



December 9, 2023

Shoba Sivaprasad Wadhia
Office for Civil Rights and Civil Liberties
US Department of Homeland Security
CRCLCompliance@hq.dhs.gov

Erik P. Breitzke
Office of Professional Responsibility
US Immigration and Customs Enforcement
Joint.Intake@dhs.gov

Joseph V. Cuffari
Office of the Inspector General
US Department of Homeland Security
DHS-OIG.OfficePublicAffairs@oig.dhs.gov

Patrick J. Lechleitner
US Immigration and Customs Enforcement
Patrick.J.Lechleitner@ice.dhs.gov

To Whom It May Concern,

On behalf of people detained in civil immigration custody at the Cibola County Correctional Center, the New Mexico Immigrant Law Center (NMILC) submits the instant complaint regarding the excessive use of force by CoreCivic officials on or around November 18, 2023, and the ongoing failure to render appropriate medical care to individuals suffering adverse medical symptoms as a result of the incident. NMILC requests urgent investigation and remediation.

This complaint raises violations of the Performance-Based National Detention Standards 2011, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulations that are binding on the Department of Homeland Security found at 6 C.F.R. § 15.30(b)(1)(i).

On or around November 18, 2023, CoreCivic officials engaged in collective group punishment against people detained in the 100-A unit at Cibola. CoreCivic officials released several canisters of chemicals, believed to be pepper spray, into a unit of approximately 25 to 30 men. CoreCivic failed to properly deep-clean the unit after the incident and prolonged people's exposure to the chemicals, heightening their risk for medical complications. The individuals whom CoreCivic exposed to these chemicals continue to report ongoing medical problems and a failure of the facility to render proper medical care nearly three weeks after the incident.

The following individuals are known to counsel and have asked to be interviewed by the relevant oversight authorities. It is indicated below whether the individuals would like to request a Z Hold (administrative stay of their deportation) and consideration for release from custody. Some individuals prefer ongoing processing of their deportation due to detention fatigue and a desire to be able to leave Cibola as soon as possible, but nevertheless wish to be interviewed as witnesses in this investigation.

Victims of the 100-A Unit Pepper Spray Attack

1. R [REDACTED] [REDACTED] – request for Z Hold and release from custody during the pendency of the investigation

2. E ██████████ – request for Z Hold and release from custody during the pendency of the investigation
3. J ██████████ – request for Z Hold and release from custody during the pendency of the investigation
4. E ██████████ – does not require issuance of a Z Hold because he is not subject to a final order of removal
5. J ██████████ – request for Z Hold and release from custody during the pendency of the investigation
6. F ██████████ – request for Z Hold and release from custody during the pendency of the investigation
7. N ██████████ – request for Z Hold and release from custody during the pendency of the investigation
8. D ██████████ – request for Z Hold and release from custody during the pendency of the investigation
9. M ██████████ – request for Z Hold and release from custody during the pendency of the investigation
10. Y ██████████ – unless his release from US custody would occur prior to his scheduled deportation, Mr. Urbina Andrade does not wish to pause his deportation
11. N ██████████ – unless his release from US custody would occur prior to his scheduled deportation, Mr. Coiran-Rodriguez does not wish to pause his deportation
12. A ██████████ – unless his release from US custody would occur prior to his scheduled deportation, Mr. Criollo Ramirez does not wish to pause his deportation
13. L ██████████ – transferred to Jena Staging Facility as of 12/9/2023
14. J ██████████ – transferred to South Texas Detention Facility as of 12/9/2023
15. J ██████████ – transferred to Jena Staging Facility as of 12/9/2023
16. A ██████████ – transferred to Jena Staging Facility as of 12/9/2023

Summary of Incident

On or around November 18, 2023, approximately five detained individuals grew frustrated and agitated with prison conditions, their prolonged detention, and lack of access to information about their legal situations. The rest of the approximately 21-26 people in the 100-A unit attempted to calm the men down. As their behavior escalated, the majority of the men in the unit retreated to their individual cells and separated themselves from the demonstrators.

