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RE: Request for Investigation on Retaliatory Use of Solitary Confinement at Otero County Processing Center

To Whom It May Concern:

Las Americas Immigrant Advocacy Center (LAIAC) and the American Civil Liberties Union of New Mexico (ACLU-NM) submit this complaint on behalf of five clients of LAIAC

who are currently detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at the Otero County Processing Center (OCPC) in New Mexico. This complaint details the retaliatory use of solitary confinement against these individuals in March and April of 2024, as part of a group of Venezuelan asylum-seekers who declined to agree to be voluntarily removed to Mexico, based on their fear of grave harm in Mexico.

LAIAC and ACLU-NM call on your offices to: (1) promptly investigate these violations, (2) ensure that no further retaliation against these individuals occurs, (3) recommend the release from custody of all detained individuals who have been subjected to these violations including the five LAIAC clients whose testimony is attached to this complaint, and (4) pursue accountability for all personnel and contractors involved in the commission of these abuses.

Factual Background

On March 7, 2024, [REDACTED] participated in a brief hunger strike with a group of other Venezuelan men detained at OCPC to protest ICE not responding to any of their release requests. *See* Ex. A: Declaration of [REDACTED] ¶ 5. After he refused to eat breakfast and lunch, Mr. [REDACTED] witnessed a guard physically harm another hunger strike participant in the yard area. *Id.* A guard told Mr. [REDACTED] and the others who witnessed the attack to immediately return to the barracks. *Id.* When they did not immediately comply, Mr. [REDACTED] and the other men he was with were taken into solitary confinement in handcuffs without a hearing or further information. *Id.* at ¶ 6.

Around March 28, 2024, ICE officers spoke to a group of men from Venezuela who had already received final orders of removal. *See* Ex. D: Declaration of [REDACTED] ¶ 5. The ICE officers told them they had the option to sign a form saying that they would be returned to Mexico, and if they agreed, they would be released from detention. *Id.*¹ Three LAIAC clients, [REDACTED] and [REDACTED] refused to say that they did not have a fear of being removed to Mexico. *See e.g.* Ex. B: Declaration of [REDACTED] ¶ 5; *see also* Ex. C: Declaration of [REDACTED] ¶ 5. The ICE officers asked them why they did not want to be removed to Mexico. *Id.* They told the officers they were afraid to be removed to Mexico because they feared future harm in Mexico. *Id.* After this discussion, the ICE officers left. *Id.*

On April 1, 2024, a group of ICE officers and Otero MTC guards entered two pods where there were many Venezuelan asylum seekers with final orders of removal. *See e.g.* Ex. E: Declaration of [REDACTED] ¶ 8; *see also* Ex. B at ¶ 6. One by one, a list of names was called out. *Id.* After an individual's name was called, they were escorted to the hallway, instructed to put their hands behind their back, placed in handcuffs, and taken to solitary confinement without explanation. *Id.* In total, our clients estimate that 18 to 27 detained individuals were taken to solitary confinement that day, including Mr. [REDACTED] Mr. [REDACTED]

¹ These actions were part of a broader effort by ICE ERO to remove to Mexico Venezuelans with final orders of removal who could not be removed to Venezuela because of the breakdown in diplomatic relations between the United States and Venezuela. *See* Austin Fisher, *Venezuelan refugees detained in NM fearful of more deportations to Mexico*, Source NM, Apr. 18, 2024, available at <https://sourcennm.com/2024/04/18/venezuelan-refugees-detained-in-nm-fearful-of-more-deportations-to-mexico/>.

██████████ Mr. ██████████ and Mr. ██████████. *See e.g.* Ex. C at ¶ 6; *see also* Ex. E at ¶ 9.

The cells in solitary confinement were small and appeared to be designed for one person. As described by Mr. ██████████ he could cover the room in two steps one way and three steps the other way. Ex. B at ¶ 7. However, several people were put in a solitary confinement cell with another person because there were not enough cells for everyone. *Id.*; *see also* Ex. D at ¶ 7. For these individuals, they did not have privacy while using the restroom, as the toilet was located right next to their bed. Ex. D at ¶ 7. There was no privacy when making phone calls and the individual had to squat next to the door in order to be able to use the phone since the only way to talk on the phone was by having a guard pass the phone through a small opening through the cell door and the phone did not extend far. *Id.* Individuals were only allowed to use an electronic tablet, which people detained at OCPC rely on for communicating with family members and ICE and MTC staff, once a day for ten minutes. *Id.*

Two LAIAC clients received extremely limited notice about the allegations against them. On April 2, 2024, Mr. ██████████ and Mr. ██████████ saw a piece of paper had been slid under their cell door. *See e.g.* Ex. B at ¶ 7; *see also* Ex. D at ¶ 8. The paper stated in English and Spanish that they had been placed in solitary confinement because they were considered a security risk to themselves, others, or the orderly operation of the facility. *Id.* Mr. ██████████ received another document about three or four days later saying he had been found guilty of the allegations that he was a security risk to himself and others. Ex. B at ¶ 9. Mr. ██████████ and Mr. ██████████ never had a hearing about the allegations against them or were given any further explanation about why they had been taken to solitary confinement.

