

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Ángel Alejandro Heredia Mons et al.)
)
Plaintiffs,)
)
v.)
)
Kevin K. McALEENAN et al.)
)
Defendants/Respondents.)
_____)

Civ. No.: 1:19-cv-01593

DECLARATION OF R.P.H.

I, R.P.H., declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. My name initials are R.P.H. and I am a Cuban national detained at the South Louisiana Correctional Center (“South Louisiana”) in Basile, Louisiana. I am fifty (50) years old, and I am a breast cancer survivor.
2. I am a native Spanish speaker. I do not speak any other languages.

Relevant Medical History

3. When I was fifteen years old, doctors in Cuba discovered that I had benign nodules in my breasts. They removed the nodules and told me that I would not be able to have children for fifteen years.
4. I gave birth to my daughter in 1999, when I was thirty years old. She was born two months premature, and as a result, she has a mental disability. During my pregnancy, doctors found a malignant tumor in my right breast. They performed a surgery to remove my right breast entirely, as well as a part of my left breast. During that time, I went through six cycles of

radiation. After my mastectomy, doctors conducted an operation to try to reconstruct my breasts using skin from my stomach, but the operation did not work well.

5. When I was forty-two years old, the skin from my breasts began to rot and die as a result of more malignant cells. I had another operation in 2012 to completely remove my breasts and clean out the entire area. This time, I underwent sixteen cycles of radiation. I was unable to do anything for seven months, during which time I felt constantly weak and was in and out of the hospital. I lost fifty pounds during this treatment, my hair fell out, and the radiation left permanent physical damage to my body.

Synopsis of Past Persecution

6. I am fleeing violence and imprisonment at the hands of the Cuban government. When I graduated from university to become a chemical industrial engineer in Cuba in 1993, the Cuban government began pressuring me to participate in its political party. I have never wanted to participate in a group in which I don't believe. I would regularly speak about my political opinion and participated in numerous protests. Due to these actions, police began coming regularly to my house, threatening me and searching my home for evidence to prove I was against the government. They ordered me to participate in political events and marches, but I refused.
7. When the Cuban police learned that I was speaking out against the Cuban government at my workplace, I was fired from my job in or about September of 2016. After Fidel Castro died in November 2016, the country went into a period of mourning, but since my family believes that the Castro regime is a dictatorship, we were not sad. On the one-year anniversary of Castro's death, my family was over at my house, having a get together. We were not mourning. The police chief came to my home and stopped the music we were

playing. He insulted me, arrested me in front of my family, and took me to the police station where I was interrogated, intimidated, and threatened for two hours.

8. On or about May 10, 2018, I was denied entrance to my daughter's school because school officials said I was a "counter-revolutionary." The police arrived and pushed me around. They detained me, putting me in handcuffs in front of my daughter, who has a mental disability. She was terrified and humiliated. She didn't understand what was happening. Police again took me to the police station, where they threatened me and verbally abused me for six hours. That same day, they issued me a letter threatening to take me to jail if I said or did anything else viewed as "counter-revolutionary."
9. I knew from neighbors that had spent time in Cuban jails that people starve to death and die in those places. I knew of people who were "disappeared" by the government, and their families never heard from them again. I knew at this time that I had no choice but to leave the country.

Journey to the United States

10. I left Cuba on or about May 24, 2018. I took a plane from Cuba to Guyana, and from there, I crossed the jungles of Guyana and Brazil, to the border with Uruguay by bus and on foot. With my health problems, I was lucky to survive the journey.
11. I arrived in Uruguay on or around May 29, 2018. It was very dangerous in Uruguay, and I knew it was not safe for me to stay there. I was able to find work at a wine factory. For about ten and a half months I stayed working in Uruguay until I was able to save money to come to the United States (U.S.) to request asylum.
12. From Uruguay, I flew to Nicaragua, and from Nicaragua, I made my way north by bus through Honduras, Guatemala, and Mexico. On or around May 28, 2019, I arrived at the

U.S.-Mexico border. I was issued a number and forced to wait for two months until it was my turn to present myself at the port of entry in Hidalgo, Texas. On or about July 25, 2019, I was crossed through the port of entry, where I identified myself as a survivor of political persecution in Cuba and asked for asylum. I was detained by border authorities and quickly transferred to the custody of Immigration and Customs Enforcement (“ICE”). ICE has in its possession my original Cuban photo-identity documents.