In response to the five demonstrators, approximately 20-25 masked CoreCivic officials launched gas canisters into the unit. It is believed that the canisters contained tear gas or some other gas-like chemical. Men who were not involved in the alleged disruptions attempted to protect themselves by breathing into the air vents, only to discover the air vents had been turned off.

Men report excessive force and aggressive behaviors by the officials during the incident. Mr. ██████████ C ██████████ reports, “20 to 25 officers entered while yelling that we were criminals

and why we didn't just stay in our country. The officers were aggressive and did not check on any detainees. I begged for water while others were passing out from all the pain they were experiencing. There was no medic present to help us." **Exh. A.**

Men report burning, vomiting, breathing problems, and other health issues during the attack. As ██████ C ██████ reports, "They threw the gas constantly for thirty minutes. We were begging them to please stop but they kept on throwing the gas." **Exh. B.** Mr. ██████ H ██████ reports "I am much older, so the gas affected me a lot. Since the beginning of this incident, I was in my cell located on the first floor. As they threw the tear gas I was face down in my cell with blood gushing out of my nose. My chest hurt as I tried continuously to gasp for air and my back had a pain that I can't even describe. The gas felt so intense as there was no ventilation present in our unit." **Exh. C.**

After releasing the chemicals, CoreCivic officials removed the demonstrators from the unit and locked everyone else in their cells. After several hours, there was some medical attention rendered to the remaining men in the unit. However, it is widely reported that the medical attention was insufficient and did not meaningfully address the symptoms people were experiencing. For example, men report only having their blood pressure taken, but not given materials to clean the chemicals off of their skin nor ointment or other remedies for their burning eyes and throats.

The unit was also reportedly not cleaned after the incident, and men were not permitted to shower off the chemicals that CoreCivic dispersed into the unit. Men were forced to sleep in the same clothes and sheets that had been exposed to the chemicals all night, and continued to suffer adverse health consequences as a result. As Mr. C ██████ reports, "After the gas throwing stopped, we were locked up until 11:00 am the next day [...] We were not able to shower until 11:00 AM the next day. The beds were covered in gas and so were our clothes. We had to sleep in our cells that night, without them being cleaned. A few people fainted because of the gas." **Exh. B.**

In the days after the incident, a CoreCivic official, likely the warden, reportedly gave the men chocolate and Pepsi in an attempt to dissuade complaints.

Men continue to be deprived of proper medical attention to ongoing injuries up and through December 6, 2023 – nearly three weeks after the incident. Mr. C ██████ states, "I have been getting headaches every day since the incident. My nose bleeds. I have asthma and I feel like it is worse now. My eyes burn. Sometimes I feel like my eyes feel better but then the pain comes back worse. I did not receive medical attention and have not looked for help because they don't help you here. I asked to see a psychologist and I have not been able to see them." **Exh. B.** He also continues to suffer psychologically, and continues "I was punished for something that I did not do. Ever since that incident I am always afraid. I can't sleep well; I don't trust anyone because I was gassed for something that I did not do and I don't know what could happen to me next." *Id.*

Mr. C ██████ reports, "to this day I still suffer from pain in my eyes. The air hitting my eyes makes them hurt. I know of five people with rashes on their faces, one with a rash on his body and face that were a result of the gas. Many from my unit also have symptoms affecting their eyes." **Exh. A.**

Counsel and NMILC staff have interviewed approximately fifteen people who were victims of CoreCivic's excessive use of force and failure to render proper medical care. All individuals report similar facts about the incident, disclose extreme adverse health affects during and after the incident, and report ongoing failures by Cibola staff to meaningfully address the pain they are in and the symptoms they are experiencing.

Accordingly, it is respectfully requested that DHS oversight agencies investigate the November 18 incident, and order immediate medical attention to individuals who are continuing to suffer symptoms in the wake of the attack. It is respectfully requested that the individuals who seek stays of deportation be granted such relief, and permitted release so they can be helpful in the investigation.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "S. Genovese".