Three LAIAC clients, Mr. ██████████ Mr. ██████████ and Mr. ██████████ never received any notice or documentation about why the facility placed them in solitary other than a verbal explanation from guards. For example, Mr. ██████████ asked one of the guards monitoring the solitary confinement area why he was in solitary and the guard responded he was in solitary because his tattoos were associated with a gang named “Tren de Aragua.” Ex. E at ¶ 10. However, the only tattoos Mr. ██████████ has are the names of his children, and ICE officers previously inspected his tattoos without saying anything or making any type of accusation. *Id.* Mr. ██████████ was released from solitary on April 2, 2024, after officers took pictures of his tattoos. Ex. C at ¶ 8. Mr. ██████████ never received any notice or documentation and was told he would stay an extra 15 days in solitary because he was a risk to himself and others, without any evidence. Ex. A at ¶ 7.

LAIAC clients attempted to seek more information about why they were placed in solitary confinement, but ICE consistently refused to provide explanations or evidence. For example, Mr. ██████████ wrote to ICE on the tablet questioning why he was put in solitary confinement since he never had any behavioral issues in the facility. Ex. D at ¶ 8. He never received a response. *Id.* He also placed a CRCL complaint over the phone about being put in solitary confinement without explanation. *Id.* Mr. ██████████ also submitted several complaints to ICE through the tablet. Ex. E at ¶ 11. No officer or guard gave him any information on when he would be released from solitary. *Id.* Additionally, Mr. ██████████ tried

submitting complaints about being put in solitary confinement without explanation as well. Ex. B at ¶ 9.

Mr. █████ █████ was let out of solitary confinement on April 2, 2024, after one day in solitary confinement. Ex. C at ¶ 8. The captain and lieutenant that escorted him back to his room questioned him first about whether he had any information about a hunger strike. *Id.*

Mr. █████ █████ was let out of solitary confinement on April 3, 2024, after two days in solitary confinement. Mr. █████ █████ was released about 40 minutes after he received his first legal call from Zoe Bowman, an attorney with LAIAC. Ex. D at ¶ 11.

Mr. █████ █████ was released from solitary confinement on April 16, 2024, after 15 days in solitary confinement. Ex. E at ¶ 12. Earlier in the day, Mr. █████ █████ planned to go on hunger strike since he was being held in solitary without proof of the gang membership allegations against him and had not received any information about his custody status. *Id.* He spoke to an ICE officer who asked him why he wasn't eating, and the ICE officer told him he would investigate why he was put in solitary confinement. *Id.* Later in the day, without explanation, Mr. █████ █████ was released from solitary confinement. *Id.*

Mr. █████ █████ was released from solitary confinement on April 17, 2024, after 16 days in solitary confinement. An official known by detainees as OCPC's "directora" and an ICE official threatened them that if they ever got in trouble again, they would go back to solitary confinement for their remaining time in detention. Ex. B at ¶ 12.

Mr. █████ █████ was released from solitary confinement on April 20, 2024, after 45 days in solitary confinement. Ex. A at ¶ 9.

Violations of ICE Detention Standards

The ICE Performance-Based National Detention Standards 2011, as revised in 2016 (PBNDS), set forth the agency's minimum requirements for the treatment of individuals detained at the OCPC. LAIAC's five clients who have attested to the above abuses, as well as the entire cohort of Venezuelans detained alongside them who were likewise subject to these abuses, have suffered multiple violations of the PBNDS, including:

- **Abusive use of administrative segregation.** The PBNDS provide that an ICE detainee may only be placed in administrative segregation if either (1) the detainee "represents an immediate, significant threat to safety, security or good order"; or (2) placement in "protective custody" "is necessary to protect a detainee from harm" and "no reasonable alternatives are available." PBNDS § 2.12(II)(3), (4). If administrative segregation is based on the first justification, "the detainee shall be immediately provided a copy of the administrative segregation order describing the reasons for the detainee's placement." PBNDS § 2.12(II)(3). If administrative segregation is based on the second justification, a supervisor must approve the placement based on documentation showing it is warranted before the detainee is placed in administrative segregation. PBNDS § 2.12(II)(4). There is

no indication that any of LAIAC's five clients providing declarations here "represent[ed] an immediate, significant threat to safety, security or good order" such that segregation would be appropriate, or that they were "immediately provided" a copy of an administrative segregation order describing the reasons for their placement. *Cf.* PBNDS § 2.12(II)(3). Based on the available information, there is likewise no indication that the standard for "protective custody" was met, or that OCPC personnel followed the required protective custody pre-approval process. *Cf.* PBNDS § 2.12(II)(4). More fundamentally, administrative segregation is only allowed for "nonpunitive" purposes. PBNDS § 2.12(V)(A). We are concerned that this testimony is indicative of a pattern and practice of using administrative segregation at OCPC for impermissible punitive and retaliatory purposes.

