

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LIYANARA SANCHEZ, as next friend on behalf of  
FRENGEL REYES MOTA, *et al.*,

*Petitioners–Plaintiffs,*

J.G.G., *et al.*,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,

*Respondents–Defendants.*

Case No: 1:25-cv-00766-JEB

**PETITIONERS-PLAINTIFFS’**  
**MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Petitioners-Plaintiffs (“Petitioners”) hereby move for a preliminary injunction to prevent further harm to Petitioners and two subclasses who are already facing or imminently face grave and irreparable harm from the government’s unlawful use of the Alien Enemies Act to summarily expel individuals from the United States and imprison them in El Salvador.

First, for the CECOT subclass, Petitioners move for an Order requiring Respondents to immediately request and take all reasonable steps to facilitate the return of the subclass to the United States from Respondents’ jailer in El Salvador. This includes immediately requesting that Respondents’ agents and contractors in El Salvador, including any counterparty to an agreement

or contract concerning detention at CECOT, transfer the CECOT Subclass to the physical custody of the United States. It further includes enjoining payment of Respondents' agents and contractors in El Salvador, including any counterparty to an agreement or contract concerning detention at CECOT, to detain the CECOT subclass.

Second, for the Criminal Custody Subclass, Petitioners seek an Order enjoining Respondents from removing any subclass member from the United States under the President's Proclamation, and requiring Respondents to provide adequate notice of designation to each subclass member and class counsel, and a reasonable opportunity to challenge their designation, detention, and removal under the AEA, consistent with due process. Petitioners also seek an Order providing for immediate, adequate notice of designation to each member of the Criminal Custody Subclass and class counsel, including no less than 30 days to challenge their designation, detention, and removal under the AEA.

As further explained in the accompany Memorandum, Respondents' invocation and application of the AEA is unlawful and Petitioners will suffer—and, as to the CECOT class, have already suffered—severe and irreparable harm in the absence of a preliminary injunction in the form of an indefinite sentence in a Salvadoran prison without adequate notice and opportunity to contest the government's designation.

In support of the Motion, Petitioners rely on the accompanying Memorandum and declarations. A proposed order is attached for the Court's convenience.

Dated: April 24, 2025

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**PETITIONERS-PLAINTIFFS’ MEMORANDUM OF LAW**  
**IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**



## INTRODUCTION

Petitioners–Plaintiffs (“Petitioners”) file this motion seeking urgent preliminary relief on behalf of two subclasses who are already facing or imminently face grave and irreparable harm from the government’s unlawful use of the Alien Enemies Act (“AEA”) to summarily expel individuals from the United States and imprison them in El Salvador. The two subclasses include: (1) individuals whom the government has already unlawfully removed under the AEA and are imprisoned in El Salvador’s notorious Terrorism Confinement Center (“CECOT”) (the “CECOT Subclass”); and (2) individuals who are currently in criminal custody in the United States but have been or will be designated under the AEA (the “Criminal Custody Subclass”). For reasons explained below, the Court has jurisdiction over Petitioners’ claims, including their habeas claim, and venue is proper in this District.

Petitioners seek two primary forms of preliminary relief. First, for the CECOT Subclass, Petitioners seek an Order requiring Respondents to immediately request and take all reasonable steps to facilitate the return of the subclass to the United States from Respondents’ jailer in El Salvador. *See Noem v. Abrego Garcia*, 604 U.S. ---, 2025 WL 1077101 (U.S. Apr. 10, 2025) (per curiam); *Abrego Garcia v. Noem*, No. 8:25-cv-00951, ECF No. 79 at 4 (D. Md. Apr. 15, 2025); *J.O.P. v. DHS*, No. 8:19-CV-01944, ECF No. 253 at 12–15 (D. Md. Apr. 23, 2025). That includes, but is not limited to, requiring Respondents to request that their contractors and agents in El Salvador transfer the CECOT Subclass to the physical custody of the United States, and requiring Respondents to cease paying their contractors and agents in El Salvador to detain the CECOT Subclass. Second, for the Criminal Custody Subclass, Petitioners seek an Order enjoining Respondents from removing any subclass member from the United States under the President’s AEA Proclamation; and requiring Respondents to provide immediate, adequate

notice of designation to each subclass member and class counsel, and a reasonable opportunity of no less than 30 days to challenge their designation, detention, and removal under the AEA, consistent with due process. *See Trump v. J.G.G.*, 604 U.S. ---, 2025 WL 1024097, at \*2 (Apr. 7, 2025) (per curiam); *see also J.G.G. v. Trump*, No. 25-5067, 2025 WL 914682, at \*14–15 (D.C. Cir. Mar. 26, 2025) (Millett, J., concurring).

As to the preliminary injunction factors, the unprecedented Proclamation at the heart of this case is unlawful because the AEA is a wartime measure that cannot be used where, as here, there is neither an “invasion or predatory incursion” nor such an act perpetrated by a “foreign nation or government.” 50 U.S.C. § 21. And even if it could be used against a non-military criminal “gang” during peacetime, targeted individuals must be provided with a meaningful chance to contest that they fall within the Proclamation’s scope. That is particularly so given the increasing number of class members who dispute the government’s allegations of gang affiliation. For these and other reasons, Petitioners are likely to succeed on the merits. The remaining factors also decidedly tip in Petitioners’ favor. In the absence of an injunction, the government will be free to send hundreds more individuals to the notorious Salvadoran prison where they may be held incommunicado for the rest of their lives. The government will suffer no comparable harm given that the injunction would not prevent it from prosecuting anyone who commits a criminal offense, detaining anyone under the Act or other authority, or removing anyone under the immigration laws—and the Supreme Court has already ruled that due process requires reasonable notice and the opportunity to obtain judicial review. A preliminary injunction is warranted to preserve the status quo.

## LEGAL AND FACTUAL BACKGROUND

As described more fully in the prior preliminary injunction motion, ECF No. 67-1, the President has invoked the AEA on the theory that Tren de Aragua (“TdA”), a Venezuelan gang, is “perpetrating, attempting, and threatening an invasion or predatory incursion” against the United States. *See* Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua (Mar. 15, 2025) (“Proclamation”).<sup>1</sup> This is despite the fact that experts—and the government’s own intelligence agencies and declarants in this case—characterize TdA as a loose, decentralized group without a clear hierarchy or membership. ECF No. 67-1 at 7; ECF No. 77 at 13 & nn.8–9. Experts also maintain that there is no evidence of direct and stable links between the Maduro regime and TdA or evidence of a coordinated TdA presence in the United States. ECF No. 67-1 at 7–8.

As this Court is aware from prior hearings, the government has twice attempted to remove Petitioners under this unlawful Proclamation, both times with inadequate notice. The first time, the government began staging Petitioners on planes in the Southern District of Texas before the Proclamation was even issued and gave them no notice or opportunity to contest their designation. ECF No. 67-1 at 2. It unlawfully removed more than 130 class members to the Centro de Confinamiento del Terrorismo (“CECOT”), a notorious prison in El Salvador. Those individuals remain imprisoned at CECOT.

After this first wave of removals, the Supreme Court clarified that individuals “must receive notice . . . that they are subject to removal under the Act,” and such “notice must be afforded within a reasonable time and in such a manner as will allow them to actually seek habeas relief in the proper venue before such removal occurs.” *J.G.G.*, 2025 WL 1024097, at \*2.

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<sup>1</sup> Available at <https://perma.cc/ZS8M-ZQHJ>.

But the government continued its pattern of inadequate notice. Stymied by a subsequent TRO in the Southern District of Texas, the government moved a large group of Venezuelans to the Northern District of Texas. After a judge in that district denied a TRO as to the named petitioners and deferred decision on class certification—based on his understanding that the government’s representations “strongly suggest[ed]” it would not seek to remove class members under the Proclamation without adequate notice, *W.M.M. v. Trump*, No. 1:25-cv-00059, ECF No. 27 at 8–9 (N.D. Tex. Apr. 17, 2025)—the government quickly distributed AEA notices to detainees and not long after began loading them onto vehicles, *W.M.M. v. Trump*, No. 1:25-cv-00059, ECF No. 30 at 1 (N.D. Tex. Apr. 18, 2025). The English-only form, not provided to any attorney, nowhere mentioned the right to contest the designation or removal, much less explained how detainees could do so. ECF No. 92-1. It also did not provide a timeline by which designees needed to seek habeas relief. *Id.*

The government later informed a judge in the Southern District of Texas—in a declaration initially filed under seal and later unsealed by the court—that designees have 12 hours to indicate or express an intent to file a habeas petition (despite no reference to that option in the notice). Cisneros Decl. ¶ 11 & Notice Form (ECF Nos. 49 & 49-1), *J.A.V. v. Trump*, No. 1:25-cv-72 (S.D. Tex. Apr. 24, 2025) (ordered unsealed per Apr. 24, 2025 Minute Order). If the designee does not express any such intention, ICE may proceed with the removal. *Id.* Once a designee expresses an intent to file a habeas petition, they have 24 hours to do so. If no petition is filed within 24 hours, ICE can proceed with the removal. *Id.* While designees are permitted a phone call, Respondents do not explain how pro se detained individuals, who often do not speak English, could reasonably file a habeas petition in under 24 hours.

The lack of adequate notice is all the more concerning because, as explained in the prior preliminary injunction motion, ECF No. 67-1, designees are at grave risk of erroneous removal due to the government's dubious methods for identifying alleged TdA members. Indeed, family members of those in CECOT maintain that they have no connection at all to TdA. Exh. F (Sanchez Decl.) ¶ 14; Exh. G (D.A.R.H. Decl.) ¶ 11; Exh. H (M.Z.V.V. Decl.) ¶ 10; Exh. I (M.Y.O.R. Decl.) ¶ 11; Exh. J (M.M.A.A. Decl.) ¶ 10; Exh. K (Mendoza Decl.) ¶ 10. These errors are particularly devastating because many class members came to the United States precisely because of arbitrary arrests and detention by their government, and have strong claims for relief under our immigration laws. *See, e.g.*, Exh. F (Sanchez Decl.) ¶ 2; Exh. G (D.A.R.H. Decl.) ¶ 3; Exh. H (M.Z.V.V. Decl.) ¶ 3; Exh. I (M.Y.O.R. Decl.) ¶ 3; Exh. J (M.M.A.A. Decl.) ¶ 4.

The group of men sent to El Salvador is already suffering extreme harm due to Respondents' actions. The conditions the members of the CECOT Subclass are facing in El Salvador are horrific. *See* ECF No. 53 at 34; *see also* Exh. D (Bishop Decl.); Exh. E (Goebertus Decl.). Absent a preliminary injunction, the same fate awaits the members of the Criminal Custody Subclass, who currently remain in the United States.

### **LEGAL STANDARD**

To obtain a preliminary injunction, the party must show that (1) it is "likely to succeed on the merits"; (2) it is "likely to suffer harm in the absence of preliminary relief"; (3) "the balance of equities tips in its favor"; and (4) the issuance of a preliminary injunction is "in the public interest." *Alpine Secs. Corp. v. Fin. Indus. Regul. Auth.*, 121 F.4th 1314, 1324 (D.C. Cir. 2024) (citation omitted).

## ARGUMENT

### I. The Court Can Reach the Merits of Petitioners’ Claims.

#### A. Jurisdiction and Venue Are Proper in this District.

##### a. CECOT Subclass

##### i. The Court has habeas jurisdiction because the CECOT Subclass is in the constructive custody of Respondents.

As other courts have recently held, the United States government plainly “exerts control over each of the nearly 200 migrants sent to CECOT.” *Abrego Garcia v. Noem*, No. 8:25-CV-00951-PX, --- F. Supp. 3d ----, 2025 WL 1014261, at \*5 (D. Md. Apr. 6, 2025), *denying stay pending appeal*, No. 25-1345, 2025 WL 1021113, at \*4 (4th Cir. Apr. 7, 2025) (Thacker, J., with King, J., concurring) (district court properly determined that the U.S. government has power over CECOT detainees), *denying in part application to vacate*, 604 U.S. ---, 2025 WL 1077101 (U.S. Apr. 10, 2025) (per curiam). Thus, this Court possesses jurisdiction because the CECOT subclass members are in Respondents’ constructive custody and can challenge their unlawful removal to and detention in El Salvador.

To maintain a habeas corpus action, the petitioner must be “in custody,” 28 U.S.C. § 2241(c), but the Supreme Court “has given the custody requirement a liberal construction, and it is not necessary that the petitioner be in physical control of the respondent.” *Steinberg v. Police Court of Albany*, 610 F.2d 449, 453 (6th Cir. 1979) (citing, *inter alia*, *Braden v. 30th Judicial Court of Ky.*, 410 U.S. 484, 498–99 (1973)); *see also, e.g., Jones v. Cunningham*, 371 U.S. 236, 239, 242–43 (1963) (holding that parolee was “in custody” of parole board because of the “significant restraints” on his liberty; explaining that habeas “has not been restricted to situations in which the applicant is in actual, physical custody”). Indeed, “courts have universally held that

actual physical custody of an individual by the respondent is unnecessary for habeas jurisdiction to exist.” *Abu Ali v. Ashcroft*, 350 F. Supp. 2d 28, 47 (D.D.C. 2004) (collecting cases). Rather, habeas jurisdiction exists “where the official possesses either actual or ‘constructive’ custody of the petitioner.” *Id.* (citing *LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996)).