Sophia Genovese
Managing Attorney
New Mexico Immigrant Law Center
PO Box 7040
Albuquerque, NM 87194
E: sgenovese@NMILC.org
P: 505-895-2609

EXHIBIT A

Sworn Declaration of [REDACTED] C [REDACTED]

1. My name is [REDACTED] C [REDACTED]. I was born on [REDACTED] in Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I left Venezuela because a criminal group kidnapped and tortured me because of incidents related to my work in the country. I reported their crimes to the police, but they said they cannot protect me against the criminal group. There are many police who work with the criminal groups to extort people, and the other police are powerless to stop them. I knew I could not be safe in Venezuela if I stayed.
3. My journey to the United States began in August 2023. I went through Central American countries until I reached the border. While in Mexico, I was robbed by a cartel. I immediately presented myself at the border to officials.
4. I first entered the United States on 10/[REDACTED]/2023. 9 days I remained in a border patrol facility. I arrived at Torrance County Detention Facility on 10/[REDACTED]/2023. Two days after I arrived at Torrance, I was scheduled for a Credible Fear Interview. I received no orientation on what the Credible Fear Interview was.
5. The interpreter that was provided to me could not understand me. I also struggled to talk in short phrases, my story is much longer than a couple of phrases. Some days after my interview I received a negative result.
6. I tried to appeal the decision, but the judge did not let me speak. I deserved at the very least an opportunity to fight my case. My result remained negative.
7. I was then transferred to Cibola County Correctional Center on 11/[REDACTED]/2023. I am now awaiting deportation. I am afraid to go back to my home country because I don't know what is waiting for me.
8. While in detention we are told to wait for ridiculous amounts of time. We have no rights to anything, at least no one has told me about them. One thing I know with certainty is that our human rights are violated.
9. The only way to communicate with our deportation officer is through a tablet, they can take up to three days to respond. My deportation has sent me messages saying, "Don't send me more messages, I already told you to wait." They no longer answer my questions they just dismiss me every time.
10. At times we have to use the tablets to communicate with officers in our unit, but at times they just grow frustrated. When I intend to try to communicate my needs, no officer or personnel in charge of my unit speak Spanish which makes it hard to ask for anything. Very rarely we have translators over the phone to help, but even then, they don't fully comprehend what I am saying.
11. I know how to ask for medical and mental health services. I figured it out, but even with knowing how to ask it still takes ages to be seen by a doctor.
12. We are allowed some yard or gym time to get out of our cells. The officers' idea of letting us out is just about five minutes. At that point why do I even bother going outside?
13. The only reason the facility is clean is because we are in charge of the cleaning everywhere.

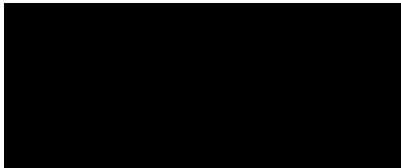
The personnel don't even bother with helping.