- **Abusive use of disciplinary segregation.** The PBNDS permit placement of a detainee in segregation for disciplinary purposes "only after a finding by a disciplinary hearing panel that the individual is guilty of a prohibited act or rule violation" classified as at least a "high-moderate" violation, and only if "alternative dispositions" may not adequately "regulate the detainee's behavior." PBNDS § 2.12(II)(5), (6). As detailed above and in the attached testimony, OCPC personnel placed LAIAC's clients in what amounted to disciplinary segregation without following the standards and due process the PBNDS mandate.
- **Failure to follow custody classification requirements.** The PBNDS specify that detained individuals must be assigned to "the least restrictive housing unit consistent with facility safety and security." PBNDS § 2.2(II)(A)(7). They also require that special consideration be given to factors that raise the risk of vulnerability, including "victims of torture, trafficking, abuse, or other crimes of violence." PBNDS § 2.2(V)(C). Based on the available information, OCPC personnel failed to ensure the LAIAC clients' placement in the least restrictive housing unit or properly account for the LAIAC clients' individualized risk of vulnerability. OCPC personnel additionally failed to provide classification decisions to these individuals and failed to provide them with a meaningful opportunity to appeal their classification levels, in violation of the PBNDS. *Cf.* PBNDS § 2.2(V)(I).
- **Failure to ensure decent living conditions.** The PBNDS require that detained individuals in administrative and disciplinary segregation be "afforded basic living conditions that approximate those provided to the general population," accounting for relevant safety and security considerations. PBNDS § 2.12(II)(11). They also bar deprivations "for purposes of punishment." PBNDS § 2.12(V)(E). Based on the available information, OCPC and ICE personnel subjected LAIAC clients to unjustified, disproportionate, and impermissibly punitive deprivations in the form of segregation. We are concerned that these degrading conditions of confinement have caused those directly affected to decompensate physically and mentally.
- **Inappropriate efforts to deter hunger strikes.** The PBNDS section concerning hunger strikes specifies that the isolation of detained individuals on hunger strike is only justified "when medically advisable," for purposes of "close supervision, observation and

monitoring. PBNDS § 4.2(II)(4). The PBNDS do not authorize or permit isolation to punish an individual for considering or beginning a hunger strike. *Cf.* PBNDS § 2.12(V)(A). Based on the available information, one LAIAC client was placed in isolation before even missing a full day of meals, before a medical justification could have possibly developed, and another was placed in isolation when he was simply considering a hunger strike. This indicates a pattern and practice by OCPC personnel of impermissibly using isolation for purposes of deterrence and punishment.

- **Retaliation for exercising due process rights.** The PBNDS recognize that detained individuals have the right to due process. *See, e.g.,* PBNDS § 3.1(II)(19), (V)(F), (V)(H). The PBNDS also prohibit disciplinary action that is “capricious or retaliatory.” PBNDS § 3.1(A)(3). The circumstances described above and in the attached declarations are suggestive of retaliation against LAIAC clients for declining to agree to be removed to Mexico. Any such retaliation directly violates these individuals’ First Amendment and Fifth Amendment rights, as well as ICE’s own policy guidance.
- **Collective punishment.** The PBNDS only contemplate individualized disciplinary proceedings, not collective punishment. *See* PBNDS § 3.1(II)(19); (V)(B). They also state that detained individuals have the right to “protection from abuse” and “harassment.” PBNDS § 3.1. The LAIAC clients who declined to agree to be removed to Mexico and other Venezuelan nationals were placed in segregation collectively, within days of ICE canvassing housing units at OCPC to identify Venezuelans who were amenable to removal to Mexico. The proximity in time, the targeting of a specific nationality, and the systematic treatment is indicative of collective, retaliatory punishment, which is impermissible under the PBNDS.
- **Differential treatment of individuals of certain nationalities.** The PBNDS state that detained individuals have the right to be free from discriminatory discipline based on “national origin.” PBNDS § 3.1(V)(A)(3). As detailed above and in the attached declarations, ICE and OCPC personnel systematically went through housing units and pulled out individuals from Venezuela to be placed into segregation. This blatant nationality-based deprivation constitutes impermissible discrimination.
- **Failure to respond to grievances.** Section 6.2 of the PBNDS requires that detained individuals be able to file grievances and receive timely written responses. The multiple failures to respond to the LAIAC clients’ grievances is an additional violation of detention standards, and indicative of a likely broader systemic issue of disregarding grievances and complaints submitted by detained individuals.

