

EXHIBIT C

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

YAMIL LUNA GUTIERREZ, et al.,

Plaintiffs,

v.

KRISTI NOEM,
Secretary of Homeland Security, et al.,

Defendants.

Civil Action No. 1:25-cv-1766

DECLARATION OF FRANCISCO MADRIGAL

I, Francisco Madrigal, declare the following under 28 U.S.C. § 1746, and state that under penalty of perjury the following is true and correct to the best of my knowledge and belief:

1. I am the Deputy Assistant Director for the Office of Field Operations, Western Operations, within Enforcement and Removal Operations (“ERO”), U.S. Immigration and Customs Enforcement (“ICE”), Department of Homeland Security (“DHS”).
2. In my role as Deputy Assistant Director, I am charged with managing ICE detention operations to ensure the safety, security and care of aliens in ICE custody. This includes ensuring that ICE detention facilities comply with national detention standards. The Division is also responsible at the national level for the acquisition of detention facilities and related services.
3. ICE is currently using Naval Station Guantanamo Bay (NSGB) to house aliens subject to executable final orders without legal impediments to removal. Aliens are housed either at Camp VI (also referred to as Windward Housing Facility) or the Migrant Operations Center (MOC). ICE operates these facilities under the *Memorandum of Understanding Between the*

U.S. Department of Homeland Security (DHS) and the U.S. Department of Defense (DoD) for DoD Support at Naval Station Guantanamo Bay (NSGB) to U.S. Immigration and Customs Enforcement (ICE) for DHS/ICE Detention of Illegal Aliens Subject to Final Orders of Removal (March 7, 2025).

4. There have been times since January 2025 when there were no aliens detained at NSGB.
5. As of July 23, 2025, there are 37 aliens housed at NSGB.
6. The average length of stay for aliens at NSGB is 12 days.
7. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained in my official capacity from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business and information provided by other government Agencies or personnel.
8. I am aware that this litigation, *Gutierrez v. Noem*, No. 25-1766 (D.D.C. filed June 4, 2025), has been filed in the U.S. District Court for the District of Columbia.

Yamil Luna-Gutierrez (Gutierrez)

9. Gutierrez is a 33-year-old native and citizen of Nicaragua.
10. On or about October 26, 2024, Gutierrez was arrested for the offenses of Burglary and Aggravated Assault. A detainer was lodged, and on March 26, 2025, Gutierrez entered ICE custody.
11. On May 20, 2025, ICE transferred Gutierrez to NSGB, where he was housed at Camp VI.
12. On June 23, 2025, Gutierrez had an altercation with another detained alien, was medically evaluated, and placed in segregation for his protection.
13. On June 26, 2025, Gutierrez was removed to Nicaragua.

Rafael Angel Lopez-Ocon (Lopez-Ocon)

14. Lopez-Ocon is a 32-year-old native and citizen of Nicaragua.
15. On or about November 24, 2024, Lopez-Ocon was arrested and charged for driving while intoxicated, burglary, three counts of assault, and assault and battery of a family member.
16. On January 27, 2025, Lopez-Ocon entered ICE custody.
17. On May 23, 2025, ICE transferred Lopez-Ocon to NSGB, where he was housed at Camp VI.
18. While at NSGB, Lopez-Ocon received medical treatment, including a mental health assessment.
19. On June 5, 2025, Lopez-Ocon was removed to Nicaragua.

Counsel Calls

20. Legal representatives may request confidential legal phone calls with their clients or prospective clients held at NSGB by e-mailing: Legal.GTMO@ice.dhs.gov. Legal representatives must provide a scan of the legal representative's identification or documentation reflecting their status as an active legal representative, such as a state bar card, attorney license, paralegal license, or similar legal status, and a scan of the attorney's DHS Form G-28 or confirming submission through ERO eFile (unless this is pre-representational). If a legal assistant is the only legal representative to join the call, the email should also attach a letter of authorization on the firm or organization's letterhead and a scan of the assistant's identification. The NSGB ICE officers will email back with a confirmed date and time.
21. All appointments for phone calls must be made at least 24 hours prior to the desired appointment time. Appointments are scheduled Monday through Friday 8:00 a.m.-5:00 p.m. EST, and Saturday through Sunday from 10:00 a.m.-2:00 p.m. Appointments are in 20-minute increments. Legal representatives are not limited on the number of calls they can

request, but no legal representative is permitted more than one 60-minute appointment with an alien in a single day.

