

DECLARATION OF YAMIL LUNA GUTIERREZ

I, Yamil Luna Gutierrez, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I make this declaration based on my own personal knowledge, and if called to testify, I could and would do so competently and truthfully to these matters.
2. My name is Yamil Luna Gutierrez. I came to the United States from Nicaragua in June of 2022. In late April or early May of 2025, I requested an order of deportation from the immigration judge hearing my case because I was sick and did not want to remain in detention.
3. I am currently detained at Guantánamo in Camp 6. I arrived at Guantánamo around May 20, 2025. I have never been a member of a gang, and I do not have any tattoos.
4. Prior to my detention at Guantánamo, I was held at Alexandria Staging Facility for eight days. Before that, I was held for approximately one and a half months at Farmville Detention Center.
5. I feel like at Guantánamo, the government treats me like a terrorist. For the entire flight to Guantánamo, we were in shackles on our hands and feet and a waist chain. When I first arrived at Guantánamo by plane, we were surrounded by armed military guards.
6. We are given three meals per day at Guantánamo, but they are very small. At Farmville, I was able to buy soup or other food items to supplement the food they gave me, but here there is no food for purchase. I often am hungry because this is not enough food. We often get dinner around 4:30 pm, and by 9:00 pm, I am very hungry. All I can do then is drink more water, but that does not make the hunger go away. I have lost weight during my entire time in ICE detention, but I have lost weight faster in Guantánamo than I did at other facilities due to the lack of food here.
7. Guantánamo is much less sanitary than the other detention centers where I have been held. Our cells are very dirty, and they do not give us supplies to clean them. There are rats in my unit, and the guards feed them pieces of apple or orange. We go hungry, and we have to watch the guards feed the rats.
8. We are permitted about one hour of recreation each day. This recreation is in an indoor cage measuring approximately 20 feet by 20 feet that is connected to our unit by a door. The guards open that door for our hour of recreation. There is no equipment to exercise—not even a ball. We are indoors when we exercise. We want to go outside to see the sun, but we are not allowed.
9. I can only access the telephone to call friends and family for ten minutes each week. We are only allowed to call numbers in the U.S., so those without family or friends in the U.S. cannot place calls to anyone. This is not a matter of the cost of calls for me. My

family would pay to talk to me. All I ask is to be allowed the opportunity to place more than one ten-minute call per week.

10. We are not allowed to keep any personal property. We do not have access to pencils or paper. We also are not allowed to have a bible. I am a religious person, and not having a bible is difficult for me. We get one small piece of soap each week to shower, but we have to turn it in to the guards after we are done showering. This means that we have no soap to wash our hands during the day. We do not get a razor to shave. Once when they gave us a meal, I did not eat the apple, and I kept it for later. They told me that, because I kept the apple, they would send me to solitary confinement and that I would not get to go on the next flight to Nicaragua.
11. In the other ICE detention centers where I have been held, there have been forms for making medical requests. There are no forms here to fill out to see a doctor or to request anything from the guards. The only thing we can do is to ask the guards if we have any questions or requests. Sometimes the guards help us, and sometimes they do not. For example, the people in my unit recently asked the guards for clean clothes when we had gone days without clean clothes. The guards told us that we might get clean clothes in three days, or we might not. In the other detention centers, they gave us four sets of clean clothes every two days.
12. I do not want to be held at Guantánamo. I am joining this lawsuit because I do not believe the U.S. government should be holding me or anyone else here. I would like to serve as a class representative in a case to challenge detention of immigrants at Guantánamo.
13. Everything in this declaration is true and correct to the best of my knowledge and recollection. This declaration was read back to me in Spanish, a language in which I am fluent. Because I am currently detained in Guantánamo, and because of the difficulty in exchanging legal documents, I could not sign this declaration, but have given consent to Kyle Virgien to sign on my behalf.

Executed on 2 of June, 2025

/s/ Yamil Luna Gutierrez

Yamil Luna Gutierrez

ATTESTATION AND CERTIFICATE OF TRANSLATION

I, Kyle Virgien, certify that I am fluent in both English and Spanish. On June 2, 2025, I personally spoke with Yamil Luna Gutierrez and read the foregoing declaration to him, translated into Spanish faithfully and accurately, over the phone. Mr. Luna Gutierrez affirmed that he understood my translation and that the information in the above declaration is true and accurate. Due to Mr. Luna Gutierrez's detention, it was not possible to obtain a written signature on the declaration. In addition to confirming the information on the above declaration is true, Mr. Luna Gutierrez also gave me verbal consent to sign on his behalf.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.



Kyle Virgien

American Civil Liberties Union Foundation

425 California Street, 7th Floor

San Francisco, CA 94104

415-343-0770

kvirgien@aclu.org