We request that both the ICE Office of Professional Responsibility (OPR) and the ICE Office of Acquisitions (OAQ) promptly and thoroughly investigate the violations detailed in this complaint.

Regarding OPR’s jurisdiction and responsibility to investigate, the attached declarations show that ICE personnel had direct involvement in the commission of these violations. Agency

records will confirm the identities of the involved personnel, who we have reason to believe are assigned to the ICE El Paso Field Office. ICE OPR should undertake all necessary steps to investigate these abuses and ensure appropriate action is taken against all involved personnel.

Regarding OAQ's jurisdiction and responsibility to investigate, the OCPC holds individuals in ICE custody pursuant to an Intergovernmental Service Agreement (IGSA) between and Otero County, New Mexico. Otero County in turn contracts with Management & Training Corporation (MTC) to carry out the County's obligations under the IGSA. Otero County and MTC are thus both contractually obligated to ensure compliance with the PBNDS. Accordingly, as far as the involvement of MTC's personnel in these abuses is concerned, the ICE Office of Acquisition Management should undertake a close review of any and all contractual violations at issue and implement contract accountability measures as appropriate, including the issuance of a corrective action plan to ensure non-repetition and protect the victims of these abuses from further retaliation.

Conclusion

We respectfully request that your offices (1) promptly engage in a thorough investigation, (2) protect those directly affected from any further retaliation, (3) recommend the release of the individuals subjected to these violations from ICE custody so they may access community support and services to heal from the harm they have suffered, and (4) pursue accountability for all ICE and MTC personnel involved in these abuses.

Please confirm receipt of this complaint and provide updates to our offices regarding the status of your investigation. The undersigned remain available for any additional information that may be helpful. Thank you for your prompt attention to this matter.

Respectfully submitted,

/s/ Zoe Bowman

Zoe Bowman

Supervising Attorney

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CC: Director Mary De Anda-Ybarra, ICE El Paso Field Office
County Manager Pamela Heltner, Otero County
OCPC Facility Administrator Dora Castro
U.S. Senator Martin Heinrich
U.S. Senator Ben Ray Luján
U.S. Representative Gabe Vasquez

Enclosures:

Ex. A: Declaration of [REDACTED]

Ex. B: Declaration of [REDACTED]

Ex. C: Declaration of [REDACTED]

Ex. D: Declaration of [REDACTED]

Ex. E: Declaration of [REDACTED]

Exhibit A

Declaration of [REDACTED] [REDACTED] [REDACTED] [REDACTED]
([REDACTED])

1. My name is [REDACTED] [REDACTED] [REDACTED] [REDACTED] I was born in Venezuela on [REDACTED]
2. I left Venezuela on May 18, 2023 because the Special Forces of the Bolivarian National Police (Fuerzas de Acciones Especiales de la Policia Nacional Bolivariana) and the Collectives (Colectivos) extorted and beat me after I participated in political demonstrations.
3. I entered the U.S. for the first time on December 1, 2023. I was apprehended and eventually transferred to Otero County Processing Center on December 5, 2023. I have been in ICE custody ever since.
4. Since I was ordered removed on March 15, 2024, no one in Otero has told me anything about my deportation or potential release from ICE custody. I have never been asked about whether I am afraid to go to Mexico.
5. On March 7, 2024, myself and a group of other Venezuelan detained men at Otero started a hunger strike because ICE had not responded to any of our release requests, and we had been detained for a very long time. We did not eat breakfast or lunch. Shortly after, an officer approached one of the detained man participating in the hunger strike and told him to go out into the yard area with him without giving him any reason. When my colleague went out, three officers pushed him to the ground and started beating and kicking him. A group of detained men tried to support him and started screaming at the officers to stop. I was not one of the people yelling at the officers to stop, but I was nearby and witnessed the entire incident because I was drinking water at the nearest water fountain. The officers told everyone to go back to their dorms and when they did not comply, they were taken into solitary confinement. They did not resist.
6. The officers handcuffed me as well, saying that I did not go to the dorms when they told us to and that I also was going into solitary confinement. I did not resist because I did not want any further problems. There were around 25 or 30 of us who were taken into solitary confinement at the same time.
7. We were told that we would stay in solitary confinement for 30 days for not complying with their rules, but after that time was up, 10 of us were told that we are too dangerous to the property and ourselves and that we would stay an extra 15 days in solitary confinement. I don't know what they meant since I had never had a conflict with anyone and when I asked them about it, they did not give me an answer. I spent 45 days in total in solitary confinement.
8. Solitary confinement at Otero is an extremely small room. There is only enough room for a bed, toilet, and a small desk. We would ask the guards to leave the little slot, which was used to give us our food, open so that we could talk amongst ourselves, but they would not let us. They took us to a small recreation area individually for about an hour three times a week, rather than taking us to the yard every day like they do for people who are not in solitary confinement. There was a machine to exercise and a ball in the small recreation area and that was it.