22. Only legal representatives, legal assistants, and interpreters are allowed on legal phone calls; no family or friends of the clients are permitted. The attorney and/or their agents may contact outside interpretation services during the call. The calls are confidential; a contract security or ICE officer is stationed outside – out of earshot but within eyesight – of the confidential room to ensure security by standing nearby. The officer will verbally notify the alien 5 minutes before the cut-off time.
23. All legal calls and attempted calls are logged.
24. Aliens may request legal calls by submitting a detainee request form as outlined in a Legal Form flyer. This flyer is posted and clearly visible in every housing common area.
25. Aliens may request a legal call with a legal representative by submitting a detainee request form, as discussed above. Aliens may use the time allotted to speak with a legal representative or try to find a legal representative. If an alien does not have a legal representative, the alien can call the American Bar Association (ABA) Information Line for a legal referral. ERO requested the ABA provide a toll-free number by which aliens may call the ABA Information Line from NSGB, which has Spanish language capability. The toll-free number is listed on the notice of the right to contact counsel which has been posted at both Camp VI and the MOC.
26. For immigration detainees housed at Camp VI, the facility currently has eight telephone lines that are installed in separate rooms that offer privacy. Immigration detainees housed at Camp VI are given the opportunity to request a private, unmonitored telephone call with their lawyers. No immigration detainees at Camp VI have been denied a request to speak with a

lawyer. The time permitted to make legal calls and the availability of telephones depend on maintenance, security concerns, and the population of the facility.

27. For immigration detainees housed at the MOC, the facility currently offers one private room for legal calls. Up to five immigration detainees per day will be permitted a 20-minute phone call to their lawyers. Immigration detainees housed at MOC will be given the opportunity to request a private telephone call with no audio monitoring to their lawyers. No immigration detainees in the MOC have been denied a request to speak with a lawyer.
28. Requests for in-person visits with the immigration detainees are not being accommodated at this time due to the extensive logistical challenges with such visits, the potential need for counsel to possess security clearances, the anticipated short-term stay of the immigration detainees, and the potential for a very high volume of requests from counsel to conduct such visits. The feasibility and necessity of authorizing counsel travel to NSGB for in-person visits between hired attorneys and their clients are continually being evaluated as the mission develops.

Family Calls

29. Aliens at Camp VI and the MOC can request telephone calls to family by filling out and submitting a detainee request form to an ICE officer or an ICE contract security officer. The telephone calls are limited to five minutes, though the alien may request an extension from the ICE contract security officer. Aliens may make international calls.
30. At Camp VI, family calls are individually provided every third day, free of charge. At the MOC, family calls are also free of charge and are provided seven days a week from 10:00 a.m. to 5:00 p.m. Family calls are monitored by either ICE officers or ICE contract personnel. During family calls, a staff member is present to monitor all phone calls to ensure that no information

pertaining to the security, terrain, or facility details are divulged. If an initial telephone call attempt is unsuccessful, the alien is given the opportunity to call another family member. If the call to the alternate family member is not successful, the alien is escorted back to his room and given another opportunity the following day.

31. The time permitted to make family calls and the availability of telephones depend on maintenance, security concerns, and the population of the facility.

Detention Conditions

32. Aliens may submit request forms to request additional food, medical treatment, including psychiatric and mental health treatment, replacement clothing if needed, religious materials, and entertainment materials (such as word puzzles and playing cards). Aliens are advised upon arrival about the requests process, and a posting in each housing unit provides information about the requests process.
33. Aliens are issued two sets of clothing upon arrival. Their clothes get washed twice every week.
34. All housing units at the MOC and Camp VI are air-conditioned to ensure that aliens are not subject to extreme temperatures during their stay. Temperatures at both the MOC and Camp VI are generally kept between 69-74° Fahrenheit to control humidity and moisture levels. Extra blankets are available upon request.
35. At the MOC, aliens are currently housed in a building with dormitory style housing units, with each unit accommodating 6 to 8 individuals. Each unit is equipped with its own bathroom, sink, and shower. Each unit has a window. Each alien is assigned his own bed.
36. Aliens are given supplies to clean their restrooms and housing units under supervision. Cleaning supplies are provided by hallway officers after dinner.

