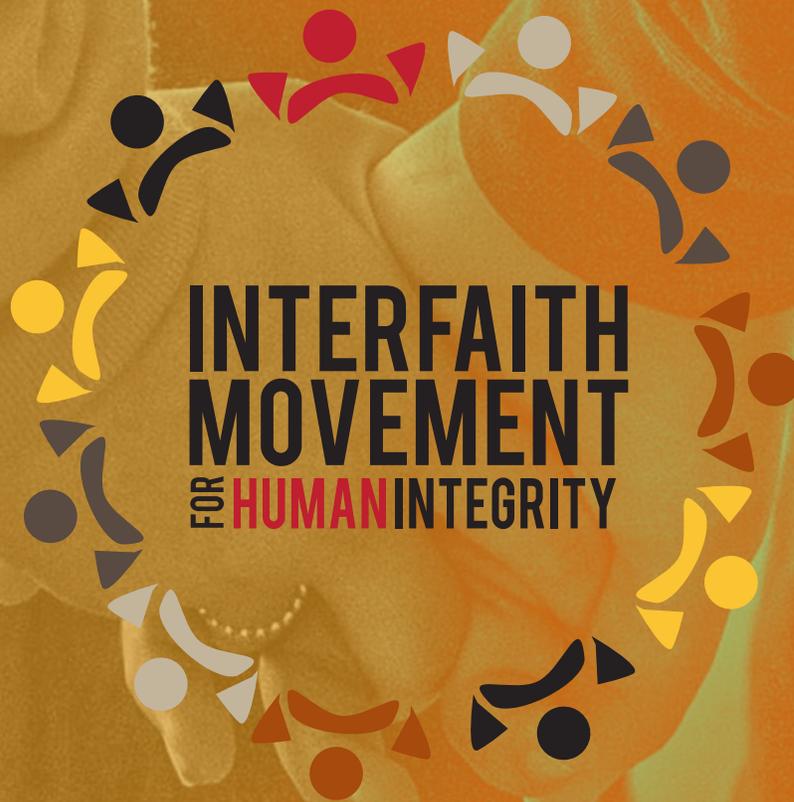


LESSONS FROM
THE ICE DETENTION
CONTRACT TERMINATION
IN CONTRA COSTA COUNTY, CA



EVERY HUMAN PERSON IS SACRED ACROSS ALL BORDERS

DECEMBER 2019

Free MY
Dad For MY
Quinceañera

Michelle



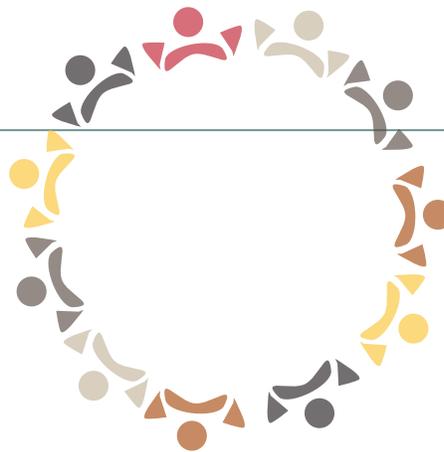
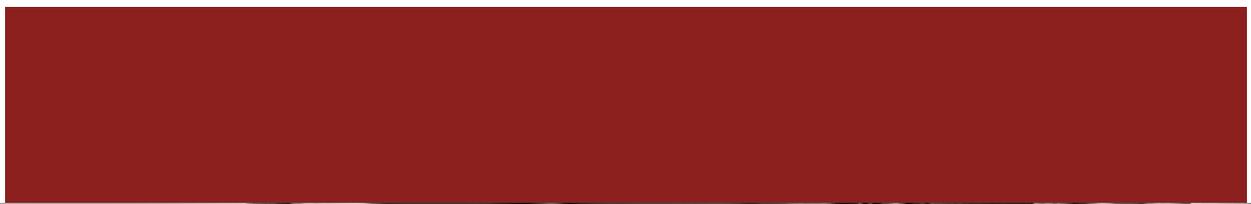


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INTRODUCTION

In July 2018, the sheriff of Contra Costa County announced he would end his contract with ICE to house about two hundred immigrants in the West County Detention Facility (WCDF) in Richmond, California. The closure was a dramatic moment, after a seven-year public education campaign led by the faith community.

