

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand
Class Action

**PETITIONERS/PLAINTIFFS' EMERGENCY MOTION REGARDING
COERCION AND INTERFERENCE WITH CLASS MEMBERS**

Local Rule 7.1(a)(1) requires Petitioners/Plaintiffs (hereinafter Petitioners) to ascertain whether this motion is opposed. Petitioners' counsel sent a letter to William Silvis and Nicole Murley, counsel for Respondents/Defendants (hereinafter Respondents), via email on June 6, 2018, explaining the nature of the relief sought. The same day, Respondents requested additional information. On the following morning, June 7, 2018, Petitioners provided such additional information as they had available and were able to share. Petitioners also indicated a willingness to narrow the relief they sought, prioritizing the ability to advise class members prior to consular interviews, and to better understand which individuals can be repatriated. Respondents did not respond. On June 9, 2018, Petitioners sent a follow up email requesting a response, but received no reply. On June 12, 2018, Petitioners formally sought concurrence, spelling out the precise relief requested. To date, no response has been received.

1. It is becoming increasingly clear that the Government of Iraq will issue travel documents for class members only if the class members state in writing

that they desire to return to Iraq. In other words, the Government of Iraq will not accept individuals for repatriation if they are unwilling to be removed to Iraq.

2. As set forth in the accompanying brief and its exhibits, class members have been subjected to threats, harassment, and coercion whose purpose is to elicit their statement, in writing, that they desire to return to Iraq, because, absent such a statement, they are not repatriatable.

3. To prevent further coercion and to attempt to redress the coercion that has already occurred, Petitioners respectfully request, for the reasons set forth in the accompanying brief, that the Court enter two orders, one immediate and one after (expedited) briefing.

4. The proposed immediate order is designed to prevent class members from being coerced, and to quickly identify class members who have been coerced so that Petitioners can take appropriate steps to address that coercion. The requested immediate emergency relief is narrow, and is set out in Paragraphs A-D, below.

5. Petitioners ask that the Court hold an emergency telephone hearing and determine from Respondents whether any further consular interviews or mass transfers are imminent; if so the Court should direct the Respondents to respond in time to resolve the issue prior to those interviews/transfers.

6. Respondents are well aware of the issues at the Stewart Detention Facility. After Respondents denied Petitioners timely access, which was first requested on May 24, 2018, Petitioners filed an emergency motion for access on June 4, 2018, ECF 297. The Court held two status conferences on June 4th and 5th to resolve the immediate issue. Once Petitioners' designees were able to meet with the detainees, Petitioners sent an urgent letter on June 6, 2018—now a week ago—outlining the issues of abuse and coercion, and requesting Respondents' agreement to ameliorative measures. Respondents have had plenty of time to investigate. The relief requested is extremely urgent to counter any further coercion of class members, to ensure that class members have accurate information to make informed choices in the days ahead, and to ensure that individuals who in fact wish to continue fighting removal are not deported.

7. The remaining relief requested by Petitioners, set out in Paragraphs E-H, is designed to more fully remedy and address the problems with coercion and abuse. That relief, while still quite time-sensitive, can be handled through an expedited briefing schedule. Petitioners propose that Respondents receive until Wednesday, June 20, 2018, to file a response, and Petitioners then receive until Monday, June 25, 2018, to reply.

Therefore, Petitioners respectfully request that the Court enter an immediate order requiring Respondents to:

- A. Provide notice to Class Counsel prior to Iraqi consular interviews so that Class Counsel can arrange for prompt class member meetings. Such notice can be designated as Highly Confidential under the Second Amended Protective Order. The Order should require Respondents to disclose the names of class members if those names are necessary for Class Counsel to arrange for client meetings. If consular interviews are being facilitated by detainee transfers, the notice should include the approximate number of detainees being transferred, the facility where consular interviews are being conducted, and the anticipated date(s) of arrival and of the consular interviews. Class Counsel will share the information only in order to make appropriate arrangements for client meetings under Paragraph B.
- B. Permit Class Counsel or their designees to meet with detainees in either group or individual client meetings (at Class Counsel's discretion) prior to Iraqi consular interviews, so that detainees have accurate information and can make knowing and informed choices about what documents to sign.
- C. Require Respondents, within 24 hours after entry of the Court's order, to produce to Petitioners a list of the names and A-numbers of all class members who have signed any document expressing a desire to be removed to Iraq, and copies of all such documents in Respondents' possession.
- D. Facilitate confidential phone calls or video interviews, within 24 hours of Class Counsel's request, for any class members who—outside of the Court-ordered prompt removal process, *see* ECF 110, PgID.2815-16—have already signed or in the future sign any document expressing a desire to be removed to Iraq (other than class members for whom the Court has signed a stipulated order lifting the stay of removal), and facilitate Class Counsel's ability to obtain signatures on documents by these individuals, as requested.

Petitioners also request that the Court order expedited briefing, and after that briefing concludes, that the Court:

- E. Prohibit Immigration and Customs Enforcement (ICE) and Department of Homeland Security (DHS) employees, agents, or contractors

(including all detention facility staff) from communicating about this litigation in any way with class members including: making any statement threatening prosecution, any statement projecting or suggesting how long an individual might remain in detention or their likelihood of removal to Iraq, and any statement suggesting that an individual will be returned to Iraq (unless Respondents have an order from this Court stating that the Court's stay of removal has been lifted).

F. Bar ICE, DHS, or the Department of Justice (DOJ) from penalizing or prosecuting any class member under 8 U.S.C. § 1253(a) or in any other way on the basis that the class member is unwilling to state that s/he desires to be removed to Iraq.¹

G. Require ICE to post a notice, approved by Petitioners or by the Court, in all facilities housing *Hamama* class members in a location visible to class members, and to hand deliver that notice to each class member who met with Iraqi consular officials in the last two months. That notice shall inform class members that:

1. ICE officers are not allowed to communicate with them about their immigration cases, length of their detention, or prospect of removal to Iraq; and
2. While detainees with final orders must cooperate with obtaining passports or travel documents, they cannot be required to state that they wish to return to Iraq, and they will not be penalized under 8 U.S.C. § 1253(a) or otherwise if they refuse to state that they wish to be removed to Iraq.

H. Require Respondents, by June 27, 2018, to provide Petitioners with:

1. A list of ICE and DHS employees involved in facilitating consular interviews at the Stewart Detention Facility and/or present during those interviews, including their names and job titles.
2. A list of the names and A-numbers of all class members who—outside of the court-ordered prompt removal process, *see* ECF 110, PgID.2815-16—have to date been asked to sign any document expressing a desire to be removed to Iraq, and the following

¹ Class members can, pursuant to 8 U.S.C. § 1253(a)(1)(B), be required to cooperate in providing documents or other information necessary to obtain travel documents, but they cannot be penalized for being unwilling to state that they wish to return to Iraq.

information, and, going forward, providing such names, A-numbers, and information within 2 days of the document being presented to the detainee:

- a. which individuals have signed the document and which have not;
- b. copies of every such document that has been signed;
- c. the names and titles of ICE or DHS employees, agents, or contractors present when the document was presented the document(s) to the individual or present during any interview of that individual by Iraqi government officials;
- d. all statements made by the Iraqi government regarding whether Iraq will issue a travel document or otherwise accept the individual for removal; and
- e. the estimated date removal will take place (which information may be designated as Highly Confidential under the Second Amended Protective Order).

Respectfully submitted,

Michael J. Steinberg (P43085)
Kary L. Moss (P49759)
Bonsitu A. Kitaba (P78822)
Miriam J. Aukerman (P63165)
ACLU FUND OF MICHIGAN
2966 Woodward Avenue
Detroit, Michigan 48201
(313) 578-6814
msteinberg@aclumich.org

/s/ Kimberly L. Scott
Kimberly L. Scott (P69706)
Wendolyn W. Richards (P67776)
Cooperating Attorneys, ACLU Fund
of Michigan
MILLER, CANFIELD, PADDOCK
& STONE, PLC
101 N. Main St., 7th Floor
Ann Arbor, MI 48104
(734) 668-7696
scott@millercanfield.com

Judy Rabinovitz (NY Bar JR-1214)
Lee Gelernt (NY Bar LG-8511)
ACLU FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2618
jrabinovitz@aclu.org

Margo Schlanger (P82345)
Cooperating Attorney, ACLU Fund
of Michigan
625 South State Street
Ann Arbor, Michigan 48109
734-615-2618
margo.schlanger@gmail.com

Nora Youkhana (P80067)
Nadine Yousif (P80421)
Cooperating Attorneys, ACLU Fund
of Michigan
CODE LEGAL AID INC.
27321 Hampden St.
Madison Heights, MI 48071
(248) 894-6197
norayoukhana@gmail.com

María Martínez Sánchez (NM Bar 126375)
ACLU OF NEW MEXICO
1410 Coal Ave. SW
Albuquerque, NM 87102
msanchez@aclu-nm.org

Susan E. Reed (P66950)
MICHIGAN IMMIGRANT RIGHTS
CENTER
3030 S. 9th St. Suite 1B
Kalamazoo, MI 49009
(269) 492-7196, Ext. 535
Susanree@michiganimmigrant.org

Lara Finkbeiner (NY Bar 5197165)
Mark Doss (NY Bar 5277462)
INTERNATIONAL REFUGEE
ASSISTANCE PROJECT
Urban Justice Center
40 Rector St., 9th Floor
New York, NY 10006
(646) 602-5600
lfinkbeiner@refugeerights.org

Attorneys for All Petitioners and Plaintiffs

William W. Swor (P21215)
WILLIAM W. SWOR
& ASSOCIATES
1120 Ford Building
615 Griswold Street
Detroit, MI 48226
wswor@sworlaw.com

Attorney for Petitioner/Plaintiff Usama Hamama

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**PETITIONERS/PLAINTIFFS' BRIEF IN SUPPORT OF
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QUESTIONS PRESENTED

1. Have class members been misled, coerced, threatened, or otherwise improperly induced to agree to repatriation to Iraq?

Petitioners' Answer: Yes.

2. Should this Court issue an immediate, emergency order to ensure that (a) Class Counsel or their designees can promptly meet with and inform class member detainees of their rights prior to consular interviews, and (b) Class Counsel have the names of individuals who signed documents expressing a desire to be removed to Iraq, so that Counsel can investigate whether those individuals signed under duress and, if so, can take appropriate steps to address such coercion?

Petitioners' Answer: Yes.

3. Should this Court bar Respondents from engaging in coercion or interference with class members, bar Respondents from penalizing or prosecuting any class member on the basis that the class member is unwilling to state that s/he desires to be removed to Iraq, require ICE to notify class members about these orders, and require Respondents to provide information to allow Petitioners to further investigate and attempt to redress the coercion that has occurred?

Petitioners' Answer: Yes.

CONTROLLING OR MOST APPROPRIATE AUTHORITIES

Fed. R. Civ. P. 23(d)

Gulf Oil Co. v. Bernard, 452 U.S. 89 (1981)

Zadvydas v. Davis, 533 U.S. 678 (2001)

INTRODUCTION

As this Court is well aware, there are significant questions about whether Iraq will agree to repatriation of its nationals who do not have passports and do not wish to return to Iraq. Information thus far obtained strongly suggests that Iraq will issue travel documents only for those who are willing to affirm their desire to return. *See* Pets’ Resp. to Mot. to Stay, ECF 289, PgID.6855-60 (describing discovery evidence showing Iraq’s position); Ex. 1 at Attachment A (Iraqi travel document application by which Iraqi nationals agree that they “desire to return voluntarily to Iraq”); Ex. 1, Gilbert Decl. at ¶¶ 8-11 (reporting on conversation with Iraqi official that Iraq is not accepting repatriation of Iraqis who are unwilling to be removed). Respondents, in an apparent effort to obtain such individual affirmations, recently transferred a significant number of detainees to the Stewart Detention Facility in Georgia for consular interviews. There, numerous misleading and abusive tactics were employed to obtain the detainees’ signatures on documents expressing their “desire to return voluntarily to Iraq,” even when the detainees do not actually so desire. ICE employees threatened detainees with criminal prosecution if they refused to sign—but in fact such a prosecution would be unlawful. ICE employees told detainees that there was no possible route out of detention except removal—but in fact there is. ICE employees told detainees that if they did not agree, they would spend years in detention—but in fact U.S. law

requires their release if there is no significant likelihood of removal in the reasonably foreseeable future. Iraqi consular officials also spoke with each detainee in Stewart, in many cases telling them, inaccurately, that their only route out of detention was to agree to repatriation. Only a few detainees successfully resisted this disinformation—and for them, ICE tried again, increasing the pressure, and may have extracted additional affirmations.

In other words, individuals who could not be repatriated if (informed about the true circumstances) they honestly expressed their own desires to remain in the United States—and who are therefore entitled to release under *Zadvydas v. Davis*, 533 U.S. 678 (2001), if, as appears highly likely, Iraq will not repatriate them involuntarily—are being induced, coercively and fraudulently, to sign documents that will likely result in their deportation to a country where they may well be tortured or killed. There is an urgent need both to prevent further subversion of other class members' wills and to redress the coercion that has already occurred. Additional consular interviews and mass transfers of detainees are apparently planned, and Respondents have not agreed to the steps necessary to end the coercion. Petitioners therefore bring this motion for emergency relief.

