

November 5, 2020

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The Honorable Joseph V. Cuffari
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Attn: Office of Investigations - Hotline
U.S. Department of Homeland Security
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Re: U.S. Immigration and Customs Enforcement (ICE)'s Pattern of Torture in Signing of Deportation Documents for Cameroonian Migrants

Dear CRCL Officer Nation and DHS Inspector General Cuffari:

Freedom for Immigrants, Southern Poverty Law Center, Detention Watch Network, Families for Freedom, Haitian Bridge Alliance, Louisiana Aid, and Witness at the Border submit these testimonies detailing civil and human rights violations committed against Cameroonian individuals in the custody of U.S. Immigration and Customs Enforcement (ICE). We do so with great concern to the growing number of individuals reporting similar violence and coercion in the forced signing of their deportation documents within the New Orleans ICE office jurisdiction.

These are not isolated incidents; rather, the use of violent force to obtain signatures in violation of immigrants' rights appears to be part of an ongoing pattern and practice of ICE officials and their agents within the New Orleans ICE office. Within a three-month time period, concerned parties have lodged at least four multi-individual civil rights complaints calling for investigation of excessive use of force, naming ICE officers' and private prison guards' illegal use of threats, coercion and direct force within the New Orleans Field Office jurisdiction. This demonstrates a clear pattern and practice of physical violence and abuse of authority that ICE's leadership effectively has condoned. These official complaints to CRCL's attention and calls for OIG investigations at Winn Correctional Center¹ (Aug Aug 7, 2020), Pine Prairie Detention Center²

¹<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:7bbe78f6-75e5-4d3c-a155-549b8a3fb1a8>

² https://www.splcenter.org/sites/default/files/8.26.20_crcl_letter.pdf

(Aug 26, 2020), Adams County Correctional Facility³ (Oct 7, 2020), and now Jackson Parish Correctional Facility, all assert excessive use of force against immigrants in ICE custody, with the three most recent complaints reporting that this force was used intentionally for the purpose of obtaining signatures on documents facilitating deportation.

This civil rights complaint includes testimony from six Cameroonian individuals at the Jackson Parish Correctional Center, LA, who face imminent deportation after experiencing threats and physical violence. According to their attorneys, some of these individuals are in route for deportation and have reported in detail the circumstances of their abuse in the unlawful collection of signatures for their deportation documents. All of the complainants are seeking asylum in the U.S. and face life-threatening consequences if deported to Cameroon.

ICE's and LaSalle Corporation's actions, as reported by Cameroonian men and women detained at the Jackson County Correctional Facility, appear to be in violation of Louisiana state and federal law, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment , which the United States has ratified, and ICE's own policies within the Performance Based National Standards 2011, as detailed more fully in Section II below.

As with the current investigation into instances of torture and physical abuse against immigrants detained at Adams County Correctional Facility, we ask that you also immediately stop these deportations and investigate the unlawful acts by ICE and its agents that the following testimonies detail:

I. Testimonies of ICE Officers' Use of Force Against Detained Immigrants:

The following six asylum seekers have reported to national advocacy groups, community-based organizations and legal non-profit entities that ICE officials physically harmed them and violated their rights. The men and women expressed shock at being forced to sign documents that facilitate their deportation under duress. Beyond the trauma of being subjected to threats of and direct violence, the majority had ongoing appeals, stays of removal or motions to reopen their legal immigration cases; many are represented by legal counsel.

Five of these individuals are willing to report their allegations publicly to oversight bodies and congressional representatives; one individual is choosing to remain anonymous, due to fear of retaliation inside the Jackson County Correctional Facility. Should you open an investigation, they are willing to provide identifying information to facilitate the inquiry.

- 1.) BN
- 2.) CM
- 3.) GN
- 4.) EN
- 5.) KA
- 6.) Anonymous

BN (Interview date: 10/23/2020, *French interpreter ID 24141) On September 9, 2020, between 1-3pm, a guard with LaSalle Corporation came to my dormitory to take me to see Deportation Officer Johnson and the ICE supervisor Dover. I was brought to the dining hall,

³<https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5f7f17f39e044f47175204fb/1602164723244/Re+CRCL+Complaint+ICE%27s+Use+of+Torture+to+Coerce+Immigrants+to+Sign+Immigratio+n+Documents+at+Adams+County+Correctional+Facility.pdf>

which was converted to their office, where these ICE officials and 2-3 contracted female guards were waiting. When I arrived they brought the documents to me, without a translator, and demanded I sign them. The forms were in English, which I can only speak a little of.