During the months and years before the announcement, congregations and faith-based organizers had educated the public, built a network of relationships with lawyers and community-based organizations, and cultivated champions among elected officials. They created a safety net of accompaniment and support for detained migrants and their families. When the sheriff decided to end the county's involvement in detention, detained immigrants, their families, lawyers, and community-based organizations scrambled to respond and adapt.

A year later, after the passage of a law ending the use of private prisons and detention facilities in California, we convened some of the key players to discuss the lessons we learned. The issue is more vital than ever. Community efforts to prevent the creation of new detention centers and close existing ones are taking place across the country. The decision to shutter detention facilities sometimes occurs unexpectedly, the result of decisions made by ICE or local authorities, leaving communities to respond rapidly. As advocates fight for immigrant justice, questions persist about whether closing detention facilities is desirable. Do the advantages of closure outweigh the difficulties for families and legal representatives? Do closures have unintended consequences? How can we best mitigate the challenges so they can be an opportunity for liberation?

This report aims to share some of the accomplishments, challenges, and lessons that emerged from the end of the ICE contract in Contra Costa County. It is intended to be useful to others, so that communities who are pursuing or preparing for the closure of detention facilities can respond in the best possible way.



EXECUTIVE SUMMARY

Community efforts to prevent the creation of new detention centers and close existing ones are taking place across the country.

The report contains a list of accomplishments, challenges, and recommendations that emerged from the end of the ICE contract in Contra Costa County. Boiled down to their essence, here are the most important lessons we learned and the areas of work that most need funding support.

- 1** Responding to the closure of an ICE detention facility requires a major collective effort. Long-term organizing and increasing pressure from visible protests and demonstrations were critical in turning public opinion against the ICE contract in Contra Costa County. In response to the planned contract termination, there was a role for everyone. Lawyers and community-based advocates collaborated to support people in detention. Some people raised bond money to secure immigrants' release. Volunteers "packed the court" to accompany migrants to hearings and demonstrate public support. Communications experts used media strategies to expose abuses, advocate for individuals, put pressure on public officials, and demand procedural justice during the contract termination process. It was critical to coordinate activities, data, and resources. We created a joint bond fund to raise money for people in detention and a shared trove of stories of people inside the facility that we could use with the media or others. Collaboration was critical at every step of the way, but it wasn't always easy. Communities facing similar challenges will benefit from investments to create spaces and vehicles for stakeholders to connect and coordinate.
- 2** Take advantage of the opportunity for release. The context of a contract termination provided an opportunity to create pressure to release those held in detention. The central strategy that emerged from the advocacy community was "release, not transfer." ICE sent a message (implicitly and sometimes explicitly) that the only option at the time of a closure or contract termination was transfer, a negative outcome for which advocates should take the blame: our central message was that the goal was to restore freedom to people who had been detained, whether or not a transfer was imminent. Ultimately, we were able to use contract termination as an opportunity to demand the release of people who were detained at the facility. In retrospect, it is clear that reducing detention space was a victory. It contributed to the idea that detaining immigrants is immoral and unnecessary, strengthened the movement to end immigration detention, and seems to have led to a reduction in local immigration enforcement activity.
- 3** Build trust and understanding. The community that worked on the termination of the ICE contract at WCDF has a wide array of opinions on the immigration system and endorses an array of strategies. Some support the abolition of incarceration, while others are focused on meeting the immediate needs of individual immigrants or improving conditions. In our case, because we had built relationships and trust over many years, we were able to bridge those differences. Dialogue, conversation, and community can provide an opportunity to connect

short-term local struggles with a wider long-term project and reduce the sense of conflict. Investing time and resources to help stakeholders come together and appreciate multiple perspectives is invaluable.