Frustration of Access to Parole

13. From Hidalgo, I was transferred to a detention center in Texas for about four days. I was then transferred to South Louisiana, which is where I remain detained today. I had my credible fear interview on or about September 4, 2019 and was determined credible soon thereafter.

14. I am eligible for parole and I have applied four times. All my requests have been denied. Each denial letter checks off a box indicating that ICE determined I was a “flight risk” with no further explanation. However, I have extensive family living in Florida, all of whom are U.S. citizens who are prepared to support me and ensure I attend my future court hearings. I provided extensive evidence of this in my applications. I have been told by ICE agents on multiple occasions that I will not be granted parole unless my cancer returns.

Conditions of Confinement

15. Being in detention the last eight months has been a very traumatizing and hopeless experience for me. The stress from being confined in such a small space, forced to endure verbal and psychological abuse by guards, and repeatedly denied access to relief is causing me to deteriorate physically and mentally. Despite my medical history, I arrived at South Louisiana strong and in good health. I feel I have aged dramatically. I have been sick more

times than I can keep track of in this facility. I first got sick around the end of August or beginning of September. My throat was very sore, my ear hurt, and I had a fever. I was administered a round of antibiotics. About fifteen days later, in September, I got a bad cold. This cycle of sickness continued.

16. When I get sick here, I have to fill out a request to be sent to the medical unit. However, officers refuse to take me to medical the day I make the request. Sometimes, if I am lucky, I get to go the following day. Other times, I am made to wait days before being seen. At times, I have had to cry and beg to be taken to medical, because we are not taken to medical unless they perceive a sickness to be life-threatening.
17. In or about October 2019, I was experiencing intense back, leg, and arm pain. I also began fainting. I lost consciousness various times. I was experiencing nausea, headaches, dizziness, and loss of vision. One day I passed out in the bathroom and was taken to the hospital. The doctor there told me he was very scared for me. He believed that I might have a tumor in my head. They conducted various tests, which came up negative for cancer. But the doctor revealed at this time that my spinal discs were compromising my nervous system, in particular, my sciatic nerve, which was leading to the pain in my spine, left leg, and right arm.
18. Through January 2020, the pain worsened significantly, and my left ankle has swollen. When the pain is particularly bad, I cannot get out of bed or walk around for several days at a time. Often, I cannot sit because I am in too much pain. The doctor told me that my pain has become chronic and that I really need physical therapy, but I am not provided with any physical therapy here. The doctor also recommended I take vitamins, but South Louisiana does not provide me with the vitamins I need. Taking vitamins was an important

part of my daily regimen in Cuba alongside a balanced diet, frequent exercise, and regular check-ups. I was also taking medication that helped me manage the symptoms from the surgeries and radiation. Despite having low immunity, I took good care of my health in Cuba, so I did not get sick very often. It was not until I came to South Louisiana that my health, since being in remission, took a deep dive.

19. Here, the diet is hardly balanced and rarely nutritious. Fresh fruit is rare, and so much of the food we are provided is made from flour and full of margarine. The food is also very spicy. The only water we have access to here is from the faucet, and it tastes like bleach. Due to the poor nutrition, my blood pressure—which was always healthy in Cuba—has gone up. Additionally, due to the poor diet and medications I am on here, I have gained about thirty-five pounds, which I believe has exacerbated my body pain.
20. Sanitation here is also horrendous. ICE and detention center officials are actively putting our lives at risk by denying us even the most basic hygiene and sanitation supplies. While in detention, I have never had access to hand sanitizer, anti-bacterial wipes, gloves, or masks. The only thing we receive about twice a month are small bottles of shampoo and a small roll of toilet paper, which only lasts about nine days. Even after my dorm was placed under quarantine around the end of February or beginning of March (for what we were told was an outbreak of the flu), no additional cleaning or hygiene supplies were provided. I have never seen officers using any sanitation supplies to clean the facility.
21. Additionally, they have laundered the blankets only once during the eight months I have been detained here. Officers at South Louisiana also do not clean the phones. The women detained here try as best as we can to clean them with what we have. The sanitation of the dorms is also left to us, but we do not have access to adequate cleaning products to properly

sanitize the dorm. Now that coronavirus is a looming threat, the only thing that has changed is that we have finally been provided with four small hand soaps, which will not last long in our dorm. Before about mid-March, I never had access to hand-soap.