FACTUAL BACKGROUND

A. Respondents Transfer Class Members to Stewart Detention Center and Deny Class Counsel Access to Them Until the Court Intervenes

Around May 24, 2018, Petitioners' counsel learned that a significant number

of class members had been moved to Stewart Detention Center, in Lumpkin, Georgia (about 150 miles from Atlanta), and began hearing reports that detainees there were being harassed and coerced into agreeing to return to Iraq.¹ Pets’ Emerg. Mot. for Access, ECF 297. Petitioners immediately requested that ICE allow their designee, attorney Marty Rosenbluth, to meet with class members in order to investigate and inform class members of their rights. *See* Email Correspondence, ECF 297-2. The Court had, in response to prior issues with ICE refusing to allow timely access to detainees, entered an order requiring that such visits be permitted within five days of request. *See* Order Re Further Proceedings, ECF 203 ¶ 10, PgID.5461. Mr. Rosenbluth repeatedly followed up with facility staff, who said that the matter was in ICE’s hands. ECF 297, PgID.7164. Class Counsel raised the issue again with Respondents’ counsel on June 1 and June 2, but no response was forthcoming. Petitioners filed an emergency motion for access to the Stewart Facility on Monday, June 4. ECF 289. (Shortly after that motion was filed, Stewart’s detention center staff passed along ICE’s email denying access to

¹ Notwithstanding ICE policy requiring that immigration counsel be notified of transfers of their clients, it appears that such notifications were omitted. Ex. 1, Gilbert Decl. ¶ 6. *See* U.S. Immigration and Customs Enforcement Policy 11022.1 (Detainee Transfers), at 5.3(2), <https://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf> (“If a detainee has an attorney of record (Form G-28 on file), the sending field office will: a) Notify the attorney that the detainee is being transferred and include the reason for the transfer and the name, location, and telephone number of the new facility as soon as practicable on the day of the transfer, but in no circumstances later than twenty four (24) hours after the transfer occurs.”).

Mr. Rosenbluth. Ex. 3, Email to Rosenbluth). That same morning, June 4, Petitioners, who had heard detainees were about to be moved out of the Calhoun County, Michigan facility, were denied permission for a client meeting there within the court-ordered five-day window. Only after the Court instructed Respondents to make best efforts to provide Petitioners' counsel access to detainees in Stewart, and to try to work out access to Calhoun, did ICE grant access.

B. Coercion and Threats Against Class Members at Stewart

On Tuesday, June 5, Mr. Rosenbluth and an additional designee, attorney Lauren Gilbert, met with detainees at Stewart. Ms. Gilbert returned to Stewart on Wednesday, June 6, for additional visits; her effort on June 7 to do a final round of visits in order to obtain class member signatures on various documents was largely unsuccessful because nearly all the class members had been transferred that morning.² *See* Ex. 1, Gilbert Decl. ¶ 20; Ex. 4, Rosenbluth Decl. ¶ 12.

Ms. Gilbert and Mr. Rosenbluth's investigation confirmed that class mem-

² As the Court is well aware, given Petitioners' longstanding reports of difficulty communicating with class members and more recent motion for emergency access to class members at Stewart, Class Counsel face tremendous challenges in reaching class members. Even when Class Counsel secure pro bono attorneys to travel to the locations where detainees are being held, those detainees can be transferred away before interviews are completed or declarations are signed—as happened here. *See* Ex. 1, Gilbert Decl. ¶ 20. Phone communications are extremely difficult; despite arduous efforts, Petitioners were unable to reach many of detainees for interviews or for final confirmation of the contents of their declarations. Ex. 5, Andrade Decl. ¶¶ 10-33. Petitioners may file supplemental declarations if those can be obtained from class members while this motion is pending.

bers were transferred to Stewart to meet with Iraqi consular officials, and that ICE was engaging in a campaign of coercion and misinformation to induce them to sign a letter addressed to the Iraqi Consul stating that they “desire to return voluntarily to Iraq.” *See* Ex. 1, Gilbert Decl.; Ex. 4, Rosenbluth Decl.; Ex. 5, Andrade Decl.; Ex. 6, Kitaba-Gaviglio Decl.; Ex. 7, Arthur Decl.; Ex. 8, Kattoula Decl.; Ex. 9, Tayyeh Decl.; Ex. 10, Darmo Decl.; Ex. 11, Al-Atawna Decl.; Ex. 12, Al-Zubeidy Decl.; Ex. 13, Odish Decl.

For some class members, the misinformation and intimidation began when they heard they were being transferred. Hassan Al-Atawna and George Arthur both describe being awoken early in the morning and brought to an airport by ICE officers who told them they had been excluded from this lawsuit’s stay of removal and were being deported to Iraq. Both fear torture if they are removed to Iraq—Mr. Arthur was tortured there before he left—and both were terrified. Consumed by fear, [REDACTED]

[REDACTED]. It was not until they reached the airport that they were told they were actually being transferred to another detention facility. *See* Ex. 7, Arthur Decl. ¶¶ 5-7; Ex. 11, Al-Atawna Decl. ¶¶ 2-5. *See also* Ex. 8, Kattoula Decl. ¶ 3 (transported at 2 a.m. and not told where he was going; “started freaking out” because he thought he was being sent to Iraq).

Using ICE's on-line detainee locator, Petitioners were able to determine that approximately 31 class members were transferred to Stewart.³ There they endured a course of conduct rife with coercion, intimidation, and misrepresentation, all designed to obtain class members' signatures on a letter to the Iraqi Consul, Ex. 1, Attachment A, that stated their willingness to be repatriated. The letter has both Arabic and English versions, and detainees reported being given both versions to sign. Ex. 1, Gilbert Decl. ¶ 16. The English version states in pertinent part:

Dear Honorable Consul,
Subject: Passport

I the Iraqi citizen () would like to request the issue of a passport allowing me to enter Iraq due to my particular situation and **my desire to return voluntarily to Iraq.**

I would like to inform you that I have an old Iraqi passport that is not valid with the number ().

With thanks and appreciation⁴

Ex. 1 at Attachment A, Letter to Iraqi Consul (emphasis added).

³ The procedural posture of their immigration cases varies, with some still in the motion to reopen stage, some in the merits stage, some in appellate proceedings, and some having failed to file timely motions to reopen or appeals. While some have had the Court lift its stay of removal, for many the stay remains in effect.

⁴ Petitioners obtained a certified translation of the Arabic letter, which differs in key respects from the English version provided to the detainees. The correct translation of the Arabic letter is:

Dear Honorable Consul,
Subject: Limited-Validity Passport

I, an Iraqi citizen (), would like to request a limited-validity passport issued to me [to travel] to Iraq and this is for personal circumstances and my desire to return voluntarily to Iraq, with the knowledge that I don't hold a passport.

Ex. 2, Certified Translation of Letter to Iraqi Consul.

Class members report that they met with Iraqi consular staff, and that ICE or other American officials were present or standing nearby. *See* Ex. 7, Arthur Decl. ¶¶ 8-13 (both American officials, ICE officers, and Iraqi consular officials present); Ex. 11, Al-Atawna Decl. ¶¶ 11-12 (American official present during interview writing detailed notes); Ex. 9, Tayyeh Decl. ¶ 10 (fearful of what ICE would do because consular officials were telling ICE which detainees refused to sign). ICE pressured detainees to sign, and consular officials incorrectly told them that they would be detained indefinitely if they did not sign. Most of the detainees succumbed to these threats, and signed the letter. Others refused. Ex. 1, Gilbert Decl. ¶ 10 (told by Iraqi official that 39 detainees signed the form and only 6-7 refused). The next day, ICE employees berated detainees who refused to sign, again threatening or pressuring them. Ex. 10, Darmono Decl. ¶ 11; Ex. 8, Kattoula Decl. ¶ 22; Ex. 13, Odish Decl. ¶ 9; Ex. 6, Kitaba-Gaviglio Decl. ¶ 12.

The coercion of detainees to sign came from both ICE officers and Iraqi officials, and took several forms. First, detainees were threatened with prosecution if they did not sign. *See* Ex. 12, Al-Zubeidy Decl. ¶ 8 (told that if did not sign, he would be criminally prosecuted and spend the rest of his life in prison); Ex. 13, Odish Decl. ¶¶ 6-10 (when he refused to sign the consular letter, an ICE officer summoned him the next day, telling him that he had a “second opportunity to sign” the letter and that if he did not, he would be prosecuted for failure to comply with

orders); Ex. 5, Andrade Decl. ¶¶ 5-7 (A.A.O, XXX-XXX- 985 told by ICE officer that he would be criminally charged and serve time in prison if he did not sign). Other detainees heard about these threats second-hand, and found them both plausible and frightening. *See* Ex. 7, Arthur Decl. ¶ 9; Ex. 1, Gilbert Decl. ¶ 17 (because class members have been subject to orders of supervision, they are familiar with the general obligation to apply for travel papers and cooperate with removal procedures).

But the threat of prosecution is wrong: noncitizens with final removal orders must apply for travel papers, 8 U.S.C. § 1253(a)(1)(B), but it is not a crime for them to decline to tell a foreign government that they are willing to be repatriated. *See* Argument 2.b, below.

Second, both ICE officers and Iraqi consular staff told class members that they would be detained indefinitely, or for many years, unless they agree to sign. For example, class members Zaia Darmo and Ahmed Tayyeh each reported that an Iraqi official told him that if he did not sign, he “would be in jail for the rest of his life” (Darmo) and “would stay in jail forever” (Tayyeh); each—fearing indefinite detention—signed the form even though they do not desire to return to Iraq. Ex. 10, Darmo Decl. ¶¶ 12-15; Ex. 9, Tayyeh Decl. ¶¶ 6, 9. Class member Aziz Kattoula, who told consular officials, when asked, that he did not want to go to Iraq and did not want to sign, was called in by an American official who said he

was from Washington D.C. The official said the government would eventually deport him, and that “I would be sitting in jail until they did.” Ex. 8, Kattoula Decl. ¶ 22. Class member N.H., AXXX-XXX-451, reported that even prior to being transferred to the Stewart Detention Center, his detention officer gave him a letter that the officer claimed was an application for travel documents, and told him that if he did not sign, he would be detention for a very long time; N.H. signed the letter, which he believes that it was the same letter that he was given by Iraqi consular representatives in Georgia (although he was later told that he would still be denied travel documents). Ex. 6, Kitaba-Gaviglio Decl. ¶¶ 14-19. Other detainees were similarly threatened with years of detention unless they signed. *Id.* ¶¶ 10-11; Ex. 7, Arthur Decl. ¶¶ 9-10; Ex. 5, Andrade Decl. ¶ 7. The detainees “signed the form because ICE told them that if they did not, they could be prosecuted for failure to cooperate and sentenced to five years in prison, and because ICE told them if they did not sign, they would definitely be kept in detention until the U.S. government could send them back.” *Id.* See also Ex. 6, Kitaba-Gaviglio Decl. ¶ 10 (class member K.P., AXXX-XXX-207, told that if he did not sign the form, he could be jailed for 5-10 years).

Again, this threat is incorrect. If ICE is unable to repatriate someone in the “reasonably foreseeable future,” under *Zadvydas* ICE must release that individual from detention. There is no circumstance in which an immigrant detainee unable to

be repatriated faces permanent detention, and even a threat of “years” of detention exceeds what is permissible under *Zadvydas*.

Moreover, ICE officials interfered with class members’ relationships with their immigration counsel, and with their ongoing immigration cases, by stating—falsely—that they had no hope of winning those cases. For example, an ICE officer told Aziz Kattoula that “eventually they were going to deport” him. Ex. 8, Kattoula Decl. ¶ 22. In fact, many class members have reopened their immigration cases and obtained relief/protection from removal. ECF 138-2, Schlanger Decl. ¶¶ 22-23, PgID.3406-07 (reporting high success rates for limited number of cases already decided on the merits).

Once Mr. Rosenbluth and Ms. Gilbert were able to provide accurate information to them about their rights and counter the misinformation, several detainees with whom Mr. Rosenbluth and Ms. Gilbert met indicated that they wish to revoke their prior statement that they want to go to Iraq. Ex. 1, Gilbert Decl. ¶ 18. Each explained that he had been coerced and did not and does not want to return. *Id.* See also Ex. 12, Al-Zubeidy Decl. ¶ 13 (wishes to revoke signature on letter).

C. More Mass Consular Interviews Are Likely, Very Soon, So There Is a Need For Speedy Intervention.

Petitioners have communicated at length with Respondents about the issues raised in this motion, sending a letter on June 6 setting out the facts and the relief requested. Respondents have so far declined to provide either information or any

remedy. The problem is prospective as well as retrospective—it seems likely that more transfers and consular visits are pending, and that pressure on detainees is not limited to the Stewart facility. The evidence for this is twofold:

- Iraqi Embassy official Wathiq Al Hammam told Ms. Gilbert that a plane to Iraq could leave as soon as mid-June—and that more consular interviews were likely to be conducted, perhaps in Pennsylvania. Ex. 1, Gilbert Decl. ¶ 11.
- The Respondents’ answer to Interrogatories 6 and 7 noted [REDACTED]
[REDACTED] it seems likely that these individuals will have consular interviews soon. *See* Ex. 14, Response to Interrogatories.⁵

A speedy solution is required or more coercive interviews will prejudice more class members. *See also* Ex. 15, Jado Decl. ¶¶ 4-5 (Calhoun detainee told by ICE that he cannot be repatriated because neither Iraq nor Greece will take him, but unless he signs that he wants to be removed to Iraq and gets out of the *Hamama* case, he “will never get released until the case is over and that could take years”).

