

EXHIBIT G

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

PATRICK R. SMITH and BRANDON S. HOLM,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

WILLIAM P. BARR, in his official capacity as the
Attorney General of the United States; MICHAEL
CARVAJAL, in his official capacity as the Director
of the Federal Bureau of Prisons; and T. J. WATSON, in
his official capacity as Complex Warden for the Terre
Haute Federal Correctional Complex,

Defendants.

No. 2:20-cv-630- JMS-DLP

DECLARATION OF YUSUF AHMED NUR

I, Yusuf Ahmed Nur, declare as follows:

1. I am over the age of 18, of sound mind, and otherwise competent to make this Declaration. The evidence set out in the foregoing Declaration is based on my personal knowledge.

2. I am a professor of business and management at Indiana University Kokomo. I am Muslim and was a spiritual advisor for Orlando Hall, who was executed by the federal government on November 19, 2020. I witnessed Mr. Hall's execution.

3. On the morning of Orlando's execution, I met with him behind a glass window for three hours in USP Terre Haute. Before my visit with Orlando there, I had been processed through security where I came into close contact with multiple BOP staff members. After the morning visit, I was then instructed to leave the prison and drive downtown to the Sheriff's office to be

picked up later by the prison officials and returned to the prison for the execution. When I left the prison at 2:00 p.m., I met with the prison Chaplain (Chaplain Roloff) in the lobby of the building where Mr. Hall was housed. He was the person who told me where to go and what to do. I was told to arrive at the Sheriff's parking lot at 3:30 p.m.

4. When I arrived at the Sheriff's office parking lot, I met with the mother of one of Orlando's children, a friend of Orlando's who came from Texas, and a close friend of Orlando from Indianapolis. The four of us were then met by two female prison officials, a different Chaplain, whose job was to help the family deal with the situation, and a driver. They had us fill out forms, and then we waited for 30 or 45 minutes to receive word that we could come to the prison.

5. At that time, they put all of us into a white transit van with 11 seats. There were eight of us total in the van, including the driver. They had many other security vans and cars; I did not understand why they put us all in the same van. They did not open the windows, and I do not believe that we could open the windows in the back. I estimate that we spent approximately 15 minutes in the van.

6. They drove us to the USP building, where the death row is housed, and they processed us. First, they had us all sit down in the waiting area. Present were the seven of us (the driver remained in the van) and three officers who processed us. They then called each of us one at a time to be screened. Each of us went through a body scanner and the officers put our shoes, jackets, and belongings through the metal detectors. They then used a hand wand on each of us, wandng us first in the front and then in the back. All of these actions took place in very close proximity with the officers. While each person went through the security measures, the others

waited together. They waited for clearance from another area of the prison before moving us, and there were no windows to the outside in the security screening room or the waiting area.

7. They then took us back to the van and drove us to another building. We entered the front door into a hallway without windows. They took us to a room that appeared to be used as a classroom for the lower security inmates. It also had no windows. It was approximately twelve feet by twelve feet. There was a small table (roughly five feet by three feet) with plastic chairs, which is where we sat together. Our escorts left us there and went into another small room with another male official. I remained in that room with the other three witnesses for Mr. Hall for approximately five hours. Different BOP staff brought snacks and bottles of soda and juice into the room for us to share. They left the door open, but there were no windows in the room.

8. Our escorts (the Chaplain and the two female prison officials) were joined by another male prison official. He was responsible for bringing us updates throughout the process. They all stayed in a small room down the hall from us. The room looked to be a secretarial or administrative office. This room was near the bathrooms and we could see them when we went to the bathroom. When they were in the room together, the two female employees did not wear masks.

9. At around 10:30 p.m. Chaplain Roloff walked to the classroom we were in, took me outside and put me into a van which he drove to the execution chamber. There was an armed guard at every intersection that we had to pass, and the Chaplain would come to the intersection, wait for a clearance, and then move the van. One of the guards walked up to the van and briefly spoke to the Chaplain, acknowledging recognition. With these delays, the trip took approximately 15 minutes.

10. Chaplain Roloff first took me to a temporary tent, and handed me off to an official-looking person, wearing a suit and tie. That person took me to a building which housed the

execution chamber. I was taken into a very small room (approximately six feet by four feet). The official and I were there with two other prison employees for approximately 15 minutes. There were no windows to the outside, only a window that looked into the execution chamber.

11. I was then taken by the official through a metal door into the execution chamber. The two other employees, who I had just been with, stayed in the small room and were joined by Orlando's other three witnesses. These two employees wore masks, but they frequently wore them below their noses.

12. The prison official told me that I would be permitted to administer last rites or speak before the execution, and that I would be permitted to touch Orlando after the execution and pray for him.

13. When I arrived in the execution chamber, Orlando was already there. He was strapped into the gurney, though you could not see the straps because he was covered with a blanket. You could see the tubes going into him. He looked like he was being operated on.

14. Around the chamber were three rooms that looked into the chamber. On my left side was the small room where I had been. I could see Orlando's witnesses with the two employees. The second room was the media room, which appeared to be the same size as the small room I waited in (with the same size window). There were at least three witnesses in the media room. The third room appeared larger and was dimmed so that we could not see into it very well.