I said that my case is under a pending motion to reopen and I wished to speak to my attorney, but they refused to honor my request. They told me whether I wanted or not, I was obliged to place my fingerprint. I was sitting on the chair and the documents I was supposed to sign were on the table, in front of me. I refused and when they realized that I wasn't going to sign, they called over ICE Supervisor Dover who lunged at me and put his hand on my neck. I slid under the table to hide. Other officers came to help them force my fingerprint. I started screaming and asking for help. There were many people there, and they pulled me from under the table, stripping off my pants and underwear. I was lying face down. The ICE supervisor Dover told them to bring documents G-20, or J-20, J-28, I don't recall exactly what I heard them say. They pressed my left arm until it hurt, while others tried to place my right hand finger onto the paper. It was very painful. During that time, the women officers were holding my feet. My genitals were completely naked and exposed. I was naked in front of many people, there were over 10 people there, including the women. I felt ashamed.

After they got my fingerprint for the deportation forms, they told me they would start to arrange my travel documents and send it to the Cameroonian Embassy. I was unable to see the documents, so I do not know what I signed. Deportation Officer Johnson eventually put my clothes back on, then they put me in handcuffs to bring me back to the dorm.

CM (Interview date: 10/23/2020) On October 8 or 9, 2020, a security officer wearing a green t-shirt came to retrieve me from my dorm (building 2) in order to see an ICE officer in building 1. They took me there, then called in my Deportation Officer at the time, Mr. Contreras, who asked a female officer to bring deportation documents for me to sign. I said that I could not because I have a pending motion to reopen my case. He insisted I sign, though I refused, saying I would be signing my death. Other male facility officers were standing around ready. He said ok, just place your fingerprint. When I said it would be the same, he responded that it wouldn't be, that I would have to sign in order to be deported, not just place a fingerprint. I kept refusing, saying that the two were the same and I could not provide either. I cannot return. Officer Contreras stood up and seven other facility officers came over, putting handcuffs on my left hand. I was clenching my right fist. Another ICE officer whose name I don't know, ICE Officer Contreras and a security officer held onto my whole right arm & struggled to open my hand. It was very painful in the handcuff due to all the stress they were placing on that hand, as well as on my right arm. I was crying and saying they were taking me to my death. They never explained themselves, but said that if I didn't sign my own document they would use physical force. Many cameras should have captured what happened.

Eventually they successfully forced me to put my fingerprint on the document, which had a place for a signature and fingerprint. They told me that it is not a deportation document, just a formality, so I demanded to know why they would physically force me to place my fingerprint if this was so. They didn't reply. Eventually the facility officer took me back to the dorm.

I am still not sure what the documents were. One document had DHS ICE written in the top left corner and starts with law 243 of INA. The documents referenced warnings related to failure to depart and provided information on what documents are needed when being removed from ICE custody. I told the Deportation Officer that I filed for humanitarian parole and he said he would look at it, but I have not heard anything. My lawyer also filed a motion to reconsider, which is pending.

CM's attorney indicated in a phone call 11/4/2020 that the Motion to Reconsider and requested a Stay of Removal remain pending.

GN (Interview date: 10/23/2020) On October 8, 2020, around midday, Correctional Officer Thomas and others working with ICE came to dorm "A" stating I needed to accompany them to speak with ICE. Another detainee named EN came and we walked together to the visitation hall in building 1. One of the female officers in green, working with ICE but employed by Jackson Parish, presented deportation documents and told me to sign. I said I could not sign without talking to my attorney. She insisted I sign, saying if I didn't we would have to do it the hard way. She then called in five ICE officers who told me if I didn't sign these documents they would force me to do so. When I continued to refuse, one ICE officer demanded the others bring handcuffs. They cuffed one of my hands, trying to bring the two hands together to cuff them and take my fingerprints, but I resisted. There were eight ICE officers and representatives holding me aggressively, pressing my body down, pushing on my shoulders, and trying to move my fingers. After about five minutes of struggle, they forced my index finger on the paper. I kept repeating that I needed to talk to my lawyer before signing the documents, but they did not respond to this or explain anything to me while they were using force. The ICE officers then asked one of the correctional officers to send me back to dorm "A". They wounded my finger, where two small cuts were bleeding, and I still feel pain on the wrist of the hand that was cuffed.