D. After Prior Abuses, the Court Had Already Put Respondents On Notice That Such Behavior Towards the Detainees Would Not Be Tolerated

The Court has previously confronted similar reports that ICE employees were abusing, coercing, and misinforming class members. *See* Petitioners’ Status Report, ¶ G, ECF 94, PgID.2428-29; Elias Decl., ECF 94-4; Mallak Decl., ECF 94-

⁵ Petitioners previously moved to file of this document under seal. *See* ECF 288. Pending a ruling on that motion, Petitioners have redacted that information here and will provide this exhibit directly to chambers.

5; Alkadi Decl., ECF 94-6; Peard Decls., ECF 94-7, 94-10; Free Decl., ECF 94-8; Hernandez Decl., ECF 94-11; Free Letter, ECF 94-13. The Court found then:

Petitioners have presented evidence that certain detainees have been subject to coercion and harassment as a result of this litigation. The Government has provided evidence that ICE has since instructed its personnel not to discuss the litigation with detainees, other than to instruct them to speak with their attorneys, or how to contact a pro bono attorney. Petitioners do not ask for further direction to ICE personnel, and the Court deems the current instruction sufficient. The Court agrees with Petitioners regarding notice to detainees, and orders that ICE shall post a notice in each facility, by September 28, 2017, instructing detainees on how to notify Petitioners' counsel regarding any future instances of coercion or harassment related to this litigation.

Order Regarding Further Proceedings, ¶ E, ECF 110, PgID.2818-19.

Petitioners have been unable to ascertain whether this notice is posted in Stewart. Regardless, the prior instruction was insufficient to ensure that ICE employees refrain from providing misleading information to or coercing detainees.

LEGAL STANDARD

In presiding over a class action, a district court has the power to

[I]ssue orders that: . . . (B) require—to protect class members and fairly conduct the action—giving appropriate notice to some or all class members of: (i) any step in the action; . . . (iii) the members' opportunity to . . . present claims or defenses . . . (C) impose conditions on the representative parties or on intervenors; . . . or (E) deal with similar procedural matters.

Fed. R. Civ. P. 23(d). Because of the potential for abuse in a class action setting, “a district court has both the duty and the broad authority to exercise control over a class action and to enter appropriate orders governing the conduct of counsel and

parties,” including the power to regulate communications between the class members and counsel and to fashion relief for improper conduct. *Gulf Oil Co. v. Bernard*, 452 U.S. 89, 100 (1981).

ARGUMENT

A. The Court Should Allow Class Counsel Access to Class Members Prior to Consular Interviews

The most urgent relief Petitioners seek is simple and practical. Petitioners need information and access so that Class Counsel can 1) arrange for class member meetings prior to future consular interviews and provide class members accurate information to inform their decision-making at those interviews; and 2) identify all class members who may have been coerced into signing documents stating that they wish to be removed, and contact those class members to determine how to proceed. These emergency measures will help guard against further coercion and allow Class Counsel to investigate and address past coercion while the parties brief and the Court considers the remaining relief requested.

Specifically, Petitioners first ask for an order that Respondents shall provide notice to Class Counsel prior to Iraqi consular interviews, so that Class Counsel can arrange for prompt individual or group class member meetings (at Class Counsel’s discretion), before those consular interviews occur. Given the logistics involved in scheduling consular meetings and transferring detainees, Respondents are aware well in advance of the locations for such meetings. Advance notice will

allow Class Counsel to identify and prepare designees who are able to visit whichever of Respondents' many far-flung detention locations are the next sites for consular interviews or the sites from which interviewed detainees will be transferred. Because the process of identifying designees and coordinating with the facility can begin well in advance—even before or while detainees are in transit—this will allow for orderly planning of client meetings. If the interviews are being facilitated by detainee transfers, Petitioners request that the notice include the approximate number of detainees being transferred, the facility where consular interviews are being conducted, and the anticipated date(s) of arrival and of the consular interviews. (To ensure appropriate confidentiality, the notice can be designated as Highly Confidential under the Second Amended Protective Order, so that Class Counsel cannot share such information, other than with the designees who are to conduct the client meetings.) Notably, Class Counsel are not even seeking the names of class members who will be interviewed, unless those names are necessary for Class Counsel to arrange for client meetings (for example, if not all the Iraqis at an affected facility are heading to consular interviews). The meetings will ensure that detainees have accurate information and can make knowing and informed choices about what documents to sign.

While Respondents may contend—the evidence notwithstanding—that no abuse or coercion occurred, or that ICE was not responsible, Respondents can offer

no legitimate reason why class members should not have complete and accurate information before making decisions about whether to sign a document that could result in their removal.

Second, to enable Class Counsel to investigate and address the coercion and abuse that has already occurred, Petitioners ask the Court to order that Respondents, within 24 hours after the Court's order enters, produce to Petitioners a list of the names and A-numbers of all class members who have been asked to sign any document expressing a desire to be removed to Iraq, and copies of all such documents in Respondents' possession. Because of the time sensitivity of potential revocations of such documents, Respondents should further facilitate confidential phone calls or video interviews within 24 hours of Class Counsel's request for any class members who have already signed a letter to the Iraqi Consul stating that they desire to return to Iraq (other than class members for whom the court has signed a stipulated order lifting the stay of removal), and facilitate Class Counsel's ability to obtain signatures on documents by these individuals, as requested. The detainees and Petitioners' designees give varying estimates of the number of detainees who have signed the forms, but two things are clear: 1) dozens have signed, and 2) Petitioners have spoken to only a fraction of them, but many of those individuals signed under duress, do not want to be deported to Iraq, and wish to retract their statements assenting to removal. As this Court well knows, Class Counsel are

prepared to—and have—stipulated in many instances to lifting the stay of removal for individual class members. However, this system only works if Class Counsel have access to class members, can inform them of their rights, and can proceed with at least relatively high confidence that they are making voluntary choices, even if those choices are affected by the inherently coercive nature of prolonged detention. All Petitioners request at this emergency junction is the information and access necessary for Class Counsel to identify and then attempt to assist detainees who signed forms under duress, but do not in fact wish to be removed to Iraq.

The law is clear that courts should guard against situations—as happened here—that “pose a serious threat to the fairness of the litigation process, the adequacy of representation and the administration of justice generally.” *Georgine v. Amchem Prods., Inc.*, 160 F.R.D. 478, 490 (E.D. Pa. 1995) (citation omitted). Respondents’ actions clearly vitiated the “essential” decision of class members: whether to fight or give up “on the basis of independent analysis of their own self interest [sic].” *Id.* As a result of Respondents’ campaign of coercion, individual class members could no longer make a “free and unfettered decision” as to how to proceed in this litigation. *Id.* at 497. Rather, Respondents “fixed the system,” *Cobell v. Norton*, 212 F.R.D. 14, 17 (D.D.C. 2002), in favor of one outcome: that class members will concede—lacking full and accurate information, subjected to blatant misrepresentations by the ICE agents controlling their situation, transferred

far from their attorneys and family members—to waive their rights. Under these circumstances, purportedly “voluntary” signatures are hopelessly infected by coercion and inequity. The stopgap remedy Petitioners request on an emergency basis is simply for access, so they can counter misinformation with accurate information.

The applicable principle is that class members should be able to make informed decisions. Class members are being presented with oral communications pressuring them to waive the protections offered by the class action and to agree to a highly adverse result—repatriation to an extremely dangerous country. *See Kleiner v. First Nat’l Bank of Atlanta*, 751 F.2d 1193, 1206 (11th Cir. 1985) (oral communications exacerbate the potential for abuse; “by their very nature, [they] are wont to produce distorted statements on the one hand and the coercion of susceptible individuals on the other”). The information class members are receiving grossly misrepresents the nature of this litigation, class members’ rights and chances of success, and the consequences of failing to affirmatively express a desire to be removed to Iraq. Class Counsel, who were neither informed of the consular interviews nor allowed access to detainees at Stewart in a timely manner, had no opportunity to counteract the effect of Respondents’ distortions. And the threatening and misleading communications were made to people who have already been held in custody for—in many cases—a year as of Monday: an audience stripped of resolve and easily coerced into believing that the government

can do as it pleases. As a result, class members compromised their position in this litigation and in their own immigration cases without a full and fair understanding of the circumstances.

B. The Court Should Regulate Government Contact with Class Members to Safeguard Against Future Coercion

While the requested access and information can ameliorate the worst impacts of misinformation and coercion while the Court considers the issues, a deeper solution is necessary and appropriate to prevent further coercion and intimidation. After (expedited) briefing, the Court should 1) bar Respondents from engaging in further coercion or interference with class members; 2) prohibit Respondents from penalizing or prosecuting class members who refuse to express a desire to return to Iraq, and from threatening such penalty or prosecution; 3) require appropriate notice; and 4) order production of information necessary for Petitioners to investigate and monitor for coercion.

1. The Court Has Broad Authority To Protect Class Members From Abuse and Coercion

District courts possess broad authority to regulate and proscribe communications between defendants or their representatives and members of a class. *In re Currency Conversion Fee Antitrust Litig.*, 361 F. Supp. 2d 237, 252 (S.D.N.Y. 2005), *as amended by* 2005 WL 1871012 (S.D.N.Y. Aug. 9, 2005). A defendant may not initiate contact with class members, actual or putative, with the intent of

altering the plaintiff class members' rights in the pending litigation without judicial authorization. *See id.* at 253. Once a class has been certified, the members of that class stand in an attorney-client relationship with class counsel, and communications initiated by defendants are subject to more stringent restrictions as communications with represented parties. 3 Newberg on Class Actions § 9:9 (5th ed. June 2018 update).

Courts routinely intervene where unilateral communications from a defendant threaten to interfere with class proceedings. For example, courts regulate defendants' attempts to solicit opt outs from plaintiff class members, particularly where the defendants utilize false, misleading, or coercive tactics in their solicitations. *Romano v. SLS Residential Inc.*, 253 F.R.D. 292, 299 (S.D.N.Y. 2008) (communications seeking opt-outs were improper where defendants instilled "distress, misunderstandings, and fear among potential class members" by threatening to make class members' psychiatric records public and by misrepresenting the court's rulings); *Belt v. EmCare Inc.*, 299 F. Supp. 2d 664, 668-69 (E.D. Tex. 2003) (holding to be "misleading" and "coercive" a letter from defendants that "prey[ed] upon [class members'] fears and concerns" by misrepresenting the nature of the FLSA litigation and suggesting that their participation would imperil their economic livelihood); *see also Cobell*, 212 F.R.D. at 19 (finding improper defendant's otherwise ordinary business

communication with class members where language in letter would have effect of “extinguish[ing] the very rights that are at the heart of this class action litigation”). Efforts by defendants “to diminish the size of the class”—and therefore the scope of relief for which the defendants may be held responsible—reduce the effectiveness of the class action format “for no reason except to undermine the purposes of [Rule 23].” *Kleiner*, 751 F.2d at 1202, 1203 (scheme of unilateral communications dominated by defendants, is “rife with potential for coercion” and “sabotage[s] the goal of informed consent”).

U.S. government employees, agents, and contractors should not be talking to class members—who are represented parties—about this litigation, including the prospects of their *Zadvydas* claim. *See* ECF 110, ¶ E PgID.2818-19. Yet here, government employees, who should not be communicating with *Hamama* class members about their immigration cases at all, have presented a one-sided view of the law and of Petitioners’ chances of success that “prey[s] upon” class members’ “distress, misunderstandings, and fear.” *Romano*, 253 F.R.D. at 296; *Belt*, 299 F. Supp. 2d at 668-69. If, as the evidence increasingly shows, Iraq will issue travel documents only for individuals who state their willingness to be repatriated, then there is no “significant likelihood of removal in the reasonably foreseeable future,” *Zadvydas*, 533 U.S. at 701, for a detainee who maintains his unwillingness to be repatriated. Respondents are attempting to foreclose class members’ opportunity to

be heard on these claims by threatening them with indefinite and prolonged detention (itself an alternative ground for relief of Petitioners' detention). In other words, Respondents seek to "extinguish the very rights that are at the heart of this class action litigation." *Cobell*, 212 F.R.D. at 19.

Additionally, the court's power to regulate and proscribe contact extends to defendants' attempts to "undermine class plaintiffs' cooperation with or confidence in class counsel." *See In re Sch. Asbestos Litig.*, 842 F.2d 671, 682 (3d Cir. 1988). Respondents' representations to detained class members that this litigation will not benefit them are not only untrue but have the predictable effect of creating animosity toward class counsel and inducing class members to exclude themselves from this litigation based on misinformation and without an opportunity for Petitioners' counsel to rebut Respondents' assertions. Ex.1, Gilbert Decl. ¶ 15.

In light of the evidence here, the Court should limit communications between Respondents and class members. Such an order would serve the underlying policy interests of Rule 23 and is appropriate because Respondents have sought, in effect, to "mislead or otherwise threaten to create confusion and to influence the [class members'] decision whether to" continue to seek the relief at issue in the case. *In re Sch. Asbestos Litig.*, 842 F.2d at 682–83.

2. Class Members Cannot Be Penalized or Prosecuted for Refusing to Say They Do Not Wish To Return to Iraq

Threats to prosecute or punish class members for failing to express a desire

to return Iraq are legally unfounded. Detainees with final orders can be required to cooperate in obtaining travel documents, but they cannot be required to state that they *want* to go to Iraq. The threats in question seems to be premised on 8 U.S.C. §1253(a)(1), but would, in fact, be unlawful under that statute.