15. The execution chamber was approximately ten feet by twelve feet. In the chamber with me was the official who brought me, Orlando, and two executioners. They put tape on the floor about two feet from the gurney, and told me to stand on the outside of the tape. The two executioners were not wearing masks. Each was standing at the head of the gurney on one side of Orlando. The one on Orlando's left side made pronouncements. Each time he did so, he shouted

in a loud and booming voice, presumably for the benefit of people in the adjoining rooms. It was the job of the person on Orlando's right side to pick up the telephone and tell them when it was time to release the poison. The one on the left side asked Orlando what his last statement was. I then began to recite Ya Seen, Chapter 36, from the Quran. It is a tradition to recite this for people on their deathbed. Orlando and I went over it that morning, and talked about the Islamic ritualism. The passage takes about five minutes to recite. I spoke for approximately two or three minutes, and then the guard on the left interrupted. I was in the middle of the passage when he said – "that's enough." I was prevented from reading the words of comfort at the end of the passage: "So glory be to Him in whose hand is the dominion of everything, and to Him you will be returned." The other executioner then called someone and the execution process began. Until he lost consciousness, Orlando recited the Quran and, in between passages, told his family, "I love you, everything will be ok". He was in the middle of that when he lost consciousness.

16. After Orlando was pronounced dead, they closed the curtains. At that point, I went to the gurney and put both hands on Orlando and began praying, as I had been told I could do. The three officers remained in place. When I moved toward Orlando, I was extremely close to the unmasked executioners. I had been praying over Orlando's body for less than a minute when the unmasked executioner who made the announcements again interrupted me and told me to stop praying.

17. I was in the execution chamber for about 15 minutes. While I was there, I was approximately four feet away from each of the unmasked executioners.

18. There were signs throughout the prison that masks were mandatory and most of the staff members I interacted with indoors had masks on (though some wore them below their noses). But I did not see anyone enforcing this rule.

19. I was escorted out of the execution room by the prison official who escorted me in. He brought me first to the room with Orlando's other three witnesses. Then they took us all out together to the van that had brought us from the Sheriff's department. The driver and the second Chaplain were with us. They drove us downtown to our cars.

20. There were no windows that opened to the outside in any of the rooms that I was in throughout the process.

21. There were white sedans and guards with assault rifles stationed all over the complex. Indoors, there were additional employees stationed without assault rifles. There were other white sedans patrolling the area. They were all over the place. The guards stationed outdoors around the facility were not masked.

22. The medical examiner turned over Orlando's body to a funeral home with which the BOP contracts. We were told we could prepare the body for burial. Orlando's sons and I went there the next day to wash and dress the body. We were taken through a hallway by the funeral home director, down a flight of stairs, and into a basement room. They process the body in that basement room, and then there is an outside door for the hearse to back up to and load the casket. The room was approximately seven feet by fourteen feet and it was dirty.

23. There were three other dead bodies in the room in addition to Orlando's. One was in a casket and two others had not been processed. One was in a body bag. The other one was covered in white blankets. I assumed it came straight from the hospital. The room was so small that the casket and one of the bodies was underneath the stairwell.

24. I wanted them to put Orlando's body in a casket, so that we could do the Muslim prayer. But we could not do that, because the prison was not going to bring the casket until Monday. Instead, the funeral home put the body parallel to the door so that Orlando's family and

Islamic community members could do the funeral prayers on the other side of the door. Embalming is not allowed in Islam, but they insisted on embalming him. They were not delivering the body to Orlando's family until today, four days after his execution.

25. On November 15, 2020, prior to the execution, I was tested for COVID-19. The results were negative for the presence of the virus.

26. On November 24, 2020, after the execution, I was again tested for COVID. I was administered the SARS-CoV-2, NAA test 5 days after the execution. This was the soonest that I was advised the test would be accurate.

27. On November 26, 2020, I received the results from my official test. The test was inconclusive, indicating that one of the three COVID targets had a signal above threshold. I have attached as Exhibit A to this declaration and true and correct copy of this test result. I was advised to take a second test to confirm the results.

28. The following day, November 27, 2020, I was administered a second test: the SARS-COV-2 RNA, QL, RT PCR (COVID-19).

29. On November 29 I received the results from that test, which confirmed that I am positive for COVID-19. I have attached as Exhibit B to this declaration a true and correct copy of the results from my second test.

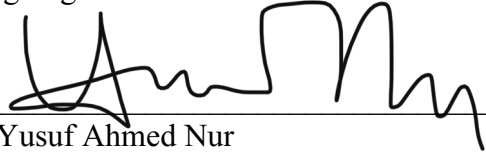
30. In between the execution and the COVID tests I took after the execution, I had no contact with anyone other than my three children. I followed social distancing at all times, wore a mask in public, and did not come into close contact with any other persons. I drove to and from my home for the execution by myself and did not stop at any point during the drives, so the activities relating to my involvement in the execution were the only places I believe I could have been exposed to the virus. Those activities took place on the prison grounds, in the parking lot at

the Sheriff's office in Terre Haute, on the drive from that parking lot to the prison, and at the funeral home in Terre Haute where they took Mr. Hall after the execution.

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

Dated: November 30, 2020

By:


Yusuf Ahmed Nur