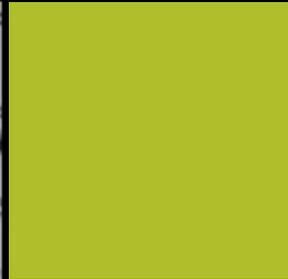
- 4 Strengthen leadership of people who have been detained and their families. Communication with people in detention and their families wasn't always easy, but it was always worth the effort. When people who were detained were informed and engaged, they often played a critical role in organizing others within the facility. When their families were embraced by community-based organizations, they had the courage to step forward and speak publicly. We encourage others to invest in the leadership and moral authority of those with first-hand experience of immigration detention and their loved ones. The faces, experiences, and narratives of real people were vital to raising money, winning public attention, and building community support.
- 5 Advocacy around specific demands at the time of contract termination can make a crucial difference. In the report, we share some insight about strategies for seeking legal access to the facility, winning individual court cases, challenge ICE, and enlisting the help of local officials. Our work was most effective when we positioned it as part of a wider battle to challenge the morality and legality of immigration detention and demand accountability and transparency from ICE.
- 6 Provide ongoing support for individuals in detention, no matter what happens. We encourage legal and community-based advocates to maintain connections with detained people and their families and continue to provide help as they are transferred or released. Flexible funding is critical so legal service providers can support detained clients even when they are transferred out of state, ensure due process, and work to bring them back. We devised creative ways to maintain connections after transfers and collaborated with community-based organizations near other facilities to support people who were transferred and see them eventually get released. It was equally important to maintain connections with families after their relatives were relocated to other facilities. Families continue to need information, financial support (they may have lost the family breadwinner), and accompaniment. Finally, even after people are released, they and their families may still need help. Organizations that support immigrants should collaborate to create a stronger safety net for migrants who have been detained, so they have support after they are released back into their community.

ACCOMPLISHMENTS

There was a lot to celebrate in the work around the WCDF contract termination. Here are some of the victories mentioned by participants:

- Public education worked. The faith community led vigils at the ICE detention center monthly for six years, then twice a month for a year and a half. When the Families Belong Together campaign launched nationally to protest family separation, there were protests at the West County facility every few days, culminating in a massive demonstration of 4,000 people on June 30. The increasing pressure of vigils and protests was critical in turning public opinion against the ICE contract.
- Reducing detention space was a victory. It contributed to the idea that detaining immigrants is immoral. It was part of a growing trend in California and other states, and belongs to the long-term effort to end the detention of migrants.
- Many of the people detained in WCDF at the time they announced the contract termination were ultimately released. Lawyers and advocates have information on about two-thirds of them. Of those we know about, approximately 20% were bonded out, either before or shortly after transfer; 33% were transferred; and 25% were transferred out of state.
- California legal service providers continued representing their clients in other jurisdictions. Lawyers have advocated successfully for funding to represent migrants and families transferred out of state. In about half the cases where people were transferred, attorneys and advocates were able to keep their cases in California. In at least two cases, attorneys had clients returned to California after transfer.
- The end of the WCDF contract led to a reduction in local immigration enforcement activity. We don't have solid data on this, but anecdotal evidence suggests that fewer people from Northern California are now being detained. ICE itself has admitted as much, pointing to reductions in bed space as a "challenge" to their operations. If true, it suggests closing detention facilities doesn't just redirect immigration detention; it actually bites away at it. Less bed space makes it harder to house, detain, and deport people.
- Legal and community-based organizations created a joint community bond fund that was an amazing success. During the last few years, bonds have become punitively high. Judges claimed that asylum seekers were a flight risk, because they didn't have roots in the community, and people with prior convictions were a risk to the community. As the price of freedom became prohibitive, organizations in the Bay Area came together to solicit donations to help people who were detained be released on bond. The Contra Costa County Community Bond Fund, managed by Freedom for Immigrants, raised \$236,000 and helped support the release of 40 people, with an average bond of \$10,000. It also distributed resources to meet emergency needs for 22 families who were not bond-eligible, and paid for 21 flights or bus rides so those released from detention could return home. Interfaith Movement for Human Integrity created a toolkit for congregations to hold fundraisers.