In pertinent part, the statute forbids noncitizens with final orders of removal to “(B) willfully fail[] or refuse[] to make timely application in good faith for travel or other documents necessary to the alien’s departure,” or to “(C) connive[] or conspire[], or take[] any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien’s departure”. 8 U.S.C. §1253(a)(1). As one court noted in dismissing a prosecution under the statute premised on truthful admissions to Liberian officials that the defendant did not want to return home because he had few ties to the country:

Respondents cite no case law to support their view that petitioner’s truthful (and somewhat self-evident) statement [about lack of desire to return] constitutes a lack of cooperation or failure to assist in his removal under 8 U.S.C. § 1231(a)(1)(C). The limited case law construing what constitutes an affirmative act that prevents one’s return does not support the proposition that an alien’s statement of a lack of desire to return to his country of origin, without more, amounts to a bad faith failure to cooperate.

Seretse-Khama v. Ashcroft, 215 F. Supp. 2d 37, 51 (D.D.C. 2002). *See also United States v. Ashraf*, 628 F.3d 813, 825 (6th Cir. 2011) (“Section 1253’s proper-steps exception, in other words, prevents [the immigrant’s] efforts to challenge his removal from being used as evidence of his failure to obtain his travel docu-

ments.”); *Rajigah v. Conway*, 268 F. Supp. 2d 159, 166 (E.D.N.Y. 2003) (no bad faith where detainee’s counsel truthfully advised Guyanese Ambassador that he intended to file a court action and the policy of the Guyanese government was to decline to issue travel documents while action was pending); *Bah v. Cangemi*, 489 F. Supp. 2d 905, 922 (D. Minn. 2007) (application by a noncitizen for legal relief from his removal does not constitute an action frustrating his removal, even if a foreign government therefore refuses to issue travel documents).

Moreover, each class member “has a First Amendment right to decide what to say and what not to say, and, accordingly, the right to reject governmental efforts to require him to make statements he believes are false.” *Jackler v. Byrne*, 658 F.3d 225, 241 (2d Cir. 2011). *See also Burns v. Martuscello*, 890 F.3d 77, 86 (2d Cir. 2018) (right against compelled speech includes right not to be forced by government to say things one believes are not true). Respondents can require class members with final removal orders to participate in the process of obtaining travel documents, by, for example, filling out passport applications or providing copies of the identity documents. But Respondents cannot compel class members to lie.

C. The Relief Requested is Necessary and Appropriate

This Court has the power to fashion a remedy where Respondents’ actions present a significant “likelihood” of abuse or confusion. *See In re Sch. Asbestos Litig.*, 842 F.2d at 683. Depending on the degree of harm and egregiousness of the

defendants' conduct, such remedies may include protective orders, corrective notices, provision of a second opportunity to opt out, invalidation of opt-outs, and other sanctions within the court's discretion. 3 Newberg on Class Actions § 9:9 (5th ed. June 2018 update); *see also Kleiner*, 751 F.2d at 1207 (affirming order barring defendants from soliciting opt outs from plaintiff class members); *Cobell*, 212 F.R.D. at 20 (prohibiting contact between defendants and class members "that discuss this litigation, or the claims that have arisen therein, without the prior authorization of this Court"); *Romano*, 253 F.R.D. at 299 (requiring corrective notice and invalidating opt outs obtained by deception and misrepresentation); *In re Currency Conversion Fee Antitrust Litig.*, 361 F. Supp. 2d at 254 (holding unenforceable arbitration agreements purporting to waive class action rights that defendants induced plaintiff class members to sign during pendency of litigation); *Georgine*, 160 F.R.D. at 498, 502 (creating second notice and opt-out period where communications "likely confused and misled class members, caused a high number of opt-outs and, therefore, had an adverse effect on the administration of justice").

In this case, four responses will prevent future abuses and begin to remedy the abuses that have occurred. First, the Court should limit Respondents' communications with class members to prevent further abuses. Second, the Court should prohibit Respondents from penalizing or prosecuting any class member under 8 U.S.C. § 1253(a) or in any other way on the basis that the class member is

unwilling to state that s/he desires to be removed to Iraq. Third, the Court should order ICE to both post a notice, and hand deliver it class members who met with Iraqi consular officials in the last two months, informing them that ICE officers are not allowed to communicate with them about their immigration cases, length of their detention, or prospect of removal to Iraq and that they will not be penalized under 8 U.S.C. § 1253(a) or otherwise if they refuse to state that they wish to be removed to Iraq. Finally, the Court should order Respondents to provide Petitioners with basic information necessary to fully investigate and address the past abuse and coercion, and to monitor for future abuse and coercion.

These four steps will reduce the likelihood of future coercion, help class members make informed decisions, counter the incorrect information that is subverting class members' ability to make voluntary and knowing decisions about their own repatriation, and provide information necessary for Class Counsel to attempt to assist detainees who signed forms under duress, but do not in fact wish to be removed to Iraq.

Respectfully submitted,

Michael J. Steinberg (P43085)
Kary L. Moss (P49759)
Bonsitu A. Kitaba (P78822)
Miriam J. Aukerman (P63165)
ACLU FUND OF MICHIGAN
2966 Woodward Avenue
Detroit, Michigan 48201
(313) 578-6814
msteinberg@aclumich.org

/s/ Kimberly L. Scott
Kimberly L. Scott (P69706)
Wendolyn W. Richards (P67776)
Cooperating Attorneys, ACLU Fund
of Michigan
MILLER, CANFIELD, PADDOCK
& STONE, PLC
101 N. Main St., 7th Floor
Ann Arbor, MI 48104
(734) 668-7696
scott@millercanfield.com

Nora Youkhana (P80067)
Nadine Yousif (P80421)
Cooperating Attorneys, ACLU Fund
of Michigan
CODE LEGAL AID INC.
27321 Hampden St.
Madison Heights, MI 48071
(248) 894-6197
norayoukhana@gmail.com

Judy Rabinovitz (NY Bar JR-1214)
Lee Gelernt (NY Bar LG-8511)
ACLU FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2618
jrabinovitz@aclu.org

Margo Schlanger (P82345)
Cooperating Attorney, ACLU Fund
of Michigan
625 South State Street
Ann Arbor, Michigan 48109
734-615-2618
margo.schlanger@gmail.com

Susan E. Reed (P66950)
MICHIGAN IMMIGRANT RIGHTS
CENTER
3030 S. 9th St. Suite 1B
Kalamazoo, MI 49009
(269) 492-7196, Ext. 535
Susanree@michiganimmigrant.org

Lara Finkbeiner (NY Bar 5197165)
Mark Doss (NY Bar 5277462)
INTERNATIONAL REFUGEE
ASSISTANCE PROJECT
Urban Justice Center
40 Rector St., 9th Floor
New York, NY 10006
(646) 602-5600
lfinkbeiner@refugeerights.org

María Martínez Sánchez (NM Bar
126375)
ACLU OF NEW MEXICO
1410 Coal Ave. SW
Albuquerque, NM 87102
msanchez@aclu-nm.org

Attorneys for All Petitioners and Plaintiffs

William W. Swor (P21215)
WILLIAM W. SWOR
& ASSOCIATES
1120 Ford Building
615 Griswold Street
Detroit, MI 48226
wwswor@sworlaw.com

Attorney for Petitioner/Plaintiff Usama Hamama

Dated: June 13, 2018

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2018, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF filers of record.

By: /s/Kimberly L. Scott
Kimberly L. Scott (P69706)
Cooperating Attorneys, ACLU Fund of Michigan
MILLER, CANFIELD, PADDOCK
& STONE, PLC
101 N. Main St., 7th Floor
Ann Arbor, MI 48104
(734) 668-7696
scott@millercanfield.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,
v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. D avid R. Grand
Class Action

**INDEX OF EXHIBITS
TO PETITIONERS/PLAINTIFFS' EMERGENCY MOTION REGARDING
COERCION AND INTERFERENCE WITH CLASS MEMBERS**

Exhibit 1 Declaration of Lauren Gilbert

Exhibit 2 Certified Translation of Letter to Iraqi Consul

Exhibit 3 Email to Marty Rosenbluth

Exhibit 4 Declaration of Marty Rosenbluth

Exhibit 5 Declaration of Monica Andrade

Exhibit 6 Declaration of Bonsitu Kitaba-Gaviglio

Exhibit 7 Declaration of George Arthur
Redacted A-Number;
Portions filed under seal to protect disclosure of sensitive details explaining fear of returning to Iraq that are similar to the information identified in Petitioners' letter seeking permission to redact certain information (ECF 60), which the Court granted (ECF 62)

Exhibit 8 Declaration of Aziz Kattoula

Portions filed under seal to protect disclosure of sensitive details explaining fear of returning to Iraq that are similar to the information identified in Petitioners' letter seeking permission to redact certain information (ECF 60), which the Court granted (ECF 62)

Exhibit 9 Declaration of Ahmed Tayyeh

Exhibit 10 Declaration of Zaia Darmo

Portions filed under seal to protect disclosure of sensitive details explaining fear of returning to Iraq that are similar to the information identified in Petitioners' letter seeking permission to redact certain information (ECF 60), which the Court granted (ECF 62)

Exhibit 11 Declaration of Hassan Al-Atawna

Redacted A-Number;

Portions filed under seal to protect disclosure of sensitive details explaining fear of returning to Iraq that are similar to the information identified in Petitioners' letter seeking permission to redact certain information (ECF 60), which the Court granted (ECF 62)

Exhibit 12 Declaration of Abulmohsin Al Zubeidy

Exhibit 13 Declaration of Dawood Salman Odish

Portions filed under seal to protect disclosure of sensitive details explaining fear of returning to Iraq that are similar to the information identified in Petitioners' letter seeking permission to redact certain information (ECF 60), which the Court granted (ECF 62)

Exhibit 14 Respondents' Response to Interrogatory Nos. 6 and 7

Filed under seal (motion seeking permission to file under seal is pending (ECF 288))

Exhibit 15 Declaration of Duay Jado

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF ATTORNEY LAUREN GILBERT

I, Lauren Gilbert, hereby declare:

1. I make this declaration based upon my own personal knowledge and if called to testify, I could and I would do so competently.
2. I am an attorney licensed to practice in Florida. I teach immigration law at St. Thomas University School of Law in Miami, Florida; I have taught there since 2002. My scholarship and teaching focuses on immigration law. Prior to joining the St. Thomas faculty, I held positions as a legal services attorney from 1998 until 2002; as the Director of the Women and International Law Program at American University's Washington College of Law from 1994-1998; as an attorney-investigator for the United Nations Truth Commission for El Salvador from 1992-1993; as a Fulbright Lecturer in Law in Costa Rica in 1991; and as an associate with the law firm of Arnold & Porter in Washington, D.C. from 1988-1991. I have a B.A. from Harvard University and a J.D. from the University of Michigan.
3. In December 2017, I agreed to represent George Arthur, a class member in this lawsuit, as his immigration counsel. I have since then been seeking to reopen his case. My work on the case is pro bono.
4. On May 21, 2017, I visited with George at Krome Detention Center; he had been transferred there from Glades County Detention Center just a few days before. We spoke about his case.

5. I next spoke with George on May 25, by phone, when he called me from Stewart Detention Center. He explained that on Monday, May 21, around 10 pm, ICE employees picked him up from Krome and took him to Stewart. The encounter was extremely abusive, as he explains in his own recent declaration. George broke down during our conversation. He has a history of past torture, and the Government's actions appear to me to have retraumatized him.
6. I have a G-28 on file with ICE; this is the form ICE uses for counsel appearances. Nonetheless ICE did not notify me of George's transfer. Such notification is required under ICE Policy 11022.1 (Detainee Transfers), at 5.3(2), <https://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf> ("If a detainee has an attorney of record (Form G-28 on file), the sending field office will: a) Notify the attorney that the detainee is being transferred and include the reason for the transfer and the name, location, and telephone number of the new facility as soon as practicable on the day of the transfer, but in no circumstances later than twenty four (24) hours after the transfer occurs.").
7. George described to me the pressure ICE officers put on him to "voluntarily" agree to removal to Iraq, and said he had not agreed. He explained that an Iraqi consular officer, whom he identified as Wathik Al Hammam, told him that Iraq would never accept his removal, because he has no identification and because he is not willing to be removed to Iraq. George asked me to call Mr. Al Hammam, to confirm what George told me.
8. I called Mr. Al Hammam at the Iraqi embassy in Washington D.C., and left him a message. Mr. Al Hammam returned my call on May 31, 2018.
9. In the phone conversation on May 31, 2018, Mr. Al Hammam confirmed a great deal of what my client had told me. Mr. Al Hammam told me that Iraq is issuing only provisional passports to Iraqis who want to return and that these passports will have no value in Iraq as a form of identification. He explained that Iraq is not accepting the repatriation of Iraqis who are unwilling to be removed.
10. Mr. Al Hammam said that 39 Iraqis at Stewart had signed the form "volunteering" for removal to Iraq. Only 6-7 refused to sign the form. He asked my opinion on what he thought their chances were, in their immigration cases.

