



June 21, 2024

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**RE: Supplemental Information Regarding 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 supplemental complaint on behalf of 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. Our original complaint on this matter was submitted to your offices on May 23, 2024.<sup>1</sup>

This supplemental complaint details (1) retaliatory action taken against one of the original complainants, (2) additional misuse of solitary confinement at OCPC since the date of the complaint, and (3) additional testimony from detained individuals subjected to retaliatory solitary confinement in April 2024, which was the subject of the original complaint.

As detailed in the attached declarations and supporting materials:

- ██████████ ██████████ ██████████ ██████████ one of the original complainants who had been subject to retaliatory solitary confinement in April 2024, was again unjustifiably subjected to solitary confinement starting on June 1, 2024. The proximity in time to the date of submission of our complaint raises serious concerns about retaliatory targeting of Mr. ██████████ ██████████ by OCPC personnel. Mr. ██████████ ██████████ was arbitrarily accused of acts that he did not commit including “rioting” and “engaging in or inciting a group demonstration” and did not receive the administrative process which he was due under the PBNDS. *See* PBNDS § 3.1(V)(A)(3) (prohibiting capricious and retaliatory disciplinary action), §§ 3.1(E)–(L) (specifying the required procedures for disciplinary action). OCPC personnel determined that he would be held in solitary confinement for 29 days. *See* PBNDS § 3.1(V)(A)(4) (prohibiting disciplinary sanctions that are not commensurate with the severity of the prohibited act). He was released from solitary confinement on June 14, 2024. *See* Ex. A (Declaration of ██████████ ██████████ ██████████ ██████████ Ex. B (Notice of Hearing for ██████████ ██████████ ██████████ ██████████ Ex. C (OCPC Administrative Segregation Order for ██████████ ██████████ ██████████ ██████████
- Also on June 1, 2024, ██████████ ██████████ ██████████ ██████████ was unjustifiably subjected to solitary confinement at OCPC. Like Mr. ██████████ ██████████ he did not receive even the minimal process he was due and was ordered to be held in disciplinary segregation for 29 days. He was arbitrarily accused of “engaging in or inciting a group demonstration” and “any act that could endanger persons and/or property.” He was released from solitary confinement on June 14, 2024. *See* Ex. D (Declaration of ██████████ ██████████ ██████████ ██████████ Ex. E (Notice of Hearing for ██████████ ██████████ ██████████ ██████████ Ex. F (Institutional Disciplinary Panel Hearing Report for ██████████ ██████████ ██████████ ██████████ Ex. G (Disciplinary Segregation Order for ██████████ ██████████ ██████████ ██████████
- ██████████ ██████████ ██████████ ██████████ was repeatedly subject to the abusive misuse of solitary confinement at OCPC including in March 2024 for participating in a hunger strike and in April 2024 as part of the Venezuelan cohort whose mistreatment is detailed in our original complaint. He specifically recalls ICE personnel directly participating in the April 2024 action, in which Venezuelans were singled out and removed from the general population and placed in segregation. Mr. ██████████ ██████████ was subjected to degrading

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<sup>1</sup> ACLU-NM, “Migrants Held in Otero Prison File Complaint for Retaliatory Use of Solitary Confinement” (June 17, 2024), <https://www.aclu-nm.org/en/press-releases/migrants-held-otero-prison-file-complaint-retaliatory-use-solitary-confinement>.

conditions while in solitary confinement and decompensated psychologically during his time there. He was held in solitary confinement for about three days. *See* Ex. H (Declaration of ██████████ ██████████ ██████████ ██████████)

- Like Mr. ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ was subjected to arbitrary and retaliatory segregation in April 2024 as part of the Venezuelan cohort whose mistreatment is detailed in our original complaint. He likewise recalls specifically seeing ICE personnel participate in this action. Mr. ██████████ ██████████ was held in a small cell with another detained individual for days and then was held in solitary confinement. He spent a total of about 18 days in segregation. When he was released to the general population, he was threatened by individuals he identified as the person in charge of OCPC and a high-ranking ICE official. *See* Ex. I (Declaration of ██████████ ██████████ ██████████ ██████████)

LAIAC and ACLU-NM restate our calls for 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 LAIAC clients whose testimony is attached, and (4) pursue accountability for all personnel and contractors involved in the commission of these abuses.