- Media coverage (of the ICE contract termination and its aftermath) largely focused on the words of people inside the detention facility and their families, with good coverage of the conditions and abuse experienced by people detained at the center. During the years before closure, we had provided a public platform for people who had been released to discuss the conditions inside and helped convey feedback from those currently detained to the media. After the closure, Interfaith Movement held a press conference featuring families of the detained migrants who would be affected by the termination of the ICE contract. We were particularly glad that journalists put migrants, rather than advocates and allies, at the center of their stories.



CHALLENGES

We encountered a set of pressing challenges. Here are some of the most urgent.

- When the sheriff announced the end of the ICE contract, he gave only a single month's notice, leaving families and legal service providers scrambling. Immediately after the announcement, ICE began transferring people to facilities in California, Colorado, Washington, and Hawaii, months before the contract formally ended. Many of us believe this was an intentional tactic to prevent organized response.
- To this day, neither lawyers nor community organizations have an updated list of the people detained at the facility and what happened to them. While the criminal justice system is required to release information about jail and prison inmates, ICE does not release data or information about residents of detention facilities. Supporters didn't know who was in the facility, which made it hard to support them, and no one (even people detained at the center and their families) knew where people were relocated until they arrived.
- Neither people detained in the facility nor their families didn't know what was happening. Advocates endeavored to communicate, but opportunities were limited. As a result, there was a lot of fear and confusion.
- Outsiders didn't have adequate access to the population detained at the detention center, which made it hard to share information, circulate resources, and identify problems to solve. The sheriff and other officials deliberately made it difficult for us to access those in detention and their families. They closed off the previously open parking lot at the facility, put up multiple layers of fencing, prohibited advocates from entering the grounds, and even closed the parking lot in the nearby regional park – all to prevent us from being able to share information with those who might benefit from it. Legal services providers had the best access to detained individuals, but lacked a systematic method for collecting and sharing data among the various organizations providing services.
- There was initial uncertainty about what the end of detention at WCDF would mean for its residents and their families. Many people supported the contract termination as a rejection of ICE and a step toward the end of immigration detention in California. Some legal advocates were concerned that transfer out of state would make it harder to represent their clients. It certainly required more resources to represent people detained by ICE when they were out of state. And in many cases, transfers produced hardship for individuals, families, communities, volunteers, attorneys, and supporters.

EXPERIENCES, LESSONS, AND RECOMMENDATIONS

Here are some of the most critical lessons that emerged from the process.

OVERALL RECOMMENDATIONS

- 1 ACT FAST.** Transfers began before we were ready, and there was a lot of preparation that would have been useful. There are a number of things that veterans of the WCDF contract termination encourage people to do as soon as possible, to make future closures easier:
 - Build relationships. In the Bay Area, there was a dense network of relationships among the faith community, advocacy organizations, legal service providers, and other community-based organizations. We drew on the trust and relationships that existed when the contract termination was announced.
 - Inform people detained by ICE about what we know, tell them how to reach advocates, and provide avenues for them to stay in touch.
 - Compile data and contact information on residents of the detention center(s).
 - Push for more access for lawyers, families, and community organizations.
 - Lawyers should strive to get all people in immigration detention represented by attorneys as quickly as possible, before transfers begin, so they have advocates and points of contact throughout the process.

In communities that anticipate the closure of detention facilities, don't wait to start taking these steps. Even if AB32 doesn't result in the closure of California's remaining detention centers, these steps can be taken right away.

- 2 TAKE ADVANTAGE OF CLOSURE TO WORK FOR RELEASE.** The context of a contract termination provided an opportunity to create pressure to release people held in detention. The central strategy (and message) that emerged from across the advocacy community was "release, not transfer." It was important to respond to the message from ICE that the only option at the time of closure or contract termination was transfer, a negative outcome for which advocates should take the blame: our central message was that the goal was to restore freedom to people who had been detained, whether or not a transfer was imminent.
- 3 TAKE ADVANTAGE OF POLITICAL OPENINGS.** Pressure to end the ICE contract in Contra Costa built over years. It accelerated after the election of 2016, built further as immigrant rights advocates created networks of sanctuary organizations and cities, and then spiked higher when family separation at the border became a national scandal. Although no families were detained at WCDF, the site emerged as a symbol for anti-immigrant policies. We were able to take advantage of national political opportunities to draw attention and advance our local cause.