A petitioner can establish constructive custody where, as here, “the respondent was responsible for significant restraints on the petitioner’s liberty.” *Id.* at 48 (holding that individual detained in Saudi Arabia, allegedly at the behest of U.S. officials, may establish habeas jurisdiction). Courts have also found actual or constructive custody where respondents are “working through an intermediary or an agent to detain the prisoner.” *See id.* at 48–49 (citing *Braden*, 410 U.S. at 489 n.4, 498–99); *see also Munaf v. Geren*, 553 U.S. 674, 686 (2008) (“An individual is held ‘in custody’ by the United States when the United States official charged with his detention has ‘the power to produce him,’” even if such custody “could be viewed as ‘under . . . color of’ another authority, such as [multinational forces].”

Respondents plainly have custody over the CECOT Subclass. There is no question that the U.S. government is responsible for the imprisonment of the CECOT Subclass in El Salvador: it removed these Petitioners to El Salvador for the purpose of detention at CECOT. Nor is there any question that the U.S. government is working through an intermediary or agent to detain the CECOT Subclass: El Salvador is detaining these individuals at the behest of the U.S. government, and the U.S. government is paying El Salvador to house them. *See Abrego Garcia*, 2025 WL 1021113, at \*4 (Thacker, J., with King, J., concurring) (“the district court properly determined that ‘just as in any other contract facility, Defendants can and do maintain the power to secure and transport their detainees’”); *see, e.g.,* Exh. M (Sarabia Roman Decl.), at Exhs. 7, 11 (social media posts by Secretary of State Marco Rubio discussing U.S. agreement with Salvadoran government

to detain individuals in exchange for payment); *id.* Exh. 6 (White House spokesperson Karoline Leavitt stating the detention cost “approximately \$6 million, to El Salvador”).

As the *Abrego Garcia* district court found, “the federal government struck an agreement with El Salvador whereby it would pay the Salvadoran government six-million dollars for placement of the detainees in ‘very good jails at a fair price that will also save our taxpayer dollars.’” 2025 WL 1014261, at \*3 (quoting post by Secretary Rubio). The Salvadoran President, Nayib Bukele, “has publicly touted the agreement terms,” while the El Salvador Ministry of Foreign Affairs has published its memorandum reflecting the agreement for that country to hold detainees for one year, pending the United States’ decision on their “long term disposition.” *Id.* President Bukele has posted on social media that El Salvador “offered the United States of America the opportunity to outsource part of its prison system,” and that the United States “will pay a very low fee” to detain alleged TdA members at CECOT. *See* Exh. M (Sarabia Roman Decl.), at Exhs. 8, 10. In addition, DHS Secretary Kristi Noem has personally toured the CECOT facility and declared that transferring those previously on U.S. soil to CECOT is “one of the tools in our [the United States’] toolkit that we will use if you commit crimes against the American people.” *Id.* at Exh. 9. Thus, “all publicly available information . . . indicates that the [U.S.] Government has ‘outsource[d] part of the [United States’] prison system’” to El Salvador. *Abrego Garcia*, 2025 WL 1021113, at \*4 (Thacker, J., with King, J., concurring); *see also* Exh. M (Sarabia Roman Decl.), at Exhs. 4–11.

Finally, the fact that Respondents have sought to “deliberately shield” the CECOT Subclass from seeking judicial review further supports habeas jurisdiction here. *Abu Ali*, 350 F. Supp. 2d at 54 ((petitioner “being held indefinitely, and without benefit of any legal proceeding,” weighs in



favor of habeas jurisdiction) (citing *Rasul v. Bush*, 542 U.S. 466, 487–88 (2004) (Kennedy, J., concurring))).

**ii. Venue is proper in this District because the CECOT Subclass is being detained abroad and outside any judicial district.**

This Court is the proper venue for habeas petitions from class members detained in CECOT. *See, e.g., Rasul*, 542 U.S. at 484 (holding that 28 U.S.C. § 2241 “confers on the [D.C.] District Court jurisdiction to hear [noncitizens’] habeas corpus challenges to the legality of their detention at the Guantanamo Bay Naval Base”). As a general rule, when a detainee is confined *within* the United States, his petition for writ of habeas corpus must name as a respondent the immediate custodian of the detainee, and the petition must be filed in the district where the detainee is confined. *See, e.g., Gherebi v. Bush*, 338 F. Supp. 2d 91, 95 (D.D.C. 2004). However, the Supreme Court’s decisions in *Rasul*, 542 U.S. at 484, and *Rumsfeld v. Padilla*, 542 U.S. 426, 447 n.16 (2004), “recognize an exception to the ‘immediate custodian’ and ‘district of confinement’ rules” where, as here, “the petitioner and his immediate custodian are outside the territory of any district court.” *Abu Ali*, 350 F. Supp. 2d at 44 (cleaned up). In these circumstances, “the petitioner may name as respondents any of his custodians (not just the immediate custodians) and may file the claim in the court that has jurisdiction over those respondents.” *Id.* Venue is proper here because the CECOT Subclass is in U.S. custody overseas, and Respondents, based in D.C., are responsible for outsourcing U.S. detention to CECOT.

**iii. In the alternative, the Court has non-habeas jurisdiction to order Respondents to facilitate Petitioners’ return to the United States, just as the Supreme Court ordered in *Abrego Garcia*.**

Regardless of whether the claims of the CECOT Subclass proceed in habeas or in equity and under the APA, this Court has the authority to order Respondents to facilitate their return. As demonstrated in *Abrego Garcia*, courts have the authority to order the government to “facilitate”

the return of individuals who were “improperly sent to El Salvador.” 2025 WL 1077101 at \*1; *see also, e.g., Nken v. Holder*, 556 U.S. 418, 435 (2009) (removed individuals “can be afforded effective relief by facilitation of their return”); *Abrego Garcia*, 2025 WL 1021113, at \*4 & n.7 (Thacker, J., with King, J., concurring) (observing that the government “can—and does—return wrongfully removed migrants as a matter of course” and collecting cases); Pls. Reply at 6–9 (ECF No. 70) (discussing courts’ power to fashion equitable remedies that extend extraterritorially and collecting cases).

**b. Criminal Custody Subclass**

**i. Venue is proper in this District.**

This Court is also the proper habeas venue for individuals in *criminal* custody to challenge their AEA designation. *See Padilla*, 542 U.S. at 444 (immediate custodian rule does not apply when “challeng[ing] . . . *future* confinement”) (emphasis added); *Braden*, 410 U.S. at 495 (“So long as the custodian can be reached by service of process, the court can issue a writ[.]”). As part of the expansion of the “custody” requirement for habeas, courts “made it possible for prisoners in custody under one sentence to attack a sentence which they had not yet begun to serve.” *Braden*, 410 U.S. at 498. Such a habeas claim also “enable[s] a petitioner held in one State to attack a detainer lodged against him in another State.” *Id.*; *see also Chatman-Bey v. Thornburgh*, 864 F.2d 804, 805 (D.C. Cir. 1988) (en banc) (federal prisoner incarcerated outside the District of Columbia could maintain habeas action to determination of parole eligibility date by respondents in this District).

Over a month ago, the government stated that approximately 32 alleged members of Tren de Aragua subject to the Proclamation are in “criminal custody” with detainers on them. Cerna Decl. ¶ 6 (ECF No. 28-1). One such person is Petitioner T.C.I., who has received an AEA notice

and is awaiting sentencing while in federal criminal custody in New Jersey. Exh. L (Schulman Decl.) ¶¶ 2-4. He and the rest of the Criminal Custody Subclass are challenging Respondents’ *future* exercise of AEA removal authority. Thus, regardless of where they are presently detained in criminal custody, members of this subclass may seek habeas relief from the Court here because it has jurisdiction over the Respondents who are responsible for implementing the AEA process. *See Chatman-Bey*, 864 F.2d at 813 (“[T]he physical presence of [the petitioner] within this district is not required for the federal court of this district to have jurisdiction over his habeas claim. *Braden* holds as much.”).

### **B. Petitioners’ Claims Are Justiciable.**

The Court can resolve all of Petitioners’ claims in this case. As the Supreme Court recently confirmed, courts can review not only whether an individual “is in fact an alien enemy” under the AEA, but also “‘questions of interpretation and constitutionality’ of the Act.” *J.G.G.*, 2025 WL 1024097, at \*2 (quoting *Ludecke v. Watkins*, 335 U.S. 160, 163, 172 n.17 (1948)). Thus, Petitioners’ claims that the AEA’s statutory predicates have not been met—because TdA is not a “nation or government,” and is not engaged in an “invasion” or “predatory incursion”—are fully within this Court’s jurisdiction.<sup>2</sup>

*Ludecke* itself reached the merits of the statutory question presented there: whether a “declared war” no longer existed within the meaning of the Act when “actual hostilities” had ceased—*i.e.*, the “shooting war” had ended. 335 U.S. at 161, 166–70. The Court concluded, on the merits, that the statutory term “declared war” did not mean “actual hostilities,” and that once Congress declares war, the war continues for purposes of the AEA until the political branches

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<sup>2</sup> The Supreme Court also held that noncitizens subject to the AEA must receive certain procedural protections. *J.G.G.*, 2025 WL 1024097, at \*1–2 (addressing plaintiffs’ “due process rights”). Petitioners’ substantive and procedural claims are therefore all justiciable.

declare it over. *Id.* at 170 & n.15. The “political judgment” that *Ludecke* declined to revisit, *id.* at 170, was simply the decision of Congress and the President not to formally declare the war over, *id.* at 169. Nowhere did *Ludecke* suggest that questions of statutory interpretation are beyond the courts’ competence. Indeed, four years later, the Court reversed a government World War II removal decision because “[t]he statutory power of the Attorney General to remove petitioner as an enemy alien ended when Congress terminated the war.” *U.S. ex rel. Jaegeler v. Carusi*, 342 U.S. 347, 348 (1952).

Consistent with *Ludecke*’s recognition (twice in the opinion) that questions about the “construction,” “interpretation,” and “validity” of the AEA are justiciable, 335 U.S. at 163, 171, courts have reviewed a range of issues concerning the meaning and application of the AEA’s terms. *See, e.g., U.S. ex rel. Kessler v. Watkins*, 163 F.2d 140, 143 (2d Cir. 1947) (interpreting the meaning of “foreign nation or government”); *U.S. ex rel. Zdunic v. Uhl*, 137 F.2d 858, 860–61 (2d Cir. 1943) (“[t]he meaning of [native, citizen, denizen, or subject] as used in the statute . . . presents a question of law”; interpreting meaning of “denizen” and remanding for hearing on disputed facts); *U.S. ex rel. Gregoire v. Watkins*, 164 F.2d 137, 138 (2d Cir. 1947) (interpreting the meaning of “native”; discussing alternatives to attain a “logically consistent construction of the statute”); *U.S. ex rel. D’Esquiva v. Uhl*, 137 F.2d 903, 905–07 (2d Cir. 1943) (interpreting the meaning of “native” and reviewing executive branch’s position on legal status of Austria); *U.S. ex rel. Schwarzkopf v. Uhl*, 137 F.2d 898, 903 (2d Cir. 1943) (interpreting the meaning of “citizen” and legal effects of Germany’s annexation of Austria); *Bauer v. Watkins*, 171 F.2d 492, 493 (2d Cir. 1948) (holding that the government bears the burden of proof of establishing the citizenship of “alien enemy”); *Citizens Protective League v. Clark*, 155 F.2d 290, 292, 295 (D.C. Cir. 1946) (reviewing whether Proclamation was within “the precise terms” of the AEA, and whether AEA

was impliedly repealed); *U.S. ex rel. Von Heymann v. Watkins*, 159 F.2d 650, 653 (2d Cir. 1947) (interpreting “within the United States”; requiring executive branch to show that the petitioner “refuse[d] or neglect[ed] to depart” under Section 21); *U.S. ex rel. Ludwig v. Watkins*, 164 F.2d 456, 457 (2d Cir. 1947) (interpreting “refuse or neglect to depart” in Section 21 as creating a “right of voluntary departure” that functions as a “statutory condition precedent” to the government’s right to deport enemy aliens); *U.S. ex rel. Hoehn v. Shaughnessy*, 175 F.2d 116, 117–18 (2d Cir. 1949) (interpreting “reasonable time” to depart under Section 22). These kinds of questions—concerning the “construction” and “interpretation” of the AEA, *Ludecke*, 335 U.S. at 163, 171—are squarely at issue here.

Nor does the political question doctrine pose any barrier to this Court interpreting the statutory terms of the AEA. The Supreme Court foreclosed that possibility in *J.G.G.* and *Ludecke*, by instructing courts to resolve questions of the AEA’s “construction and validity” and “interpretation and constitutionality.” *Id.* at 163, 171; *J.G.G.*, 2025 WL 1024097, at \*2; *see also*, e.g., *J.G.G. v. Trump*, No. 25-5067, 2025 WL 914682, at \*6–8 (D.C. Cir. Mar. 26, 2025) (Henderson, J., concurring) (rejecting government’s political-question arguments).