9. On April 20, 2024, I was finally released from solitary confinement. I wasn't told anything by the guards except I heard from other people I am detained with that they were told that the officers were not planning on releasing us at all, they were looking for us to be transferred out of Otero. The officers also said that if we were ever involved in any other problem they would put us in solitary again until we are either released or deported.

I, [REDACTED] declare under penalty of perjury, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct to the best of my knowledge. The foregoing declaration was presented to me in a language that I understand, Spanish.

[REDACTED]

Signature

05/17/2024

Date

Respondent: [REDACTED]

File No.: [REDACTED]

Certificate of Interpretation

I, Clarissa Boone, am competent to interpret between Spanish and English. I certify that I read the above declaration in its entirety back to [REDACTED] [REDACTED] [REDACTED] in Spanish on the below-indicated date and that my interpretation of the declaration was true and accurate to the best of my abilities.

[REDACTED]

Clarissa Boon

1500 Yandell Dr. El Paso, Texas 79902
(915) 544-5126

05/17/2024

Date

Exhibit B

Declaration of [REDACTED]
[REDACTED]

1. My name is [REDACTED] [REDACTED] [REDACTED] [REDACTED] I was born in Venezuela on [REDACTED], [REDACTED]
2. I left Venezuela on June 26, 2023 because I was kidnapped, beaten, and threatened with death by members of the National Liberation Army (“Ejercito de Liberacion Nacional”).
3. I entered the U.S. for the first time on September 30, 2023 with a CBP One appointment. I was eventually transferred to Otero County Processing Center on October 2, 2023. I have been in ICE custody ever since.
4. While detained, I attended three Master Calendar Hearings on December 18, 2023, January 3, 2024, and January 24, 2024. I had my Individual Hearing on February 15, 2023 and was ordered removed that same day.
5. On approximately March 28, 2024, an ICE officer came to speak to us in our dorm. They asked if I feared returning to Mexico, to which I stated yes. The officers asked me why I fear returning to Mexico and I told them I was scared for my life because of the violence against migrants. They wrote my name down and told me to sign a paper they said stated I did not want to be deported to Mexico.
6. The morning of April 1, 2024, Otero guards and ICE officers showed up to our dorms with a list. I knew they were ICE officers because they wore jackets that said “police” in the back, and I recognized my former deportation officer [REDACTED]. They called my name, and I was instructed to go into the hallway, turn around, and put my hands behind my back. Without any explanation, the officers put handcuffs on me and took me into solitary confinement.
7. They took so many of us to solitary confinement that there weren’t enough rooms to put us in, so they placed two people per solitary confinement room which was extremely uncomfortable since the rooms are already too small for one person. I could only take two steps one way and three steps the other way in my room, that is how small it was, and I was put in there with another detained person.
8. The next day, I was given a piece of paper called an OCPC Administrative Segregation Order that said I was put in segregation because I was “a security risk to yourself, others, or the orderly operation of the facility,” without evidence or proof of the allegations.
9. I tried complaining about being put in solitary confinement without cause on the tablet. About three or four days later, I received a paper stating, “Detainee [REDACTED] [REDACTED] [REDACTED] was placed in RHU [REDACTED] due to being determined to be a security risk to the facility, other detainees and staff due to reasons including affiliation with security threat groups, disciplinary records, and threats made to riot [sic].” I have never had any sort of disciplinary issues at Otero and have always kept to myself in detention so I don’t know where these determinations came from.

10. The guards treated me like a criminal, like a dangerous person. They put me in handcuffs every time I was taken out of my solitary confinement room. I got very depressed being in solitary confinement. I couldn't sleep most nights.

11. Twice while I was in solitary, a doctor was sent to talk to me and ask me questions about my mental state. I never once said I intended or thought about harming myself or others.

12. On April 17, 2024, I was finally released from solitary confinement. An official who people detained at OCPC refer to as the "directora" of OCPC and an ICE official who people detained at OCPC refer to as the ICE "directora" threatened me and the other men released from solitary that day. They said that if we got in trouble for even the smallest thing, we'd be put back in solitary for the remainder of our time in detention.

