

## EXHIBIT C

(Declaration of Adham Hassoun)

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

ADHAM AMIN HASSOUN,

*Petitioner,*

v.

JEFFREY SEARLS, in his official capacity  
Acting Assistant Field Office Director and  
Administrator of the Buffalo Federal  
Detention Facility,

*Respondent.*

Case No. 1:19-cv-00370-EAW

**DECLARATION OF ADHAM HASSOUN**

1. I, Adham Amin Hassoun, am the Petitioner in his case. I submit this declaration in support of the emergency motion requesting that I be transferred out of the Buffalo Federal Detention Facility to be detained under home incarceration with family.

2. I have been detained at Batavia for nearly 30 months, since October 2017, after completing my criminal sentence.

3. I suffer from a number of chronic medical illnesses. These diseases include Asthma, Coronary Artery Disease, Hypertension, Diabetes Mellitus type 2, and Hyperlipidemia.

4. I have previously had two stents placed in my coronary arteries because of my cardiovascular disease.

5. I am currently prescribed numerous medications to attempt to treat these illnesses, including Albuterol Sulfate, Nitroglycerin, Atorvastatin, Carvedilol, Ranitidine, Sucralfate, Pioglitazone, Lisinopril, Hydrochlorothiazide, Metformin, Glipizide, and Clopidogrel bisulfate, and several others.

6. During my time in detention at the Buffalo Federal Detention Facility, I have been taken to the hospital many times to treat acute medical illnesses.

7. I was most recently hospitalized on Friday, February 21, 2020. I was taken to the hospital by ambulance and kept in the hospital days for tests and observation through Sunday, February 23, 2020.

8. Around mid-February, I began a hunger strike to protest my continuing indefinite detention without criminal charges or trial. The government's decision to hold me indefinitely with no end in sight has taken a severe toll on me mentally and physically. Going on hunger strike is one of the only things I can do to protest the injustice of my situation.

9. Even though I have been on hunger strike I have intermittently taken meals, particularly after my hospitalization in late February in order to try to avoid requiring hospitalization again.

10. Since I learned about the spread of the COVID-19 pandemic, I remain on hunger strike but I am typically eating one meal every other day in order to keep my strength and not to collapse and be a burden on the health care facilities. I understand that hospital facilities in the community are urgently needed to care for people who have been infected with the virus and I do not want to burden health care providers.

11. I am currently held in a medical observation cell that is located in the Special Housing Unit of the Buffalo Federal Detention Facility. My cell is not specially designed to prevent viruses from entering. It is an ordinary cell, except that it has a large glass window and is wheelchair-accessible for disabled people.

12. I have been informed by medical personnel at the facility that I am not safe from the virus, despite the precautions that I or others may take.

13. The health care providers are contractors employed by ICE to look after detainees.

14. Health care providers at the facility have told me repeatedly that I personally am acutely vulnerable to this illness because I suffer from many chronic illnesses that are serious risk factors and because my immune system is compromised. They have advised me to eat more frequently to boost my immune system.

15. One health care provider has personally told me that I am not safe from infection even though I am held in a medical observation cell in the Special Housing Unit. That provider explained to me that I can be infected any time I come into contact with a health provider, or a unit officer, or any shared surfaces or spaces within the facility.

16. The same provider also explained to me that there was no way to know whether they or other health care providers or other facility staff were already infected with the virus and potentially spreading the disease into the detention facility. The health care provider explained to me that they are fighting “an enemy that they cannot see.”

17. The same provider explained to me that they and other staff members leave and come back to the facility every day, and that no matter what precautions they take, staff might catch the virus and easily spread it within the facility. The provider explained that they might be carriers of the virus without even realizing it. The provider said that given these realities there was no way to effectively prevent the spread of the virus or for me to protect myself from infection.

18. A few days ago one health care provider came to check on me. They were covered head-to-toe in personal protective equipment. Their feet, body, and head were completely wrapped up in protective gear.

19. This was the first time I had seen anyone in the facility dressed in this manner. I was alarmed when I saw this and immediately thought that someone in the facility must be sick with the virus.

20. I asked the provider if they were infected or if someone else inside the facility was infected with the virus. The provider responded to me by saying; "I am not at liberty to say." The provider told me that they were heading to check on detainees in another unit.

21. Based on this interaction, I fear that we already have the virus in the facility. There have not been any official announcements, however.

22. While the facility appears to be taking some preventive measures, it is failing to take many other measures. I believe that the health care professionals at the facility are correct that the facility cannot prevent the disease from spreading and cannot protect me, personally, from becoming infected.

23. For example, detention officers who staff my unit and travel throughout the facility often do not wear masks.

24. I personally have health checks three times per day in a medical room inside the Special Housing Unit. The health providers who treat me in close quarters during these visits sometimes do not wear masks or gloves. While I greatly appreciate that the facility is keeping tabs on my health, I understand that I could easily become infected during one of these check-ins.

25. The medical staff who see me on a daily basis during these medical visits come into contact with detainees and other people elsewhere in the facility. I understand that they could be carrying the virus from one place to another, including from the main medical unit to the Special Housing Unit. They have told me as much.

26. In order to prepare my legal case, I must use a computer to review documents and files that have been produced by the government. I can only do so in the small law library, known as the “quiet room,” that is located within the Special Housing Unit. That room is shared by everyone else who is housed in the Special Housing Unit. There is no way for me to properly disinfect that space before using it.

27. I am only able to watch news by using a tablet that the facility provides, which is also shared with other detainees. Sometimes the facility cleans the tablets, but sometimes they do not.

28. Detainees in my unit share other items including the microwave, a phone booth, computers, a typewriter, and a telephone that is used to place confidential calls with attorneys.

29. Alcohol-based sanitizers are banned for the detainees in the facility, and I am not permitted to use other disinfectant sprays to sanitize items or touch points in the facility myself. I can only use napkins and water to sanitize items.

30. If and when someone contracts the virus at the facility—if it hasn’t happened already—I assume that those people will be isolated either in the medical unit or in the segregated Special Housing Unit where I am located. They would be treated by the medical staff who are also treating me. I believe that this would further increase the risk that I could be infected with the virus.

31. I believe that I would be much safer if I could be quarantined in a private home.

32. My sister has told me that she is ready and willing to keep me safe inside her house during the pandemic.

33. I am willing to agree to house arrest and whatever conditions of monitoring and surveillance or other restrictions that the government wishes to impose while I am in house arrest

quarantined with my sister. I will not do anything to endanger anyone or anything, and I am happy to allow the government to track my every move and contact in order to satisfy them that I pose no threat. I only wish to protect myself from being infected with a virus that would cause me to become severely ill and perhaps die.

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

/s/Adham Amin Hassoun

Adham Amin Hassoun

Executed on: April 1, 2020  
Batavia, NY

#### **DECLARATION OF JONATHAN MANES**

1. I am an attorney for Adham Admin Hassoun in this pending habeas action.
2. I read the above declaration to Adham Amin Hassoun by telephone on April 1, 2020.
3. Mr. Hassoun verified that all of the statements in the declaration above are true and correct.
4. Because of coronavirus-related travel restrictions and the urgent nature of the motion that this declaration supports, we are unable to get Mr. Hassoun's physical signature on his declaration.
5. Mr. Hassoun has specifically authorized me to sign on his behalf, and I have done so by affixing his electronic signature above.

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

/s/Jonathan Manes

Jonathan Manes

Executed on: April 2, 2020  
Chicago, IL