22. Currently the majority of us in my dorm, Echo-Charlie, feel ill. There are women coughing and sneezing all around me. Even in such a state, women continue to be transferred to South Louisiana from other centers. In my dorm, there is only about half a meter between each of us at any given time. Echo-Charlie dorm was in quarantine for fourteen days around early March. Now, the Fox Bravo and Alpha Bravo dorms are under quarantine.
23. Some of the regular practices of the medical staff here have become especially worrisome given the threat of coronavirus. Sometimes the nurses come to the dormitory to check on some of us, and they use the same set of gloves to examine all of us. I have also noticed when I go to the medical unit, the nurses never change their gloves in between tending to different patients.
24. On or around March 21, 2020, five deportation officers came to our dorm. They told us that four of the deportation officers were quitting their jobs because of coronavirus. When asked for more information, one of them said, "We are leaving because they are doing a bad job here." One of the officers that left was my assigned deportation officer, Jason Brownsfield. Now only two ICE officers remain, tending to the over-400 women detained here at South Louisiana.
25. On the evening of March 27, 2020, GEO Group officers came into our dorm and told us that due to staffing shortages, they would be combining two dorms. They combined my dorm with the dorm of women under H1N1 quarantine. Now there are seventy-two (72) of us in the same dorm, and all the women from the other dorm are sick. There is even less

space between us now. We asked the officers for disinfectant, but they denied our request. The officers are not disinfecting the dorm and they are not using gloves. I have also witnessed officers working extra shifts because so many staff have quit.

26. Women who joined us from the quarantined dorm have been telling us about how they were treated. Some placed in isolation said they were not provided the opportunity to bathe for three consecutive days, they were sometimes denied water, and they were not provided food consistently. The women also confirmed that their sheets and clothes were not washed during the quarantine, and they were not allowed to wear their undergarments. They also said doctors never came to check on them while under quarantine, and not once did any officers come to clean the dorm during the quarantine. They look so sickly.

Plans if Granted Release on Parole

27. It has now been about ten (10) months since I first arrived at the U.S. border, and I am still awaiting my next master hearing, which is not until May 2020. I do not understand why ICE continues to hold me here in unsanitary and life-threatening conditions, when they have full authority to release me to the care of my family sponsors, and when I have demonstrated my commitment to following all legal procedures requested of me. I do not know how much longer I will survive the conditions of my confinement.
28. If I am released, I plan to live with my U.S.-citizen family members in Florida and self-quarantine in their home to protect myself from serious risk of illness and death due to COVID-19. I plan to rely on their financial and emotional support to begin recovering from the physical and mental deterioration I have endured seeking safety in the U.S. I plan to find legal representation and to continue fighting my asylum case before the non-detained court. I hope I live to see that day.

VERIFICATION

I, R [REDACTED] P [REDACTED] H [REDACTED], am the individual referred to as R.P.H. in the attached declaration. I declare under penalty of perjury that the foregoing is true and correct.

I have authorized my legal counsel in the *Heredia Mons* litigation to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. I am also foregoing the option to sign documents sent by mail due to the urgency of the COVID-19 situation and due to reasonable fear of destruction of mail or retaliation by officials at this facility. If required to do so, I will provide a signature when I am able.



Jaclyn Cole
On behalf of witness Rosa Pino Hidalgo

Date: March 26, 2020

CERTIFICATION

I, Jaclyn Cole, declare that I am proficient in the English and Spanish languages. On March 26, 2020, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish over a telephonic call with the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2020

Signature

A handwritten signature in cursive script, appearing to read "Jaclyn Cole", is written over a horizontal line. The signature is written in black ink and is positioned to the right of the word "Signature".