

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Souleymane Dembele, *et al.*,

Petitioners-Plaintiffs,

v.

Bill Prim, *et al.*

Respondents-Defendants.

Case No. _____

Hon. _____

**DECLARATION OF PETITIONER SOULEYMANE DEMBELE
IN SUPPORT OF PETITIONERS' EMERGENCY PETITION
FOR A WRIT OF HABEAS CORPUS AND MOTION FOR A TEMPORARY
RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION**

I, Souleymane Dembele, make the following declaration based on my own personal knowledge, and if called to testify, I would do so competently as follows:

1. My name is Souleymane Dembele. I live in Hazel Crest, Illinois.
2. I was born on October 20, 1976 in Mali, where I am a citizen.
3. I am married to Nana Keita, a lawful permanent resident, and together we have three U.S. citizen children named Dalia Dembele (9 years old), Bakary Dembele (8 years old), and Dicko Demeble (1 year old).
4. Until my detention, I was active in my community, attending mosque regularly, and volunteering as a chaperone at my children's school.
5. I also worked as an Uber driver and helped my wife with our children.
6. I am currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the McHenry County Adult Correctional Facility ("McHenry County Jail"), in Woodstock, Illinois.

Medical History

7. I currently suffer from hypertension, sciatic nerve damage, and pre-diabetes.

8. I was diagnosed with hypertension and pre-diabetes on February 18, 2020, when ICE took me to the Dodge County Detention Facility, and the medical staff there gave me a physical. They told me my blood pressure was 164/119. The following day, the doctor confirmed my high blood pressure and ordered me to start taking medication for hypertension.

9. I do not remember what the doctors prescribed, nor did I receive a prescription showing the medicine I should take, but I have taken the medication every day since then.

10. I receive three hypertension pills every day. One is a white and green capsule and the other two small are round, slightly purple pills, one 20 milligrams and the other 5 milligrams.

11. The doctor in Dodge County told me that hypertension can cause me to feel fatigued, dizzy, and nauseated from time to time. I now realize that I was experiencing these symptoms before I was diagnosed and still continue to experience them. I occasionally get dizzy spells, sometimes multiple times a day for days in a row. At other times, a week will go by before I feel dizzy again. There is not much I can do during these dizzy spells other than sit down and wait for them to pass.

12. The last time I had a dizzy spell was in early April 2020 when I was in the shower.

13. I also have sciatic nerve damage, which occasionally causes me debilitating and painful episodes that leave me unable to walk. I had surgery for this in 2012, and it helped relieve the pain at first. About a year after the surgery, the pain returned and is now as bad as it was before the surgery.

14. I received ibuprofen for my sciatica every day at the Dodge County Detention Facility. I requested ibuprofen during my first doctor's visit at McHenry County Jail, and the doctor said that he would order it. But the following day, the person who hands out the pills said she had not received the order.

15. Finally, I began to receive ibuprofen on April 10, 2020. Medical staff told me that there was an order for me to be given ibuprofen twice a day the next seven days. The medical staff did not tell me what would happen after the seventh day. To the best of my knowledge I have no doctor's appointment scheduled.

Immigration History

16. I first entered the United States in 2009 on a visitor's visa, and I returned to Mali a short while later. I returned to the United States the following year and was present for my oldest daughter Dalia's birth on September 10, 2010.

17. This was a time of intense religious violence in Mali. My previous employer there, a French travel agency, shut down because of the violence.

18. In 2012 and 2013, two of my brothers—both teachers—were killed by Al-Qaeda in the Islamic Maghreb (AQMI).

19. Because of these dangerous conditions, I was afraid to return to Mali, and I applied for asylum in 2013.

20. While the asylum application was pending, I was required to wear a GPS monitor and to check in monthly with the Intensive Supervision Appearance Program ("ISAP"), a company that manages ICE's supervision program.

21. My asylum application was denied by the immigration court and by the Board of Immigration Appeals ("BIA"). In 2016, I was ordered removed to Mali.

22. Because of the removal order, I was again detained by ICE. My passport was expired, however, and ICE was unable to obtain new travel documents from Mali's embassy. So after 90 days in detention, I was released on an order of supervision that required me to check in with ICE once a year.

23. I attended all of these appointments. My last check-in was February 18, 2020. I was arrested during that last meeting. The officers claimed that they had obtained my travel documents, but they refused to show them to me. I was told to sign a document that said my order of supervision was revoked. I was taken to the Dodge County Detention Facility in Juneau, Wisconsin.