14. There are no religious services provided. It comes from individuals, and as a unit, we usually have to come together on our own.
15. The relationship I have with guards is regular. The treatment that comes from them is dependent on how they are feeling that day. They are heavily racist, sometimes it's because you only speak Spanish. So when you ask a question the officers just automatically want to scold you with no reasoning.
16. I am afraid for my safety because we have no information. I wonder how long I will be here because they are keeping me in detention. Some people are ready for deportation, but I cannot go back. I fear for my life if I have to go back to Venezuela.
17. The food schedule is the following: We have breakfast at 4:00 am, we have lunch at 11:00 am, and we have dinner around 4:00 pm-4:30 pm. This causes most people to feel hungry most of the day.
18. In the morning they give us plain oatmeal, a piece of bread, and a piece of meat the size of a coin. It is not appetizing at all. For lunch they give us undercooked rice that is still hard, two small pieces of bread, and two sausages. There is no flavor present. Finally, for dinner, they give us a sandwich with really spicy meat that is unbearable and peas. We have told the kitchen that the food is too spicy. Their response was "The people that cook are Mexican, so you are going to eat the spice that they give you." It is important to note that on the weekend we only get cereal for breakfast.
19. The portions they give are too little to be able to be healthy. It also isn't a secret that people in the kitchen throw away food at the end of the day. People in the kitchen sometimes want to give bigger portions, but the people in charge prevent it from happening.
20. The food comes with hair, nails, plastic, and so much more. The food is disgusting, but you have to make yourself eat or else you're just going to die of hunger.
21. We do have access to phones but we only get about five to six calls five minutes each. When it is supposed to be 13 calls, 10 minutes each. My calls are usually cut when I begin to speak to family or lawyers about the conditions we are living in. All my phone calls have been monitored.
22. I know how to put in a complaint and have done so before. Ultimately nothing was done and the conditions remained the same. At this point, I don't even bother with putting any type of complaint in.
23. I have a friend who had some family put money in his commissary account. He went to go check and the money was not there although his family had bank statements showing that the money was processed. I helped him speak to personnel, so he could get it figured out, but they said that it was the family's responsibility. Up to today that money was lost and he was unable to get the funds. We did the process the way the facility wanted and came up with nothing.
24. We have a library, but there are no legal books. There is no one working in this library and we usually have to do everything on our own.

November 18th, 2023

25. On November 18, 2023, before the incident began the officers asked us if we would like to go outside or stay behind. I stayed behind, sometime later as I was watching television an individual came in and turned it off. Five men began to seem agitated.
26. From my understanding, there was a hunger strike beginning to form. They wanted to bring awareness to the quality of food we were being given. They also were tired of being in detention for so long when they had already signed deportation documents. All they wanted were answers, their reasoning was not malicious. They just wanted answers and changes to happen for their well-being.
27. As soon as I realized what these five men were doing, I went straight to my cell on the first floor which is right next to a door.
28. I had only recently been transferred to Cibola on November 16, 2023. I also noticed other recent transfers annexed themselves from the situation. A lot of people disagreed with the actions that the five individuals were taking.
29. Next thing you know there was tear gas being thrown under the door into our unit. There was no communication between officers and the five individuals before they decided to throw these gas canisters under all the doors connected to our unit. They also gave no warning that this was about to take place. The ventilation to our unit also seemed to be turned off.
30. As I mentioned before my cell is right next to a door, so I was breathing in all the gas and my eyes began to burn with agony. While officers came in with gas masks well protected.
31. 20 to 25 officers entered while yelling that we were criminals and why we didn't just stay in our country. The officers were aggressive and did not check on any detainees they were just locking everyone in their cell. They treated all of us like we were participants in these actions when that is far from the truth.
32. I begged for water while others were passing out from all the pain they were experiencing. There was no medic present to help us.
33. We were left to stay in the hazardous conditions Saturday night. They did not allow us to change or clean. We were not able to seek medical attention until four or five days later.
34. On Sunday around noon, the director came to speak to us about the event that had taken place. He told us that the five individuals had been taken care of and that nothing happened. He told us it was a new day and that we were just going to start over.
35. Around 2:00 pm that Sunday they opened our cells and provided us with cleaning supplies. They were not the correct cleaning supplies because the residue from the gas stayed there for days.
36. Around 4:00 pm or 5:00 pm Sunday we were finally able to shower.
37. On Monday, the director sent us chocolates and Pepsis like he was trying to buy our silence.
38. When one of the five individuals came back from solitary he mentioned to me that they were not feeding him while he was there. They did not allow him to shower and he had little access to the phone.