Please confirm receipt of this supplemental complaint and provide updates to our offices on 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

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/s/ Rebecca Sheff

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/s/ Max Brooks

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[mbrooks@aclu-nm.org](mailto:mbrooks@aclu-nm.org)

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: Notice of Hearing for [REDACTED]

Ex. C: OCPC Administrative Segregation Order for [REDACTED]

Ex. D: Declaration of [REDACTED]

Ex. E: Notice of Hearing [REDACTED]

Ex. F: Institutional Disciplinary Panel Hearing Report for [REDACTED]

Ex. G: Disciplinary Segregation Order for [REDACTED]

Ex. H: Declaration of [REDACTED]

Ex. I: Declaration of [REDACTED]

# Exhibit A

**Declaration of [REDACTED]**

1. My name is [REDACTED] I was born in Venezuela on [REDACTED].

2. I have been in ICE custody at the Otero County Processing Center since November 15, 2023. The Immigration Judge ordered my removal on March 7, 2024.

3. On June 1, 2024, Otero guards unjustly placed me in solitary confinement on the accusation that I tried to incite a riot. The people in my dorm and I were discussing cleaning chores the morning of June 1<sup>st</sup> after 9:00 AM count finished. Some of the detained men had a disagreement about cleaning chores, and I stepped in to make sure the disagreement didn't come off as something serious, which it was not. This was a group discussion amongst all of us men in that cell, and these two individuals simply had a difference of opinion.

4. I stepped in to make sure it didn't come off as something serious because Otero and ICE officials previously threatened to put us back in solitary confinement for even the slightest event. Otero guards previously placed me and about 25 other men in solitary confinement on April 1, 2024 based on their suspicion we were trying to participate in a hunger strike, which they found to be not true. Ever since Otero guards put me in solitary on April 1, I have been scared and paranoid that the guards will put me back in solitary for any reason, so I have been extra cautious not to upset them in any way and make sure no one else in my cell upsets them in any way either.

5. The disagreement ended quickly but then minutes later, Otero guards entered our cell and took me and two other men away. The guards took me to medical, then solitary confinement.

6. The next day on June 2, 2024, an Otero guard gave me a notice and told me Otero officials would look at the cameras and a lieutenant would talk to me on Monday and let me know if I will stay in solitary or not. The notice had two numbers on it, 105 and 213. I did not know what they meant. The notice did not tell me plainly what my charges were. My immigration attorney later informed me that those codes meant I was charged with "rioting" and "engaging in or inciting a group demonstration."

7. On June 4, 2024, a lieutenant visited me regarding solitary confinement. He let me speak briefly about what happened on June 1<sup>st</sup> that led to my solitary confinement. After I finished talking, all he said was they were still keeping me in solitary for a total of 29 days and they would count the three days I had already spent in solitary and that I had 26 more days to go and left. I felt like he didn't care about what I had to say, and I felt like he didn't actually consider whether it was fair to place me in solitary confinement after I had not done anything to anyone. I felt defeated after trying so hard to avoid any problems so I would not end up back in solitary confinement.

8. Later that day, I used the tablet to submit a detention complaint to the facility regarding my placement in solitary confinement and how my conversation with the lieutenant went.

9. On June 7, 2024, a man from my dorm arrived at solitary confinement. He told me briefly while guards took him to his solitary confinement cell that I was in solitary because a man from our cell told the guards I was in charge of our cell. My solitary confinement cell has a small opening on the door where I could see and hear the man telling me why I was in solitary confinement.

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.

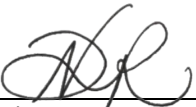
[REDACTED]  
\_\_\_\_\_  
Signature

6/19/2024  
\_\_\_\_\_  
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.

