



**FREEDOM
FOR IMMIGRANTS**



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February 18, 2020

Re: Retaliatory use of solitary confinement against men in hunger strikes

Dear Acting Field Office Director Joyce, Deputy Field Office Director Cephas-Kimbrough, Warden Cole, and Assistant Director Smith,

Freedom for Immigrants (Southern Poverty Law Center, and Louisiana AID?) formally submit this complaint regarding the inappropriate and retaliatory use of solitary confinement against men on hunger strike at GEO's Jena LaSalle Detention Center: [REACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]. After over 100 days, [REDACTED], [REDACTED] and [REDACTED] continue to be segregated from the general population and are now each placed in solitary confinement with no access to other individuals or the outdoors, reportedly as a punitive measure intended to force them to break their hunger strike. Similarly, before ICE deported [REDACTED] and released [REDACTED] from its custody, they were forcefully segregated from general population and placed in solitary isolation units, the latter for the entire 88 day duration of their hunger strike. [REDACTED] was deported directly in advance of an external clinical evaluation without ensuring medical stabilization through refeeding protocol.

The inappropriate use of isolation against the five men who are or were on hunger strike is in violation of ICE's own PBNDS 2011, 2.12 Special Management Units standards that establishes that "administrative segregation" must not be punitive and that the use of segregation against hunger strikers "shall be removed if...the segregation placement has resulted in deterioration of the [detained person's] medical and mental health." Their solitary confinement is both punitive in nature and directly impacting the mental health of these asylum-seekers peacefully exercising their right to protest their prolonged incarceration.

Timeline: use of solitary confinement according to medical records and detainee reports

- **[REDACTED], 106 days in segregation**
 - November 1, 2019: Starts a hunger strike protesting confinement
 - November 4, 2019: Medical personnel starts monitoring [REDACTED] health in response to his hunger strike
 - November 5, 2019: Is placed in a segregation unit due to lack of MHU
 - January 26: Reported punitive isolation in solitary cell, where he has been told he will remain until hunger strike is broken. Report made to community member with Louisiana Advocates for Immigrants in Detention during a social visit.

- **[REDACTED], 106 days in segregation**
 - November 1, 2019: Starts a hunger strike protesting confinement
 - November 4, 2019: Medical personnel starts monitoring [REDACTED] health in response to his hunger strike
 - November 5, 2019: Is placed in a MHU

- February 2: Report of [REDACTED] punitive isolation provided by [REDACTED] to community member during social visit
- **[REDACTED], 106 days in segregation**
 - November 1, 2019: Starts a hunger strike protesting confinement
 - November 4, 2019: Medical personnel starts monitoring [REDACTED] health in response to his hunger strike
 - November 5, 2019: Is placed in a MHU
 - February 2: Report of [REDACTED] punitive isolation provided by [REDACTED] to community member during social visit
- **[REDACTED], 88 days in segregation, released to community**
 - November 1, 2019: Starts a hunger strike protesting confinement
 - November 2, 2019: Placed in isolation within a solitary cell
 - November 4, 2019: Medical personnel starts monitoring [REDACTED] health in response to his hunger strike
 - November 5, 2019: Is placed in a segregation unit due to lack of Medical Health Units (MHU). Remains in isolation for the entirety of his time detained
 - January 31, 2020: [REDACTED] is released on bond upon advocacy from Louisiana Advocates for Immigrants in Detention, Voces Unidas: Louisiana Immigrant Rights Coalition, and other concerned community.
- **[REDACTED], 83 days in segregation; deported without medical stabilization**
 - November 1, 2019: Starts a hunger strike protesting confinement
 - November 8, 2019: Is placed in a segregation unit due to lack of MHU
 - November 14, 2019: Medical personnel starts monitoring [REDACTED] health in response to his hunger strike
 - January 26: Report of [REDACTED] punitive isolation provided by [REDACTED] to community member during social visit
 - January 29, 2020: [REDACTED] is deported directly in advance of an external clinical evaluation without ensuring medical stabilization through refeeding protocol

Inappropriate and retaliatory use of solitary confinement

All five men were placed in administrative segregation following their strike, purportedly so ICE could monitor their health. However, the men's direct testimony leads us to believe that the use of segregation against the five men hunger striking hasn't been exclusively for medical monitoring purposes. As shown in the timeline above, there is a gap of between 3 days between when the men started their hunger strike and when they were placed in segregation for medical monitoring. This matches the men's account of being placed in disciplinary segregation (also known as "el pozo") in retaliation for starting their strike just after they missed 3 meals. Further,

the men who remain detained are now kept in complete isolation, serving no medical function and, according to the men, leading to an adverse impact on their mental health.

When first placed in medical monitoring, all of the men except Vikas were able to remain in MHUs together. He states that he remained isolated the entire time due to being singled out as the hunger strike leader. The other men detained reported facility staff took the step to isolate them in recent weeks, stating they will be placed with others again only if they break their hunger strike. Effectively, facility staff is using the mental distress caused by isolation to punish [REDACTED], [REDACTED] and [REDACTED]. This goes directly against ICE's PBNDS 2011 standards that mandate that administrative segregation should not be punitive in nature.

The length of the use of solitary confinement is especially concerning. United Nations (UN) experts have previously called for the ban of the use of solitary confinement. According to the UN, isolated confinement that lasts over 15 days is excessive and should be prohibited. Solitary confinement leads to mental suffering, and per the UN "it can amount to torture or cruel, inhuman or degrading treatment or punishment when used as a punishment, during pre-trial detention, indefinitely or for a prolonged period, for persons with mental disabilities or juveniles."

We are especially concerned about the ongoing isolation of [REDACTED], [REDACTED] r and [REDACTED] due to the frail state of their health and the prolonged duration of their segregation and now complete isolation. Per ICE's own PBNDS 2011 2.12 Special Management Unit standards, segregation shall not be punitive against people peacefully protesting. Further, PBNDS 2011 also establishes that segregation shouldn't be used if it's having an impact in the individuals' mental health.

For this reason, Freedom for Immigrants, Louisiana Advocates for Immigrants in Detention, and Southern Poverty Law Center requests that:

1. The Office of Civil Rights and Civil Liberties investigates the improper and retaliatory use of solitary confinement against all five men;
2. The Office of Civil Rights and Civil Liberties recommends to ICE that it cease to use solitary confinement as a punitive measure against [REDACTED], [REDACTED] and [REDACTED]; and
3. The Office of Civil Rights and Civil Liberties recommends to ICE that it re-evaluate [REDACTED], [REDACTED] and [REDACTED] to confirm the mental health deterioration they are undergoing, and to release them from isolation.

Sincerely,

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