39. Five days after the incident, I was finally able to be treated by a doctor for the pain in my chest and eyes. I was better off not going because all they gave me were eyedrops and nothing for my pain. The eyedrops could very well be coming from the sink.
40. To this day I still suffer from pain in my eyes. The air hitting my eyes makes them hurt. I know of five people with rashes on their faces, one with a rash on his body and face that were a result of the gas. Many from my unit also have symptoms affecting their eyes.
41. I am frustrated about the way that this was handled, we are not criminals. The only thing we did was come to the United States and seek asylum.
42. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
43. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
44. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Dated: 12/6/2023

EXHIBIT B

Sworn Declaration of [REDACTED] C [REDACTED]

1. My name is [REDACTED] C [REDACTED] I was born [REDACTED] in [REDACTED] Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I left Venezuela because I have a daughter who has down syndrome. She has to get examined a lot and it is difficult to pay for those exams.
3. We used to own a bakery but we were extorted by the police for money. It was not worth working if all the money we made had to be given to the police. When I left, my sister was in charge of running the bakery but she had to sell it because she could not keep up with the payments the police wanted from her.
4. I traveled and crossed the border by myself. I ended my relationship and came here to help with the costs of treatments in Venezuela, and to escape the violence we were facing at the bakery. I left Venezuela on 09/[REDACTED]/2023. I crossed eight countries to get here. When we crossed the jungle in the border of Colombia and Panama there would be dead bodies on the ground.
5. I was in Mexico waiting for an answer about my CBP One appointment. I left because I got scared, I was staying at a house with other immigrants. The people who were there longer than me told me to be careful and to behave because if I didn't the lady would kidnap me. I was not sure if it was true or not but I was scared that she would kidnap me so I left Juarez and turned myself in at the border.
6. I was detained at "la carpa" (Border Patrol tents) before getting transferred to the ICE detention centers. We were able to shower and brush our teeth every five days. They only gave us a burrito and chips for breakfast. For lunch and dinner, we either received a burrito or a sandwich, we also got chips or cookies. To cover ourselves at night we were given a paper bag. It was clean because we would clean ourselves. I was there for nine days.
7. The officers would yell at us and if you ever complained or made a claim to them, they would put you in solitary confinement. It happened to one of my cellmates, he was in there for two days. They would call every four days.
8. I was at Tarrant County Detention Center in Estancia, New Mexico, at first for thirteen days. Then I was transferred here, Cibola County Correctional Center in Milan, New Mexico.
9. We can request medical assistance by filing a request through a piece of paper. They take three to four days to attend to you, whether it is urgent or not.
10. There is a psychologist and you can request to see him by filing a request on a piece of paper. I requested to see him nine days ago but I still have not been seen by him. I think there is only one psychologist that works here.
11. Sometimes we get taken outside for a little bit but it doesn't happen every day. When they do want to take us outside, they want to take us out at seven in the morning when it's very cold. Then a lot of people don't want to go outside because it is too cold. They only take us out for yard time two to three times a week for one to two hours.
12. The cells are very cold. The jacket they give us helps keep us warm. We also use the two

blankets they give us to try to stay warm.

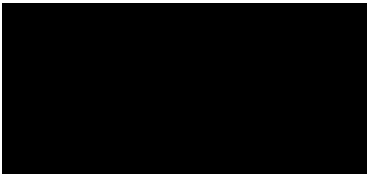
13. They give us grains and a lot of bread. For breakfast we get coffee, ground beef which a lot of people don't like, hash browns, eggs, or tortillas. For lunch we get two breads, two sausages, sometimes salads and beans. During the weekends we get cereal, milk, and bread for breakfast. Sometimes they'll repeat the meals we had for lunch for dinner. Once I found a hair in my chocolate, and today there was a sugar packet in my food, in between the dough.
14. The food is also very spicy, so spicy that we can't eat it. When talked to an officer about it he said that it was the regional food of New Mexico and that they have to eat it. They give us very little food. If we get rice they give us three little spoonsful, if we get ground beef we get two little spoonsful of it, and two breads.
15. They give us breakfast very early at around 4:30 am/5:00am. If you try to save your food for later and the officers find it, they will throw it away. It has happened to me.
16. The officers tell us to not look for lawyers because they won't do anything for us, they're just going to rob or scam us. They also tell us that if the judge already said that we will be deported there is nothing that they could do for us. Since they constantly tell us that the lawyers won't help us, I never looked because they take our hope away from us.