More generally, the political question doctrine is a “narrow exception” to courts’ jurisdiction, *Zivotofsky ex rel. Zivotofsky v. Clinton*, 566 U.S. 189, 195 (2012), and exists primarily to reinforce the separation of powers, *Baker v. Carr*, 369 U.S. 186, 210 (1962). But applying the doctrine here would undermine Congress’s constitutional authority, because it would render the limits that Congress wrote into the statute unenforceable. Petitioners are not aware of any Supreme Court decision that has found a statutory claim non-justiciable. *See El-Shifa Pharm. Indus. Co. v. United States*, 607 F.3d 836, 855–56 (D.C. Cir. 2010) (en banc) (Kavanaugh, J., concurring) (“The Supreme Court has never applied the political question doctrine in a case involving alleged

*statutory* violations.”). Here, judicial review of Petitioners’ challenge *preserves* the separation of powers by ensuring that the President does not exceed the specific authority Congress delegated in the AEA. *See Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637–38 (Jackson, J., concurring). Indeed, the AEA states that the President has the power to detain and remove alien enemies when there “is” a declared war or where there “is” an invasion or predatory incursion, thereby making clear that the President cannot simply *find* or *deem* there to be a war, invasion, or incursion. *Compare* 8 U.S.C. § 1182(f) (allowing the President to suspend entry of noncitizens into the country where *he* “finds” it not in the “interests of the United States”).<sup>3</sup>

## **II. Petitioners Are Likely to Succeed on the Merits.**

### **A. The Proclamation Is Unlawful.**

#### **i. Summary Removals Without Notice and a Meaningful Opportunity to Challenge “Alien Enemy” Designations Violate the AEA, Due Process, and the Supreme Court’s Ruling.**

As the Supreme Court has now made clear, both the AEA and Due Process require Respondents to provide Petitioners with notice and a meaningful opportunity to challenge their designation as alien enemies before removal is permissible under the Proclamation. *See J.G.G.*, 2025 WL 1024097, at \*2 (“The notice must be afforded within a reasonable time and in such a manner as will allow [AEA detainees] to actually seek habeas relief in the proper venue before such removal occurs.”); *see also J.G.G.*, 2025 WL 914682, at \*14–15 (Millett, J., concurring) (“At its most basic, due process requires notice of adverse governmental action, an opportunity to be heard, and the right to an unbiased decisionmaker.”).

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<sup>3</sup> As noted at the TRO hearing, Petitioners do not seek to enjoin the President, but he remains a proper defendant because, at a minimum, Petitioners may obtain declaratory relief against him. *See, e.g., Nat’l Treasury Emps. Union v. Nixon*, 492 F.2d 587, 616 (D.C. Cir. 1974) (concluding that court had jurisdiction to issue writ of mandamus against the President but “opt[ing] instead” to issue declaration).

As described above, Respondents have now disclosed that they give class members only 12 hours to express an intent to file a habeas petition, and only an additional 24 hours to actually file such a petition. Cisneros Decl. ¶ 11 & Notice Form (ECF Nos. 49 & 49-1), *J.A.V. v. Trump*, No. 1:25-cv-72 (S.D. Tex. Apr. 24, 2025) (ordered unsealed). That is patently insufficient. Indeed, a federal court in Colorado recently ordered that individuals detained under the Proclamation receive at least 21 days notice of the government's intent to remove them. *D.B.U. v. Trump*, No. 25-cv-1163, 2025 WL 1163530, at \*1 (D. Colo. Apr. 22, 2025). That order further required that the notice be provided in a language the individual understand, inform the individual of their right to judicial review and to consult with counsel, and explain that the government seeks to remove them under the Proclamation. *Id.* That relief accords with longstanding principles of due process and reinforces that Respondents may not shortcut these requirements.

As during World War II, Defendants must provide notice to individuals at least 30 days before any attempt to remove them under the AEA. Notice must also be provided in a language that the individual understands, must state that they may seek judicial review, and must simultaneously be provided to undersigned class counsel. The notice must additionally include the factual basis for the individual's alien enemy designation. *See Ralls Corp. v. Comm. on Foreign Inv. in U.S.*, 758 F.3d 296, 318 (D.C. Cir. 2014) ("Both the Supreme Court and this Court have recognized that the right to know the factual basis for [government] action and the opportunity to rebut the evidence supporting that action are essential components of due process."). Especially given the possibility that Defendants may seek to remove individuals with as little as 24 hours' notice, a preliminary injunction is warranted to ensure that Defendants do not remove individuals before they receive *adequate* notice and a *reasonable* opportunity to

obtain judicial review, consistent with due process. *J.G.G.*, 2025 WL 1024097, at \*2 (“‘It is well established that the Fifth Amendment entitles [noncitizens] to due process of law’ in the context of removal proceedings.”).

The notice requirement flows not only from due process but from the AEA itself. That is clear from the Supreme Court’s understanding of the AEA in *Ludecke*, which recognized that individuals would have the opportunity to seek court review of their designation under the Act. *See, e.g.*, 335 U.S. at 171 n.17. And it is clear from the statute, which affords individuals designated as alien enemies an opportunity to voluntarily depart the United States and to settle their affairs. *See* 50 U.S.C. §§ 21–22. Among other things, the President may lawfully remove noncitizens under the AEA only when those designated noncitizens “refuse or neglect to depart” voluntarily. *See J.G.G. v. Trump*, No. 25-766, --- F. Supp. 3d ---, 2025 WL 89040130, at \*14 (D.D.C. Mar. 25, 2025) (citing 50 U.S.C. § 21). Indeed, even during World War II, courts interpreting the AEA consistently recognized that “alien enemies” retained the right to voluntary departure. *See U.S. ex rel. Ludwig*, 164 F.2d at 457 (Section 21 establishes a “right of voluntary departure”); *U.S. ex rel. Von Heymann*, 159 F.2d at 653 (similar); *United States ex rel. Dorfner v. Watkins*, 171 F.2d 431, 432 (2d Cir. 1948) (“An alien must be afforded the privilege of voluntary departure before the Attorney General can lawfully remove him against his will.”). Under Section 21, there is no exception to the general right of voluntary departure; it is a “statutory condition precedent” to removal. *U.S. ex rel. Ludwig*, 164 F.2d at 457. Section 22 establishes separate rights concerning the particular conditions for departure, with an exception for those “chargeable with actual hostility, or other crime against the public safety.” 50 U.S.C. § 22. However, that exception cannot be invoked categorically. It instead requires individualized assessments: each noncitizen must specifically be “chargeable” to lose eligibility for the rights



described in Section 22. Defendants have made no such individualized assessments here—much less provided any opportunity to contest such findings.

**ii. The Proclamation Does Not Fall within the Statutory Bounds of the AEA.**

The AEA has only ever been invoked in times of declared war: the War of 1812, World War I, and World War II. The government seeks to invoke this limited wartime authority to execute removals wholly untethered to any actual or imminent war or to the specific conditions Congress placed in the statute.

*First*, as Judge Henderson explained, *J.G.G.*, 2025 WL 914682, at \*8–10, there is no “invasion” or “predatory incursion” upon the United States. Starting with contemporaneous dictionary definitions, as Judge Henderson did, *id.* at \*8, it is clear that Congress understood those terms to mean a military intrusion into the territory of the United States. *See Bartenwerfer v. Buckley*, 598 U.S. 69, 74 (2023) (“We start where we always do: with the text of the statute.”); *see also* Webster’s Dictionary, *Invasion* (1828) (underscoring that “invasion” is “particularly, the entrance of a hostile army into a country for the purpose of conquest or plunder, or the attack of a military force”); Johnson’s Dictionary, *Invasion* (1773) (“invasion” is a “[h]ostile entrance upon the right or possession of another; hostile encroachment” such as when “William the Conqueror invaded England”); Webster’s Dictionary, *Predatory* (1828) (“predatory” underscores that the purpose of a military party’s incursion was “plundering” or “pillaging”); Johnson’s Dictionary, *Incursion* (1773) (“[a]ttack” or “[i]nvasion without conquest”).

Other contemporary founding era usages of the terms are in accord. The Founders frequently used both “invasion” and “predatory incursion” in the military sense. *See, e.g.*, Letter from Timothy Pickering to Alexander Hamilton (June 9, 1798) (reporting that “predatory incursions of the French” might result in “great destruction of property” but that the militia could

repel them);<sup>4</sup> Letter from George Washington to Thomas Jefferson (Feb. 6, 1781) (describing a British raid that destroyed military supplies and infrastructure in Richmond as a “predatory incursion”);<sup>5</sup> Letter from George Washington to Nathanael Greene (Jan. 29, 1783) (“predatory incursions” by the British could be managed with limited cavalry troops);<sup>6</sup> John Jay, Con’t Cong., Draft of an Address of the Convention of the Representatives of the State of New York to Their Constituents (Dec. 23, 1776) (describing the goal of British invasion as “the conquest of America”).<sup>7</sup> Courts did the same. *Huidekoper’s Lessee v. Douglass*, 7 U.S. (3 Cranch) 1, 11 (1805) (“predatory incursions” by Native American nation led to “an Indian war”); *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 1, 10 (1831) (“incursions” by Native American nations led to retaliatory “war of extermination”); *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515, 545 (1832) (explaining that Pennsylvania’s royal charter included “the power of war” to repel “incursions” by “barbarous nations”). And “*in every instance*” that the term “invasion” or “invade” appears in the Constitution, it “is used in a military sense.” *J.G.G.*, 2025 WL 914682, at \*9 (Henderson, J., concurring).

The interpretive canon of *noscitur a sociis* confirms Petitioners’ interpretation. That canon “avoid[s] ascribing to one word a meaning so broad that it is inconsistent with its accompanying words, thus giving unintended breadth to the Acts of Congress.” *Yates v. United States*, 574 U.S. 528, 543 (2015) (internal quotation marks omitted). Courts thus look to “[t]he words immediately surrounding” the language to be interpreted to ascertain the “more precise content” of that language. *Id.* (internal quotation marks omitted). Accordingly, in this case, “invasion” and “predatory incursion” should be read in light of the immediately neighboring term, “declared war.”

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<sup>4</sup> <https://perma.cc/H2UY-XTTK>.

<sup>5</sup> <https://perma.cc/6UBY-6PRB>.

<sup>6</sup> <https://perma.cc/TY8Y-MTMA>.

<sup>7</sup> <https://perma.cc/K4SX-4KYB>.

*See Jarecki v. G.D. Searle & Co.*, 367 U.S. 303, 307 (1961) (term “gathers meaning from the words around it”). Doing so highlights the express military nature of their usage here—they are more specific than just any hostile entrance. *Cf.* Office of Legislative Affairs, Proposed Amendment to AEA, at 2 n.1 (Aug. 27, 1980) (AEA contemplates use by the President only “in situations where war is imminent”). This also comports with the common law understanding of the term “alien enemy” as subject of a foreign state at war with the United States. *See Johnson v. Eisentrager*, 339 U.S. 763, 769 n.2 (1950) (collecting cases).

Indeed, the same Congress that passed the AEA also passed another law with strikingly similar statutory bounds. In response to concerns about impending war with France, the 1798 Congress authorized the President to raise troops “in the event of a declaration of war against the United States, or of an actual invasion of their territory, by a foreign power, or of imminent danger of such invasion.” Act of May 28, 1798, ch. 47, 1 Stat. 558. This language, which, as Judge Henderson noted, “bears more than a passing resemblance to the language of the AEA,” *J.G.G.*, 2025 WL 914682, at \*9, makes plain that Congress was concerned about military incursions by the armed forces of a foreign nation.

Tellingly, the AEA requires that the predicate invasion or predatory incursion be “against the territory of the United States.” 50 U.S.C. § 21. And at the time of founding, actions “against the territory of the United States” were expressly understood to be military in nature. *See Ex parte Bollman*, 8 U.S. (4 Cranch) 75, 131 (1807) (describing levying war against the United States as “a military enterprize [sic] . . . against any of the territories of the United States”); *Wiborg v. United States*, 163 U.S. 632, 633 (1896) (explaining that a group of seamen were charged with preparing for a “military expedition . . . against the territory and dominions of a foreign prince”).

If any doubt were left about the military nature of the terms, the historical context dispels

it. *See Truck Ins. Exch. v. Kaiser Gypsum Co., Inc.*, 602 U.S. 268, 279 (2024) (considering the “historical context” of statute for purposes of interpretation). At the time of passage, the United States was preparing for possible war with France and already under attack in naval skirmishes. French ships were attacking U.S. merchant ships in United States waters. *See, e.g.*, 7 Annals of Cong. 58 (May 1797) (promoting creation of a Navy to “diminish the probability of . . . predatory incursions” by France while recognizing that distance from Europe lessened the chance of “invasion”). Congress worried that these attacks against the territory of the United States were the precursor to all-out war with France. *J.G.G.*, 2025 WL 914682, at \*1 (Henderson, J., concurring) (“In 1798, our fledgling Republic was consumed with fear . . . of external war with France.”). This “predatory violence” by a sovereign nation led, in part, to the AEA. *See* Act of July 7, 1798, ch. 67, 1 Stat. 578, 578 (“[W]hereas, under authority of the French government, there is yet pursued against the United States, a system of predatory violence”).

Under the statutory text, canons of construction, and historical context, then, “invasion” or “predatory incursion” are military actions by foreign governments that constitute or imminently precede acts of war. “Mass illegal migration” or criminal activities, as described in the Proclamation, plainly do not fall within the statutory boundaries. On its face, the Proclamation makes no findings that TdA is acting as an army or military force. Nor does the Proclamation assert that TdA is acting with an intent to gain a territorial foothold in the United States for military purposes. And the Proclamation makes no suggestion that the United States will imminently be at war with Venezuela. The oblique references to the TdA’s ongoing “irregular warfare” within the United States do not suffice because the Proclamation makes clear that it is referring to “mass illegal migration” and “crimes”—neither of which constitute war within the founding era understanding. The Proclamation asserts that TdA “commits brutal crimes” with the goal of

“harming United States citizens, undermining public safety, and . . . destabilizing democratic nations.” But these military actions are simply not “against the territory” of the United States. Indeed, if mass migration or criminal activities by some members of a particular nationality could qualify as an “invasion,” then virtually any group, hailing from virtually any country, could be deemed enemy aliens.