13. I fear I will be put back in solitary again since it's very easy for the Otero guards to get us in trouble without reason. If one person gets in trouble, we all get punished.

I, [REDACTED] declare under penalty of perjury, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct to the best of my knowledge. The foregoing declaration was presented to me in a language that I understand, Spanish.

[REDACTED]

5/9/2024

Date

Respondent: [REDACTED]

File No.: [REDACTED]

Certificate of Interpretation

I, Diana Nevarez Ramirez, am competent to interpret between Spanish and English. I certify that I read the above declaration in its entirety back to [REDACTED] [REDACTED] [REDACTED] [REDACTED] in Spanish on the below-indicated date and that my interpretation of the declaration was true and accurate to the best of my abilities.

[REDACTED]

Diana Nevarez Ramirez
Las Americas Immigrant Advocacy Center
1500 E Yandell Dr.
El Paso, Texas 79902
(915) 544-5126

5/9/2024

Date

Exhibit C

Declaration of [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

1. My name is [REDACTED] [REDACTED] [REDACTED] [REDACTED] I was born in Venezuela on [REDACTED] [REDACTED].
2. I left Venezuela because I was harmed on two separate occasions by a wing of the Venezuelan police force. The second time I had to seek medical attention from how badly they beat me. They threatened me and told me that I knew what would happen if I didn't give them the money they requested.
3. I entered the U.S. for the first time on November 11, 2023 with a CBP One appointment. I was eventually transferred to Otero County Processing Center on November 15, 2023. I have been in ICE custody ever since.
4. While detained, I attended three Master Calendar Hearings on December 29, 2023, January 8, 2024, and February 12, 2024. I had my Individual Hearing on March 7, 2024, and was ordered removed that same day.
5. The last week of March 2024, ICE officers came to talk to us about the possibility of being deported to Mexico. They asked me if I had a fear of returning to Mexico which I said yes. They asked me why, and I told them I was afraid of being kidnapped since my aunt had already been kidnapped while in Mexico. The officers had me sign a paper. They said it stated that I did not want to be deported to Mexico.
6. The morning of April 1, 2024, Otero guards and ICE officers showed up to our dorms with a list. The officers who I believe were ICE officers carried some sort of pistol with them. I'm not sure if it was a weapon with real bullets or rubber bullets. They called my name, and I was instructed to go in the hallway, turn around and put my hands behind my back. Without any explanation, the officers put handcuffs on me and took me into solitary confinement. They took about 20 to 25 of us total into solitary confinement.
7. I was alone in my solitary confinement room. The room had a bed, bathroom, and a sink. Every 10 to 30 minutes a guard would walk by to check in on us. I tried sleeping the entire time I was there.
8. I was released from solitary the next day after officers took pictures of my tattoos. I heard that we had been put in solitary based on rumors that we were trying to start a hunger strike, but I've never participated in anything like that, and they had no proof of those allegations. The captain and lieutenant escorted me out of solitary and back to my room but before doing so they pulled me aside and asked if I had any information about a hunger strike. I told them the truth which was no.
9. The guards told us if they heard anything about a hunger strike, we'd go straight back to solitary confinement, whether it was true or not, and that scares me that I'll be put back into solitary.

I, [REDACTED] [REDACTED] [REDACTED] [REDACTED] declare under penalty of perjury, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct to the best of my knowledge. The foregoing declaration was presented to me in a language that I understand, Spanish.

[REDACTED]

Signature

5/9/2024

Date

Respondent: [REDACTED]

File No.: [REDACTED]

Certificate of Interpretation

I, Diana Nevarez Ramirez, am competent to interpret between Spanish and English. I certify that I read the above declaration in its entirety back to [REDACTED] [REDACTED] [REDACTED] [REDACTED] in Spanish on the below-indicated date and that my interpretation of the declaration was true and accurate to the best of my abilities.

[REDACTED]

Diana Nevarez Ramirez
Las Americas Immigrant Advocacy Center
1500 E Yandell Dr.
El Paso, Texas 79902
(915) 544-5126