Tear Gas Incident

17. I live in the unit Alpha on the first floor in cell [REDACTED].
18. The incident started because people wanted to do a hunger strike because of the conditions of the food they received and because they wanted to talk to an officer. There was a group of four to five people who were demanding to speak with ICE or the leader about their case because they had been here for two months already. I had nothing to do with it so I locked myself in my cell. The officers were laughing at them; therefore, the group close the door and tied it. They wrote their demands on a piece of paper.
19. First, four officers came as a response to them. They were calling all of us names and told us that we were going to get locked up. They would pull at the door and say things but I did not fully understand them because I don't speak English. Then a group of fifteen to twenty officers came with gas masks and started throwing tear gas. They threw the gas constantly for thirty minutes. We were begging them to please stop but they kept on throwing the gas.
20. After the gas throwing stopped, we were locked up until 11:00 am the next day. A medic did not come see us until few hours later, she was just taking our blood pressure. They didn't clean anything besides the walls and the floors. We were not able to shower until 11:00 AM the next day. The beds were covered in gas and so were our clothes. We had to sleep in our cells that night, without them being cleaned. A few people fainted because of the gas.
21. I have been getting headaches every day since the incident. My nose bleeds. I have asthma and I feel like it is worse now. My eyes burn. Sometimes I feel like my eyes feel better but then the pain comes back worse. I did not receive medical attention and have not looked for help because they don't help you here. I asked to see a psychologist and I have not been able to see them.
22. At 11:00 am the next day an officer came to tell us that he knew we were not all delinquents

and that the people who were the cause of it were taken away. That it was a new day and that they should behave. It seemed like he was trying to buy us to not say anything, he then later gave us a few chocolates and a Pepsi.

23. I was punished for something that I did not do. Ever since that incident I am always afraid. I can't sleep well; I don't trust anyone because I was gassed for something that I did not do and I don't know what could happen to me next.
24. The officers act like if nothing happened. They tell us things to make us afraid to speak up about what happened. They told us not to trust any lawyers because they won't help us or do anything. They say that only they have the power to change anything.
25. I did not cross eight countries to get here to be treated like this.
26. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
27. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
28. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Dated: 12/6/2023

EXHIBIT C

Sworn Declaration of [REDACTED] H [REDACTED]

1. My name is [REDACTED] H [REDACTED] I was born on [REDACTED] in Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I fled Venezuela because I began to suffer persecution on account of my political opinion. I was a member of the political party Voluntad Popular. This political party was in opposition to the current government. This caused the government to come after me, they began by surveilling me and following me everywhere. It soon escalated to me being beaten and locked up by la Guarda Nacional and DGC, two government entities. Soon after I was released I decided that I needed to leave for my safety. My journey for asylum began on 8/[REDACTED]/2023. I was able to relocate to Colombia, but soon again my safety was compromised.
3. I made my journey to the United States and went straight to the border. As soon as I crossed the border on 9/[REDACTED]/2023, I presented myself to border patrol. My case began on 10/[REDACTED]/2023. I was held at a border patrol facility for about 8 days. I then arrived at Tarrant County Detention Facility on 10/[REDACTED]/2023. During this time, I had my Credible Fear Interview and received a negative result. I tried to appeal my case, but during court, the judge did not let me speak. My result remained negative and I am told that I will be deported.
4. I was transferred to Cibola County Correctional Center on 11/[REDACTED]/2023. I am currently waiting to be deported, and I am afraid of what will happen when I arrive in my home country.
5. The conditions at Cibola are bad. I know how to request medical and mental health care. It is a form that I fill out and then have to wait to be called down to the clinic. Even if it is an urgent situation they take days to give you a simple check-up. I have made a complaint about how long it takes to be seen, and it has not changed. The care I have received is bad because they don't want to take the time to find out what is wrong. It is also hard to receive care because the guards get to decide when to take you to the clinic. Oftentimes it is when the officer feels like it and we can't do anything about it.
6. The food portions that are provided by the facility are very little, it amounts to the food portion you would give to a cat. A standard plate looks like the following: a sandwich with a small amount of protein on it, some slices of potato, beans, bread, butter, and a cup of juice. Sometimes there is rice, but honestly, it could pass for some soup because of how undercooked it is. There is no salt present. At times the food is so spicy to the point where I cannot eat it. The food is disgusting.