*Second*, by no stretch of the statutory language can TdA be deemed a “foreign nation or government.” Those terms refer to an entity that is defined by its possession of territory and legal authority. *See* Johnson’s Dictionary, *Nation* (1773) (“A people distinguished from another people; generally by their language, original, or government.”); Webster’s Dictionary, *Nation* (1828) (“A body of people inhabiting the same country or united under the same sovereign government; as the English nation”); Johnson’s Dictionary, *Government* (1773) (“An established state of legal authority.”). Applying the whole-text canon again, *see supra*, confirms that Congress had in mind state actors. First, the AEA presumes that a designated nation possesses treaty-making powers. *See* 50 U.S.C. § 22 (“stipulated by any treaty . . . between the United States and the hostile nation or government”). Nations—not criminal organizations—are the entities that enter into treaties. *See, e.g., Medellin v. Texas*, 552 U.S. 491, 505, 507 (2008) (treaty is “a compact between independent nations” and “agreement among sovereign powers”) (internal quotation marks omitted); *Holmes v. Jennison*, 39 U.S. 540, 570–72 (1840) (similar). Second, when a “nation or government” is designated under the AEA, the statute unlocks power over that nation or government’s “natives, citizens, denizens, or subjects.” 50 U.S.C. § 21. *Countries* have “natives, citizens, denizens, or subjects.” By contrast, criminal organizations, in the government’s own view, have “members.” Proclamation § 1 (“members of TdA”).

Historical context also reflects Congress’s intent to address conflicts with foreign

sovereigns, not criminal gangs. *See* 5 Annals of Cong. 1453 (Apr. 1798) (“[W]e may very shortly be involved in war . . .”); John Lord O’Brian, Special Ass’t to the Att’y Gen., N.Y. State Bar Ass’n Annual Meeting: Civil Liberty in War Time, at 8 (Jan. 17, 1919) (“The [AEA] was passed by Congress . . . at a time when it was supposed that war with France was imminent.”). This comports with the founding-era, common law understanding of the term “alien enemy” as subject of a foreign state at war with the United States. *See Johnson*, 339 U.S. at 769 n.2 (collecting cases).

On this statutory element, the Proclamation again fails on its face. It never asserts that TdA is a foreign “nation” or “government.” For good reason. As a criminal gang, TdA possesses neither a defined territory nor any legal authority. Exh. A (Hanson Decl.) ¶¶ 13, 16; Exh. B (Antillano Decl.) ¶¶ 11, 13; Exh. C (Dudley Decl.) ¶ 22. The Proclamation asserts that “[o]ver the years,” the Venezuelan government has “ceded ever-greater control over their territories to transnational criminal organizations.” But the Proclamation notably does *not* say that TdA operates as a government in those regions. In fact, the Proclamation does not even specify that TdA currently controls *any* territory in Venezuela. And even as the Proclamation singles out certain Venezuelan nationals, it does not claim that *Venezuela* is invading the United States.<sup>8</sup>

Moreover, the Proclamation designates TdA “members” as subject to AEA enforcement—but “members” are not “natives, citizens, denizens, or subjects” within the meaning of the statute. That glaring mismatch underscores that Defendants are attempting not only to use the AEA in an

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<sup>8</sup> And, as the President’s own CIA Director recently testified, the intelligence community has no assessment that says the U.S. is at war with or being invaded by Venezuela. *See National Security and Intelligence Officials Testify on Global Threats* at 57:59–58:10, C-SPAN (Mar. 26, 2025), <https://www.cspan.org/program/house-committee/national-security-and-intelligence-officials-testify-on-globalthreats/657380> (Q: “Does the intelligence community assess that we are currently at war or being invaded by the nation of Venezuela?” A: “We have no assessment that says that.”); *also available at* <https://www.cspan.org/program/house-committee/national-security-and-intelligence-officials-testify-on-globalthreats/657380>.

unprecedented way, but in a way that Congress never permitted—as a mechanism to address, in the government’s own words, a *non*-state actor. *Venezuela* has natives, citizens, and subjects, but TdA (not Venezuela) is designated under the proclamation. No amount of wordplay can avoid the obvious fact that *Venezuela* is the relevant country for statutory purposes here—and TdA is a non-state criminal organization.

The Court need go no further than finding that the Proclamation fails on its face. But even if this Court were going to look at the Proclamation’s conclusory “findings,” those findings cannot survive even the most minimally searching inquiry because they are simply incorrect as a factual matter.<sup>9</sup> Experts who have spent years studying TdA are in accord that Venezuela is not directing, controlling, or otherwise influencing TdA’s actions in the United States. Exh. A (Hanson Decl.) ¶ 17 (“absolutely implausible” that Maduro regime controls TdA or that the two are intertwined); Exh. B (Antillano Decl.) ¶ 13 (no evidence that TdA “maintains stable connections with the Venezuelan state or that the Maduro regime directs its actions toward the United States”); Exh. C (Dudley Decl.) ¶¶ 23 (“no evidence that the Maduro regime has directed Tren de Aragua to migrate to the United States or to commit any crimes within the United States”). As one expert who has done numerous projects for the U.S. government, including on the topic of TdA, explained, the Proclamation’s characterization of the relationship between the Venezuelan state and TdA with

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<sup>9</sup> Where necessary, courts during World War II routinely examined the facts to ensure that the AEA’s statutory limits on presidential power were observed. *See, e.g., U.S. ex rel. Kessler*, 163 F.2d at 143 (reviewing petitioner’s factual contention that the German government had ceased to exist after it surrendered and thus was no longer a “foreign nation or government” under the AEA); *United States ex rel. D’Esquiva*, 137 F.2d at 905–07 (reviewing the U.S. government’s full course of conduct to ascertain whether and when it had officially recognized Austria’s annexation by Germany; remanding for additional factfinding); *U.S. ex rel. Zdunic*, 137 F.2d at 860–61 (remanding for factfinding on statutory predicate; *cf. Al-Alwi v. Trump*, 901 F.3d 294, 298–300 (D.C. Cir. 2018) (evaluating whether “active hostilities” continued under the AUMF after September 11th; concluding that “[t]he record so manifests here”).

respect to TdA’s activities in the United States is “simply incorrect.” Exh. C (Dudley Decl.) ¶¶ 5, 17–18. The President’s own intelligence agencies reached that same conclusion prior to his invocation of the AEA. *See* Exh. M (Sarabia Roman Decl.), at Exh. 17 (“shared judgment of the nation’s spy agencies” is “that [TdA] was not controlled by the Venezuelan government”).

The courts’ role in enforcing the bounds of congressional statutory predicates, like “predatory invasion” and “incursion” is critical. Congress passed the AEA within weeks of the Alien Friends Act (“AFA”). That second law gave the President broader discretion to deport any noncitizen who he considered “dangerous to the peace and safety of the United States,” regardless of whether an invasion or war had occurred. An Act Concerning Aliens § 1, 1 Stat. 571 (“Alien Friends Act” or “AFA”). As such, the 1798 Congress clearly meant to grant the President two distinct powers—the power to remove the nationals of foreign enemy sovereign countries in times of a war or imminent war, and the power to remove particular dangerous noncitizens in times of war or peace. The government’s preferred interpretation of the AEA—where the President can remove allegedly dangerous people by deciding that virtually anything qualifies as a predatory incursion or invasion and any entity qualifies as a foreign nation or government, and no court can review those determinations—conflates the different statutory powers Congress conferred separately in the AEA and the AFA. But it would have made little sense for Congress to pass two laws within weeks of each other, unless those laws were meaningfully different. And the critical difference is, of course, the statutory limitations on when the President can use the AEA—it is a particular tool for a particular situation, namely the presence of nationals of a belligerent country during wartime, which simply does not apply to present circumstances. Moreover, treating the AEA like the AFA is especially untenable given that the AFA was “widely condemned as unconstitutional by Madison and many others” and quickly allowed to lapse. *Sessions v. Dimaya*,



584 U.S. 148, 185 (2018) (Gorsuch, J., concurring) (the AFA “is one of the most notorious laws in our country’s history”); *see also J.G.G.*, 2025 WL 914682, at \*1 (Henderson, J., concurring) (AFA was “widely derided as unconstitutional”).

Finally, the government cannot elide these statutory bounds by pointing to the President’s inherent Article II power. The President has no constitutional power to unilaterally remove people. Under Article I, Congress holds plenary power over immigration, *INS v. Chadha*, 462 U.S. 919, 940 (1983). The AEA operates as a specific delegation of authority from Congress to the President, a delegation that Congress limited to instances of war or imminent war by a foreign nation or government. *Cf. Youngstown*, 343 U.S. at 635–38 (Jackson, J., concurring). The President is not at liberty to exceed those statutory powers.

Under Justice Jackson’s *Youngstown* framework, the President is taking measures incompatible with the expressed will of Congress, and accordingly, he is acting as his “lowest ebb” of power. *Id.* at 637. Because he has no inherent constitutional power to unilaterally remove people, Congress’s powers prevail. Courts “can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject.” *Id.* at 637–38. But there is simply no ground for ignoring the statutory constraints that Congress has established, nor for disabling Congress’s constitutional authority to legislate with respect to immigration and its own war powers. *See Chadha*, 462 U.S. at 940; *Hamdan v. Rumsfeld*, 548 U.S. 557, 591 (2006) (discussing Congress’s distinct war powers).

**iii. The Proclamation Violates the Specific Protections that Congress Established under the INA for Noncitizens Seeking Humanitarian Protection.**

Summary removal under the AEA is unlawful for an additional independent reason: it fails to provide designated individuals with an opportunity to seek protection from persecution and

torture. Congress enacted the Foreign Affairs Reform and Restructuring Act (“FARRA”) to codify the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (“CAT”) and to ensure that noncitizens have meaningful opportunities to seek protection from torture. *See* U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3, Dec. 10, 1984, S. Treaty Doc. No. 100-20, at 20 (1988); Foreign Affairs Reform and Restructuring Act of 1998 § 2242(a), Pub. L. No. 105-277, Div. G. Title XXI, 112 Stat. 2681 (1998) (codified at 8 U.S.C. § 1231 notes) (implementing CAT); C.F.R. §§ 208.16 to 208.18 (FARRA procedure). CAT categorically prohibits returning a noncitizen to any country where they would more likely than not face torture. *See* 8 U.S.C. § 1231 note. These protections apply regardless of the mechanism for removal.

The D.C. Circuit recently addressed a similar issue in *Huisha-Huisha v. Mayorkas*, reconciling the Executive’s authority under a public-health statute, 42 U.S.C. § 265, with CAT’s anti-torture protections. 27 F.4th 718 (D.C. Cir. 2022). That case is “on all fours” with this one. *J.G.G.*, 2025 WL 890401, at \*15. The D.C. Circuit held that because § 265 was silent about where noncitizens could be expelled, and CAT explicitly addressed that question, no conflict existed. Both statutes could—and therefore must—be given effect. *Huisha-Huisha*, 27 F.4th at 721, 731–32 (citing *Epic Sys. Corp. v. Lewis*, 584 U.S. 497, 510 (2018) (“When . . . confronted with two Acts of Congress allegedly touching on the same topic,” a court “must strive to give effect to both.”) (cleaned up)).

The AEA can similarly be harmonized with other subsequently enacted statutes specifically designed to protect noncitizens seeking asylum and withholding because of feared persecution. *See* Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980) (asylum and withholding); 8 U.S.C. §§ 1158 (asylum), 1231(b)(3) (withholding of removal). Congress has unequivocally

declared that “[a]ny alien who is physically present in the United States or who arrives in the United States . . . irrespective of such alien’s status, may apply for asylum.” 8 U.S.C. § 1158(a)(1). Similarly, the withholding of removal explicitly bars returning a noncitizen to a country where their “life or freedom” would be threatened based on a protected ground. *Id.* § 1231(b)(3)(A). “In understanding this statutory text, ‘a page of history is worth a volume of logic.’” *Jones v. Hendrix*, 599 U.S. 465, 472 (2023) (quoting *New York Trust Co. v. Eisner*, 256 U.S. 345, 349 (1921)). These humanitarian protections were enacted in the aftermath of World War II, when the United States joined other countries in committing to never again turn our backs on people fleeing persecution and torture. Sadako Ogata, U.N. High Comm’r for Refugees, Address at the Holocaust Memorial Museum (Apr. 30, 1997).<sup>10</sup> A President invoking the AEA cannot simply sweep away these protections.

Indeed, the AEA *must* be read in the context of the INA. Since the last invocation of the AEA more than eighty years ago, Congress carefully specified the procedures by which noncitizens may be removed from the United States. And the INA leaves little doubt that its procedures must apply to every removal, unless otherwise specified by that statute. *See NLRB v. SW Gen., Inc.*, 580 U.S. 288, 305 (2017) (“specific governs the general” in statutory construction). It directs: “Unless otherwise specified in this chapter,” the INA’s comprehensive scheme provides “the sole and exclusive procedure for determining whether an alien may be admitted to the United States, or if the alien has been so admitted, removed from the United States.” 8 U.S.C. § 1229a(a)(3); *see also United States v. Tinoso*, 327 F.3d 864, 867 (9th Cir. 2003) (“Deportation and removal must be achieved through the procedures provided in the INA.”). This language makes clear that Congress intended for the INA to “supersede all previous laws with regard to

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<sup>10</sup> <https://perma.cc/X5YF-K6EU>.

deportability.” S. Rep. No. 82-1137, at 30 (Jan. 29, 1952).<sup>11</sup>

Congress enacted these procedures with the full awareness that alien enemies were subject to removal in times of war or invasion—in fact, the AEA had been invoked just a few years prior to passage of the 1952 INA. *See Miles v. Apex Marine Corp.*, 498 U.S. 19, 32 (1990) (courts presume Congress drafts statutes with full knowledge of existing law). But Congress declined to carve out AEA removals as an exception from standard immigration procedures, even as it expressly provided exceptions for other groups of noncitizens, including noncitizens who pose security risks. *See, e.g.*, 8 U.S.C. § 1531 *et seq.* (establishing fast-track proceedings for noncitizens posing national security risks).