5/9/2024

Date

Exhibit D

Declaration of [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

1. My name is [REDACTED] [REDACTED] [REDACTED] [REDACTED] I was born in Venezuela on [REDACTED]
[REDACTED]
2. I left Venezuela because I was shot at for trying to help two young protesters during a march against the government. I also abandoned my position in the national police force because I did not agree with the bad things they wanted to make me do.
3. My most recent entry to the U.S. was on June 1, 2023 with a CBP One appointment. I was eventually transferred to Otero County Processing Center on August 10, 2023. I have been in ICE custody ever since.
4. While detained, I attended three Master Calendar Hearings. I had my Individual Hearing on February 6, 2024, and was ordered removed that same day.
5. On about March 28, 2024, ICE officers came to talk to us about the possibility of being deported to Mexico. The officers told us they were trying to implement deportations to Mexico and that this was a possibility but not a guarantee. They told us we could indicate on the form if we wanted to be deported to Mexico or if we didn't want to be deported to Mexico. I told the officers immediately I didn't want to be deported to Mexico because I feared I would be kidnapped and signed a document stating I did not want to be deported to Mexico. I know of two fellow detained men from Venezuela that signed deportations to Mexico on April 3, 2024 and were kidnapped upon their deportation. We found out through their family members on the outside.
6. The morning of April 1, 2024, I was in the medical unit getting attention for neck and back pain. I was in the waiting room when some guards arrived, took me to the hallway, and put me in handcuffs. I asked them why they were doing this, and they simply said they didn't know and were just instructed to do so. As we walked, we passed by the area where I sleep, and I saw they were taking out all the other Venezuelan men from my pod and detaining them as well. They took us to solitary confinement. Because there wasn't enough space, they put two of us in each solitary confinement room. I tried knocking on the door and asking why we were being put in solitary, but the officers and guards ignored me.
7. I was placed in a solitary confinement room with another person, which I think is dangerous and really inhumane. The room is so small, and the toilet was practically right next to our beds where we slept. There was no privacy for either of us when we had to use the restroom. On top of that, I was in such a small space with a person I do not know. To talk on the phone, you would have to squat next to the door in order to reach the phone they would pass through the small window on the door. There was no privacy, everyone could hear what you were saying. We could only use the tablet once a day and for a small amount of time because everyone in solitary shared one tablet. Every time I used it, I'd be rushed to hurry up and finish.
8. The next day, I woke up to a piece of paper slid under my door. It stated I was a danger to myself, other detained persons, and Otero staff. I sent a message to ICE on the tablet

asking why I was in solitary since I'd never had any behavioral issues. I also called the Office of Civil Rights and Civil Liberties in Washington, and they took my information down. I asked them for a phone number I could call to make a human rights complaint and they gave me a phone number to call. The people from Washington told me they'd send someone to investigate.

9. I tried calling the human rights phone number immediately, but the call would not even go through. A machine stated that the phone number was not available to us in the facility. I could not even call the human rights number to complain about being unjustly placed in solitary.

10. While I was in solitary, three ICE officers came into the solitary confinement area. One of them had a jacket that said "ERO," another had a brown jacket, and another wore a flannel and carried himself as someone important. It's very noticeable how an ICE officer carries themselves compared to the Otero guards.

11. On April 3, 2024, I talked to attorney Zoe Bowman on the phone who told me she'd tried to talk to me the day before in person. The guards never notified me that I had a legal visit. It appears that they simply just didn't allow me to talk to her. About 30 or 40 minutes after I spoke to the attorney, the guards released me from solitary back to the general population.

12. I wrote to Captain [REDACTED] on the tablet and asked why I got placed in solitary. The captain said they were investigating and that I'd been released from solitary since they saw I'd never had any problems in detention.

13. Once I was back in my room, I confirmed that everyone who was taken to solitary was Venezuelan and most of us had already been ordered removed. It was about 18 to 24 of us that got put into solitary in total. Some men signed deportations to Mexico after this out of desperation. Two of those men have been kidnapped in Mexico after their deportations.

14. I fear that I will be put back in solitary since it's so easy for the Otero guards to get you in trouble. The guards seem xenophobic and talk to us in hostile and offensive ways often to try to get us to react and give them a reason to punish us. There was one incident in December 2023 when I was trying to get my phone from property and the guard told me something along the lines of "because of people like you 'estan como estan,' entering my country without permission." I put a complaint in the tablet and ended up being scolded by another guard for supposedly mistreating the guard who insulted me. I didn't pursue anything further because the complaints on the tablet are circulated internally with the same people that cause these injustices and maltreatment. The guards also threaten us that if one of us gets in trouble, we will all get punished.

I, [REDACTED] declare under penalty of perjury, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct to the best of my knowledge. The foregoing declaration was presented to me in a language that I understand, Spanish.

[REDACTED]
Signature

5/9/2024
Date

Respondent: [REDACTED]

File No.: [REDACTED]

Certificate of Interpretation

I, Diana Nevarez Ramirez, am competent to interpret between Spanish and English. I certify that I read the above declaration in its entirety back to [REDACTED] [REDACTED] [REDACTED] [REDACTED] in Spanish on the below-indicated date and that my interpretation of the declaration was true and accurate to the best of my abilities.