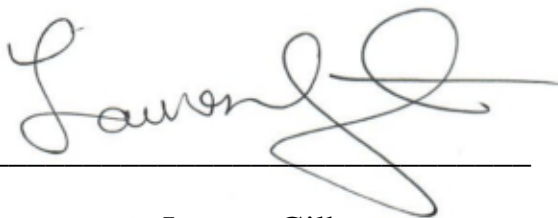
11. He said that it is possible that there will be a flight in mid-June to repatriate the detainees who have signed the form. Mr. Al Hammam also said that he thought additional Iraqi detainees were likely to be transferred to a detention center closer than Stewart to Washington D.C., because the trip to Lumpkin, GA, is so onerous for embassy personnel. He thought that ICE might begin transferring people to a detention facility in Pennsylvania for additional consular interviews.
12. At the time I was at home in Florida, but I was scheduled to drive to Maine, where I am living this summer. At the request of Petitioners' counsel in this case, I agreed to spend a few days at Stewart along the way, as class counsel's designee interviewing class members. I arrived in Lumpkin, Georgia, on June 4.
13. On June 5, I went to the Stewart Detention Center with attorney Marty Rosenbluth. We arrived at 9 am, and provided facility personnel with a list of detainees we got from class counsel. Class counsel told me that this list included all the class members at Stewart other than those who, to class counsel's knowledge, had previously informed ICE or class counsel that they wanted to give up their immigration cases and be removed to Iraq. We did not, in the end, meet with everyone on the list; some had been transferred.
14. Mr. Rosenbluth and I ended up meeting with a group of 9 to 11 individuals. We also met with Ali Al-Sultan alone; we were told by facility staff that he was confined to segregated housing, and the facility would not allow him in the same room as other detainees.
15. The class members with whom we spoke gave a consistent account of what had happened to them. Each of them had been transferred to Stewart from another detention facility and had met with Iraqi embassy staff the prior week. Each had been presented with and asked to sign a document expressing their willingness to be removed to Iraq. One or two other class members at the meeting were very angry with Class Counsel, whom they blamed for the fact that they had not been released from detention.
16. George had a copy of the document, which he brought to me. The detainees had been given the document in both English and Arabic. The pictures of both versions are attached to this declaration as Attachment A. The English

version of the letter states that its signatory “desire[s] to return voluntarily to Iraq.”

17. Several of the class members we met with stated that they were pressured by ICE to sign the letter saying they wish to return to Iraq. The detainees reported that they were told—sometimes by ICE officers and sometimes by Iraqi consular staff—that if they did not sign, they would spend years in detention, or even never be released. The class members also feared that if they did not sign, they would face prosecution for refusing to cooperate with the removal to Iraq, and could be sentenced to serve time in prison. (It appeared that class members were generally familiar with the obligation to apply for travel papers and cooperate with removal procedures because they had been subject to Orders of Supervision in the past.) Some detainees reported hearing these threats directly and others reported hearing them second hand, but all found them both plausible and frightening.
18. Several individuals said they felt coerced and signed the document under duress, and did not in fact “desire to return voluntarily to Iraq.” Once they understood, based on our conversation, that they did not have to sign the document, several individuals stated that they wished to retract their prior consent to removal.
19. Several individuals said that, although they had been pressured to sign, they had withstood the pressure and refused to sign. These individuals said they were summoned to an additional meeting with ICE personnel the next day, and again pressured by ICE to sign.
20. I went back to Stewart on June 6, 2018; Mr. Rosenbluth was not available to join me on that day. I interviewed a number of the same detainees again, this time one by one, and wrote up their statements as declarations for them to review and sign, which they did. I returned to Stewart on June 7 to get class members' signatures on some documents, but nearly all the class members had been transferred.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge, information, and belief.

Executed on: June 13, 2018 in Bridgton, Maine.

A handwritten signature in cursive script, appearing to read "Lauren Gilbert", is written over a horizontal line.

Lauren Gilbert

ATTACHMENT A

Dear Honorable Consul,

Subject: Passport

I the Iraqi citizen () would like to request the issue of a passport allowing me to enter Iraq due to my particular situation and my desire to return voluntarily to Iraq.
I would like to inform you that I have an old Iraqi passport that is not valid with the number ().

With thanks and appreciation,

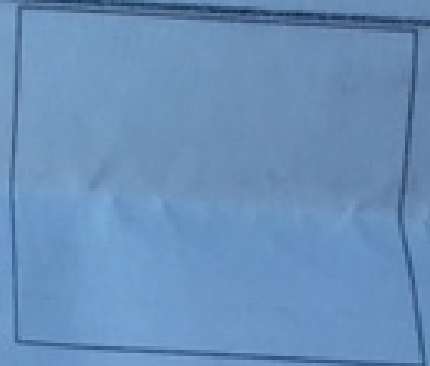
The signature:

The name:

The date:

The address:

The telephone number:



Left thumb fingerprint

السيد القنصل المحترم

م. / جواز مرور

اني المواطن العراقي (ارجو اصدار جواز مرور لي الى العراق
وذلك لظروف خاصة ورجبتي بالعودة الطوعية الى العراق، علماً انني لا احمل جواز سفر .
مع الشكر والتقدير .

التوقيع :

المواطن :

التاريخ :

العنوان :

رقم الهاتف :

بصم

EXHIBIT 2

Beyond Words

Translation | Interpretation | Consulting
Connecting Cultures Through Language

CERTIFICATE OF TRANSLATION

We, Beyond Words, LLC, hereby certify that the English document entitled **Subject/Limited-Validity Passport**, is a true and accurate version of the original Arabic document. We further certify that we are competent in both English and Arabic to render and certify such translation.

Beyond Words, LLC Signature: Ghada Attieh

Beyond Words, LLC Printed Name: GHADAATTIEH

NOTARY

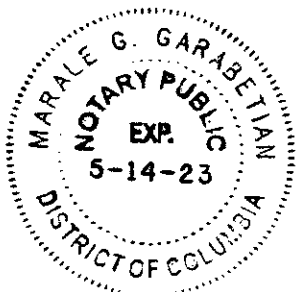
District of Columbia: SS

Subscribed and Sworn to before me, in my presence,
this 6th day of JUNE, 2018

Marale G. Garabetian
Notary Public, DC

My commission expires on 05/14, 2023.

MARALE G. GARABETIAN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 14, 2023



Beyond Words, LLC
910 17th Street NW
Suite 415
Washington, DC 20006
Telephone: (202) 419-1805
info@beyond-words.us
www.beyond-words.us

Beyond Words

Translation | Interpretation | Consulting
Connecting Cultures Through Language

I certify that the foregoing statement of my qualifications and the foregoing translation are true and correct, under penalty of perjury under the laws of the United States.

WASHINGTON, DC

Sworn in ~~(CITY OR COUNTY)~~, ~~(STATE)~~, on this 6th day of June, 2018.

Ghada Attieh [signature]
Ghada Attieh

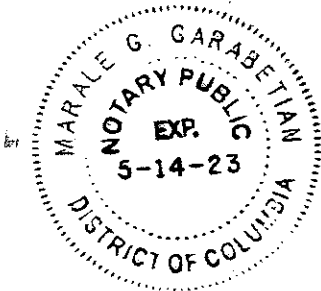
District of Columbia: SS

Subscribed and sworn to before me, in my presence,
this 6th day of JUNE, 2018

Marale G. Garabetian
Marale G. Garabetian, Notary Public, D.C.

My commission expires May 14, 2023.

MARALE G. GARABETIAN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 14, 2023



Beyond Words, LLC
910 17th Street NW
Suite 415
Washington, DC 20006
Telephone: (202) 419-1805
info@beyond-words.us
www.beyond-words.us

Dear Honorable Consul,

Subject/ Limited-Validity Passport

I, an Iraqi citizen (), would like to request a limited-validity passport issued to me [to travel] to Iraq and this is for personal circumstances and my desire to return voluntarily to Iraq, with the knowledge that I don't hold a passport.

Sincerely,

Signature:

Name of Citizen:

Date:

Address:

Telephone number:

[Illegible]

— 10 —

التي المواطن العراقي)
 وذلك لطرف خاصة وبعثني بالعمدة المطوعة الى العراق ، علماً اني لا احمل حوز سفر -
 مع الشكر والتقدير -

المحامي :

1000

— **THE**

二、

فصل الثامن

EXHIBIT 3

----- Forwarded message -----

From: **Blackmon, Droured** <Droured.Blackmon@corecivic.com>

Date: Mon, Jun 4, 2018 at 12:31 PM

Subject: FW: Meeting with Hamama Class members on behalf of the ACLU

To: Marty Rosenbluth <rosenbluth@polancolawpc.com>

Hello Marty, please read ICE response to your request. If you have any question, please let me know.

Please provide the following response on our behalf. Thanks for your assistance.

Thank you for your request to speak with various members of the Hamama et al v. Adducci class action suit. These individuals were transferred to the Stewart Detention Center in Lumpkin, GA on a temporary basis to facilitate consulate interviews. At this time ICE is in the process of returning these aliens to their originating field offices. ICE does not have adequate time to procure the appropriate facilities or address security concerns related to your request prior to the aliens transfer. Further, transfers of the effected aliens have been scheduled and are already in progress, thus any attempt to facilitate your request will directly impact ICE operations and potentially delay the transfer timeline.

Very Respectfully,

R. Brandon Eccles, SDDO
ICE/ERO Atlanta - SDC
Executive Response Unit

Sent with BES Work. Please excuse the typos.

From: Marty Rosenbluth <rosenbluth@polancolawpc.com>
Sent: Wednesday, May 30, 2018 3:33 PM
To: Blackmon, Droured <Droured.Blackmon@corecivic.com>
Subject: Meeting with Hamama Class members on behalf of the ACLU

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. *****

Greetings,

I sent a fax to you and to the ERO requesting a meeting but I am attaching the ACLU's letter appointing me as class counsel here. Please let me know how you want to proceed.

Most sincerely,

--

Martin (Marty) Rosenbluth

Polanco Law, P.C.

P.O. Box 786

Lumpkin, GA 31815

p: 919.294.8032

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF ATTORNEY MARTY ROSENBLUTH

I, Marty Rosenbluth, hereby declare:

1. I make this declaration based upon my own personal knowledge and if called to testify, I could and I would do so competently.
2. I am an attorney with the law firm of Polanco Law, P.C. I work primarily in Lumpkin, Georgia. My practice is focused exclusively on immigration law.
3. Over the last 10 years, I have represented, either individually or as co-counsel, more than 1,000 individuals in their immigration cases, including about 15 Iraqi nationals.
4. Over the years, I have met many times with clients at the Stewart Detention Center in Lumpkin, Georgia. I estimate that I have done 250 interviews at Stewart Detention Center. The facility is run by a private company, now called CoreCivic. I have very good relations with the CoreCivic personnel. Other than wait times connected to the visiting rooms being at capacity, I have never had any difficulties visiting my clients.
5. At the request of Class Counsel in this case, I agreed to serve as their designee in this action and meet with class members located at the Stewart Detention Center. Petitioners' counsel made the designation on May 24, 2018. I did this work *pro bono*.

6. On Friday, May 25, 2018, I faxed a request to both CoreCivic personnel at Stewart and to ICE Enforcement and Removal Operations, requesting a group client meeting with the *Hamama* class members. I did not receive a response either from the facility or from ICE.

7. On May 30, 2018, I again faxed the request to ICE and CoreCivic as well as emailing CoreCivic employee Droured Blackmon a copy of the letter designating me as class counsel's representative for the purposes of meeting the class members located at the Stewart Detention Center. He replied the next day, proposing a meeting to discuss the issue the following week. I explained to him that this was too late.

8. I next got a call on June 1, 2018 from CoreCivic assistant Warden Pollock who told me that CoreCivic needed ICE's approval to schedule a group meeting, and that ICE was considering the request.

9. I did not receive a response from ICE until June 4, 2018, five days later, when Mr. Blackmon forwarded by email a response from R. Brandon Eccles, a Supervisory Detention and Deportation Officer from ICE/ERO Atlanta – Stewart Detention Center Executive Response Unit. The response is attached as Exhibit A. Mr. Eccles denied my request to meet with the class members as a group.

10. On June 4, 2018, I heard from class counsel that the Court had instructed ICE to make its best efforts to allow class counsel's designees into Stewart. I was notified by CoreCivic that afternoon that ICE had approved the meeting for the following morning.

11. I went to the facility with another attorney, Lauren Gilbert, on June 5 at 9 a.m. We talked there with 7-10 class members, and heard from them about the pressures that had been placed on them, and the misleading information provided to them, to induce them to sign a document stating that they were willing to be removed to Iraq. Several had not signed, but others had. After hearing from us that they did not have to sign, several of them stated that they wished to rescind the consular letter if that is possible.

12. Ms. Gilbert returned to the facility the next day to do followup interviews; I was busy with other work and could not participate in those.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge, information, and belief.

Executed on: June 13, 2018 in Denver, Colorado.

A handwritten signature in black ink, appearing to read "Marty Rosenbluth", with a long, sweeping horizontal stroke extending to the right.

Marty Rosenbluth

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF MONICA ANDRADE

I, Monica Andrade, make this declaration based upon my own personal knowledge and if called to testify, I could and would do so competently as follows:

1. I am an attorney in good standing licensed to practice in the state of Michigan. I am a law school graduate of Michigan State University College of Law.

2. I am currently employed as a Legal Fellow by the American Civil Liberties Union of Michigan (the “ACLU”). I am part of the legal team working on *Hamama v. Adducci*, Case No. 17-cv-11910 (E.D. Mich.).