Ignoring the INA’s role as the “sole and exclusive” procedure for determining whether a noncitizen may be removed, Respondents have refused to commit to providing class members—many of whom have strong claims—with an opportunity to assert their rights under any humanitarian statute, as required under the INA. *See, e.g., G.F.F. v. Trump*, No. 1:25-cv-2886, ECF No. 41 at \*1 (“Petitioners are not entitled to seek asylum, statutory withholding of removal, or voluntary departure, and this Court cannot review a determination that removal will not violate the Convention Against Torture.”). And even if Petitioners could apply, the opportunity is meaningless insofar as Respondents withhold information about the country to which they will be removed. *See J.G.G.*, 2025 WL 890401, at \*15. But summary removals to the horrific conditions in Salvadoran prisons are precisely what Congress enacted these protections to prevent.

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<sup>11</sup> One of the processes otherwise specified in the INA is the Alien Terrorist Removal Procedure at 8 U.S.C. § 1531 *et seq.* The Attorney General may opt to use these proceedings when he or she has classified information that a noncitizen is an “alien terrorist.” *Id.* § 1533(a)(1). But even that process requires notice, a public hearing, provision of counsel for indigents, the opportunity to present evidence, and individualized review by an Article III judge. *Id.* § 1532(a), 1534(a)(2), (b), (c)(1)-(2). And the government bears the burden of proving, by a preponderance of the evidence, that the noncitizen is subject to removal as an “alien terrorist.” *Id.* § 1534(g).

**B. Petitioners’ Detention at CECOT Violates the Constitution and the AEA.**

**i. The AEA Does Not Permit Petitioners’ Post-Removal Imprisonment.**

Class members’ post-removal detention in El Salvador violates the AEA. The statute does not authorize the President to imprison alien enemies once they have been removed from the United States. The statute’s text, structure, and history make this clear.

The statute’s text indicates that the President’s power culminates with removal. The AEA authorizes a series of actions the executive branch may take with respect to alien enemies residing in the United States: alien enemies are liable to be “apprehended, restrained, secured, and removed.” 50 U.S.C. § 21. The statute goes on to describe these escalating steps—the President may first “direct the conduct to be observed” by alien enemies in the United States; then set “the manner and degree of the restraint to which they shall be subject” and “upon what security their residence shall be permitted”; and finally, “provide for the removal” of those who refuse or neglect to depart. *Id.* Removal is the culminating action—once an alien enemy is removed from the United States, there is no longer any basis to detain them under the Act.

The AEA’s structure confirms this reading. *See Mont v. United States*, 587 U.S. 514, 524 (2019) (“whole-text canon” requires consideration of “the entire text”). Section 24 permits U.S. marshals to “caus[e] a removal of such alien [enemy] outside of the territory of the United States.” 50 U.S.C. § 24. It does not contemplate that the marshal can *detain* the individual once he is deposited outside of the territory of the United States. Similarly, the right of voluntary departure inherent in Section 21, *see supra*, confirms that Congress authorized only measures to control the actions of alien enemies *within* the United States—not their imprisonment abroad. Congress specifically provided that alien enemies must be afforded the opportunity to depart the

country voluntarily, free of further restraint, and gave the executive branch no power to restrain or confine them once they are no longer in the country.

The AEA’s historical context leads to the same conclusion. The AEA reflected contemporaneous fears that alien enemies present in the United States would foment discord or otherwise support the enemy state. *See* 5 Annals of Cong. 1575 (citing fear of “the crowd of spies and inflammatory agents” present in the United States); Letter from John Adams to Thomas Jefferson (June 14, 1813) (“French spies then swarmed in our cities and in the country” and that “to check these was the design of the [AEA].”)<sup>12</sup>; *see also* 65 Annals of Cong. 4279, 4425 (expressing concern about the “expressions and activities” of German-born female spies living in the United States in amending the AEA to cover women). These fears were ultimately about “the residence of alien enemies existing in the bosom of the country”—not outside of it. 5 Annals of Cong. 1581. Once removed, the risk posed by alien enemies dissipated. Indeed, the Act has never been used to detain anyone *after* removal outside of the United States, even during an actual war.

At bottom, the AEA authorizes the President to apprehend, restrain, secure, and remove alien enemies when the statute’s conditions are met—but it does not authorize the President to imprison alien enemies in foreign prisons after their removal.

**ii. Petitioners’ Imprisonment in CECOT Violates Their Substantive Due Process Rights.**

The government’s imprisonment of Petitioners in CECOT, detaining them under extreme conditions of isolation and completely cut off from the world, constitutes impermissible punishment in violation of the Due Process Clause. Immigration detention, including detention

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<sup>12</sup> <https://founders.archives.gov/?q=%22alien%20enemy%22&s=1111311111&sa=&r=38&sr=>.

under the AEA, is supposed to be “undisputedly civil—*i.e.*, non-punitive in nature.” *R.I.L.-R. v. Johnson*, 80 F. Supp. 3d 164, 187 (D.D.C. 2015); *United States ex rel. Jaegeler v. Carusi*, 342 U.S. 347 (1952) (per curiam) (President’s AEA powers end when Congress terminates war). Those held in such detention therefore have a due process right not to be subjected to any “condition, practice, or policy [that] constitutes punishment.” *Block v. Rutherford*, 468 U.S. 576, 583 (1984).

The test of whether civil detention “amount[s] to punishment” is if it is “imposed for the purpose of punishment,” or is not “rationally related to a legitimate nonpunitive governmental purpose,” or “appears excessive in relation to that purpose.” *Bell v. Wolfish*, 441 U.S. 520, 538, 561 (1979); *see Kingsley v. Hendrickson*, 576 U.S. 389, 398–99 (2015). Here, the government’s continued detention of the CECOT Subclass constitutes punishment in at least three ways.

*First*, the U.S. government is detaining people at CECOT for the purpose of punishment—indeed, with “an expressed intent to punish.” *Kingsley*, 576 U.S. at 398 (quoting *Bell*, 441 U.S. at 538)); *see also Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 168 (1963) (“punitive nature of the sanction” comes into play “on a finding of scienter”). For instance, during her tour of CECOT in late March 2025, DHS Secretary Kristi Noem recorded and aired a video of herself from inside the prison, standing in front of a crowded cell, to project this message: “If you come to our country illegally, this is one of the consequences you could face. . . . Know that this facility is one of the tools in our toolkit that we will use.” Exh. M (Sarabia Roman Decl.), at Exh. 19. Her accompanying post on X.com stated: “President Trump and I have a clear message to criminal illegal aliens: LEAVE NOW. If you do not leave, we will hunt you down, arrest you, and you could end up in this El Salvadoran prison.” *Id.*; *see also infra* Section II.B(iii) (U.S. government statements characterizing CECOT Subclass as criminals and CECOT detention as a means of accountability).

*Second*, and relatedly, there is no legitimate nonpunitive governmental purpose behind the detention of Petitioners at CECOT. Officials make no attempt to hide the fact that this detention is designed to frighten immigrants, deter migration, induce self-deportation, and punish those at the facility. *See, e.g.*, Exh. M (Sarabia Roman Decl.), at Exh. 19 (Secretary Noem stating that the purpose of detention at CECOT is “to incarcerate them and have consequences”); *id.* at Exh. 14 (President Trump thanking Bukele for “taking the criminals” and describing CECOT, sarcastically, as “a wonderful place to live”); *id.* at Exh. 17 (White House press release quoting that “President Trump gave illegal gang members a one-way ticket to the world’s more feared prison”); *id.* (White House press release quoting “Salvadoran prisons . . . are much worse for them than anything they faced in Venezuela”). But multiple courts have held that detaining people to send a message of deterrence and to encourage self-deportation are impermissible purposes in the civil context, not rationally related to any non-penological goal. *See Kansas v. Crane*, 534 U.S. 407, 412 (2002) (explaining that civil detention cannot be a “mechanism for retribution or general deterrence—functions properly those of criminal law”); *R.I.L.-R*, 80 F. Supp. 3d at 188–89 (striking down detention policy where “justification urged by the Government” was “deterrence of mass migration” because the lack of connection between the government’s interest and person’s detention “was out of line with analogous Supreme Court decisions”); *Aracely R. v. Nielsen*, 319 F. Supp. 3d 110, 153 (D.D.C. 2018) (holding that policy of considering immigration deterrence when making parole decisions violated the agency’s own directive); *Jacinto-Castanon de Nolasco v. U.S.I.C.E.*, 319 F. Supp. 3d 491, 502 (D.D.C. 2018) (“no compelling or legitimate governmental objective” served by detaining parents away from their children to “deter[] immigration”). Because frightening immigrants, deterring migration, inducing self-deportation, and punishing immigrants are not legitimate grounds for civil detention, the detention of the CECOT Subclass violates due process.



*Third*, the government has subjected immigrant detainees at CECOT to “excessive” punitive conditions, in violation of their due process rights as civil detainees. *Kingsley*, 576 U.S. at 398 (quoting *Bell*, 441 U.S. at 561). *See generally* Exh. D (Bishop Decl.); Exh. E (Goebertus Decl.). Civil immigrant detainees “are entitled to more considerate treatment and conditions of confinement than criminals whose conditions of confinement are designed to punish.” *Youngberg v. Romeo*, 457 U.S. 307, 322 (1982); *C.G.B. v. Wolf*, 464 F. Supp. 3d 174, 210 (D.D.C. 2020) (“Because civil immigration detainees . . . have not been convicted of any present crime, they may not be subjected to punishment of any description.”) (citation and quotation marks omitted); *D.A.M. v. Barr*, 474 F. Supp. 3d 45, 63 (D.D.C. 2020) (same). But the individuals detained at CECOT have been subjected to conditions that are much worse than those at ICE detention facilities in the United States and indeed, those for prisoners serving criminal sentences in most places in the world. The government is thus acting with deliberate indifference with knowledge and disregard of the excessive risk to the safety of detainees at CECOT. *Kingsley*, 576 U.S. 389 (2015) (objectively unreasonable use of force is unconstitutional punishment).

As described below, detainees at CECOT are subject to torture—including regular beatings, waterboarding, and use of implements on fingers to force confessions—in addition to ill treatment, overcrowding, lack of access to counsel, lack of access to healthcare and food, and physical abuse by both prison personnel and gangs. Exh. D (Bishop Decl.) ¶¶ 21-22, 25-35, 37, 40-41; Exh. E (Goebertus Decl.) ¶¶ 2-6, 8-12, 15-17. That is more than sufficient to establish a due process violation. Moreover, detainees’ complete lack of access to the outside world, especially counsel, is indisputably worse than the level of access to legal resources provided in ICE detention facilities, federal prisons, or to law-of-war detainees at Guantánamo. Conditions in civil detention that are equivalent to or more restrictive than detention in criminal custody, like they are here, are

presumptively unconstitutional. *See Ams. for Immigrant Just. v. DHS Sec.*, No. 22-3118, 2023 WL 1438376, at \*11–12 (D.D.C. Feb. 1, 2023) (collecting cases). Beyond the complete lack of access to counsel, the conditions at CECOT plainly do not meet the minimum standards for an individual serving a criminal sentence, let alone a civil immigration detainee. *See, e.g., Inmates of Attica v. Rockefeller*, 453 F.2d 12, 22–23 (2d Cir. 1971) (abusive conduct by prison guards “far exceeded” what is tolerated for “defenseless prisoners” and violated Eighth Amendment); *Baker v. Dist. of Columbia*, 326 F.3d 1302, 1306 (D.C. Cir. 2003) (deliberate indifference to prisoner’s serious medical needs violates Eighth Amendment); *C.G.B. v. Wolf*, 464 F. Supp. 3d 174, 210 (D.D.C. 2020) (Constitution requires government to ensure “reasonable safety” of civil immigration detainees); *Farmer v. Brennan*, 511 U.S. 825, 833 (1994) (“prison officials have a duty . . . to protect prisoners from violence at the hands of other prisoners”); *Harris v. Angelina Cnty.*, 31 F.3d 331, 335 (5th Cir. 1994) (“overcrowding had resulted in a denial of basic human needs of the jail population”); *Caldwell v. Caesar*, 150 F. Supp. 2d 50, 65 (D.D.C. 2001) (finding the “depriv[ation] . . . of adequate food necessary to maintain [a prisoner’s] health” could “constitute cruel and unusual punishment” under the Eighth Amendment).

**iii. Petitioners’ Imprisonment at CECOT Constitutes Criminal Punishment in Violation of the Fifth, Sixth, and Eighth Amendments.**

In addition, imprisonment at CECOT, based on unproven accusations of criminal conduct, constitutes *criminal* punishment in violation of the Fifth and Sixth Amendments. As a result, the inhumane conditions Petitioners face at CECOT also violate the Eighth Amendment.

Confinement at CECOT is an “infamous punishment”—the kind the Supreme Court long ago found to be criminal in nature. *Wong Wing v. United States*, 163 U.S. 228, 234, 237 (1896). Moreover, in assessing whether a sanction is civil or criminal, if the *intent* is to impose punishment,

“that ends the inquiry.” *Smith v. Doe*, 538 U.S. 84, 92 (2003).<sup>13</sup> Other hallmarks of criminal punishment can include a finding that a person “committed acts that violate a criminal law,” “the stigma inherent in such a determination,” and a resulting “deprivation of liberty.” *Breed v. Jones*, 421 U.S. 519, 529 (1975).