EN is a witness to what happened to me. While they were with me, I wasn't paying attention to what they were doing to him, but we were both in the same room together. Of the ICE officers who did this to me, Thomas is the only one I know. I had never seen two of the officers before, one who was tall, white, and muscley and the other tall and black. I have heard of this happening before. Others had told me that they had been forced to fingerprint.

GN stated the following to advocates about their time in detention: I have been in detention and it has been a very bad experience. I think Louisiana is a very bad place for immigrants. The way they treat us is not what I pictured in my mind before coming to the United States. I have heard of other people who went to the United States, and they have not gone through the treatment I have gone through in Louisiana. As far as the judges are concerned, they don't treat us like immigrants. They treat us like prisoners. One thing they should do is close some of the facilities here in Louisiana because they are not capable of taking care of us. We have striked because of the low quality of the food they serve us. The way they treat us is not right. They force us to take our signatures. My country Cameroon is in a civil war. I don't know why they force us to go back to a country that is not stable right now. People die every day. I am pleading that these things that are happening in Louisiana, and where I am in Jackson Parish, that they do something about it.

GN's attorney indicated in a phone call on 11/04/2020 that he filed a Motion to Reopen in GN's case on 11/02/2020, which remains pending at this time.

EN (Interview date: 10/23/2020) On October 8, 2020, around midday, one of the ICE facility coordinators named Mr. Thomas came to my dorm "bravo" and woke me up, saying ICE wanted to speak to me. When he took me outside, I met another female ICE facility coordinator named Thyla or Thala, and we moved to the alpha dorm where they asked me to wait while they removed GN. Thomas then took us to the ICE office, where a female facility coordinator who I don't know separated us. We were in a waiting hall. The lady told GN they had to sign documents. GN was asking many questions and said they could not sign without consulting their lawyer, but she was insistent and called for reinforcement. Then she started explaining the

documents to me. In the documents I saw a warrant of deportation, and said I could not sign without speaking to my attorney. She insisted multiple times. I asked her why she was forcing me now when she could just let me talk to my lawyer first, but she only countered, "Lawyer or no lawyer, you are going to sign". I said I would not. When I looked back at GN they had them handcuffed and there were many officers on top of them. Mr. Thomas was one of them trying to get GN in a position where they could force their fingerprint. The lady said to me, "This is what will happen to you if I don't sign". I was really scared. I am almost 49 years old, and I have a series of sicknesses. I feared for my life if they treated me with the same force as they were doing to GN. My whole body was weak. I was so frightened. The woman put my index finger on one document and demanded I sign all of them, but I replied she would have to put the pen in my hand and make me. She wrote "refused to sign". Afterwards, I joined GN and they returned us to the dormitories. I kept asking myself, "Why did it happen like this? Why should I be forced to go through with this?"

The next day I wrote to my Deportation Officer C. Escalante telling him that my lawyer applied for a review of my case in the 5th circuit and I had been given a stay of removal, so I don't know why he called me and why I was being forced to sign deportation docs. I have never met him before, but his name is listed in my dorm. He replied that the IJ ordered my deportation and he has a copy of this. However, my attorney filed a stay of removal. About 5 or 6 days later, I was called again by officers about two documents: a custody review document stating my case will be reviewed on the 26 of November, and one called Failure to Depart. I refused to sign these documents, and they left me alone with the copies.

EN's attorney indicated on 11/5 that they have a petition for review currently pending at the 4th circuit court of appeals, though his stay of removal was denied. They are in the process of submitting a motion to reopen his case.