37. At the MOC, recreation is offered to aliens daily from 7:00 a.m. to 7:00 p.m. A maximum of 14 aliens interested in participating in outside recreation are escorted to an outside yard by a minimum of three ICE contract security officers. The allotted outdoor recreation time for each alien may vary depending on certain factors, such as the weather and/or size of the population.
38. At the MOC, aliens are provided with potable water upon request. Aliens at the MOC also have access to drinking water at a communal water fountain.
39. At Camp VI, the facility is designed with POD-style cell blocks across two tiers. Each POD contains 11 cells per tier with one individual housed in each cell. Each cell is equipped with a bed and its own commode, sink, and water fountain.
40. Aliens housed at Camp VI are provided with potable water upon request. They also have ready access to drinking water in their cells.
41. Aliens at Camp VI are also afforded daily access to a communal day room, which is naturally lighted. The communal day room is equipped with showers, reading materials, pens and paper, and accommodations for aliens to have meals together.
42. Aliens housed at the MOC and Camp VI have freedom of movement without use of restraints within their housing units.
43. Camp VI uses a modified outdoor recreational procedure that is located in the outdoor sallyport fenced-in area, which is permitted during all weather conditions and has access to natural light. Recreation at Camp VI is available to each POD daily for at least one hour, either in the mornings or afternoons depending on facility staffing.
44. At Camp VI and the MOC, each alien is provided three hot meals per day. All meals are prepared by the Dining Facility and brought to Camp VI and the MOC by Department of

Defense (DoD) Army staff. The meals are transported to the detention facilities in meal tray warmers. Upon arrival, DoD and ICE contract security officers ensure each alien is provided a meal tray during every meal. After the designated mealtime, all items are collected and trash is disposed.

Strip Searches/Behavioral Issues

45. ICE does not generally conduct strip searches at either the MOC or Camp VI. However, such searches have occurred on several occasions at Camp VI by DoD personnel pursuant to applicable detention standards. Both ICE and DoD detention standards allow for such searches in limited circumstances when a reasonable suspicion exists that an individual may be concealing potentially dangerous contraband in a private area. These searches have only been conducted after a pat-down search, and at least two failed body scan searches, and such searches are then limited to the particular area of the body where the body scan indicates the potentially dangerous contraband is located. Personnel of the same gender as the alien perform the search.

46. Pat-down and body scan searches at Camp VI are performed when the alien enters or re-enters the facility.

47. Aliens housed at NSGB are able to submit complaints, including allegations of mistreatment, which ICE will investigate and address as appropriate. Aliens are not punished or disciplined for submitting complaints or allegations.

Email Access and Document Exchange

48. Aliens do not have access to personal email. Attorneys can follow the procedures outlined at <https://www.ice.gov/detain/detention-facilities/naval-station-guantanamo-bay> to send emails to their clients. All correspondence must be sent to Legal.GTMO@ice.dhs.gov and cannot

contain more than 20 pages. Electronic communication requests will be processed between Monday and Friday 8 a.m.-4 p.m. ET. ICE personnel print and provide copies of the documents to the aliens.

49. Legal mail is processed for delivery to aliens as soon as the mail arrives at NSGB via the Defense Courier Service. All printed versions of electronic documents will be inspected for contraband but not read. ERO provides all detainees with access to pens and paper.

50. As of July 24, 2025, no legal mail has been received at NSGB.

I declare, under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, as of the time of signature.

Executed this 25th day of July 2025.

**FRANCISCO
MADRIGAL** Digitally signed by
FRANCISCO MADRIGAL
Date: 2025.07.25
16:23:35 -04'00'

Francisco Madrigal
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security