Respondents’ intent to punish is unmistakable—based on their choice of CECOT, which is a maximum security prison not a civil detention center, and based on their own statements. For example, President Trump has accused Petitioners of being “vicious, violent, and demented criminals, many of them deranged murderers,” and he thanked President Bukele for “taking the criminals that were so stupidly allowed, by the Crooked Joe Biden Administration, to enter our Country.”<sup>14</sup> Similarly, the White House Press Secretary has described detention of Petitioners in El Salvador as costing “pennies on the dollar in comparison to the cost of life, and the cost it would impose on the American taxpayer *to house these terrorists in maximum security prisons here in the United States of America.*” Louis Casiano, *US Paid El Salvador to Take Venezuelan Tren de Aragua Members: ‘Pennies on the Dollar,’ White House Says*, Fox News (Mar. 17, 2025).<sup>15</sup> And the CECOT Subclass’s ongoing imprisonment in El Salvador has been expressly justified by claims that they must be punished as alleged criminals. Tom Homan, the current administration’s “border czar,” bluntly acknowledged that Respondents’ purpose is to punish Petitioners for allegedly “killing thousands of Americans” through drug trafficking and violence: “I see the video that President Bukele put out. It was a beautiful thing. These people are going to be held

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<sup>13</sup> Moreover, even if the stated intent is civil, courts must further examine whether the scheme is “so punitive either in purpose or effect as to negate [the State’s] intention to deem it civil.” *Smith*, 538 U.S. at 92.

<sup>14</sup> Exh. M (Sarabia Roman Decl.), at Exh. 16; *id.* at Exh. 14.

<sup>15</sup> Exh. M (Sarabia Roman Decl.), at Exh. 7.

accountable.<sup>16</sup> *See also* Exh. M (Sarabia Roman Decl.), at Exh. 19 (thanking El Salvador for accepting alleged TdA members and for “incarcerat[ing] them and to have consequences for the violence that they have perpetuated”).

The other hallmarks of criminal punishment are obvious as well. Respondents have made summary determinations that the CECOT Petitioners are “terrorists” and members of a “criminal organization,” with no due process. *See* AEA Proclamation. The weight and stigma of those conclusory findings have only been amplified by repeated accusations of criminality by officials including President Trump. *See supra*. And Petitioners face a dire—and potentially indefinite—loss of liberty. Under these circumstances, Petitioners are functionally criminal detainees, subject to a one-year, renewable term of imprisonment in some of the most punitive conditions imaginable.<sup>17</sup>

Yet Petitioners have not been afforded any of the fundamental constitutional protections that accompany the imposition of criminal punishment—such as the right to notice of the government’s allegations, the right to counsel, the right to proof beyond a reasonable doubt, and the protection against double jeopardy. *See, e.g., In re Gault*, 387 U.S. 1, 12–14, 36, 42–57 (1967); *Breed*, 421 U.S. at 528–31; *In re Winship*, 397 U.S. 358, 365–66 (1970). When a person has not been convicted of a crime, “he may not be punished.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (citing *Jones v. United States*, 463 U.S. 354, 369 (1983)). But the government’s own statements leave no question that Petitioners’ imprisonment at CECOT is intended to inflict “an infamous punishment, and hence conflicts with the Fifth and Sixth Amendments of the Constitution, which declare that no person shall be held to answer for a capital or otherwise infamous crime unless on

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<sup>16</sup> Exh. M (Sarabia Roman Decl.), at Exh. 21.

<sup>17</sup> Exh. M (Sarabia Roman Dec.), at Exh. 20.

a presentment or indictment of a grand jury, and that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.” *Wong Wing*, 163 U.S. at 234, 237.

Finally, because the CECOT Subclass is subject to criminal confinement, the horrific conditions they face violate the Eighth Amendment’s prohibition against “cruel and unusual punishment.” *Farmer*, 511 U.S. at 833. Under the Eighth Amendment, officials have duties, ranging from avoiding the “use of excessive physical force” to “provid[ing] humane conditions of confinement” including “adequate food, clothing, shelter, and medical care,” as well as ensuring “reasonable measures to guarantee the safety of the inmates.” *Id.* at 833 (citing cases). But as discussed above, the extreme conditions and abuse that Petitioners face at CECOT fall well below the constitutional floor for those serving criminal sentences. As such, Respondents have violated the CECOT Subclass’s Eighth Amendment right against cruel and unusual punishment.

### **III. Respondents’ Abuse of the AEA Has Caused and Will Continue to Cause Petitioners Irreparable Harm.**

In the absence of preliminary relief, Petitioners will face—or will continue to face—life-threatening conditions, persecution, and torture in places like El Salvador. *J.G.G.*, 2025 WL 1024097, at \*5 (Sotomayor, J., dissenting) (“[I]nmates in Salvadoran prisons are ‘highly likely to face immediate and intentional life-threatening harm at the hands of state actors.’”). And while removal does not by itself necessarily constitute irreparable harm, *Nken v. Holder*, 556 U.S. 418, 435 (2009), these are hardly run-of-the-mill removals. Petitioners’ removals constitute grave and immediate irreparable harm because of what they are already enduring or what awaits them in a Salvadoran prison. *See generally* Exh. D (Bishop Decl.); Exh. E (Goebertus Decl.). Prison conditions in El Salvador are “harsh and life threatening.” Bishop Decl. ¶ 21; *see also* Exh. E (Goebertus Decl.) ¶ 4. Prison officials there engage in widespread physical abuse, including

waterboarding, electric shocks, using implements of torture on detainees’ fingers, forcing detainees into ice water for hours, and hitting or kicking detainees so severely that it causes broken bones or ruptured organs. Exh. D (Bishop Decl.) ¶¶ 21, 33, 37, 39, 41; Exh. E (Goebertus Decl.) ¶¶ 8, 10, 17.

People in detention in El Salvador also face psychological harm, including solitary confinement in pitch dark cells or being forced to stay in a cell with the body of a fellow prisoner who was recently beaten to death. Exh. E (Goebertus Decl.) ¶ 3; Exh. D (Bishop Decl.) ¶ 39. In fact, El Salvador creates these horrific conditions intentionally to terrify people. Exh. D (Bishop Decl.) ¶ 22; *See also Huisha-Huisha*, 27 F.4th at 733 (irreparable harm exists where petitioners “expelled to places where they will be persecuted or tortured”); *Leiva-Perez v. Holder*, 640 F.3d 962, 969 (9th Cir. 2011) (holding that removal to a country where one faces harm constitutes irreparable injury); *Tesfamichael v. Gonzales*, 411 F.3d 169, 178 (5th Cir. 2005) (“irreparable harm” where petitioners face “forced separation and likely persecution” “if deported”); *Demjanjuk v. Holder*, 563 F.3d 565, 565 (6th Cir. 2009) (granting stay for noncitizen who asserted removal would violate CAT). And Petitioners may never get out of these prisons. *See* Exh. M (Sarabia Roman Decl.), at Exh. 20; *see also* Exh. E (Goebertus Decl.) ¶ 3 (quoting the Salvadorean government that people held in CECOT “will never leave”); *id.* (“Human Rights Watch is not aware of any detainees who have been released from that prison.”).

And even if Respondents instead remove Petitioners to Venezuela, they face serious harm there, too. In fact, many Petitioners fled Venezuela for the very purpose of escaping the persecution they faced in Venezuela and have pending asylum cases on that basis. For example, Petitioner Hernandez Romero has already been targeted for both his sexual orientation and his refusal to promote government propaganda. Exh. G (D.A.R.H. Decl.) ¶ 2. And returning to

Venezuela labeled as a gang member by the United States government only increases the danger, as they will face heightened scrutiny from Venezuela’s security agency, and possibly even violence from rivals of TdA. Exh. A (Hanson Decl.) ¶ 28.

Not only do Petitioners face grave harm, they do so without having received adequate notice and due process. *See Huisha-Huisha*, 560 F. Supp. 3d at 172 (finding irreparable harm where plaintiffs “face the threat of removal prior to receiving any of the protections the immigration laws provide”); *P.J.E.S. ex rel. Escobar Francisco v. Wolf*, 502 F. Supp. 3d 492, 517 (D.D.C. 2020) (irreparable injury exists where class members were “threatened with deportation prior to receiving any of the protections the immigration laws provide”); *see also supra* (discussing the lack of notice and meaningful process). Critically, moreover, without meaningful process, there is a dangerously high risk that the government will continue to deport class members who are not in fact members of TdA to foreign prisons and locations where they face grave harm.

#### **IV. The Balance of Equities and Public Interest Weigh Decidedly in Favor of a Preliminary Injunction Order.**

The balance of equities and the public interest factors merge in cases against the government. *Nken*, 556 U.S. at 435. Here, the balance of hardships overwhelmingly favors Petitioners. The public has a critical interest in preventing wrongful removals to places where individuals will face persecution and torture. *Id.* at 436 (describing the “public interest in preventing aliens from being wrongfully removed, particularly to countries where they are likely to face substantial harm”). Conversely, Respondents can make no comparable claim to harm from an injunction. *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (describing the “substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations” (citation omitted)); *Minney v. U.S. Off. of Pers.*

*Mgmt.*, 130 F. Supp. 3d 225, 236 (D.D.C. 2015) (“The public interest is, of course, best served when government agencies act lawfully,” and “the inverse is also true”, explaining that the public interest is harmed when the government acts unlawfully). Respondents, moreover, will retain the ability to prosecute criminal offenses, detain noncitizens, and remove noncitizens under existing statutory immigration laws. *See e.g.*, 8 U.S.C. §§ 1158(b)(2)(A)(ii)-(iii) (noncitizens barred from asylum if convicted of particularly serious crime or if “serious reasons to believe” they “committed a serious nonpolitical crime” outside the U.S.); 8 U.S.C. § 1231(b)(3)(B)(ii)-(iii) (same for withholding); *see also* 8 U.S.C. §§ 1226(c), 1231(a)(6). And fundamentally, the public maintains a strong interest in avoiding overbroad and vague invocations of the AEA that reach outside its scope and history to curtail the most the most basic liberties of the population. *See Espinoza v. Montana Dep’t of Revenue*, 591 U.S. 464 (2020).

#### **V. The Court Should Not Require Petitioners to Provide Security.**

The Court should not require a bond under Federal Rule of Civil Procedure 65. The “courts in this Circuit have found the Rule ‘vests broad discretion in the district court to determine the appropriate amount of an injunction bond,’ including the discretion to require no bond at all.” *Simms v. Dist. of Columbia*, 872 F. Supp. 2d 90, 107 (D.D.C. 2012) (internal quotation marks, citation, and alterations omitted). District courts routinely exercise this discretion to require no security in cases brought by indigent and/or incarcerated people, and in the vindication of immigrants’ rights. *See, e.g., P.J.E.S.*, 502 F. Supp. 3d at 520.

### **CONCLUSION**

The motion for a preliminary injunction should be granted.

Dated: April 24, 2025

Respectfully submitted,

Noelle Smith



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# EXHIBIT A

**DECLARATION OF REBECCA HANSON,  
ASSISTANT PROFESSOR OF SOCIOLOGY AND CRIMINOLOGY AT THE  
UNIVERSITY OF FLORIDA**

I, Rebecca Hanson, 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:

**Summary**

1. The Venezuelan gang Tren de Aragua (“TdA”) is a loose, disorganized group. There is no evidence that the Maduro regime controls TdA or that the Maduro government and TdA are intertwined. Nor is there evidence that the Maduro regime has directed the TdA to enter the United States or directed any TdA activities within the country. Moreover, it has no structured presence in the United States, and its members cannot be identified using indicia like tattoos or hand gestures.

**Qualifications**

2. I received my Ph.D in Sociology from the University of Georgia in 2017. My doctoral dissertation was entitled “Civilian Policing, Sociality Revolution, and Violent Pluralism in Venezuela.”

3. Currently, I am an Assistant Professor at the University of Florida. I have a joint appointment in the Departments of Sociology & Criminology and Law, and the Center for Latin American Studies. I am also the Director of the University of Florida’s International Ethnography Lab. I am currently a visiting fellow at Harvard’s David Rockefeller Center for Latin American Studies and Notre Dame’s Kellogg Institute for International Studies.

4. I have received various grants and other funding related to my work on Venezuela, including from the Fulbright Association and Development Bank of Latin America. Through these grants, I have studied topics such as policing, gangs, politics, and incarceration in Venezuela.

5. I have published numerous peer reviewed articles covering topics from militarized policing, gangs and other armed actors in Venezuela, and the security policies of the governments of Hugo Chávez and Nicolás Maduro. My work has been published in the *Journal of Latin American Studies*; *Crime, Law, and Social Change*; and *Latin American Research Review*, among others. My newest book, *Policing the Revolution: The Transformation of Coercive Power and Venezuela's Security Landscape During Chavismo*, was published by the Oxford University Press in 2025.

6. I teach courses on Criminological Theory, Crime and Violence in Latin America, Gangs and Society, and Law and Order in Latin America.

7. My opinions derive from over a decade of studies that I have carried out specific to the topics of policing, violence, and gangs in Venezuela. Since 2010, I have conducted extensive, long-term ethnographic research and interviews with over 200 Venezuelan police officers as well as dozens of interviews with gang members and residents of communities where these gangs operate. I regularly collaborate with Venezuelan scholars who develop rigorous and reliable empirical research in that country.

8. Based on my experience, I have been asked to assess the government's description of the TdA and how it is identifying potential TdA members. My conclusions are set out below.

9. I have read the Proclamation and the Cerna Declaration (ECF No. 26) submitted in this case.

10. I provide this declaration based on my personal and professional knowledge.

### **Findings and Opinions**

11. I have been closely following reporting and politicians' statements regarding recent deportations of Venezuelan migrants and claims about deportees being members of TdA. Most of the claims about Tren de Aragua, its relationship to the Maduro government, and its supposed presence within the United States lack credible evidence to substantiate them or completely contradict what empirical research has demonstrated.