4 EXPAND STAKEHOLDERS. In addition to cooperation between the faith community, community-based organizations, and legal service providers, there are opportunities to involve other stakeholders in legal testimony, visitation, advocacy, and public education. Here are some constituencies who were not deeply involved in WCDF but could be useful in other closures:

- Health professionals. Mass incarceration is a public health problem, and increasingly, people in the health community are becoming radicalized. They can be useful in the bond and parole processes, for example in explaining why people might need humanitarian parole.
- Psychologists can do evaluations and talk about the mental health concerns of people in detention during the legal process.
- District attorneys can be allies, such as the new San Francisco D.A.
- Experts in substance abuse can provide important testimony. Many of the immigrants with criminal records have DUIs, which can be put in context by experts on recovery and addiction.
- People in the tech industry can raise resources, make donations, hold fundraisers in their houses, and forge connections with lawmakers and other public officials.
- AirBNB hosts could be recruited to provide temporary housing and sponsorship for people who had recently been released from detention.
- Labor unions are a natural ally. They have resources, experience with advocacy, and relationships with elected officials. Many have large immigrant memberships, and others have an ideological commitment to immigrant and refugee rights.
- Local law enforcement officers may sound like unlikely partners, but many sheriffs and operators of local prisons and jails do not like private prisons.

5 RAISE MONEY. Responding to the contract termination was a massive and complex undertaking, and the organizations involved spent extensive resources on it. We encourage others to educate funders on these issues early in the process, help them see how activity in this moment relates to longer-term goals and national movements, and urge them to support these efforts.



COORDINATION

6 BUILD TRUST AND UNDERSTANDING. The community that worked on the termination of the ICE contract at WCDF has a wide array of opinions on the immigration system and endorses an array of strategies. Some support the abolition of incarceration, while others are focused on meeting the immediate needs of individual immigrants or improving conditions. In our case, because we had built relationships and trust over many years, we were able to bridge those differences. Here are some specific things that could be helpful:

- A community panel might have provided an opportunity to connect short-term local struggles with a wider long-term project, to reduce the sense of conflict.
- Strategize around better ways for lawyers and community-based advocates to collaborate to support people in detention.
- Coordinate support activities. Many organizations did work that overlapped. Improved coordination would have helped more people get the community support they needed. For example, we could have done a better job of coordinating “pack the court” activities.

7 SHARE AND COMBINE DATA. Without ICE releasing public records about people held in detention, where they are transferred, and if and when they are released, attorneys and community organizations struggled to know who needed help. Most of the information came from lawyers’ visits to the facility and input from families with relationships to community organizations. We urge other organizations in a similar situation to create a centralized repository where you can gather information on individuals and track what happens to them and how to reach them and their families. This is one of the things that should be done as soon as possible: the sooner organizations can begin to identify the people who are detained and understand what the population looks like, the sooner they can develop strategies for different groups and meet residents’ needs. LOP visits and other opportunities for attorneys to get inside detention centers should be used to gather information. Legal volunteers could help gather, compile, and update information.