November 18th, 2023

7. On November 18th, we were attacked by the prison officials with pepper spray. The incident began when some individuals were at the gym. There had been talk amongst the people in detention about the conditions we were living in. There was a focus on food because it is often raw and you could often find nails, plastic, or hair in our food.
8. Five men wanted to escalate their protests. The men wanted everyone's support, but the rest of us did not want to participate in that manner. There was disagreement on what the five individuals were doing, we begged them to stop because at the end of all of it we were all going to be punished for it.

9. Many of the officers arrived and began throwing tear gas with no warning at all. Guards and officials were also aggressive. They were screaming and speaking in their native language. They also had face masks to protect themselves.
10. I am much older, so the gas affected me a lot. Since the beginning of this incident, I was in my cell located on the first floor. As they threw the tear gas I was face down in my cell with blood gushing out of my nose. My chest hurt as I tried continuously to gasp for air and my back had a pain that I can't even describe. The gas felt so intense as there was no ventilation present in our unit.
11. As I am face down in my cell the director of the facility is the only one I recognized. I remember him calling us criminals as people were being thrown into their cells. That Saturday we were left in cells and clothes filled with residue from the gas. No medical personnel came to check on me. I was not allowed to seek medical attention until five days after the incident.
12. That Sunday they allowed us to leave our cells to eat our food only and it was straight back to being locked up in our cells. We were allowed to shower after we had lunch. During the morning of Sunday, the director came in and said some words. He said it was a new day and that the people responsible were taken care of. The facility also provided cleaning supplies, so we could clean up after them.
13. Everyone in the facility knows that we didn't all participate in the actions taken on November 18th. That is why the director tried to buy our silence on Monday when he sent us chocolates and Pepsis. There was also an inspection taking place that Monday which is why our cells were opened. During that time, we were not allowed to do anything recreational.
14. The amount of gas thrown was too much, and it was not necessary. I am still suffering from symptoms. My chest, back, and eyes still hurt as I breathe and I still frequently bleed from my nose.
15. I feel like I was punished for something that I did not participate in at all. Everything has changed for me because I never thought I would go through this type of treatment. I am terrified because I do not know when officials will commit this act again. All I do is think about it.
16. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
17. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
18. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

[REDACTED]

Dated: 12/6/2023

EXHIBIT D

Sworn Declaration of [REDACTED] F [REDACTED]