12. The TdA is a relatively new gang that emerged in Tocarón prison around 2014. While there are no reliable estimates of current TdA membership, between 2014 and 2017 the gang most likely had at most 200 to 300 members. Given a current lack of rigorous research and verifiable data I am skeptical of the U.S. government's ability to correctly estimate current membership.

13. TdA does not act as the de facto government in any region of Venezuela.

14. TdA does not have political objectives, and is not an arm of the Maduro government.

15. The gang's established and existing revenue streams and criminal work is largely outside the United States. There is no evidence to suggest that drug or arms trafficking or transnational extortion are core sources of income for the group. The TdA is a relatively new gang with limited resources and therefore relatively limited capacity as compared to peer gangs.

16. The gang has become increasingly fragmented and decentralized since 2023, further limiting its capacity. That year the Venezuelan government began cracking down on TdA, including when they sent 11,000 soldiers to raid the Tocarón prison that had been a hub of TdA activity. Ultimately, the TdA is of modest prominence and is nowhere near as established as other gangs in Central and South America.

17. It is absolutely implausible that the Maduro regime controls TdA or that the Maduro government and TdA are intertwined. The relationship between the Maduro government and TdA is largely antagonistic. The relationship is best characterized as conflictive and competitive, with brief moments of coordination when the government and TdA benefit economically and politically from this coordination. For example, the government has, in the past, sometimes turned a blind eye to illicit activities in exchange for a reduction in visible criminal activity. But there are no clear, direct, and stable links between TdA and the Maduro government.

18. The government's proclamation mentions Tareck El Aissami. Mr. El Aissami has not been an important figure in the Maduro regime for the past several years. Maduro's government arrested Mr. El Aissami in April 2024 on charges that he was part of a scheme through which hundreds of millions of dollars in state oil proceeds seemingly disappeared. He remains incarcerated. At present, the relationship between Mr. El Aissami and the Maduro regime is conflictual and antagonistic.

19. There is no credible evidence that TdA has a foothold as a criminal organization within the United States. TdA activities are neither widespread nor coordinated within the United States. The profile of suspected TdA crimes in the United States do not indicate a systemic

criminal enterprise. Rather, the vast majority of arrests of suspected TdA members in the United States have been for crimes like shoplifting and cell phone robbery—crimes commonly handled by police departments.

20. Nor is there any credible evidence to establish that the Maduro regime has directed the TdA to enter the United States or directed any TdA activities within the country. Maduro simply does not control the gangs in Venezuela, TdA included. Moreover, there is no credible evidence that the migration of young Venezuelan men, with or without criminal records, to the United States has been directed by the Maduro government. Instead, research has found that this migration is the result of the horrific economic and humanitarian crisis that began in 2014 and left many families in the country without access to food, healthcare, water, and electricity. Human rights organizations have also found that police abuse and repression and human rights violations have played a role in some Venezuelans' decisions to migrate.

21. There is currently no credible way to link Venezuelan migrants in the United States to TdA. The methods identified by the government are not reliable.

22. Tattoos are not a reliable way to identify members of the group. The TdA, and gangs more generally in Venezuela, do not have a history of using tattoos to indicate membership. Indeed, no credible scholarship or studies of gangs in Venezuela indicate tattooing as a shared common practice among gang members. TdA members may, of course, have tattoos, but this is not part of a collective identity. In fact, many young Venezuelans who have no association with the TdA individually opt for personal tattoos based on personally meaningful symbols or popular culture iconography. The government's reliance on tattoos appears to result from an incorrect conflation of gang practices in Central America and Venezuela. In countries



like El Salvador and Honduras, gangs have long used tattoos to indicate membership and identity.

23. Hand gestures are also not a credible way to identify the TdA. There are no formal hand gestures associated with the group. Overall, I am aware of no iconography or unifying cultural motifs, such as symbols, insignias, logos, notations, graffiti tags, music, or drawings associated with it. Nor does the gang have a typical manner of dress. Other gangs in Central and South America might have certain hand gestures, symbols, or dress associated with them, but not the TdA.

24. I have reviewed law enforcement bulletins provided to me through a Freedom of Information Act request by the nonprofit Property of the People. These documents indicate various tattoos that law enforcement agencies believe to be associated with TdA. Far from being indicative of TdA members, the tattoos identified were merely representative of the cultural milieu of poor and working-class neighborhoods in Venezuela. For example, the government highlighted tattoos with the phrase “Real Hasta la Muerte.” That is an album by a Puerto Rican rapper that is popular in Venezuela. The bulletin from the Chicago Homeland Security Investigations Office also said that wearing a Chicago Bulls basketball jersey, especially a Michael Jordan jersey, was an identifier of TdA. But NBA basketball—and Michael Jordan in particular—are very popular in Venezuelan culture. Venezuelans also take great pride when their fellow Venezuelans are on U.S. professional sports teams, especially baseball and basketball teams. Using sports attire from U.S. professional sports teams with Venezuelan nationals on them to identify TdA membership is simply not credible.

25. The government has also stated it uses previous criminal records to identify TdA members in the United States. However, the U.S. government has no reliable access to criminal records within Venezuela. Given the current contentious relationship between the U.S. and Venezuelan governments, it is implausible that Venezuelan security institutions would share these records with ICE or other police departments in the United States.

26. Indeed, statements made by ICE demonstrate an alarming unfamiliarity with the TdA. For example, on March 21, 2025, ICE agents announced they had arrested two TdA gang members from Venezuela that had been hiding in the U.S. since 2003.<sup>1</sup> However, the assertion that TdA gang members have been in hiding in the U.S. since 2003 is illogical given that TdA did not exist until 2014.

27. At bottom, the TdA is a loose, disorganized group that has weakened significantly since 2023. It is not acting at the direction of the Maduro regime, it has no structured presence in the United States, and its members cannot be identified using indicia like tattoos or hand gestures.

28. Finally, individuals who are erroneously labeled as TdA members face enormous risk if they are returned to Venezuela. Being labeled as a TdA associate puts that person in grave danger because they may be targeted by police and other gang members.

Executed on 27th of March, 2025, in Notre Dame, Indiana.

DocuSigned by:  
  
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Rebecca Hanson

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<sup>1</sup> See ICE, X.com (Mar. 21, 2025), *available at* <https://x.com/ICEgov/status/1903250363332903128>.

# EXHIBIT B

**DECLARACION DE ANDRES ANTILLANO,  
PROFESOR ASISTENTE Y JEFE DE CATEDRA DE CRIMINOLOGIA,  
UNIVERSIDAD CENTRAL DE VENEZUELA**

Yo, Andrés Antillano, declaro lo siguiente de conformidad con 28 U.S.C. § 1746, and declaro bajo pena de perjurio que lo siguiente es verdadero y correcto según mi leal saber y entender:

**Calificaciones:**

1. Soy psicólogo social con posgrado en Criminología de la Universidad de Barcelona. Nací y vivo en Caracas, Venezuela.
2. Actualmente, soy profesor asistente de la Universidad Central de Venezuela en la Facultad de Derecho y Ciencias Políticas. También soy Jefe de Cátedra de Criminología en la Escuela de Derecho de la UCV. He trabajado como profesor desde 2002.
3. Enseño diversos cursos que tienen que ver con temas de pandillas, encarcelamiento y criminología en Venezuela. También he impartido un seminario destinado a gerentes y oficiales superiores del Consejo General de Policía, Policía Nacional Bolivariana y Universidad Nacional de la Seguridad.
4. Al mismo tiempo, también trabajo como investigador del Instituto de Ciencias Penales y Jefe de la Sección de Criminología, y soy coordinador del Grupo de Trabajo de Fuerzas de Seguridad, Agencias de Control y Mercados Ilegales del Consejo Latinoamericano de Ciencias Sociales.
5. He recibido financiación de numerosas fuentes, entre ellas Colectivo de Estudios Drogas y Derecho del Washington Office on Latin America, Corporación Andina de Fomento, Fundación Rosa de Luxemburgo-Región Andina, Fundación Paz y Reconciliación Proyecto.

6. He publicado más de 50 artículos y capítulos de libros sobre pandillas, crimen organizado, migración y prisiones, incluso en la *Revista Venezolana de Economía y Ciencias Sociales* y *Political Geography*. Mi libro más reciente, titulado *Carceral Communities in Latin America*, recoge investigaciones sobre pandillas carcelarias y gobiernos criminales en distintos países de América Latina.

7. La mayor parte de mi trabajo ha sido en Venezuela. Pero también me desempeñé como investigador invitado en Rice University, profesor invitado o presentador para seminarios y conferencias en Harvard University, New York University, Pomona College, and Tulane University.

8. He leído la Proclamación y la Declaración de Cerna (ECF No. 26) presentadas en este caso. Proporciono esta declaración basada en mis conocimientos personales y profesionales, y mi revisión de estos documentos.

9. Mis opiniones de derivan de más de una década de estudios que he realizado sobre pandillas, crimen organizado, migración y prisiones. He realizado más de 100 entrevistas con miembros de pandillas en Venezuela, con informantes claves sobre dinámicas de pandillas y con miembros con el régimen de Maduro, así como trabajo etnográfico en prisiones y en zonas bajo control de pandillas tanto en Venezuela como en países vecinos. Con base en mi experiencia, se me ha pedido que evalúe la descripción que el gobierno hace del Tren de Aragua y cómo identifica a sus posibles miembros. Mis conclusiones se exponen a continuación.

### **Opiniones**

10. El Tren de Aragua no es una organización altamente estructurada, centralizada, con líneas de mando y membresía claramente definidas. Los niveles mayores de estructuración se dieron durante la última década en el estado Aragua, donde las bandas que operaban en distintas localidades se coordinaban con la prison gang que controlaba el penal de Tocarón.

11. Sin embargo, en septiembre de 2023 este penal es intervenido por fuerzas militares venezolanas. Desde ese momento, el papel de coordinación de este grupo parece haberse debilitado, en la medida en que deben preocuparse por su sobrevivencia frente a la persecución y golpes de los cuerpos de seguridad de toda la región y han perdido uno de sus instrumentos principales para coordinar e imponer acciones, la prisión, por lo que los grupos locales actúan con aún mayor autonomía e independencia.

12. No hay evidencia de que el Tren tenga una gran presencia en los EEUU.

13. Como mencioné, actualmente el Tren es un grupo descentralizado y descoordinado. No hay evidencia de que el Tren mantenga conexiones estables con el estado venezolano ni de que el régimen de Maduro dirija sus acciones hacia los EEUU.

14. Por las mismas razones señaladas al inicio, el Tren de Aragua nunca ha tenido una membresía definida, ni ritos de iniciación o marcas de identidad como tatuaje que identifiquen a sus miembros, a diferencia de otras organizaciones como las maras centroamericanas o algunas gangs étnicas en EEUU. Los tatuajes son populares entre jóvenes venezolanos y no tienen ninguna relación con la pertenencia a alguna organización criminal ni subcultura específica. No hay ningún símbolo gráfico que identifique al Tren de Aragua ni a sus miembros. Tampoco hay evidencia que el grupo tiene ciertas reglas fijas, una constitución o certificados de membresía.

Ejecutado el 27 de marzo, 2025, en Caracas, Venezuela.

DocuSigned by:

*Andres Antillano*

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Andrés Antillano

**DECLARATION OF ANDRES ANTILLANO,  
ASSISTANT PROFESSOR AND HEAD OF THE CRIMINOLOGY DEPARTMENT,  
CENTRAL UNIVERSITY OF VENEZUELA**

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

**Qualifications:**

1. I am a social psychologist with a postgraduate degree in Criminology from the University of Barcelona. I was born and live in Caracas, Venezuela

2. I am currently an assistant professor at the Central University of Venezuela in the Department of Law and Political Science. I am also the Head of the Criminology Department at the UCV School of Law. I have worked as a professor since 2002.

3. I teach various courses related to gangs, incarceration, and criminology in Venezuela. I have also taught a seminar for managers and senior officers of the General Police Council, the Bolivarian National Police, and the National University of Security.

4. At the same time, I also work as an investigator at the Institute of Criminal Sciences and Head of the Criminology Section, and I am the coordinator of the Working Group on Security Forces, Control Agencies, and Illegal Markets of the Latin American Council of Social Sciences.

5. I have received funding from numerous sources, including the Washington Office on Latin America Drug and Law Studies Collective, the Development Bank of Latin America, the Rosa Luxemburg Foundation-Andean Region, and the Peace and Reconciliation Project Foundation.

6. I have published more than 50 articles and book chapters on gangs, organized crime, migration, and prisons, including in the *Venezuelan Journal of Economics and Social Sciences* and *Political Geography*. My most recent book, titled *Carceral Communities in*

*Latin America*, compiles research on prison gangs and criminal governments in various Latin American countries.

7. Most of my work has been in Venezuela. However, I have also served as a visiting researcher at Rice University, and as a visiting professor and presenter for seminars and conferences at Harvard University, New York University, Pomona College, and Tulane University.

8. I have read the Proclamation and the Cerna Declaration (ECF No. 26) presented in this case. I provide this statement based on my personal and professional knowledge and my review of these documents.

9. My opinions derive from more than a decade of research I have conducted on gangs, organized crime, migration, and prisons. I have conducted over 100 interviews with gang members in Venezuela, with key informants on gang dynamics, and with members within the Maduro regime, as well as ethnographic work in prisons and gang-controlled areas both in Venezuela and neighboring countries. Based on my experience, I have been asked to evaluate the government's description of Tren de Aragua and how it identifies potential members. My findings are presented below.