COMMUNICATION

- 8 COMMUNICATE WITH PEOPLE WHO ARE DETAINED AND FAMILIES.** When the sheriff announced the facility would no longer house ICE detainees, people detained at the facility and their families didn't have good information about what was going to happen to them. The level of anxiety was very high, as migrants worried they would be isolated and far from their support system. Community-based organizations created a one-page flyer in English and Spanish that listed resources so people could understand the process and seek different kinds of support (legal, financial, accompaniment, etc.). WCDF passed it out to residents and made it available in their lobby to visitors. However, by the time they circulated the flyer, transfers had already begun. This should have been done immediately.
- 9 BETTER OUTREACH TO FAMILIES.** We would have benefited from more intentional and coordinated outreach to families to educate them about the closure and transfer process.
- One challenge was how much information to gather. We initially used a lengthy intake form to get information from families, assuming it was the start of a longer relationship of accompaniment, but after the July announcement, when everything began to move more rapidly, we pared it down to the essentials. However, this abbreviated format missed some important information about what people needed. (Some families required more and different kinds of advocacy and support.)
 - Gathering information wasn't always easy. The facility kept restricting access: by the end, we were flagging down families on the road to talk to them.
 - We tried to organize families to take leadership roles in speaking at press conferences and advocating for their relatives, with some success.
- 10 USE THE FREE HOTLINE.** Freedom for Immigrants created a free national hotline with an 800 number so people in ICE detention and their families could call in and tell where they were or get access to resources.



PUBLIC EDUCATION

11 PUBLIC EDUCATION IS CRITICAL. The closure of WCDF followed seven years of monthly faith vigils and other public education activities that grew in scale. During this time we educated progressive organizations, faith communities, law-makers, opinion leaders, and other stakeholders. We won broad community support. This work helped bring about the contract termination and strengthened the hands of advocates when we urged humane processes for the end of the detention contract. It also built support for the release of individuals, who used earned and social media to make their case. After WCDF stopped housing detained immigrants, the faith community shifted to holding vigils at the San Francisco ICE office.

12 INDIVIDUALS MATTER. One dead child is a tragedy. 10,000 dead children is a statistic. In the same way, stories of people inside WCDF were vital for public education campaigns. The faces, experiences, and narratives of real people build enormous community support. They were essential to raising money for bond funds. We created a shared online document with the stories and photographs of individuals in detention (when the families authorized making their stories public), and we made this resource available to journalists, volunteers, and donors to the bond fund. We encourage advocates to collect stories of immigrants who had been detained and share them through earned and social media.

13 SOME OF OUR MOST SUCCESSFUL TACTICS. Here are a few public education moments that stood out:

- Christian, Muslim, Jewish, Buddhist and interfaith communities led vigils using language and symbolism from their individual faiths. Altogether, the faith community hosted more than a hundred vigils on site.
- At one of them, participants organized a release of doves to create a visual symbol of liberating people who were being held behind bars.
- As part of a national strategy, Freedom for Immigrants held a people's tribunal in front of the detention facility.
- One immigrant family held their daughter's quinceañera in front of WCDF, where her father was imprisoned, as part of a campaign to win support for his release. The video of this event went viral.
- 27 women inside WCDF told advocates they wanted to go public with their complaints about conditions at the center and human rights violations. Their leadership generated significant media attention. Their inability to use the bathroom drew particular concern.

ADVOCACY

14 DEMANDS IN COURT AROUND INDIVIDUAL CASES.

- Build and mobilize community support. Judges often refuse to release people in detention by saying they are a risk to the community. Advocates should argue that we represent the community, and that holding people behind bars doesn't make our community safer. There is an opportunity to do this when we pack the courts for detention and deportation hearings. Bringing wholesome community representatives to hearings (teachers, nurses, etc.) helps strengthen the claim that the community is behind the person in question.
- Bring targeted supporters to bond hearings: e.g. mental health practitioners for cases where there is a mental health question.
- Call community members as witnesses for bond hearings, and if this strategy fails, use media, press conferences, and/or letters of support to convey community support.
- Hold judges accountable for their decisions. We held a press conference denouncing a judge's detention decision and successfully persuaded the judge to release the person.

15 DEMAND FOR THE FACILITY: INSIST ON LEGAL ACCESS. The closure of a detention facility should be a time of increased access, not decreased. WCDF initially restricted lawyers to monthly LOP (Legal Orientation Program) visits, and then in response to demand, agreed to twice a month. Even more would have been better. At one point, the facility wanted to shut down access to counsel for people detained by ICE. Lawyers and community groups negotiated with the facility to maintain and expand access. (It's important to note that visitation and LOPs don't solve all communication problems, particularly for populations that are harder to reach, like people held in solitary confinement or speakers of unusual languages. We encourage supporters to develop strategies to reach these groups.)

