

# EXHIBIT

8

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Ángel Alejandro Heredia Mons et al.	)
	)
<i>Plaintiffs,</i>	)
	)
v.	)
	)
Kevin K. McALEENAN et al.	)
	)
<i>Defendants/Respondents.</i>	)
	)

Civ. No.: 1:19-cv-01593

**DECLARATION OF Y.P.T.**

I, Y.P.T., declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. My initials are Y.P.T., and I am a 30-year-old Cuban national detained at the Catahoula Correctional Center (“Catahoula”) in Harrisonburg, Louisiana. I am a native Spanish speaker. I do not speak English.

**Synopsis of Past Persecution**

2. I was forced to flee Cuba due to political persecution at the hands of the Cuban government. On or about May 1, 2018, the police arrived at my house around 8:00 am. That day was a commemorative holiday with official events that all are expected to participate in. The officers demanded that I leave my house, and they interrogated me about my failure to participate. I responded that I had no interest because I do not believe in politics. In front of my mother, my wife, and my five-year-old daughter, the police began to beat me until my face was bloodied. They handcuffed me and then took me to the police station.

3. I was put in a cell, where they continued to brutalize me with a police baton. They hit my body, my stomach, my arms, my feet, and my face. They called me a counter-revolutionary and threatened to disappear me. I was half-conscious when they threw me to the ground, and one police officer proceeded to sexually assault me. They left me on the floor for an hour, traumatized and half-conscious. They kept me detained without medical attention for twenty-five days, until the bruises and cuts had nearly disappeared.
4. Shortly thereafter, my family accompanied me to the police station, and we formally accused the police of mistreatment. However, the corruption in Cuba is pervasive, and because I had no visible cuts or bruises anymore, they said it was just my word against theirs. They refused to look into the incident.
5. After receiving multiple official citations and continued threats of imprisonment and disappearance, I was detained again on or about July 26, 2018, again for failure to participate in political events. Upon my release, three days later, I decided to flee and seek asylum in the United States (U.S.).

### **Journey to the United States**

6. On or about October 16, 2018, I took a flight from Cuba to Guyana. The journey from Guyana to the U.S. was extremely difficult. I traveled by bus and on foot. I experienced physical and sexual abuse on my journey. I passed through nine countries in my search for safety.
7. I first traveled from Guyana to Brazil, and then to Uruguay, where I requested asylum. I was denied asylum, and so I made my way back through Brazil, then to Peru, Colombia, and Panama. I was robbed various times in Peru and Colombia. While traveling through the jungles of Colombia and Panama, I saw the bodies of immigrants that had died on the

perilous journey. From Panama, I continued on to Costa Rica, Nicaragua, Honduras, Guatemala, and Mexico.

8. On or around May 10, 2019, I arrived to Ciudad Acuña, Coahuila in Mexico at the border with the U. S. I was assigned a number and forced to wait in a makeshift encampment for over three months until it was my turn to present myself at the port of entry. It was very unsanitary and dangerous in the encampment, and I depended on the donations of churches to survive. On or about August, 22, 2019, I was finally processed at the Del Rio, Texas port of entry, where I asked for asylum. I was immediately detained by border officials and transferred to the custody of Immigration and Customs Enforcement (“ICE”). ICE has in its possession my original photo-identity documents from Cuba.

#### **Frustration of Access to Parole**

9. After being detained, I was taken to a very cold cell known as a *hielera*. I was then transferred to a detention center in Texas. About six days later, I was transferred to the Tallahatchie County Correctional Facility (“Tallahatchie”) in Tutwiler, Mississippi. About a week after arriving to Tallahatchie, I was provided a credible fear interview (“CFI”). About a week after the interview, I was provided a positive determination of my CFI and related paperwork. Soon thereafter, I was provided an English language parole denial letter, before being given the opportunity to submit documents in support of a parole request. The stated reason for the denial was that ICE considered me a flight risk.
10. Since then, I have applied for parole three times at three different ICE detention centers, and all of my requests have been denied. Every denial letter checks off the same “flight risk” box as the stated reason for my denial, without offering any rationale or additional information about how ICE made this determination. My requests included extensive

evidence from my sponsor, letters of support from community members residing lawfully in the US, and evidence my good moral character. My cousin, who I have been close with my whole life, eagerly agreed to serve as my sponsor and to support me financially once released from detention. Alongside my cousin, I also have lawful permanent resident friends who have agreed to support me as I try to heal and fight my immigration case.