Conversation with A.A.O, XXX-XXX- 985

3. On June 12, 2018, I spoke by phone with Mr. A.A.O. He is not a member of the *Hamama* class, but we had learned about his situation from class members.

4. Mr. O. told me that he is an Iraqi national who had applied for asylum. He was ordered removed in February 2018; he told me this happened after he missed a court date for which he did not get notice.

5. Mr. O. told me he was recently transported to Stewart Detention Center, where he met with Iraqi consular officials who asked him to sign a document saying he wanted to go to Iraq.

6. Mr. O said he was told by an ICE officer that he could be criminally prosecuted and serve time in prison if he didn't sign.

7. Mr. O. also said he was specifically told by an ICE officer that if he didn't sign that he would stay in detention. He tried to explain that he had filed a motion to reopen and was currently in the appeal process, but the ICE official insisted that he would remain in detention if he didn't sign.

8. Mr. O. told me that other Iraqi nationals were threatened by ICE officers as well.

9. Mr. O. said he refused to sign.

Difficulties Communicating with Class Members

10. As part of my responsibilities in this litigation, I am regularly tasked with communicating with class members.

11. Reaching class members has been extremely difficult, and sometimes impossible. We need to have confidential client conversations, and that makes it even more difficult, since phone calls from the facilities can typically be monitored or recorded.

12. It is simply not possible to reach clients while they are in transit. Although we sometimes have time-sensitive information to give to clients, we have no way to communicate with them while they are being moved around.

13. The government has declined to facilitate calls with class members until we can show that we cannot reach our class members without such facilitation. As a result, I have spent a great deal of time unsuccessfully trying to reach *Hamama* class members. Even more difficult than reaching them is obtaining their signatures on documents.

14. The problems with reaching class members are long-standing, but were particularly difficult to deal with in the last several days, as we have been trying contact class members who had been moved in and out of Stewart Detention Center and whom we had reason to believe had been pressured to sign documents stating that they wish to return to Iraq.

15. I was assigned to reach about a half dozen class members in the last few days. Some I have still not been able to reach. After we contacted the Department

of Justice about the problems, ICE facilitated some of the calls, and I have been able to reach some of them. Even for those I have been able to reach, I have mostly not had a way to get documents to the client for signature.

16. To show how difficult it is to reach the detainees, I am describing two examples of the problems I have encountered.

Zaia Darmo, XXX-XXX-763

17. We needed to reach Mr. Darmo urgently in order both to go over his declaration with him and to provide him advice, as he had reported that he was coerced into signing a document that he wanted to be removed and he wanted to retract that statement.

18. Mr. Darmo was initially interviewed by the ACLU's designee, Lauren Gilbert, in the Stewart Detention Facility. However, he was moved out of Stewart shortly after she spoke with him.

19. Using a private website called AccessCorrections.com, my colleagues learned that Mr. Darmo had been moved to Louisiana. We heard from other detainees that the facility where many class members were being held was the Alexandria Staging Facility, in Louisiana. But when I called Alexandria to try to reach him there, I was told that he had been moved to the Pulaski County Jail, in Illinois.

20. On June 11, I called the Pulaski County Jail. A person who identified himself as Officer Russell said that the facility needed 24 hours to schedule an attorney call but he would try to help me out. He asked me to fax a letter with my information and to call back to get a room. The fax did not go through initially, and when it finally did, I kept getting transferred from officer to officer.

21. Every time I called I was told that the jail only has two conference rooms and to call back in ten minutes. I told one officer that I would keep calling every ten minutes and she said they had more requests than normal today but calls could not go through after 4 p.m.

22. I made calls and waited unsuccessfully on hold, only to be told, each time, that the conference room was full, as follows:

10:44 a.m.: 4 minutes

11:34 a.m.: 7 minutes

12:00 p.m.: 4 minutes
1:15 p.m.: 3 minutes
1:40 p.m.: 12 minutes
1:54 p.m.: 4 minutes
2:00 p.m.: 4 minutes
2:22 p.m.: 6 minutes
2:59 p.m.: 6 minutes
3:06 p.m.: 2 minutes
3:21 p.m.: 30 minutes

23. All this was conveyed by my colleague Margo Schlanger to Respondents' counsel, who finally on the evening on June 11 agreed to help facilitate a phone call.

24. The next morning, June 12, I received a call from someone at ICE headquarters who said she would help facilitate a call with Mr. Darmo. She informed me that he had been moved from Pulaski County Jail in Ullin, Illinois to a different facility in Broadview, Illinois.

25. That same afternoon, I received a call from a detention officer in Broadview who said they received an email about helping facilitate a phone call with Mr. Darmo. With facility assistance, I finally was able to speak to Mr. Darmo the afternoon of June 12, and was able to go over his declaration with him.

Ali Al-Sultan, XXX-XXX-907

26. I have been trying to reach Mr. Al-Sultan for quite a long time. When I first tried to reach him he was detained at a detention facility in El Paso, which I called on May 14. The officer who answered verified the A# and the name, but when I asked to have a "legal consult telephone call" he asked if I had a G-28 on file. I explained that I did not because I am not his immigration attorney and told him about this case. He told me to hold on and transferred me without telling me where I was being transferred.

27. The next officer who answered the phone told me he was a deportation officer but Mr. Al-Sultan was not part of his caseload. He also told me that Mr. Al-Sultan was the only Iraqi detainee that he knew of in El Paso. I explained that I needed to talk to him or leave a message to speak to him. He said he could take my message and my phone number and pass it along. I gave him my name and

number. But I had no way of following up on this or conveying the urgency of the matter.

28. I did not receive a phone call back from Mr. Al-Sultan. When I did finally talk to him, on June 12, I learned from him that he had tried numerous times to call me back from El Paso, but found that he was not able to access my phone number from the ordinary detainee phone system. In addition, nobody told him why I was calling. (Also, although I am not certain, it seems that the method he was using was an ordinary phone call, which would not have been confidential, had the system even worked.)

29. Mr. Al-Sultan was then transferred to Stewart Detention Center, where I understand the ACLU's designee, Lauren Gilbert, spoke to him about his consular interview experience. Ms. Gilbert let us know that she was not given enough time with him to discuss his motion to reopen in her first meeting on June 5, and was not allowed a subsequent meeting with him, during a visit to the facility the next day. On June 7, she reported to us that he had been transferred, but she did not know where.

30. Within a couple of days, my ACLU colleagues had discovered that Mr. Al-Sultan was at the Alexandria Staging Facility, in Louisiana. I attempted to contact him there. I called the facility and the officer who answered told me that their facility did not have jurisdiction and that Mr. Al-Sultan did not have a phone account at this facility. I asked what I needed to do to schedule a phone call and the officer gave me a number to a deportation officer in Oakdale who had jurisdiction over the case.

31. I called the Oakdale number and was told by this second officer that Mr. Al-Sultan was on the "unassigned docket" and therefore the second officer also did not have jurisdiction over the case. He gave me a new number, for a third officer. I called the phone number seven times and no one answered. The phone number did not have any voicemail capability. I finally called back Alexandria and explained the ordeal and again they said they could not help facilitate this because they did not have jurisdiction and were only a temporary facility.

32. All this was conveyed to Respondents' counsel, who finally on June 12 agreed to facilitate a phone call.

33. I finally spoke to Mr. Al-Sultan in the early afternoon of June 12.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on June 12, 2018, in Detroit, Michigan.

Monica Andrade

Monica Andrade

EXHIBIT 6

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910

Hon. Mark A. Goldsmith

Mag. David R. Grand

Class Action

DECLARATION OF BONBITU KITABA-GAVIGLIO

I, Bonbitu Kitaba-Gaviglio, hereby make this declaration based upon my own personal knowledge and if called to testify, I could and would do so competently as follows:

1. I am a licensed attorney practicing law in the State of Michigan. I am also licensed to practice before the Sixth Circuit Court of Appeals and the Eastern and Western Districts of Michigan. I graduated from Wayne State University Law School in 2014.

2. I am currently employed as a staff attorney by the American Civil Liberties Union of Michigan (the “ACLU”) which is headquartered in Detroit, Michigan. Prior to my current position, I was a commercial litigation attorney at Dykema Gossett PLLC.

3. On June 8, 2018, I spoke with several *Hamama* class members, including K.P., AXXX-XXX-207, and N.H., AXXX-XXX-451, about their recent experiences being transferred to the Stewart Detention Center in Lumpkin, Georgia for interviews with Iraqi consular officials.

K.P.

4. On June 8, 2018, I spoke by phone with K.P., who is a *Hamama* class member currently detained at the Pine Prairie ICE Processing Center. This call was facilitated by ICE, at class counsel’s request. Mr. P., whose wife, children, mother,

and extended family are all in the U.S., and whose father was killed in Iraq in 2005, fears removal to Iraq.

5. Mr. P. said that ICE agents at the Pine Prairie ICE Processing Center told him and other Iraqi detainees that the *Hamama* case is the reason they are in detention and that they will not be released so long as the case continues.

6. Mr. P. said that on May 18, 2018, he was transported from Pine Prairie to the Stewart Detention Center in Georgia. ICE officers told Mr. P. that he was being transferred to Stewart to meet with the Iraqi consular representatives in order to get travel documents to go to Iraq.

7. Mr. P. said he was interviewed by two Iraqi consular representatives several days after being transferred to the Stewart Detention Center. The interview was held in an office inside the facility.

8. Mr. P. said that the two men who interviewed him identified themselves as Iraqi consular officials, but that they did not say their names or show their badges. Mr. P. recalled that the Iraqi Consulate representatives began the conversation by saying “you guys are not welcome in America anymore.”

9. Mr. P. reported that one of the Iraqi consular representatives asked him if he wanted to return to Iraq. Mr. P. said that he told the consular representatives “no,” and explained that he has no family in Iraq, has no identity documents, and came to the U.S. in 1998 and knows nothing about Iraq.

10. Mr. P. said that the Iraqi consular representatives then handed him a letter to the Iraqi Consul saying he wanted to return to Iraq. One of the Iraqi consular representatives told Mr. P. that if he did not sign the form, he will be in jail for 5 to 10 years. Mr. P. reported that the official also said that he was aware of individuals who were in immigration detention since 2002 and who were never deported, and that Mr. P. should sign the letter if he did not want to stay in detention that long.

11. Mr. P. said he heard from other Iraqi detainees that they were told the same thing, and that they were very scared and decided to sign. Mr. P. said he did not sign the letter.

12. Mr. P. reported that the following day an ICE officer called him into the office at the Stewart facility. Mr. P. said that the ICE officer asked him if he wanted to return to Iraq. Mr. P. responded “no,” and explained why he did not

sign. The ICE officer said he was from Washington D.C. and pressured Mr. P. to sign, but Mr. P. refused. Mr. P.

N.H.

13. On June 8, 2018, I spoke with N.H., a *Hamama* class member who is currently detained in the Otay Mesa Detention Center in San Diego, California. This call was facilitated by ICE, at class counsel's request.

14. Mr. H. reported that back in May 2018, an ICE detention officer gave him a form, which the officer told him was an application for travel documents. Mr. H said that the detention officer told him that if he did not sign the form, he would be in detention for a very long time. Mr. H. recalled filling out and signing the form, but he did not understand exactly what he was signing. This occurred prior to when Mr. H. was transferred to the Stewart Detention Center. Mr. H. stated that he believes that the form his immigration officer gave him is the same letter he received when he met with the Iraqi consular representatives in Georgia.

15. Mr. H. stated that he was transferred to the Stewart Detention Center in Georgia via several other states. Mr. H. said that ICE officers informed him that he was being taken to meet with Iraqi consular officials.

16. Mr. H. said that in Stewart he met with two consular officials. They asked him if he wanted to go back to Iraq. Mr. H., who told me that he just wants to either be deported or be released, said he told the consular officials that he does want to return. The officials asked him to sign his name and put his fingerprint on a form they provided. Mr. H. said that he did not understand what the document was, but he believed he was applying to get travel documents to go back to Iraq.

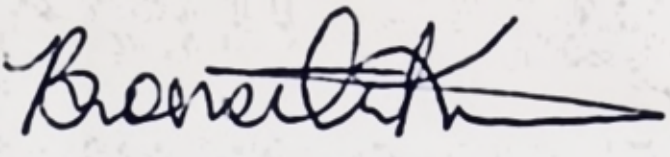
17. Following his meeting with the two Iraqi consular representatives, Mr. H. was transferred back to the Otay Mesa Detention Center.

18. Mr. H. said that while being transported back to Otay Mesa he was called into the office of an ICE officer at a Detention Center in Arizona, where he was temporarily being held. Mr. H. said that the ICE officer asked him if he wanted to return to Iraq and Mr. H. said "yes." Mr. H. reported that he told the officer that he just did not want to be in detention anymore and that he just wanted to be released.

19. Mr. H. said that the ICE officer informed him that his application for travel documents had been denied.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on June 13, 2018, in Washington, D.C..

A handwritten signature in black ink, appearing to read "Bonsitu Kitaba-Gaviglio", written over a horizontal line.