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

6/19/2024  
\_\_\_\_\_  
Date



# Exhibit B

OTERO COUNTY PROCESSING CENTER

Notice of Hearing

Report Number 5076

Name of Detainee

I.D. Number

Alleged Disciplinary Violation(s) 105,213

Date of Offense: 6/1/2024

Do you request staff representation? yes no

If yes, the staff representative's name is:

Qualifying reason for staff representation:

Witnesses:

Name: can testify to:

Name: can testify to:

The Institutional Disciplinary Panel will call those listed above as witnesses (staff or detainee) who are reasonably available and who are determined by the IDP to be necessary for an appreciation of all circumstances surrounding the charge(s). Repetitive witnesses need not be called. Unavailable witness may be asked to submit written witness statements. If additional space is required, use the witness continuation form.

Detainee signature Date

Derechos De El Detenido Durante La Audiencia

Como detenido con cargos de actos de prohibición, usted a sido referido a la audiencia de disciplina. Mientras este en la audiencia, usted tiene estos derechos:

- 1. El derecho de tener una copia de los cargos 24 horas antes de su audiencia.
2. El derecho de tener un representante que lo asista antes de la audiencia, si su caso tiene el criterio.
3. El derecho a llamar a testigos y presentar evidencia en su parte, y tomar en cuenta que la seguridad de la institución no esta en peligro.
4. El derecho a quedarse callado. Su silencio puede ser usado en contra suya. Pero al igual, su silencio no puede ser usado únicamente como evidencia que cometió un acto prohibido.
5. El derecho a estar presente durante su audiencia, con la excepción durante de la deliberación y cuando la seguridad de la prisión no esta en peligro.
6. El derecho de ser notificado por escrito de la decisión de su audiencia al igual que la evidencia que justifica su caso, todo y cuando la seguridad de la prisión no este en peligro.
7. El derecho a una apelación de la decisión de su audiencia por medio de las pólizas de los procedimientos de la póliza de agravios as detenido.
8. Tiene derecho a usar los materiales de referencia de la biblioteca jurídica (legal) para ayudarlo a resolver problemas legales. Es su responsabilidad de someter forma I-60 para asistir a biblioteca.

Yo reconozco que he sido notificado de mis derechos otorgados en la audiencia.

Firma: Numero: Fecha:

Yo si/no renuncio a las 24 horas de notification de la audiencia:

Notification de derechos fue entregada a el detenido por:



# Exhibit C

RHU Cell #: [redacted]  
Medical Cell #: [redacted]  
Male:  Female: [redacted]

## OCPC Administrative Segregation Order

To: Detainee [redacted] Detainee #: [redacted]  
From: [redacted] Title: Sergeant

You are being admitted to Administrative Segregation for the following reason(s):

- (A) for Pre-Hearing Detention - - a disciplinary hearing is pending  
 (B) for medical observation  
 (C) you are pending a transfer to general population due to classification cohort status and no available bed space.  
 (D) you are a security risk to yourself, others, or the orderly operation of the facility.  
 (E) you are being placed in Protective Custody as determined by staff  
 (F) you are requesting placement in Protective Custody. (Detainee signs below)
- I hereby request placement in the Administrative Segregation Unit for my own protection.  
I do ( ) do not ( ) request a hearing concerning my segregation.

\_\_\_\_\_  
Detainee Signature

\_\_\_\_\_  
Detainee A number

6/1/2024  
Date

Detainee [redacted] placed in RHU per Lieutenant [redacted] and is pending disciplinary hearing for charges:105,213

Detainee (will) (will not) be escorted in restraints

\_\_\_\_\_  
Medical Staff Signature

\_\_\_\_\_  
Shift Lieutenant Signature

\*\*\*\* Signature required from staff providing orders for escort with/without restraints

Admitted by: [redacted]  
Detainee Sign: [redacted]  
Admitted Date: 6/1/2024  
Released by: \_\_\_\_\_  
Released Date: \_\_\_\_\_

Title: Lieutenant  
Time: 1030  
Time: 0955 hours  
Title: \_\_\_\_\_  
Time: \_\_\_\_\_

## OCPC Orden de Segregacion Administrativa

RHU Celda #: [REDACTED]  
Medical Celda #: [REDACTED]  
Male:  Female: [REDACTED]