16 DEMANDS FOR ICE.

- Challenge out-of-state transfers. The threat of transfers is used as a weapon against detained immigrants. Transfers remove immigrants from their community, support network, and lawyers. As the agency increases reliance on detention transfers as a tool for their deportation machine, advocates should explore legal and legislative strategies to resist ICE's right to transfer people long distances within its network of detention centers. This might be grounds for a legal challenge: the ACLU apparently won a case in San Diego where they prevented ICE from transferring detained people out of state. Another lawsuit (still in progress) argued that transfers were retaliatory. This argument might also be part of public education and decision-maker advocacy, using the language of kidnapping to characterize and reframe the interstate transfer of people in the immigration system.
- Access to data. It would help community organizations and legal service providers if there was more transparency around who is detained, where they are held, where they are transferred, when they will be released, etc. The government refuses to release this information on the grounds of privacy rights, but the individuals in question have not asserted those rights: secrecy is used against those who have been detained by ICE,

not in their interest. Advocates should demand the data be made public and accessible. Given the ongoing national conversation about ICE's failure to collect, maintain, track, and publish information on families separated at the border, this is an opportune time to put pressure on the government to be more transparent around all parts of immigration machinery, including arrests, border activities, and deportations.

- Advance notice of transfers. Lawyers and community-based organizations should request advance notice when people are going to be transferred. Advance notice allows lawyers to make habeas corpus filings, seek humanitarian release, and pursue other strategies.

17 ADVOCACY WITH ELECTED OFFICIALS.

- Meet with elected officials. Concerned community members engaged county supervisors and other decision-makers. Some of them became outspoken advocates for the detained migrants. The supervisor in whose district the facility was located proved to be a critical ally when he decided he couldn't stand for its presence in his district. The local assembly member spoke at the June 30 protest, and the local member of Congress was quoted in the media opposing the contract with ICE. Sen. Feinstein was quoted in the newspaper saying she was upset that women detained at WCDF couldn't use the bathroom. These statements of public support were extremely helpful to our case.
- Urge congressional representatives to put pressure on ICE.
- Join national efforts to reduce detention. We are in a moment when there are national conversations about whether ICE should exist, what its power should be, and what is the proper place for incarceration. There are bills in Congress to restrict immigration detention and improve oversight. People dealing with immigration detention at the local level can contribute to this conversation. Local campaigns that call for the abolition of ICE and/or the end of immigration detention could be a bottom-up, grassroots piece of this national movement.

ONGOING SUPPORT FOR INDIVIDUALS

18 MAKE SURE WE CAN SUPPORT PEOPLE WHEREVER THEY ARE TRANSFERRED.

- Sustain legal support. Lawyers continued to represent their clients even after they were transferred out of state. This was an important message to give to individuals and families, so they understood that being transferred wouldn't mean being abandoned.
- Sustain community support. There are networks of community groups and congregations in many places across the country. Organizations can "hand off" migrants who are transferred elsewhere by helping connect them with supporters on the ground near their new detention center.
- Maintain connection. Faith organizations created a "friends afuera" (friends outside) program to connect people in detention with volunteers. These friends would write letters to reduce the sense of isolation and make monthly contributions to the commissary accounts of detained immigrants.
- Provide ongoing support to families after their relatives are transferred. Families will continue to need information, financial support (they may have lost the family breadwinner), and accompaniment.

19 BOLSTER SUPPORT FOR PEOPLE AFTER THEY ARE RELEASED. Organizations that support immigrants should collaborate to create a stronger safety net for migrants who have been detained, so they have support after they are released back into their community. This includes maintaining connect with families after release, providing bus tickets or plane tickets so people released far from home can return, offering reentry support, providing family therapy, subsidizing families during a period of unemployment, etc.

20 FIND MORE SPONSORS. Getting sufficient sponsors for the release of people who have been detained continues to be a need. A better coordinated system and more support might make it less intimidating for people to volunteer as sponsors.

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