### **Conditions of Confinement**

11. While detained at Tallahatchie, I began experiencing a lot of anxiety and depression as a result of my confinement, poor conditions, and flashbacks to the abuse I experienced in Cuba. At Tallahatchie, I was never provided any medication for my depression or anxiety. I also regularly experienced nausea and claustrophobia, due to poor nutrition and close confinement with other detained immigrants.
12. In or about September 2019, I was transferred to Bossier Medium Security Facility (“Bossier”) in Plain Dealing, Louisiana. Bossier was a living hell. There, I experienced psychological and physical mistreatment. At Bossier, they would keep us indoors without access to the yard for months at a time, and we were not provided adequate nutrition. I was able to speak with a psychologist at Bossier, and they provided me with sleeping medication. However, the medication didn’t help due to the constant abuse by guards like the slamming of doors all night long and waking us up daily at 4:00 am.
13. When we requested medical treatment, we were told to drink water. When we got sick, often ibuprofen was the only medication provided to us. Those who were able to afford it would purchase ibuprofen at the commissary when refused medication. Officials withheld information about our cases, they yelled at us, and they put us in solitary confinement without just cause. Before I arrived at Bossier, some of my bunkmates had been sprayed

with tear gas and put in solitary confinement for requesting information about parole and refusing to eat their food. I met immigrants in Bossier who arrived healthy and left Bossier with serious mental health problems.

14. When I first arrived at Bossier, I was provided a small tube of toothpaste and soap that lasted me all of three days. After that, no more soap or toothpaste was provided. Those of us who have family in the U.S. to deposit money into our commissary accounts were able to purchase soap for about two U.S. dollars (\$2) at commissary and toothpaste for approximately three U.S. dollars and eighty-five cents (\$3.85). For those without money in their commissary account, they had no access to such necessities.
15. At mealtimes, the state and local inmates with whom we were incarcerated at Bossier served us meals, and they never used gloves to serve the food. The temperature at Bossier was also kept very low. At night especially, it was very cold, and sometimes the officers took away our blankets arbitrarily. Once, I was put in solitary confinement at Bossier because I complained that the food was too spicy and that the temperature was too cold in my dorm. In total, I was placed in solitary confinement four times without just cause while detained at Bossier.
16. I never had access to hand sanitizer at Bossier, even when people in the dorm were sick. In the bathrooms, there were no shower curtains. Officers and other detained men could watch me bathe. Weekly, we were each provided with a small roll of toilet paper, which would often not last the week.
17. In or about January 2020, I was transferred to River Correctional Center (“River”), in Ferriday, Louisiana. While detained at River, I had my final asylum hearing on or about January 10, 2020. I cannot afford legal representation, so I presented my case alone. I was

denied asylum. I decided to appeal the decision because the decision was not just, and I cannot return to Cuba. The appeal is currently pending. At River, conditions were unsanitary much like at Bossier. Detainees were responsible for cleaning the bathrooms, but we were never provided with adequate cleaning supplies or gloves.

18. In or about February 2020, I was transferred to Catahoula Correctional Center (“Catahoula”) in Harrisonburg, Louisiana. Shortly after arriving at Catahoula, while I was walking back to the dorm from the yard, I fell because the ground was wet from the rain. I fractured my right foot. My foot was very inflamed and in a lot of pain. I requested various times to be taken to the hospital. I was not taken to the hospital until about a week later.
19. When I was transported to the hospital, officers placed metal cuffs on my swollen foot and ankle. Since the hospitalization, I continue to suffer from severe pain. I request pain medication, but I am only provided ibuprofen. I am provided five to six pills of ibuprofen that are supposed to last me two to three days. This is not a sufficient amount to help ease the pain. I have been confined to a wheelchair for over a month. It is very hard for me to bathe, and I have to depend on the kindness of fellow detained men to take me to the dining hall to eat.
20. In recent weeks, my fear for my life has increased with the threat of coronavirus. Especially with my injury, I feel so weak and I worry I will be vulnerable once the virus enters the detention center. Already, someone in Catahoula Parish, where I am detained, has been confirmed to have died from the virus.
21. On the morning of March 24, 2020, officers told me they were taking me to the hospital for a routine check-up on my foot. They did not provide me with a mask, gloves, or any hand sanitizing wipes. I begged them not to take me out of the center without hygienic

protection because I am very afraid of being exposed to coronavirus. But they ignored my pleas.