24. On March 3, 2020, while I was still in the Dodge County Detention Facility, I was called and told that ICE was going to take me to Chicago and that I would be put on a plane out of the country on March 17, 2020. I was moved to the McHenry County Jail the same day.

25. On March 11, 2020, I filed a motion to reopen my immigration case with the BIA, which is still pending.

26. The following Monday, March 16, 2020, ICE contacted my wife to tell her that there were no more flights going to Mali. I was never contacted by ICE and have received no formal explanation of why I was not flown to Mali as scheduled.

27. I have no criminal history and, aside from my detention by ICE, I have never been arrested.

Immigration Detention

28. I spent about two weeks detained at the Dodge County Detention Facility before being transferred to the McHenry County Jail on March 3, 2020.

29. In the McHenry County Jail, I lived in one pod until about April 7, 2020, when I was transferred to a new one. Both pods look identical.

30. Each pod holds up to 64 ICE detainees. There are 16 cells on each floor in the pod, and each cell has 2 detainees. The cells in the pod are arranged along two stories that face out to a communal area called the “dayroom.” Each cell has two beds with one stacked on top of the other.

31. All the cells in the pod are identical. Every cell has a sink and toilet on the opposite wall from the cell’s entrance. I estimate that the cell is about five feet deep and about four feet wide. The beds take up much of the space in the cell and leave about two feet to walk to the bathroom or door. There is not enough space between the bed and the wall for my roommate and me to walk past each other.

32. Although the jail is regularly adding, releasing, and moving detainees, the pods that I have been held in have always been at capacity.

33. The dayroom has several tables, where the other detainees and I spend the majority of our time. We eat meals, play cards, and socialize at the tables in the dayroom.

34. We have to walk through the dayroom to get to the showers. There are four shower stalls, and sometimes we have to wait for up to an hour for a shower to be available.

COVID-19

35. The jail staff has told us very little about the coronavirus. Most of our information comes from the news on television or conversations with people outside the jail.

36. I have noticed that the jail staff began acting differently in recent weeks, but they almost never explain these changes. The jail staff provide very little information about what we should be doing to keep ourselves safe from the coronavirus.

37. When news of COVID-19 began to spread, the jail staff posted a notice in the pod that advised detainees to remain 6 feet apart at all times to reduce the likelihood of spread of the coronavirus. This is simply impossible because there is not enough room in the cells for me to stay 6 feet away from my cellmate, and the dayroom is too crowded for me to stay 6 feet away from everyone else.

38. One of the first changes I noticed was that the jail staff stopped stationing themselves in the pods at the beginning of April 2020. Normally, officers are in the pod with me and the other detainees. But now, the jail staff watch the pod over monitors from outside the pod. The officers enter the pod and do a quick tour about every 30 minutes.

39. Around the same time that officers stopped being stationed in my pod, I saw some officers start wearing face masks, but many still do not. The jail staff also generally do not wear gloves unless they are searching an individual.

40. Another change is that the medical staff have stopped distributing medication inside the pod. Now, the medical staff stand near the entrance to the pod, and we line up to receive our medicine. There is no room to stand six feet apart from other detainees in these lines; we all stand right next to each other. There are always more than 10 people taking medication.

41. None of the detainees in my pod have been given face masks or gloves.

42. On or about April 7, 2020, about half of the detainees in my pod, including me and my cellmate, were moved to a new pod. Another detainee, a food worker who travels between pods, told me that the jail is using my old pod to house new arrivals to the jail.

43. The new pod had many detainees we did not know before. After the move, we were in close physical contact with these new people.

44. I have also noticed that lockdowns happen more often, but the officers provide little or no explanation to the detainees. During lockdown, we are required to return to our cells immediately, but do not know how long we will have to wait.

45. Recently, the correctional officer who brings the laundry to my pod told me that she would not be at work the next week because all correctional officers in the jail are required to self-isolate for 14 days at staggered intervals. The next time the laundry came, an inmate brought it instead of the correctional officer.

46. The meals are also prepared and delivered the same way they were before we learned of coronavirus. Detainees bring food on a cart from the kitchen to the dayroom of our pod. Those detainees do not wear masks or gloves. I and the other detainees stand in line to get trays of food from the cart. The trays are stacked one on top of the other without any covers over the food on the trays.

47. Once we get our trays of food, we find seats at the tables in the dayroom. To fit everyone, we usually sit five or six people at a table, even though each table is meant to seat only four people. When I sit at the table during meal times, other people are sitting just inches away from me on each side.