Para: Detenido: [REDACTED] Detenido #: [REDACTED]  
De Parte: [REDACTED] Titulo: **Sergeant**

Usted esta siendo admitido a Segregacion Administrativa por el siguiente motivo(s):

- (A) Detencion preliminar--(tiene una audiencia disciplinaria pendiente)  
 (B) Observacion medica  
 (C) Esta bajo el proceso de ser transferido a la poblacion general debido al estatus de cohorte de clasificacion y no hay espacio de cama disponible.  
 (D) Usted es un riesgo hacia su propia persona, para su projimo, o para la operacion de la institucion.  
 (E) Usted esta siendo admitido bajo custodia protectora por determinacion del personal.  
 (F) Usted esta pidiendo admission para custodia protectora. (Detenido firma)

Aqui por medio de la presente solicito admission a segregacion administrativa para mi propia proteccion.

Yo Si ( ) Yo No ( ) solicito una audiencia en relacion a mi segregacion.

\_\_\_\_\_  
Firma de Detenido                      [REDACTED]                      **6/1/2024**  
Detenido Numero A                      Fecha

Detainee [REDACTED] placed in RHU per Lieutenant [REDACTED] and is pending disciplinary hearing for charges:105,213

Detenido (Sera) (No Sera) escoltado esposado

[REDACTED]  
Firma de Personal Medico/ Firma de Supervisor

Medical staff and Shift Lieutenant signature is required\*

Admitido Por: [REDACTED] Titulo: **Lieutenant**  
Firma de Detenido: \_\_\_\_\_ Hora: \_\_\_\_\_  
Dia de Admission: **6/1/2024** Hora: **0955hrs**  
Liberado Por: \_\_\_\_\_ Titulo: \_\_\_\_\_  
Fecha Liberacion: \_\_\_\_\_ Hora: \_\_\_\_\_

# Exhibit D

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

1. My name is [REDACTED] and I was born in Venezuela on [REDACTED].

2. I have been detained at Otero County Processing Center since October 4, 2023. The Immigration Judge ordered my removal on January 5, 2024.

3. On June 1, 2024, an Otero guard took me to solitary confinement. Prior to that, the men in my room were talking about cleaning chores since our area had gotten a bit messy. Two of the men in our room stood up and began the discussion about cleaning. Two other men that were recent arrivals to our room made a comment about how no one was the leader here. I was lying down on my bed and from my bed told the two men that this wasn't about leadership, but we had rules about cleaning that should be respected, and the discussion continued. Moments later, some Otero guards entered our room, and I noticed one of the men that made a comment stand up immediately and go over to the guard and tell him something. Moments later, the guard arrested me and two others and took us to solitary confinement. In solitary, an Otero guard gave me a notice of hearing.

4. On June 4, 2024, I spoke with Lieutenant [REDACTED]. I briefly explained what happened on June 1 in my cell regarding the group talk about cleaning. Once I finished talking Lieutenant [REDACTED] had nothing to say except that I still had to stay in solitary 29 days, and they would credit the three days I already spent there. I asked him why if I hadn't done anything and he said he saw on the cameras I was arguing with a lieutenant on June 1<sup>st</sup>. I told Lieutenant [REDACTED] that yes, I was arguing with a lieutenant earlier that day, but it was about count and the lieutenant and I came to an agreement. Earlier that day June 1<sup>st</sup>, I had a disagreement with one of the lieutenants there because one of the Otero guards woke our room up 20 minutes before 9:00 AM count, which we thought was unnecessary. Another man in my cell started arguing with the guard that woke us up so a lieutenant stormed into our room very upset and yelling at us. I told the lieutenant there was no need to yell at us and to show some respect. The lieutenant threatened me if I wanted to go to solitary and I asked why. We had a disagreement but by the end of our conversation he understood that we just wanted the guard to stop waking us up 20 minutes before count and we came to an agreement the guard would not do that anymore and the lieutenant left the room. Lieutenant [REDACTED] gave me two documents after our talk. One was a Disciplinary Segregation Order stating I was found to have committed "engaging in or inciting a group demonstration" and "any act that could endanger persons and/or property". The second document was an Institutional Disciplinary Panel Hearing Report. That day, I submitted an appeal on the tablet regarding the decision to keep me in solitary for 29 days.