Bonsitu Kitaba-Gaviglio

EXHIBIT 7

FILED UNDER SEAL

DECLARATION OF GEORGE PHILLIP ARTHUR, A [REDACTED]

1. My name is George Phillip Arthur. I was born in Iraq. I currently am detained at the Stewart Detention Center in Lumpkin, Georgia, where I was moved early on the morning of May 22, 2018. I had been detained for over eight months at the Glades County Detention Center in Moore Haven, Florida, where I was transferred from Arizona after the preliminary injunction in the Hamama case prevented my removal to Iraq.
2. Due to some health and dietary issues, I had repeatedly asked to be transferred to Krome Detention Center in Miami. On or about May 17, 2018, ICE Officer James Gamboa called my attorney, Lauren Gilbert, from Glades and told her that I was not doing well at Glades, and that they were going to transfer me to Krome Detention Center. He asked her to speak with me and to have me agree to fill out certain travel documents for the Iraqi consulate providing biographic information. She spoke to me on his cellphone, and told me that I should fill out the biographic information with my Christian and Jewish names, to show that we were cooperating with ICE.
3. On Saturday, May 19, 2018, I was transferred to Krome Detention Center.
4. On Monday, May 21, 2018, I went through processing in the morning at Krome. That afternoon, my immigration attorney, Lauren Gilbert, met with me, and explained what was happening with my case. I was optimistic that my case was going to be reopened.
5. That Monday night, May 21, around 10:00 p.m., ICE woke me up. They told me to gather up all my belongings and took me to processing at Krome. They asked me, again, for biographical info and fingerprinted me. They told me that my motion to reopen had been denied in January. They told him that I was no longer in the Hamama class, that my habeas petition was dismissed, and that they were sending me back to Iraq that night.
6. They had me in shackles. I thought I was being sent back, was terrified, and [REDACTED]
[REDACTED]. I
[REDACTED]
[REDACTED]
[REDACTED] I was kept in a room that was freezing, without food until about 5:00 a.m. I was in fear for my life. I could not contact my attorney to tell her what was happening.
7. They drove me to the airport. It wasn't until we got to the airport that they told me that they were taking me first to Virginia to get travel documents from the Iraqi government. ICE officers took me on the flight to Atlanta. It was not until we got to Atlanta that I learned that we were not going to Virginia. The ICE officers told the team that picked me up that I had not been any trouble. They took me to the Stewart Detention Center. The new team put me in a car. They drove a short distance and picked up five other Iraqis, and then drove several hours to the Stewart Detention Center.
8. When I got to the Stewart Detention Center, there were dozens of Iraqis detained there. We were all there to meet with the Iraqi consul, who met with most of us on May 23 and May 24, 2018. ICE was trying to get people to sign a letter consenting to returning to Iraq. The letter, which is in Arabic and English, says that "I the Iraqi citizen [REDACTED] would like to request the issue of a passport allowing me to enter Iraq due to my particular situation and my desire to return voluntarily to Iraq."
9. ICE officers threatened many of us with prosecution and prison if we didn't sign. I also heard ICE officers tell several of us that, if we did not sign "we will force you to go back to Iraq, if not now,

then in 2-3 years.” Many of us, including myself, were told by ICE officers that we would be kept in detention in the meantime.

10. Many of my fellow Iraqis told me that they signed the form because ICE told them that if they did not, they could be prosecuted for failure to cooperate and sentenced to five years in prison, and because ICE told them if they did not sign, they would definitely be kept in detention until the U.S. government could send them back.
11. I met on Thursday with the Iraqi consular officer; I believe his name is Wathik Al Hammam. I told him that I was born in Baghdad but had no records proving my identity. I gave the consular officer [REDACTED] [REDACTED] [REDACTED]. When I tried to give him my [REDACTED] [REDACTED] the consular officer said, “Stop, [REDACTED]. Your name is George Phillip Arthur.”
12. The consular officer told me that they had no proof of my identity. He told the ICE officer, “Why did you bring me this guy?” The ICE officer was furious. The consular officer told me they would never issue me travel documents and that the U.S. government could not force them to do so, because now they are their own country. The Iraqi consular officer said that they would never accept me if they did not know who I was and that no one could force them to do so.
13. Both ICE officers and the Iraqi consular officers were at the meeting, and they brought a group of 3-4 Iraqis to meet with the consulate. They took our fingerprints. Two ICE agents were there, as well as two apparent Americans standing behind the consular officer in plainclothes. We did not know who they were but thought they might be bodyguards.
14. There were about eight Iraqis refusing to sign. Several had their motions to reopen denied, but at least one person I met refused to sign because his case was still on appeal.
15. Several of the Iraqis, particularly those like A [REDACTED] A-S [REDACTED], who stands up for other Iraqis or other detainees, have been placed in segregation.
16. Since I came, about 15 people have been sent back to the detention centers where they were being held, and the rest of us are being told that we will be sent back SOON, but that it is UNKNOWN when that will happen.
17. At this point, I am afraid I will spend the rest of my life in detention. The Iraqi consular officer told me that they will never issue me travel documents. ICE says they will never release me. I have had a final removal order since February 2017. The Miami Asylum Office has refused to reopen my case, despite overwhelming evidence that I will face torture.
18. I have heard that there will be a flight in June back to Iraq if they can get travel documents for the Iraqis who signed the form.
19. I am willing to cooperate with the ICE officers, and repeatedly have filled out the forms for travel documents. I will not fill out a form stating “my desire to return voluntarily to Iraq” because I know that if I am sent back I will be detained and tortured. If I am sent back without identification, I will be detained and interrogated at the airport, and probably taken into custody. Even if I am released at the airport, which is unlikely since I have no family, I will be stopped and interrogated at the many checkpoints. Because of my lack of identification, I will be taken into custody, interrogated and tortured to get me to confess. As a past victim of torture, I know that they can get you to say anything to make the torture stop. The Iraqi government is giving many suspects 10 minute trials and then executing persons who “confess” to being part of ISIS, whether they are or not. I fear that this will be my fate if I am forced back to Iraq, and thus, would never sign a form consenting to returning “voluntarily”.

I, George Phillip Arthur, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Jun, 6th, 2018.

George Arthur

Signature

EXHIBIT 8

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF AZIZ KATTOULA

I, Aziz Kattoula, declare as follows:

1. I, Aziz Kattoula, currently am being detained at the Stewart Detention Facility in Lumpkin, Georgia. I have been here for over two weeks.
2. On or about May 21, 2018, I was transferred from the Youngstown facility Ruby Core Civic to Stewart Detention Center.
3. At about 2:00 am in the morning, Core Civic woke me up. They told me I leaving. They did not tell me where. The transport told me we're going to the airport. They drove me to the back of the airport where there was a cargo plane. At that point, I started freaking out because there was only one place and there were two ICE officers and I thought they were sending me to Iraq. They put me in

shackles from transport to the airport. The transport said I was good and didn't need shackles.

4. Back in Youngstown, they took my belongings and brought them with me to the airport. At the airport ICE told me that I couldn't take any of that stuff so they told me they were going to throw it away. They let me take my books and clothes, but nothing else.

5. At that point, ICE went to purchase tickets from Delta, and it was only then that I was not being sent to Iraq.

6. We left Youngstown at about 4:30 or 5:00 am and arrived at the Cleveland airport at about 6:00 am.

7. ICE purchased tickets to Atlanta. They were polite but did not give me any information. They went with me on the plane. When we reached Atlanta, we got off the plane. The ICE officers turned me over to two other ICE officers, who put me in an SUV and took me to an ICE holding facility about one hour from the airport.

8. The conditions there were horrible. It was a big building. They put me in a room with other Iraqis, waiting for other Iraqis to come. Eventually there were about thirty of us in that room which was a big room.

9. We had to beg for toilet paper. We had to beg for food. They were eating in front of us. It seemed like they were taunting us. We said, hey, we've been here

for over 12 hours, you need to feed us. They said sorry, we don't have a kitchen here. We asked for water, they said do you see any water here?

10. They were allowing the Spanish speakers to make calls but we couldn't do that.

11. At one point, a couple of guys started to swear at a black officer who was eating. They called her a bad name, but they were hungry. They segregated those two, and then called a supervisor and then gave the rest of us food but made the other two wait. One of the two who was segregated was named F[REDACTED]. The other was R[REDACTED]. They put each of them in a separate room.

12. We were held there for at least 12 hours, because by the time they put us in a big bus it was nighttime. There were 20-30 people.

13. It was even worse when we got to Stewart. This facility is horrible. The toilets are not cleaned at all.

14. We were all kept in a big room. Both the Iraqis as well as other detainees, while we were processed. We had to sleep on cardboard boxes. We had to step over each other to move around on the go to the bathroom.

15. We did not get into our pods until 8:00 pm on May 22, 2018.

16. The processing took forever, under horrible, inhumane conditions. They gave us bag lunches with bologna and cheese sandwiches.

17. It was so filthy there that without permission, I went to the closet and got out a mop, spray, and a rag and cleaned the toilet because it smelled horrible.

18. I believe I met with the consul on May 24, 2018 in the morning. There were two gentlemen from the consulate and an ICE agent in the next room, the guy with glasses.

19. The consular officer said, you know why you're here. We're trying to get your travel documents. Do you want to go back to Iraq?

20. I told him, no, I don't want to go because I have no one there.

21. [REDACTED] I came here when I was fourteen years old. I later got a student visa and later got my LPR residency. My family didn't want me to go back to Iraq because I would have had to join Saddam's army. Later, my family joined me in the United States around 1987-1988. I don't remember exactly.

22. Well, the consul said I suggest that you sign because in three months, whether you sign or not, they are going to deport everyone. ICE did not say anything that day when I refused to sign but the next day, ICE called the five people were not willing to sign, and the guy with the glasses he was from Washington, DC, and asked us why we were not willing to sign I told him I didn't have anyone in Iraq. He told me that he understands why I was unwilling to sign

but that eventually they were going to deport me and that I would be sitting in jail until they did, so it would be better if I just signed.

23. I told him, we'll see what happens. You've got to do what you've got to do.

24. The five of us included H[REDACTED], A[REDACTED]-A[REDACTED], S[REDACTED], S[REDACTED], and myself.

25. My lawyer's name is Fatin Shuker: [REDACTED].

I, Aziz Kattoula, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 6-6-2018.



Signature

EXHIBIT 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF AHMED TAYYEH

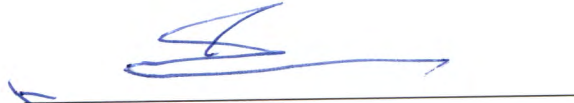
I, Ahmed Tayyeh, declare as follows:

1. I am currently being detained at the South Texas Detention Complex, in Pearsall, Texas. I was just transferred back here from Stewart Detention Facility in Lumpkin, Georgia, where I had been for over two weeks.
2. On or about May 22, 2018, I was moved from the San Antonio Detention Center to Stewart Detention Center.
3. Four days before they transferred me to Stewart, my deportation officer told me they were sending me to Atlanta to meet with the Iraqi consul. I said "I am still part of the *Hamama* case, why are you sending me to meet with the consul?" He said, "I don't know."
4. On Thursday and Friday that week I met with the consul in the afternoon. He told me I had an expired passport, and wanted me to sign a document agreeing to go to Iraq. I asked him what would happen to me if I didn't sign. The consul told me that if I did not sign I would stay in jail forever.
5. When I met with the consul, there were two Iraqi officials. One met with me. The other consul was outside with ICE. He was talking to the guy with the glasses. He was wearing a button up shirt and tie.
6. I was afraid that if I did not sign I would stay in jail forever.
7. After I signed the form, he told me I could leave. He told me in one month I would get documents.
8. I am afraid of going back to Iraq. I don't know what will happen to me.

9. I felt that I was forced to sign the form because the consul told me I would stay in jail forever.
10. For people who refused to sign, the consul would tell ICE that they were refusing to sign. ICE did not say anything to me, but the man in the glasses was outside the door with the other consul. I was afraid what ICE would do.
11. Since I do not have any identification I am afraid I will be detained at the airport and interrogated or stopped at a check point.
12. I do not consent voluntarily to be sent back.
13. An attorney who works with the ACLU wrote down this declaration for me while I was still at Stewart, but I was transferred before it was typed up and I could sign it. My immigration lawyer, Deepak Ahluwalia, then went over it with me to make sure it was entirely correct. We spoke on the phone on June 11, 2018. I affirmed it, under penalty of perjury, during that call and signed it physically when he made arrangements for my signature with an officer at Pearsall.

I, Ahmed Tayyeh, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 12, 2018, in Pearsall, Texas.



Ahmed Tayyeh

EXHIBIT 10

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF ZAIA DARMO

I, Zaia Darmo, declare as follows

1. I am being detained at the Stewart Detention Center in Lumpkin, Georgia. I have been here for nearly three weeks now.
2. On or about May 18, 2018, I was transferred from the Kenosha Detention Center in Wisconsin to Stewart Detention Center. They woke me at 4:00 am and drove us to Broadview, a DHS processing facility. They held us at Broadview for hours.
3. Before that I had been in the Kankakee Detention Center in Illinois for about nine months. A week before they brought me to Stewart, they had moved me to Kenosha. I had asked to be moved to Kenosha so I could have visits from my family who live in Chicago. My mother, my sister, and her son, who is eight years old, were going to visit me. There are my closest family. However, before they could even visit, ICE moved me to Stewart.
4. The deportation officer who flew with me and another Iraqi to Stewart said it would only be for a few days. It's been almost three weeks, as of this Friday.
5. There were two deportation officers for each of us who took us on the plane. They did not have us in shackles on the plane ride, but as soon as we got to Atlanta and got off the plane, there was an ICE officer waiting for us. She handcuffed both of us in front of everyone and then took us through a back door to a Chevy van that was waiting near the plane. She was armed.