KA (Interview Date 10/28/20) On Monday, Oct. 5, 2020, two ICE Officers (Lopez and Brenda) and one guard (name unknown) came to get me in my dormitory. They took me to the hallway, and told me that I had to sign for my deportation. I refused to fill out the document, telling them that I wouldn't sign it. I relayed that my father had been shot by the police, and they would kill me in Cameroon in connection to this if I returned. The three pressed me to the wall as I cried. One held my hand, the other pressed against my chest, and the third held onto my other hand and pressed my fingerprint to the paper. She told me that this was my custody review document for deportation. I couldn't sleep for days because of the pain I was in.

About their treatment in detention generally, KA stated: In a separate incident, on May 15, 2020, we Cameroonians experienced being stripped naked and searched. I had told the security officers that women who were in federal prison custody had razors as weapons. Security officers Ms. Moss and Erica came into our N dorm and made us come out of our beds one at a time. There were more than 80 of us in the dorm, a mix of federal prisoners and immigrants. As we came forward they made us undress completely and squat completely naked. They only checked us Cameroonians and a Russian woman, but not the federal prisoners. They had not gotten to them yet because one Cameroonian woman cried that it was sexual assault. The federal prisoners laughed at us.

KA's attorney indicated on 10/30/2020 that a Motion to Reopen has been filed and remains pending.

Anonymous (Interview Date 10/28/20) On July 22, 2020, ICE officer Gonzalez and another ICE officer came to my dorm, Alpha, and told me to sign my deportation order. I told them my

case is still on appeal, and asked why I had to sign this order? They didn't answer, simply saying I had to. I replied that I can't sign it because I am afraid to go back to my country. I have additional information about the danger in Cameroon for my case. The two ICE officers put handcuffs on me and took me to building 1, where there is a waiting room before the courtroom. It's a lonely place where there is almost no one around so they can use more violence and force. I am sure there are cameras. The two ICE officers told me if I didn't sign the deportation form they would put me in prison for 10 years. When I told them I would rather be in prison than killed in my country, they threatened me with pepper spray if I didn't sign. There were three hired officers standing to the side, ready to help them. I signed the document because I felt scared.

In August 2019 when I first arrived, it wasn't like this. If you didn't sign they would simply write "refused to sign." When ICE officer Sean M. Dover came, everything changed. At this time, violence started. When we tried to talk to ICE officers, they threatened us with pepper spray and with being imprisoned and brought back here. The officer says we are in his hands.

About treatment in detention generally, the anonymous individual stated: What's happening here in Jackson and what they concentrate on doing is to deport people and do violence to them. Even if you submit your parole and have everything, including community ties, they look for how to deny parole and call you a flight risk. They just want to send people back to their country, and before that make money off them. I know people who have been two years in the detention center and no deportation. They just keep making money off of us. People are suffering here in the motherland, which they call the home of truth and human rights. Right here in the United States they violate our human rights and we are suffering. We are migrants who came here the right way, and submitted ourselves to the authorities. We are treated like criminals, and put in cages with other inmates.

The attorney of Anonymous confirmed on 11/04/2020 that an appeal to the Fifth Circuit Court of Appeals remains pending in his case.

II. ICE officers' pattern and practice of physical and verbal coercion are unlawful, unacceptable and tantamount to torture

ICE officers' pattern and practice of physical and verbal coercion, as well as their abusive treatment of these six detained individuals, are unlawful, unacceptable and may be tantamount to torture. Amongst other crimes, ICE officers' and LaSalle Corporation guards' use of excessive force may qualify as assault and battery under Louisiana penal code sections regarding assault, battery, and battery with serious bodily injury. This conduct also may violate the federal prohibition on assault, 18 U.S. Code § 113, as well as 18 U.S.C. § 242, which makes it unlawful for federal officers to willfully deprive an individual of rights under color of law. In addition, Jackson County Correctional Facility ICE officers' use of coercive tactics to get individuals to sign immigration documents appears to violate the Administrative Procedure Act, 5 U.S.C. § 551, the Immigration and Nationality Act, 8 U.S.C. § 1101, et. seq., and the Due Process Clause of the U.S. Constitution.⁴ People subject to civil immigration detention are guaranteed certain liberty interests such as reasonably safe conditions of confinement, freedom from unreasonable bodily restraint, and the right to food, clothing, medical care, and shelter.⁵ People subject to civil