5. On June 7, 2024, I spoke to my Deportation Officer [REDACTED]. I asked her why I was in solitary confinement if I had not done anything to deserve this punishment. She said I was in solitary because there was an argument about count and the cameras only showed one Otero guard in our room, so it looked bad. There are about 30 men in our dorm. Then around June 12, 2024 someone who calls herself "director" came to speak with me about what was happening. I was let out of solitary confinement on June 14, around two weeks before we were originally

supposed to be let out.

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]

6/19/2024

\_\_\_\_\_  
Date

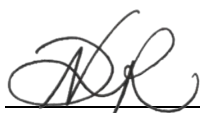


**Respondent:** [REDACTED]  
**File No.:** [REDACTED]

**Certificate of Interpretation**

**Regular version**

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.



---

Diana Nevarez Ramirez  
1500 E Yandell Dr  
El Paso, TX 79902  
(915) 544-5126

6/19/2024

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Date

# Exhibit E

**OTERO COUNTY PROCESSING CENTER**

**Notice of Hearing**

Report Number 5077

[Redacted]  
Name of Detainee

[Redacted]  
I.D. Number

Alleged Disciplinary Violation(s) 105,213 Date of Offense: 6/1/2024

Do you request staff representation? yes no

If yes, the staff representative's name is: \_\_\_\_\_

Qualifying reason for staff representation: \_\_\_\_\_

Witnesses:

Name: \_\_\_\_\_ can testify to: \_\_\_\_\_

Name: \_\_\_\_\_ can testify to: \_\_\_\_\_

The Institutional Disciplinary Panel will call those listed above as witnesses (staff or detainee) who are reasonably available and who are determined by the IDP to be necessary for an appreciation of all circumstances surrounding the charge(s). Repetitive witnesses need not be called. Unavailable witness may be asked to submit written witness statements. If additional space is required, use the witness continuation form.

Detainee signature \_\_\_\_\_ Date \_\_\_\_\_

**Derechos De El Detenido Durante La Audiencia**

Como detenido con cargos de actos de prohibición, usted a sido referido a la audiencia de disciplina.

Mientras este en la audiencia, usted tiene estos derechos:

1. El derecho de tener una copia de los cargos 24 horas antes de su audiencia.
2. El derecho de tener un representante que lo asista antes de la audiencia, si su caso tiene el criterio.
3. El derecho a llamar a testigos y presentar evidencia en su parte, y tomar en cuenta que la seguridad de la institución no esta en peligro.
4. El derecho a quedarse callado. Su silencio puede ser usado en contra suya. Pero al igual, su silencio no puede ser usado únicamente como evidencia que cometió un acto prohibido.
5. El derecho a estar presente durante su audiencia, con la excepción durante de la deliberación y cuando la seguridad de la prisión no esta en peligro.
6. El derecho de ser notificado por escrito de la decisión de su audiencia al igual que la evidencia que justifica su caso, todo y cuando la seguridad de la prisión no este en peligro.
7. El derecho a una apelación de la decisión de su audiencia por medio de las pólizas de los procedimientos de la póliza de agravios as detenido.
8. Tiene derecho a usar los materiales de referencia de la biblioteca jurídica (legal) para ayudarlo a resolver problemas legales. Es su responsabilidad de someter forma I-60 para asistir a biblioteca.

**Yo reconozco que he sido notificado de mis derechos otorgados en la audiecia.**

Firma: \_\_\_\_\_ Numero: \_\_\_\_\_ Fecha: \_\_\_\_\_

Yo si/no renuncio a las 24 horas de notification de la audiencia: \_\_\_\_\_

Notification de derechos fue entregada a el detenido por: \_\_\_\_\_

# Exhibit F

# OTERO COUNTY PROCESSING CENTER

## Institutional Disciplinary Panel Hearing Report: 5077

Detainee Name: [REDACTED] I.D. Number [REDACTED]  
Date of Incident: 6/1/2024 Charge(s): 105,213,223

### I. Notice of Charge(s)

A. Advance written notice of charge(s), (copy of Incident Report), was given to the detainee on 6/1/2024 at 1631 hrs.

B. The DHO hearing was held on 6/4/2024 at 0852 /0859 hours.

C. The detainee was advised of his/her rights before the hearing by Sgt. [REDACTED]

On 1-Jun-24 a copy of the advisement of rights form was attached.