[REDACTED]

Diana Nevarez Ramirez
Las Americas Immigrant Advocacy Center
1500 E Yandell Dr.
El Paso, Texas 79902
(915) 544-5126

5/9/2024

Date

Exhibit E

Declaration of [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

1. My name is [REDACTED] [REDACTED] [REDACTED] [REDACTED] I was born in Venezuela on [REDACTED] [REDACTED]
2. I left Venezuela on January 23, 2019 because I was kidnapped, interrogated, and tortured by the Community Power Center (“Centro de Poder Comunal”) of Marina for participating in a peaceful protest against the government.
3. I entered the U.S. for the first time on March 25, 2023. I was apprehended and eventually transferred to Otero County Processing Center on October 21, 2023. I have been in ICE custody ever since.
4. While detained, I attended a total of three Master Calendar Hearings on January 26, 2024, February 9, 2024, and March 1, 2024. I asked for my deportation during the March 1, 2024 Master Calendar Hearing.
5. Since I was ordered removed on March 1, 2024, I did not hear any updates about my deportation or potential release from ICE. I have never been asked about being deported to Mexico.
6. At the end of February 2023, myself and about 11 other detained men at Otero went on a hunger strike for about seven days because ICE had not responded to any of our release requests. I was put in solitary confinement for about 20 days as punishment for participating in the hunger strike. An official who detainees refer to as the “directora” of Otero came into our room and asked, “who wants to go to ‘the hole’ for not eating?” and I was taken into solitary.
7. Solitary confinement at Otero is an extremely small room. There is only enough room for the length of a bed and a small desk and a toilet and sink right next to the bed.
8. The morning of April 1, 2024, Otero guards and ICE officers showed up to our dorms with a list. There were about 20 guards and ICE officers total. I knew that some of them were ICE officers because they wore jackets that said “ICE” in the front and “Police” in the back. I also recognized some of the deportation officers like [REDACTED], [REDACTED], and [REDACTED]. I was the first person they called. They instructed me to go in the hallway, turn around and put my hands behind my back. Without any explanation, the officers put handcuffs on me and took me into solitary confinement, where I had previously been in February 2024.
9. The officers took almost everyone out from pod B1 and B2. We all know each other. The only people in those pods are Venezuelans in orange uniforms, a majority of us already have deportation orders. It was about 26 of us total that got taken to solitary confinement.
10. The next day, as one of the guards was doing their evening rounds, I asked them as they passed by my room why I was in solitary. The guards told me I was in solitary confinement

because of my tattoos, which they associated with the gang “Tren de Aragua.” I have my children’s names tattooed on me, not anything to do with a gang. ICE officers had previously inspected my tattoos without saying anything or making this type of accusation.

11. While I was in solitary, I submitted various complaints to ICE on the tablet because it was unfair I was being punished for something that is not true. During my time in solitary confinement, no officer or guard gave me any information about when I’d be released from solitary.

12. I planned to go on a hunger strike again in protest of this unjust behavior. An ICE officer came and spoke to me and asked why I wasn’t eating. I told them it was unfair I was put in solitary confinement without cause, and it wasn’t fair that ICE had put me there. The ICE officer told me that was a lie, that ICE had not ordered me to be placed in solitary confinement and that he would investigate. I later heard that the ICE officer I’d spoken to was a supervisor sent from another detention center.

13. Later that day, on April 16, 2024, I was finally released from solitary confinement. I wasn’t told anything by the guards except to clean up my room and then I was brought back to the general population. I think the only reason I was taken out of solitary was because of the interaction I had with ICE earlier that day.

14. Many people agreed to be deported to Mexico after being put in solitary, out of desperation. The official who detainees refer to as the “directora” of Otero told us not to take it as a threat, but that she knew how we were, and that if anyone stepped a little out of line, they would be put in solitary until they were released or deported. It was hard not to take that as a threat. It makes me feel scared that they’ll put me back in solitary for any little thing.

I, [REDACTED] declare under penalty of perjury, pursuant to 28 U.S.C. § 1746(1), that the foregoing is true and correct to the best of my knowledge. The foregoing declaration was presented to me in a language that I understand, Spanish.

[REDACTED]

5/9/2024

Date

Respondent: [REDACTED]
File No.: [REDACTED]

Certificate of Interpretation

I, Diana Nevarez Ramirez, am competent to interpret between Spanish and English. I certify that I read the above declaration in its entirety back to [REDACTED] [REDACTED] [REDACTED] [REDACTED] in Spanish on the below-indicated date and that my interpretation of the declaration was true and accurate to the best of my abilities.

/s/Diana Nevarez

5/9/2024

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