

DECLARATION OF DELANEY ROHAN

I, Delaney Rohan, 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. I am an immigration attorney at The Legal Aid Society of New York City. I have represented Jose Bayardo Rivas Castellon in all immigration proceedings since November 2020.
3. On or about August 23, 2024, Mr. Rivas Castellon was released from New York criminal custody into immigration custody and taken to Orange County Jail (“OCJ”) in Goshen, NY. On or about November 30, 2024, he was transferred from OCJ to Pine Prairie ICE Processing Center (“PPIPC”) in Louisiana. On or about March 28, 2025, Mr. Rivas Castellon was transferred to Guantanamo (JTF Camp Six), and I believe he continues to be detained there.
4. Although I was notified by email of Mr. Rivas Castellon’s transfer to Pine Prairie ICE Processing Center, I was never notified of his transfer to Guantanamo. Instead, I was informed of the transfer by a family member.
5. On March 31, 2025, I used the legal.GTMO@ice.dhs.gov email address to schedule a legal call with Mr. Rivas Castellon. The call was originally scheduled for April 7, 2025, much later than I had hoped, so on April 1, 2025, I requested an earlier call, and the call was scheduled for 9:30am April 4, 2025. I received confirmation from this email address that the call had been scheduled, and that I should expect a call from Guantanamo at the scheduled time.
6. I did not receive a call from the facility at the scheduled time. At 9:31am on April 4, 2025, I emailed the above email address to inform the government that I was ready for the call, but I did not receive a response. At about 10:30am, I again emailed the above email address urgently requesting communication with my client, but did not receive a response.
7. Later that day, on the afternoon of April 4, 2025, I received a phone call from a deportation officer, who informed me that my client would call me momentarily. This officer confirmed that he was one of my client’s assigned deportation officers but declined to provide me with his contact information. About 15 minutes later, another

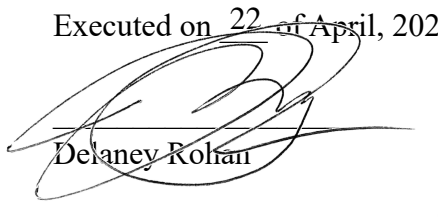
deportation officer called me from the facility and connected me with Mr. Rivas Castellon. We spoke for about 30 minutes.

8. On April 11, 2025, I again participated in a legal call with Mr. Rivas Castellon, along with Kyle Virgien of the American Civil Liberties Union Foundation. I asked Mr. Rivas Castellon if anyone could hear our conversation. He informed me that the door to the room was open. We asked him if he could close it. He attempted to close it but was told by an officer nearby that he could not close the door.
9. Mr. Virgien and I asked Mr. Rivas Castellon to request that the ICE officer enter the room and speak with us about this privacy concern. Mr. Rivas Castellon asked for the officer to enter the room, and the officer responded and entered. It only took seconds for Mr. Rivas Castellon to ask for the officer and for the officer to enter the room, and it appeared to me from this timing that the officer was located very close to the room and was within earshot.
10. The ICE officer explained that he had purposefully left ajar the door to the room where we were conducting our call with Mr. Rivas Castellon. He stated that he would need a code, which he did not know, to open the door. He told us that he had chosen to leave the door ajar because he did not want the door to lock. This officer also stated that he was not listening to the call because he did not speak Spanish, indicating that he could hear our conversation but could not understand the contents. Other ICE officers at Guantanamo speak Spanish fluently.
11. This ICE officer also stated that the military was recording all attorney-client calls with people in ICE detention at Guantanamo.
12. After our conversation with this ICE officer, we ended the call. We scheduled another call with Mr. Rivas Castellon on April 17, 2025. On this call, he again indicated, when I asked him, that an ICE officer was nearby and may overhear the call, and as a result he was significantly less willing to have open discussions than he has been on prior calls when he was detained elsewhere. I asked Mr. Rivas Castellon to retrieve the deportation officer so that I could ask him some questions about the status of my client's removal to Nicaragua. After speaking with the officer for a few moments, I asked the officer how I could communicate with ICE-ERO at the facility, but he declined to provide me with that information.
13. On another call with Mr. Rivas Castellon on April 18, 2025, I requested that Mr. Rivas Castellon bring in the ICE officer so that I could ask the officer a question about Mr. Rivas Castellon's case. Mr. Rivas Castellon left the room to ask the ICE officer to enter. I

could clearly hear their conversation over the phone, which further suggests to me that officers can overhear attorney calls.

14. Mr. Rivas Castellon has stated that when he has requested paper and a pen or pencil, the guards at Guantanamo have refused this request. As a result, he is unable to bring written notes to attorney calls.
15. On April 14, 2025, I sent a copy of Mr. Rivas Castellon's Nicaraguan birth certificate by email to legal.GTMO@ice.dhs.gov, to the attention of Mr. Rivas Castellon. I followed the instructions for sending legal mail to clients at Guantanamo, which can be found at <https://www.ice.gov/detain/detention-facilities/naval-station-guantanamo-bay>, and I included in the body of the email Mr. Rivas Castellon's name A-Number, my return fax number, the total number of pages sent, and a notation that this document was "Legal Mail." I did not receive any response confirming one way or the other whether the document had been received.
16. I asked Mr. Rivas Castellon on April 17 and April 18, 2025 whether he had received this document, and he told me that he had not.

Executed on 22 of April, 2025



Delaney Rohan