### II. Staff Representative:

Detainee did require representation: None

### III. Interpretation Services:

Was interpreter used: Yes: \_\_\_\_\_ No: X Service used: None

Interpreters Name/ID#: None Reference #: None

IV. Detainee Plea: Guilty Not Guilty X

#### A. Detainee's Statement:

Detainee [REDACTED] stated that he was only complaining about the dorm cleanliness.

### V. Findings:

The detainee was found X Guilty Not guilty of the following charges:

213: Engaging in or inciting a group demonstration.

223: Any act that could endanger persons and/or property.

### VI. Specific evidence relied upon to support findings:

Staff statement, CCTV footage.

### VII. Sanction(s) or action(s) taken:

Detainee was found guilty of charge 213, 223 and has been sanctioned with 29 days, 3 day credit given

for admin seg. Reduced to 26 day Disciplinary Seg from 6/4/24 to 6/30/24.

No Commisary/No Property and tablet restrictions.

### VIII. Reason for sanction(s) or action(s) taken:

statements provided by staff and CCTV footage.

Detainee was found not guilty for prohibited act 105. No riot occurred.

Lieutenant Signature Lt. [REDACTED] IDP Member [REDACTED] IDP Member [REDACTED]

### IX. Review and Concur:

A. Concur: \_\_\_\_\_ Terminate: \_\_\_\_\_ Impose: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Copy delivered to detainee by: Lt. [REDACTED] on 6/4/2024

Revised: 02/14/2023

# Exhibit G

RHU CELL#: [REDACTED]

Disciplinary Segregation Order

To: Restrictive HOUSING UNIT Date/Time of Incident: 6/1/2024 @ 0900 hrs.

From: Lt. [REDACTED]

Detainee: [REDACTED] (Male)

A#: [REDACTED]

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A hearing before the IDP/DHO was conducted on 06/4/2024 at 0852 hours.

The above named detainee was found to have committed the specified prohibited act(s) listed below.

PROHIBITED ACT(S): 213: Engaging in or inciting a group demonstration. 223: Any act that could endanger persons and/or property.

26 Days Disciplinary Segregation

Below is a brief outline of special instructions and/ or information:

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29 Days Disciplinary Segregation. Received 3-day credit for Admin Seg. Reduced to 26 days.

Disciplinary Date from 06/4/2024 to 06/30/2024.

Restrictions: No Commissary/Property and Tablet Restrictions.

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Admitted by: [REDACTED]

Title: Lieutenant

Detainee Sign: \_\_\_\_\_

Time: \_\_\_\_\_

Admitted Date: 06/4/2024

Time: 0859 hrs.

Released by: \_\_\_\_\_

Title: \_\_\_\_\_

Released Date: \_\_\_\_\_

Time: \_\_\_\_\_

# Exhibit H



**Respondent:** [REDACTED]

**File No.:** [REDACTED]

**Declaration of** [REDACTED]

[REDACTED]