1. My name is [REDACTED] F [REDACTED], [REDACTED], I was born on [REDACTED] in [REDACTED] Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I was in the military in Venezuela, but I quit because I did not agree with the decisions being made by my government. After I left, government officials kept on looking for me and I had to keep changing states to avoid being detained, tortured, and killed for deserting the military.
3. When I was hiding in [REDACTED] Venezuela, in or around October 2017, three police officers belonging to the CICPC told me that the army was looking for me. They kidnapped me for three days. After I escaped, I fled Venezuela. I attempted to live in other countries, but was not able to live safely elsewhere either.
4. When I was taken to my credible fear interview at Torrance, I was not told what was happening. Because I did not believe what I was saying would be kept confidential, and because the interview rooms do not have privacy, so I did not tell them things about my government. I was afraid that somehow the Venezuelan government would learn what I said. Other people who received CFIs with me that day were also Venezuelan, and they could hear what I was saying to the interviewer. I did say that I was kidnapped during my interview, and the guy next to me later used it to make fun of me afterwards. I could not have gone into even more detail during my interview given the lack of privacy.
5. I was at Torrance County Detention Center for fifteen days. Then I was transferred to Cibola County Correctional Center.
6. I live in the unit named Alpha-100 on the second floor in cell 201, I am close to the entrances. On or around November 18, prison officials sprayed pepper spray into my unit.
7. Earlier that day at the gym, some people were talking about going on a hunger strike due to the food we get and because of the time they've been detained. Some of the people already have their order of deportation and have been locked up for one to two months, but some people can spend even more time being locked up.
8. I was in my cell when the things in the gym happened. Then a group of 5 people came to the unit and said they wanted to protest. I believe it was two people who had been locked up for two months and three people who had just been transferred there from Torrance a week ago. They started yelling that they wanted to leave and that they wanted to be deported. They also protested the food, calling out the poor quality and low quantity. There have been incidents of a cellmate finding hair in his food, another incident of someone finding a piece of nail in a piece of chocolate, and another one where there was a piece of plastic in their food. They also don't give us enough portions. We also told the captain about the portions and he said that the portions they are getting is what they will get. We are always hungry.
9. All they wanted was to talk to someone, an ICE officer, but no one showed up. They just

wanted to talk about the food and their deportation. Since no one showed up they got frustrated and started to throw things and burning pieces of paper by putting them in the microwave. I disagreed with those tactics and distanced myself.

10. Then the captain or some high-level official arrived and opened the door. He did not say anything, instead many officers came in and started throwing the gas. I could hear people screaming. They threw a lot of canisters because you could hear when they would hit the floor and when it would start pouring gas.
11. There was around 27 to 28 of us in the unit who were affected by the gas. There was an older man that was approximately 52 who was affected. My cell was near the entrance so I was also affected a lot by the gas. My eyes and throat were burning. I was not doing anything wrong, but I was punished.
12. I had been perfectly healthy before that day but since that incident I've been dealing with a cold and my eyes burn. Sometimes the stinging disappears but it comes back within a week and it comes back worse.
13. The prison officials don't even give you enough food to have strength to defend yourself and they tell you that you don't have a right to a lawyer because you're being deported. I feel hopeless in this situation.
14. It was not until several hours after the incident, maybe four or five hours, medical personnel arrived in the unit. All they did was take people's blood pressure. I believe the incident happened around 8:00 PM to 8:30 PM, and we did not see medical personnel until 12:30 AM/1:00AM.
15. They kept us locked up until approximately 11:00 AM the next day. We were not able to shower until then, that is the first thing we did. Everything was covered in gas. I touched the table and my eye got itchy so I went to rub it and it started to sting again.
16. The next day at 11:00 AM the captain or warden came and told us that it was a new day. He said that it was a new day and that nothing happened. He told us that he knew we weren't all delinquents and those that had anything to do with this were already taken away. That we could start from zero and that if we behaved, they would bring us chocolates and a Pepsi the next day.
17. You can put in a medical and mental health request through a piece of paper. I put in a request for a psychologist, she came to see me today (12/1/2023) but she saw that my eyes were all red and told me that she couldn't see me today and that she'll be back on Monday. Even though when I wrote to her on 11/29/2023 I said that it was urgent that I speak with her because of what I'm going through.
18. For medical assistance, I put in a request because my eyes were bothering me. They gave me ointment to put around my eyes but it did not help and it was the only thing they gave me. On

11/30/2023 I put in another request to be seen and I am now waiting for them to see me.

19. The conditions are very bad here. We get taken outside to the yard and get to go to the gym but since I have been sick, I have not gone. I stay far away from the prison officials and don't bother them unless I need something. Yesterday (11/30/2023) I had an issue with one of the officers. When the officer arrived during breakfast I asked if I could get a little bit more coffee or milk, he started yelling in English and I didn't understand him. All I wanted was a little bit more coffee and he responded by yelling.
20. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
21. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
22. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Dated: 12/6/2023