22. During the ride to the hospital, the two officials transporting me were smoking cigarettes.

Neither wore gloves or masks. One of the officers was coughing. They were both talking about the coronavirus on the drive. When I arrived at the hospital, I had to wait in a waiting room with ten to twelve patients, many of them coughing. I had a brief visit with the doctor and then was returned to Catahoula in the early afternoon. I am very scared thinking about all the people I was exposed to without any mask or other hygienic protection throughout the day, including officers, doctors, nurses, and sick patients. Such negligence worries me as it poses a great risk to my own health and the health of all of us at Catahoula, including staff.

23. Despite the threat coronavirus poses, ICE continues to transfer people in and out of Catahoula, and right now the dorms are completely full. In my dorm there are over one hundred (100) people, and there is less than a meter (3 feet) of space between each of us at any given time. We all breathe the same air. There are many people here who feel sick, who are coughing, and who have fevers. We are not provided the most basic sanitary supplies to keep ourselves safe. No hand sanitizer, masks, or gloves are provided to us.

24. I am in Dorm I. Everyone here fears that coronavirus has already entered the facility. On my way to the dining area, I have to pass Dorm B, which is under quarantine. Dorm B is not far from the solitary confinement cells. In those cells, we can see people are wearing masks. From Dorm B and from solitary, people yell to us that they are infected with coronavirus. The officers do not provide us information to quell our fears. They also do not provide us education related to coronavirus.



25. We are afraid to request medical care, because we are threatened with time in solitary confinement when we request to go to the medical unit. This happened to me about a month ago when I had a sore throat and fever. I requested to go to medical unit, and, as a remedy, I was told to gargle saltwater and provided ibuprofen. Afterwards, officers tried to take me to a solitary confinement cell, but I begged them not to because of my deteriorated mental state. I was allowed to return to the dorm.
26. I cannot remain detained here. As a survivor of sexual and physical abuse in a Cuban jail, being incarcerated in these neglectful facilities across the south has been very traumatic for me. Claustrophobia, flashbacks, depression, anxiety, and insomnia are now all regular parts of my daily life. I have to take daily medication to treat these issues. I live in constant fear of being returned to solitary confinement or deported to Cuba. Each passing day I am more terrified of being infected with coronavirus.

**Plans if Granted Release on Parole**

27. The most painful part of all of this is that I am aware of my eligibility for parole under ICE's own directive. It causes me mental anguish to know that ICE has full authority to release me to the care of my proposed sponsor, my cousin who is a lawful permanent resident living in Florida.
28. If released, I plan to live with her and her husband in their home near Tampa, Florida. Upon my release, I plan to self-quarantine in their home to protect myself from COVID-19. I also plan to rely on their financial and emotional support. They plan to help me obtain the medical care I need to heal my fractured foot and to retain legal representation to continue fighting my case before the non-detained court. I am desperate to be released to my family and extended community.

VERIFICATION

I, Y [REDACTED] P [REDACTED] T [REDACTED] am the individual referred to as Y.P.T. in the attached declaration. I declare under penalty of perjury that the foregoing is true and correct.

I have authorized my legal counsel in the *Heredia Mons* litigation to sign on my behalf given the difficulty of arranging visitation and travel in light of the current COVID-19 pandemic. I am also foregoing the option to sign documents sent by mail due to the urgency of the COVID-19 situation and due to reasonable fear of destruction of mail or retaliation by officials at this facility. If required to do so, I will provide a signature when I am able.



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Jaelyn Cole  
*On behalf of witness Yudanys Perez Treto*

Date: March 26, 2020

CERTIFICATION

I, Jaclyn Cole, declare that I am proficient in the English and Spanish languages. On March 26, 2020, I read the foregoing declaration and orally translated it faithfully and accurately into Spanish over a telephonic call with the declarant. After I completed translating the declaration, the declarant verified that the contents of the foregoing declaration are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2020

A handwritten signature in cursive script, appearing to read "Jaclyn Cole", is positioned above a horizontal line.

Signature