1. My name is [REDACTED] I was born in Venezuela on [REDACTED]
2. Gang members killed my brother in Venezuela. He was a police officer. When I reported the killing, the gang members threatened to kill me and my family. I fled Venezuela in fear for my life.
3. I came to the U.S. to try to be safe here. I've been detained here at Otero County Processing Center since October of 2023, even though I failed my credible fear interview and was ordered removed from the country in December of 2023.
4. Otero and ICE officials have placed me in solitary confinement twice since then, once in March of 2024 and once in April of 2024.
5. In March of 2024, me and a group of about ten asylum-seekers from Venezuela who had been in detention for many months participated in a hunger strike. On March 7, Otero guards put about ten of us in solitary confinement, including me.
6. They kept us in solitary confinement for five days. Officers threatened to intubate us if we did not eat. After five days, an ICE officer came and talked to each of us one-by-one in our cells. I could see the ICE officer go into each cell through the small window of my room. The ICE officer told me they would release me from detention if ate, so I agreed. Once we were released from solitary, we talked amongst each other and confirmed with one another that the ICE officers told each of us the same thing, that if we ate ICE would review our cases one-by-one and let us out, so we agreed we would not continue doing a hunger strike.
7. The ICE officer never returned. ICE released one person from our group who participated in the hunger strike who had been detained for nine months. The rest of us are still detained at Otero.
8. The morning of April 1, 2024, about 25 ICE officers barged into my housing unit, through both the front door and an emergency door in the back. I recognized one of them as my deportation officer. They had vests, shirts that said "ERO," jackets that said "ICE," badges, and pepper spray guns. They began to call people one-by-one by their bed number and last name, calling all the Venezuelans from dormitory one and two. They put us in handcuffs and then Otero officials came and took us away from the dormitories. I asked the official who was escorting me what was happening. He told me he could not tell me anything, that it was an ICE issue.

**Respondent:** [REDACTED]

**File No.:** [REDACTED]

9. They took us to the same part of the facility where I was previously held in solitary and put each of us into a cell, alone. They did not tell us anything about why we were being put there, only that ICE had ordered it.

10. They placed me alone in a very small cell, maybe eight feet wide. There was only a bed, a toilet, and a small table for food, nothing more. There was a narrow window on the door that officers could look through. They left the light on all day and all night, so it was difficult to sleep. There was no way to know what time it was. The only way I could keep track of time passing at all was when officers delivered us meals. I would wake up in the middle of the night and wait for it to be morning. Otero guards delivered food three times a day through a slot in the door. The food was terrible, and our portions were smaller than what they gave us in general population. I often did not eat at all. I lost seven pounds during the three days that I was there. I was not hungry either because I was so anxious from being stuck in the small cell and not being able to talk to my family. We shared a phone among everyone in solitary and I had to wait a long time for the phone so by the time the phone freed up, it was too late to call my family back home. All I could do was lay there and read the Bible.

Every morning, officers came, handcuffed me, and took me to shower by myself.

11. I felt sad and crazy in solitary confinement. I just sat there, wondering how I ended up there. I felt nauseous all the time. I wanted to cry. I was worried constantly. My head hurt intensely. I lay there worrying about my family.

12. The second day that I was in solitary, a guard slid a piece of paper under the door that had a list of charges on it. The paper was in English and Spanish. The next day I showed the charges to another guard and asked him about them. He ripped it up and said that they weren't for me.

13. The official in charge of other officers at Otero, who we call the captain, came to release me from solitary confinement after three days. When he let me out, I asked the captain why we were in solitary confinement. He said that they were investigating us to determine if we were affiliated with a gang called El Tren de Aragua. He said they were investigating all Venezuelans because of our tattoos. I only have one tattoo. It is my mother's name. Officers had taken a picture of it when they took me to solitary on April 1, 2024. I told them at that time that it was my mother's name.

14. I asked the captain why I was put in solitary confinement when I was never involved in a gang. I asked him about my friend who had not been let out yet. He said, that is not your problem, worry about yourself, and asked me sarcastically if I wanted to go back to the dormitory or stay in solitary. He said it sarcastically like it was a threat if I kept asking questions. Then he said that he would be watching me and my companions (the other Venezuelans I was detained with), and that he would know everything we did. He said he would put me back in

**Respondent:** [REDACTED]

**File No.:** [REDACTED]

solitary confinement if I did any little thing wrong, and I would stay there until they deported me or released me from the detention center.

15. A few days after ICE and Otero officials released us from solitary confinement, I think around April 6 or 7, 2024, my deportation officer and another ICE officer took a group of ten of us out of our dormitories. They told us that they had a solution for us, a paper that would allow them to deport us to Mexico. They said if we signed it, they would bring us to Mexico and release us from detention. They told us that if we didn't agree to be deported to Mexico, we would spend more time in detention. I wrote on the paper that I did not want to go to Mexico because I was afraid.