6. When we got into the van, there were two other Iraqis already in the van and we had to wait for two more. There was another ICE officer, a man, in the van.
7. They drove us to a processing center in Atlanta. There were just the six of us there. They gave us a bag lunch but held us in there for 4-5 hours. We just waited for the transport from Core Civic to pick us up. There were a lot of others but the six of us were the only Iraqis. We were the first Iraqis to Stewart.
8. When we got to Stewart, we sat in intake for fifteen hours. We did not make it to our cells until Saturday morning at 3:00 am. They were taking our pictures and giving us clothes. They gave us one bag lunch that entire time. The bathrooms were filthy. They made us sleep on concrete benches. They didn't give us any blankets. I asked if they could give us anything to cover ourselves with and they said to wait until we got to our cells. After I was processed, I was finally allowed to call my family.
9. For the next few days, more Iraqis began to arrive. Eventually there were about 30-40 Iraqis. From what I could tell, most of them met with the Iraqi consular staff.
10. On May 23, 2018, I met with Iraqi consular staff. I was talking to the two consular officers. The ICE officers were in the next room.
11. I was afraid because ICE was right next door. I know that when others refused to sign, that ICE called them in the next day and pressured them about why they did not sign. I was afraid of what ICE would do to me if I did not sign.
12. The ICE officer and consul seemed to be working together to get people to sign the letter saying we want to go to Iraq, even when people do not want to go back.
13. The consular staff told me that if I did not sign the consent form that I would be in jail forever.
14. I was the third guy who met with the consul. He asked if I had family here and in Iraq, I said I had family here but not in Iraq. He said it would be harder on me if I didn't sign, because if I did not sign, I would be in jail for the rest of my life.
15. I signed the form because I felt like if I did not, I would be in jail for the rest of my life. That was what scared me. It felt like a threat. If I had not believed that I would be in jail forever unless I signed, I would not have signed.
16. [REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
17. I am very close to my mother and sister and have helped support my mother since my father died. My nephew is like a son to me. My mother, who is now a US citizen, has a [REDACTED] I was sent here. My sister said it will kill my mother if I am sent back.
 18. I did not sign that form voluntarily but only because I thought that I was sentencing myself to life in prison if I did not sign.

I, Zaia Darmo, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 6-06-18.

Zaia Darmo

Signature

EXHIBIT 11

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF HASSAN AL-ATAWNA

I, Hassan Al-Atawna, declare as follows:

1. I am currently detained at the Stewart Detention Facility in Lumpkin, Georgia. I have been here for over two weeks now.
2. On or about Monday May 21, 2018, I was transferred from the Aurora Heights Processing Center in Denver, CO to Stewart Detention Center. An officer came to my cell at about 4:00 am in the morning and woke me up and told me I was being transferred to another facility. I told the officer that I did not want to be transferred because I have my case in appeal but he told me to talk to ICE.
3. ICE picked me up at Aurora and took me to the Denver airport. They told me I was being deported back to Iraq.
4. I was terrified and shocked because I had a good lawyer and thought my case was in good hands, but now they were sending me to Iraq. The last time I was in Iraqi was in 2002 when I was only six years old.
5. When we got to the airport in Denver, an ICE officer said, "Oh, there is a change of plans. We have to take you to Atlanta." I still didn't know what was happening and was still afraid that I was being sent back to Iraq. I asked to call my lawyer, but they refused.
6. When I got to Atlanta, the ICE agents transferred me to two ICE agents who handcuffed me. They drove us to an ICE processing center near the airport.

There were about 25 other Iraqis. They held us for six hours and then we were moved to Stewart.

7. On February 21, 2017, before Iraq was taken off the travel ban I agreed to a removal order, because the government told me that I would be released from custody after 90 days, because the U.S. government was not returning anyone to Iraq. I never would have agreed if I had known that Iraq was about to begin taking Iraqis back.
8. A month later, Iraq was removed from the travel ban after agreeing to take persons with final removal orders back. Because of this I was never released from detention and was scheduled for return to Iraq in June 2017.
9. The *Hamama* team found me a lawyer, who filed a motion to reopen for me. The judge denied the motion but my case is still on appeal.
10. My immigration lawyer told me not to sign anything the Government gave me, without talking to her first, so I have not filled out any paperwork here, including any documentation for the Iraqi consulate.
11. On May 23, 2018, I met with the Iraqi consul at Stewart. I told him I was not willing to sign the consent form.
12. A tall, white American guy with glasses, about 6'1", dressed in a suit, was there during the meeting and was writing detailed notes. I was not able to get his name, or the names of any other ICE officer.
13. I would never consent, voluntarily, to going back to Iraq. I would face persecution b [REDACTED]

[REDACTED]
[REDACTED].

I, Hassan Al-Attawna, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Ju 4-4-2018.

 HASSAN

Signature

EXHIBIT 12

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF ABULMOHSIN AL ZUBEIDY

I, Abulmohsin Al Zubeidy, declare as follows:

1. I am a class member in the *Hamama v. Adducci* case. I came to the United States around 1997 as a refugee and later became a permanent resident.

2. I have been in detention since March 2018. When I was detained I had meeting with an ICE deportation officer. I asked the officer about travel documents and the officer said that they were not able to get any travel documents for me and that Iraq would not accept me back. The ICE officer told me I had to wait in jail for 6 months to find out what “Washington wants to do with you.”

3. Sometime around May 19, 2018, during my detention in Kankakee County Jail, I was woken up around 5 a.m. and told by the detention officer that I was being transported to meet with the Iraqi Consulate to get travel documents. I was transported to the Stewart facility in Georgia.

4. I met with Iraqi consular officials on or around Tuesday, June 22, 2018. I think I was one of the first people they interviewed. There were approximately 40-45 other Iraqis being held in one room. They called us in one by one to a different office for individual interviews. I was one of the first people to be called in.

5. I was interviewed by two men. They did not give me their names nor were they wearing badges, but they said they were from the Iraqi Embassy.

6. One of the men asked me if I wanted to go back to Iraq. I said “no.” I said, “I have no family there, my family is here.”

7. The men gave me a letter to sign and told me I needed to sign the letter in order to get travel documents. The form was a letter to the Iraqi Consul saying that I wanted to go to Iraq. I told the men that I did not want to sign because I do not want to go to Iraq. I explained that my family is here in the U.S. and that it has been 27 years since I left Iraq.

8. One of the men told me that if I did not sign, I would be criminally prosecuted and spend the rest of my life in prison.

9. I repeatedly explained to the men that I do not want to go to Iraq, but they continued to pressure me to sign. I felt like I had no choice but had to sign. So I finally signed.

10. The only reason I signed is because I do not want to be in detention forever. In Kankakee County Jail I went on a hunger strike because I did not want to go back to Iraq. Detention has been extremely difficult for me.

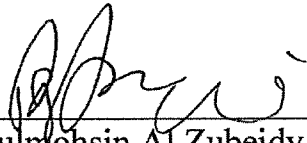
11. I also gave my fingerprints. The consular officials told me that I would be removed in about two weeks.

12. After the consular interview, no one talked to me about the document I had signed and I was transported back to Kankakee, Illinois.

13. I do not want to go to Iraq and I only signed the letter to the Iraqi Consul because I thought I would be prosecuted and spend my life in prison unless I signed. I would like to revoke my signature on the letter to the Iraqi Consul.

I, Abulmohsin Al Zubeidy, declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on: June 12 2018 in Kankakee, Illinois



Abulmohsin Al Zubeidy

EXHIBIT 13

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,
v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

DECLARATION OF DAWOOD SALMAN ODISH

I, Dawood Salman Odish, declare as follows:

1. I am an Iraqi national and a member of the *Hamama v. Adducci* class.
2. I have been held in immigration detention since March 2018.
3. On May 19, 2018, I was transferred from the detention center where I was being held, Otay Mesa Detention Center, in San Diego, California, to the Stewart Detention Center in Lumpkin, Georgia.
4. There were several dozen other Iraqis at Stewart—approximately 50. We were held together in a room and then called one by one into a small office. Many of the other Iraqis who came out of that small office were upset and crying. Most of them said they had signed a document agreeing to go back to Iraq.
5. From what everyone else said, only a few people—I think six—did not sign the document. I was one of those. I am afraid to return to Iraq because I fear torture and persecution. [REDACTED]
6. I was called into the room by an Iraqi official named Wasiq; his business card said he was the First Secretary of the Iraqi embassy or consulate. He gave me his business card when I asked. There was another Iraqi official there, too, who refused to tell me his name, or show me credentials or a card. He said he was an

Iraqi diplomat, and when I asked him if he was really from Iraq, he switched the language he was using from English to Arabic and said yes, he is.

7. The diplomat who would not identify himself pressured me very hard to sign the letter. He said if I did not, he would tell ICE. He also said that if I did not sign the letter, that would just prolong my detention indefinitely. I argued with him and told them I did not want to sign because I have no family in Iraq and no connections there. [REDACTED] I consider myself American. [REDACTED]
[REDACTED]

8. I did not agree to sign, even though there was a lot of pressure placed on me. At the end of the meeting, the unnamed diplomat said that he was denying me travel documents, and I could leave the room.

9. The next day, at Stewart, an ICE officer whose name I do not know called me into the same office where the consular interview had been. He told me he was giving me a second opportunity to sign the letter. Otherwise, he said, the government would prosecute me for refusing.

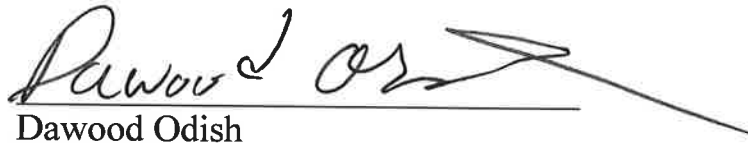
10. I asked for a copy of the letter to take it back to San Diego and share with an immigration attorney, but the ICE officer said he did not have a copy. I asked again, and the ICE officer finally printed out two copies—one in English and one in Arabic. The letter he printed is the same as the one attached to this declaration.

11. I was then transferred back to Otay Mesa. I do not know when I will get out of detention. I will reach 90 days in detention on June 20, 2018.

12. On June 8, I spoke by phone with Bonsitu Kitaba, an attorney from the ACLU. I answered a lot of questions and told her the facts above. The ACLU then turned notes from that conversation into this declaration, which I went over in person with ACLU Legal Assistant Mayra Lopez, and signed it.

I, Dawood Odish, declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on: June 12, 2018 in San Diego, California.



Dawood Odish

Dear Honorable Consul,

Subject: Passport

I the Iraqi citizen () would like to request the issue of a passport allowing me to enter Iraq due to my particular situation and my desire to return voluntarily to Iraq.
I would like to inform you that I have an old Iraqi passport that is not valid with the number ().

With thanks and appreciation,

The signature:

The name:

The date:

The address:

The telephone number:



Left thumb fingerprint

السيد القنصل المحترم

م / جمال محمد

انني المواطن العراقي () ارجو اصدار جواز مرور لي الى العراق
وذلك لظروف خاصة ورجعتي بالعودة الطوعية الى العراق، علماً انني لا احمل جواز سفر .
مع الشكر والتقدير .

التوقيع :

المواطن :

التاريخ :

العنوان :

رقم الهاتف :

بصمته

EXHIBIT 14

FILED UNDER SEAL

EXHIBIT 15

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners/Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents/Defendants.

Case N o.2:17 -cv-11910

Hon. Mark A .Goldsmith
Mag. D avid R. Grand

Class Action

DECLARATION OF Duay Jado

I, Duay Jado , hereby make this declaration based upon my own personal Knowledge:

1. On June 5, 2018 at about 1 pm, I met with an ICE officer in the Calhoun Detention Center where I am deained as a member of the *Hamama v. Adducci* litigation.
2. I met with the ICE officer because I had filed a request to meeth an ICE officer to discuss the 90-day review of my detention, which was 10 days overdue, the day before.
3. When I met with the officer if my 90 day clock was ticking to which he responded that the “clock” started ticking on May 24.
4. I informed officer I was born in Greece and that Greece had denied me travel documents. I also told him that Iraq had similarly denied me travel documents. I knew this from my previous attempts to secure travel documents following my order of removal.
5. I then asked the officer if he thought I might be released in 90 days. The officer said that by looking at my case, the only way I might get release is if

I sign myself out of the ACLU Hamama case and signed the paperwork
saying I want to go to Iraq. The officer told me that Iraq won't take you
back, Greece won't take back, ICE has no reason to hold you and ICE will
release you within 90 days. He said that if I stay with the ACLU Hamama
case you will never get released until the case is over and that could take
years. The officer said that the best thing for me is to sign myself out of the
ACLU Hamama case, sign that I want to be removed to Iraq, at which point
Iraq won't take me back and ICE will have to release me. The officer then
admitted that he's not supposed to be talking to me about this but that this
was the best thing I could do if I want to be released from custody.

6. The officer almost convinced me to sign the document declaring that I
wanted to be removed to Iraq but I told the officer that I needed to discuss it
with my immigration attorney.

Pursuant to 28 U.S.C. § 1746, I state under penalty of perjury that the above statements are true and correct to the best of my knowledge, information, and belief.

Date: 6-7-18

Dudley J. Add