48. The dayroom is generally crowded throughout the day making it impossible to stay six feet apart from other detainees.

49. Since the correctional staff does not give us much information about the coronavirus, I do not know if anyone in the detention center has tested positive for the virus or even if people are getting tested.

50. I have seen some sick-looking detainees go to medical staff. One Congolese man in my pod was isolated in his cell for about seven days before he was allowed to return to the general population. His roommate was sent to a different cell during that time.

51. Another time, a Russian man went to sick call and met with the medical staff. He was given a mask to wear, but he took his mask off when he returned to the pod. The officer in the pod asked him why he took his mask off and then put him in lock down in his cell for about a week. The Russian man was alone in his cell in the pod during the lockdown. After this, he was allowed back into the pod for two days before the jail staff moved him. I do not know where they took him.

Hygiene

52. I try to wash my hands regularly but I have limited access to soap. ICE provides one small bar of soap per week but these bars hardly last more than one or two hand washings. I typically buy three additional bars of soap at commissary per week. These are larger than the bars ICE gives us, but are still very small. Each bar of soap costs \$2.11.

53. We are given paper towels to dry our hands, but it takes some preparation to keep enough towels on hand now that the correctional officers are no longer stationed in the pod. We used to be able to pick up paper towels from the correctional officer's desk in the pod. Now, when an officer enters the pod, I have to catch the officer quickly to request the paper towels before the officer leaves. I can sometimes get the guards' attention by waving empty paper towel rolls in front of the cameras.

54. I have never seen any hand sanitizer available in any pod that I have been held in, whether in the McHenry County Jail or the Dodge County Detention Facility.

55. Sometimes we are unable to shower for days on end. My cellmate never takes showers.

56. I do not complain about things like the lack of soap or days without showers because if you complain, jail officials put you on lockdown for days. I see this happen to other detainees every day.

57. Every day after dinner, everyone goes on lockdown except for two cells, which alternate every night. The four detainees from those cells are responsible for cleaning the day room.

58. The guards give us a bucket of water pre-mixed with some kind of cleaning detergent. We are given a broom and mop to clean the floor. We are given two spray bottles with some kind of cleaning fluid to clean the showers and the tables in the day room. I do not know what kind of cleaner is in the bucket or the spray bottles.

59. Everyone is responsible for cleaning their own cell. The jail staff will give us the same cleaning supplies used in the day room if we request them. I clean my cell every day.

60. When my cellmate and I were moved to the new pod, our new cell was filthy. I asked for ten minutes to clean the cell, but the guards told me to clean it in the morning, so we had to sleep that night in a dirty cell. All I could do was use some toilet paper and water to at least clean the mattress before putting the blanket on. I do not know who lived in that cell before me.

61. My cellmate and I are in the cell together all night and in the day during lockdowns and when we both go to our cell. In early April, my cellmate developed a persistent cough. He suppresses and hides his cough during the day because he does not want to be put in isolation, but he coughs all night long. He has not asked to see a doctor, and the correctional staff

does not see or hear him coughing now that the guards are no longer stationed in the pod. Our bunk beds are stacked so close that I can touch the top bunk while lying down on the bottom one, and I have to be careful to avoid bumping my head when I stand up. I have tried to keep my head down and sleep with my head in the direction of my cellmate's toes.

Conclusion

62. I am not able to protect myself from the coronavirus in immigration detention. Jail officials have not given me any information other than to post a notice with the impossible advice to stay six feet from other people at all times. Jail officials have not given me any help to keep me from getting infected. I continue to live in a crowded pod, using the same tables and equipment as dozens of other detainees who do not wear face masks or gloves, or any other protection. I share a tiny cell with a man who coughs all night.

63. My detention has been very difficult for my family. Even now, after more than six weeks in immigration detention, my youngest daughter does not understand why I am not at home with her. When I call home, she frequently asks when I will be coming back.

64. My wife is also very stressed at the moment. I was the primary wage earner in our home and we have been relying on our savings since I have been detained. Now that our children are out of school she must stay home all day to care for them and she cannot find a job.

I, Rebecca K. Glenberg, certify that I drafted this declaration based on Mr. Dembele's statements. I also certify that I read this declaration to Mr. Dembele by telephone on April 11, 2020 and that he certified that the declaration is true and correct to the best of his knowledge.

Dated: April 17, 2020

/s/ Rebecca K. Glenberg

Rebecca K. Glenberg
American Civil Liberties Union of Illinois
150 N. Michigan Ave.
Suite 600
Chicago, IL 60601
Tel. 312.201.9740