16. I know of two people who signed the paper and were deported to Mexico. I learned that one of them was later kidnapped in Mexico. I know this because our parents communicated through a WhatsApp group and his mother told our family members.

17. Solitary confinement is a horrible place to be in. I feel scared that I'll be put back in solitary since I feel like the guards are looking for any reason to put us back in solitary which makes me feel uneasy. Now, I just lay in bed most of the time so that I can avoid people and avoid problems at all costs.

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

6/4/2024

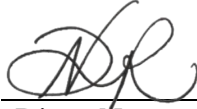
Date

**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] in Spanish on the below-indicated date and that my interpretation of the declaration was true and accurate to the best of my abilities.



---

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

6/4/2024

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Date

# Exhibit I

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

1. My name is [REDACTED] [REDACTED] [REDACTED] [REDACTED]. I was born in Venezuela on [REDACTED] [REDACTED]. I fled Venezuela in February of 2023 and traveled north to seek asylum in the United States.

2. I crossed into the U.S. from Mexico in October of 2023. Border Patrol agents took me into custody. I was later transferred to ICE custody. ICE transferred me to Otero County Processing Center on October 18, 2023.

3. An immigration judge ordered me removed to Venezuela on January 26, 2024. But because the U.S. isn't removing anyone to Venezuela right now, I have remained in detention at Otero.

4. The morning of April 1, 2024, Otero guards and ICE officers showed up to my housing unit with a list. I knew there were ICE officers present because they wore jackets that said "ERO" on them. My name was the fourth or fifth name they called out. They instructed me to go to the hallway. The hallway was full of Otero guards. They put me in handcuffs and told me not to resist. They said they didn't know why I was being placed in handcuffs. Then they took me to a segregated area of the facility I understand to be solitary confinement but because there were so many of us and not enough cells, I shared a cell with another detained individual for the first few days in an extremely small cell

5. The next day, an Otero guard had me hold a sign in my hands and took my picture. He told me that ICE would not release me from detention because of my tattoos, which he claimed are associated with the gang "Tren de Aragua." That's not true. I have one tattoo of a [REDACTED], which symbolizes my last name, "[REDACTED]" or "[REDACTED]" not any gang. I have another tattoo that says "Gangster," but that's just a silly tattoo I gave myself when I was a teenager. I am not a gang member.

6. Either the second or third day I was in the segregated area of detention in an extremely small cell I submitted a complaint to the Otero staff on an electronic tablet asking why I had been placed in segregation since I'd never gotten in trouble at the facility.

7. The first three or four days in segregation I shared a cell with another detained person. After that, the officers moved me to a cell by myself. I woke up to find a paper slid under my door stating I was a danger to myself, other detained individuals, and to the Otero staff. The paper was in English and Spanish, and I didn't know who gave it to me or who it was from.

8. On April 16, 2024, Deportation Officer [REDACTED] gave me a paper that said I would remain detained. I gave her sponsor documents and my clean background check from Venezuela. She said she could not do anything except include the documents in my file and let her supervisor know.

9. The next day, I did not eat because I still had not heard any news on when I'd be released from segregation and because of the injustice of being put in segregation in the first place based on accusations they had no proof for.

10. On April 18, 2024, the Otero guards finally released me from segregation. I wasn't told anything by the Otero guards except to clean up my cell and that they were taking me back with the general population. Before returning to my dorm, a woman I understand to be the person in charge of Otero and another woman I understand to be a high-ranking ICE official talked to me and a group of other detained men and told us we were under close watch. They said they didn't want to see us again and warned us to stay out of trouble. They said they'd transfer us if we did even a minor thing.

11. My time in solitary confinement has pushed me to my limit. I've tried to stay strong, but I felt really depressed and desperate to get out of detention, especially when I haven't done anything to deserve this kind of punishment like solitary confinement.

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

5/31/2024  
\_\_\_\_\_  
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.



---

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

5/31/2024

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Date