⁴ See Complaint at 55-57, Lopez-Venegas v. Johnson, No. 13-03972(C.D. Cal. Oct. 2, 2013), ECF No. 1

⁵ Youngberg v. Romeo, 457 U.S. 307, 315-16 (1982)

immigration detention are also entitled to be free of gross physical abuse by federal officials under the Due Process Clause of the Fifth Amendment.⁶

These acts are also in violation of the Convention Against Torture and Other Cruel⁷, Inhuman or Degrading Treatment, which the U.S. has ratified and is binding. This United Nations Convention was designed to safeguard the human rights of citizens by protecting them from torture. Torture is defined within the convention as an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, **or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.** (See article 1). The Convention also states, “No State Party shall expel, return ... or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” (See article 3). Lastly, the Convention states that any statement “made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.” (See article 15). Both the use of force to coerce detained asylum seekers to sign deportation documents and the act of deporting them back to danger could constitute violations of the U.S. government’s international treaty obligations.

The officers’ use of force also violates the Performance-Based National Detention Standards 2011 (“PBNDS 2011”) which states, “[u]sing force against a detainee offering no resistance” is “generally prohibited.” Force may not be used as punishment, and use of force may only involve “the degree necessary and reasonable to gain control of a detainee or provide for self-defense or defense of a third person.” Furthermore, “[p]hysical force shall only be used to the minimum extent necessary to restore order, protect safety and provide security.”⁸ ICE clearly used excessive force given the detained protesters were unarmed and at most displayed non-violent disorderly conduct, understandable given the direct threats they were receiving, their fear of harm upon being returned to their country, their inability to speak with legal counsel, and the lack of clear explanation from ICE regarding the legal ramifications of the documents they were forced to sign. Perhaps, more shocking to the conscience, is that ICE and its agents do not have to resort to physical violence or violent threats to obtain signatures, because ICE has the option of writing in the deportation documents that an individual has refused to sign the documents, and this would not affect ICE’s ability to deport that individual. The unnecessary threats and physical violence used therefore appear to be sadistic acts intended to humiliate and intimidate these asylum seekers, all of whom already experience trauma related to fleeing the Cameroonian civil war.

III. Recommendations

We urge CRCL and the Office of the Inspector General to immediately take the following steps:

- 1) Provide information to the parties named on the previous complaints lodged with this Office regarding the status of any emergency investigation into the allegations of

⁶ Lynch v. Cannatella, 810 F.2d. 1363, 1374 (5th Cir. 1987)

⁷ <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

⁸ § 2.15(“Use of Force and Restraints”) at 208, 210, 213, available at http://www.ice.gov/doclib/detention-standards/2011/use_of_force_and_restraints.pdf

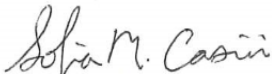
physical assault and torture leading to coerced signatures of travel documents against immigrants in detention in the New Orleans ICE Office jurisdiction.

- 2) Demand an immediate stay of deportation for the individuals named in this complaint, until CRCL or the Office of the Inspector General can investigate the actions of ICE and its agents in the unlawful procurement of signatures on deportation documents.
- 3) Should you find that these allegations of ICE officers' excessive use of force are founded, we urge you to identify the reason that the New Orleans Field Office failed to investigate prior allegations once they were made aware of the abuse, and to hold the responsible parties accountable for the above-detailed violations of law.
- 4) Finally, we request that ICE provide us with any use of force videos and other reports or documents generated in relation to the above-described incidents, as well as the deportation documents that the six victims were forced to sign or forcibly fingerprint.

We know that at least four of the individuals named in this complaint, BN, GM, GN, and EN, were transferred yesterday in route to deportation, despite the fact that three of them have pending Motions to Reopen and Motions to Reconsider on their immigration cases. We urge the office for Civil Rights and Civil Liberties (CRCL), pursuant to its authority under 6 U.S.C § 345, and the DHS Office of the Inspector General to immediately call an investigation, to stop the imminent deportation of these individuals whose signatures were obtained through coercion and violence, and to take immediate steps to ensure that these practices are halted within the Jackson Parish Correctional Center and the New Orleans Field Office Jurisdiction.

Thank you in advance for your attention to this urgent matter.

Sincerely,



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