minorities have a chance to succeed," said Appeals Court Judge and commission member Frederick L. Brown.

Minorities comprise just under 14 percent of employees in state courts, and most are in low-level jobs or in courts that serve primarily minority areas. Of 328 judges who hear trials, 21 are black, five are Hispanic, two are Asian and one is Cape Verdean.