## **Opinions**

10. Tren de Aragua is not a highly structured, centralized organization with clearly defined lines of command and membership. The greatest levels of structuring have arisen during the last decade in the state of Aragua, where gangs operating in different locations coordinated with the prison gang that controlled the Tocarón prison.

11. However, in September 2023, this prison was taken over by Venezuelan military forces. Since then, the group's coordinating role appears to have weakened, as they must worry about their survival in the face of persecution and attacks from security forces throughout the region and they have lost one of their main instruments for coordinating and



enforcing actions, the prison, for this reason the local groups operate with even greater autonomy and independence.

12. There is no evidence that Tren [de Aragua] has a significant presence in the US.

13. As I mentioned, Tren [de Aragua] is currently a decentralized and uncoordinated group. There is no evidence that the Tren maintains stable connections with the Venezuelan state or that the Maduro regime directs its actions toward the United States.

14. For the same reasons noted at the beginning, Tren de Aragua has never had a defined membership, nor initiation rites or identity marks such as tattoos that identify its members, unlike other organizations such as Central American gangs or some ethnic gangs in the United States. Tattoos are popular among young Venezuelans and have no connection to belonging to a specific criminal organization or subculture. There is no graphic symbol that identifies Tren de Aragua or its members. There is also no evidence that the group has certain fixed rules, a constitution, or membership certificates.

### CERTIFICATE OF TRANSLATION

I, Talia Roma, certify that I am fluent in both English and Spanish and that I have translated the foregoing declaration from Andres Antillano, faithfully and accurately, from Spanish into English. I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: March 27, 2025



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Talia Roma  
Paralegal  
American Civil Liberties Union Foundation  
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San Francisco, CA 94609  
(412) 626-1379  
troma@aclu.org

# EXHIBIT C

**DECLARATION OF STEVEN DUDLEY,  
CO-DIRECTOR OF INSIGHT CRIME**

1. I, Steven Dudley, am the Co-Director of InSight Crime. If called to testify, I could and would do so as follows:

**Summary**

2. The Venezuelan gang Tren de Aragua is a dangerous transnational gang but has little substantial U.S. presence. In fact, the U.S. government has yet to share any evidence to show that the gang has a structured or operational presence inside the United States, or that it is operating in any coherent or collective fashion across the U.S. Nor have we seen evidence that the Maduro regime is communicating with or directing any Tren de Aragua leaders or any Tren de Aragua activity in the United States, much less that the regime is directing young Venezuelan men to migrate to the United States. Although the Venezuelan government operates as a criminal hybrid state (a term of art I explain below) with ties to many criminal organizations present there, Tren de Aragua, as currently constituted, does not have substantial connections with the Venezuelan state anywhere it operates.

**Qualifications**

3. I have been asked to provide an expert opinion on aspects of Tren de Aragua in the United States. I have read the Proclamation and the Cerna Declaration (ECF No. 26) submitted in this case. I make this declaration based on my personal and professional knowledge, my skill, experience, training, and education, and facts and data regularly relied upon in my field that are currently available to me. The opinions in this declaration are my own.

4. Appendix A is a true and correct copy of my curriculum vitae.

5. InSight Crime is a think tank with offices at American University in Washington, D.C., and Medellín, Colombia. We specialize in investigating and analyzing organized crime in the Americas and assessing State efforts to combat these organizations, offering a diverse set of perspective on these topics.<sup>1</sup> InSight Crime is the leading source for investigation, reporting, analysis, and training targeted to meet the needs of academics, researchers, policymakers and analysts, journalists, NGOs, and law enforcement and government officials tackling the problems posed by organized crime and drug trafficking throughout the region. InSight Crime has done numerous projects for the U.S. government, including several concerning Venezuela and its multiple non-state criminal groups such as Tren de Aragua. Our open-source reporting reaches between 300,000 and 400,000 readers every month, and our material is routinely cited, quoted, and reprinted in major media outlets. We have been doing this for 15 years. Our coverage has been recognized through awards including, most recently, a special citation by the Columbia Journalism School for coverage of Latin America, the Ortega & Gasset award for best investigative story, and two Simón Bolívar awards for investigative stories.

6. I hold a master's degree in Latin American Studies from the University of Texas at Austin. I have a bachelor's degree in history from Cornell University in Ithaca, New York. I am a Senior Fellow at American University's Center for Latin American and Latino Studies and a former fellow at the Woodrow Wilson International Center for Scholars in Washington, D.C.

7. I lived in Guatemala from 1991 to 1992, in Brazil in 1993 and in 1998, and in Colombia off-and-on for nearly ten years beginning in 1995 and ending in late 2007. I have

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<sup>1</sup> For more information, *see* [insightcrime.org](https://insightcrime.org).

traveled to many parts of Latin America during my 30 years as a journalist and investigator in the region, including to Venezuela on dozens of occasions. During that time period, I worked for media organizations like the *Miami Herald*, the *Washington Post*, National Public Radio, the *Economist*, and the British Broadcasting Corporation (BBC), among others. I am a member of the International Consortium of Investigative Journalists and was a Knight Fellow at Stanford University.

8. In addition to my work for media and InSight Crime, I wrote a book concerning the Revolutionary Armed Forces of Colombia (FARC) guerrillas that was published in English (*Walking Ghosts* - Routledge 2004) and Spanish (*Armas y urnas* - Grupo Planeta 2008), and a book on the MS-13 gang (*MS-13: The Making of America's Most Notorious Gang* – HarperCollins 2020), which won the Lucas Prize for book in progress. I have also published reports on drug trafficking and organized criminal networks in Central America and Mexico for policy groups such as the Woodrow Wilson International Center for Scholars, the International Crisis Group, and the Migration Policy Institute.

9. As part of my work at InSight Crime, I do regular trips to the region and am in nearly constant contact with government authorities, media partners, correspondents, academics, and other investigators throughout the region, including with our team of correspondents in Venezuela. In all, I have made more than 100 trips to the region since I became co-founded InSight Crime in 2010.

10. I focus a lot of this work on trying to understand how international criminal organizations operate, including prison gangs. In 2012-2013, for example, I went to Ciudad

Juárez, Mexico, to investigate and write about the prison gang known as Barrio Azteca.<sup>2</sup> The gang had operations inside and outside the prison system and had expanded across the US-Mexico border. They also worked with corrupt police.

11. In 2016, I directed a year-long investigative project on prisons in the region financed by the National Endowment for Democracy (NED).<sup>3</sup> For that project, we studied the way prison gangs operated in five countries.<sup>4</sup> We entered prisons in the countries I studied and spoke to those on the inside, including the heads of the gangs. Each of the prison gangs in question had operations inside and outside the prisons, including criminal enterprises that involved prison guards and police.

12. In 2014, I became the co-principal of a two-year project funded by the U.S. Department of Justice's National Institute for Justice on the MS-13.<sup>5</sup> Our goal was to study the gang through various academic instruments and field research in three different geographic areas: Washington, D.C., Los Angeles, and El Salvador. For this project, I traveled to El Salvador several times and met with active members of the MS-13 inside jails.

13. In 2018, I was the co-principal of a U.S. State Department-funded project that is focused on criminal dynamics in Brazil, Argentina, and Paraguay. As part of this project, I

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<sup>2</sup> See Steven Dudley, "Barrio Azteca Gang Poised for Leap into International Drug Trade," InSight Crime (Feb. 13, 2013), <https://insightcrime.org/investigations/barrio-azteca-gang-poised-leap/>

<sup>3</sup> NED is a private foundation, funded mostly by the U.S. Congress, that finances projects worldwide that support democracy. See <https://www.ned.org/about/>.

<sup>4</sup> See "The Prison Dilemma," a special project financed by the National Endowment for Democracy, <https://insightcrime.org/investigations/the-prison-dilemma-in-the-americas/>.

<sup>5</sup> See description of project: <https://www.american.edu/centers/latin-american-latino-studies/transnational-criminal-capacity-of-ms-13.cfm>.

worked with experts and investigators in Brazil. I also traveled to Brazil, where I went inside several prisons. Our focus of the Brazil research is the Primeiro Comando da Capital (PCC), or First Capital Command, which is the region's largest prison gang.

14. Since 2018, I have assisted with InSight Crime's work on Venezuela, which is also funded by the U.S. State Department. The project has mapped the criminal ecosystem of that country. InSight Crime has worked with dozens of its correspondents, as well as independent investigators and civil society organizations, to provide the world's most comprehensive database and repository of organized crime groups in Venezuela.

15. I have been asked to provide an expert opinion on the threat of Tren de Aragua in the United States. I make this declaration based on my personal and professional knowledge, my skill, experience, training, and education, and facts and data regularly relied upon in my field that are currently available to me in large part because of the ongoing work we have in Venezuela.

#### **TREN DE ARAGUA**

16. I have studied organized crime in Venezuela for the last 25 years. I am very familiar with the origins of Tren de Aragua in Venezuela and its activities both there and in other parts of South America. I am also familiar with what is now the limited reach of Tren de Aragua in the United States, in part because we at InSight Crime have also reported on this extensively over the last year.

17. I have reviewed the March 15, 2025-Proclamation entitled Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua. In it, the President uses the term "hybrid criminal state" to describe the relationship between Venezuela and Tren de Aragua. The Proclamation indicates that the Venezuelan state has weaponized Tren



de Aragua to “invade, attempt to invade, and threaten to invade the [United States],” to “perpetrate[] irregular warfare within the [United States],” and to “use[] drug trafficking as a weapon against our citizens.”

18. That characterization of the relationship between the Venezuelan state and Tren de Aragua as it relates to its activities in the United States is simply incorrect.

19. While InSight Crime has characterized the Venezuelan government as a “hybrid criminal state,” we use that term to refer to how the Venezuelan government has, at times, worked with militia groups, Colombian guerrilla organizations, and organized crime groups inside Venezuela to further its own economic, political, and social agenda. In practice, for example, state security forces may permit a group to operate in a particular area; in exchange, the group maintains social and political control in a way that favors the government. In some instances, these arrangements may also include monetary or other economic exchanges between the sides. In other instances, it may just be a promise to control violence in return for free reign over the criminal economies in these areas. These arrangements are made most notably with more overtly political groups or guerrilla groups that have often veered into criminal activities, but sometimes they are made with criminal organizations or prison gangs.

20. Because the Maduro regime’s power is fragmented and these criminal groups are broken into semi-independent factions, these arrangements are not uniform nor established for any set time periods. For example, they can take place with one bloc of the state even while another bloc actively opposes a criminal group. The agreements are also volatile and often contingent on personal and political affinities. When one side is no longer served by an agreement, for instance, it can devolve into open fighting between the group and Venezuelan

security forces. We have even identified instances in which one part of a criminal group is fighting with the government while another part of the same criminal group is working alongside it.

21. Currently, Tren de Aragua does not appear to be actively connected to the Venezuelan government in any sustained fashion. In fact, most of the Maduro regime's interaction and coordination occurs with militias, guerrilla groups, and criminal organizations aside from Tren de Aragua. A good comparative example of those other groups are the *colectivos* (collectives), which are a disparate network of grassroots, left-wing political militias that are trained, financed, and armed by the state and act as political shock troops. Unlike the *colectivos*, Tren de Aragua is not trained, financed, or armed by the state. And the state's interaction with Tren de Aragua is quite minimal as compared to those same *colectivos*.

22. Much of this can be traced back to 2023, when it emerged that the Venezuelan government had begun a corruption investigation into then-Oil Minister Tareck El Aissami. As noted in the Proclamation, El Aissami was the highest-level government patron of Tren de Aragua. The impact of the corruption investigation, however, was substantial. In March 2023, El Aissami resigned his ministry post. In September 2023, the Venezuelan government raided the Tócoron prison, during which Venezuelan military forces dismantled what was then Tren de Aragua's headquarters. Its leader fled the prison, most likely prior to the raid, and since 2023, the group has become more dispersed and holds less sway in the areas where it is present in Venezuela. And in April 2024, the government announced it had arrested El Aissami.

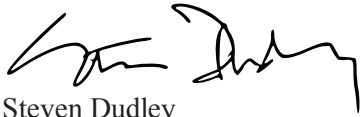
23. In our investigations over the period in which the prison gang has operated, we have never seen Tren de Aragua deployed by the Venezuelan government in a concerted or

military fashion. Tren de Aragua is not a militia or paramilitary group like the colectivos, nor is it a mercenary group associated with the Venezuelan government in the style of the once-vaunted Wagner group from Russia. In other words, it is not an arm of the Venezuelan government. And we have seen no evidence that the Maduro regime has directed Tren de Aragua to migrate to the United States or to commit any crimes within the United States. To be sure, in recent months the Venezuelan government has assisted in capturing members of Tren de Aragua in other countries, most notably in Colombia.

24. That is not to diminish the threat Tren de Aragua poses as a criminal gang operational in Venezuela and other parts of South America, which we have documented in numerous in-depth reports from Colombia, Peru, and Chile. However, although Tren de Aragua is undoubtedly a powerful criminal organization in Venezuela and some other parts of South America, there is no evidence of a structured or operational presence in the United States and no evidence of the Maduro regime communicating with it or any purported leaders, or directing it or any purported leaders to commit crimes in the U.S.

25. Finally, a word about identification of Tren de Aragua members. As noted, I have extensive experience studying street and prison gangs. Some of them do have tattoos that indicate gang affiliation. As of this writing, Tren de Aragua does not have any such tattoos. What's more, even gangs that once used tattoos to identify themselves have moved away from them precisely because they help law enforcement identify them. Therefore, using tattoos as a means of identifying Tren de Aragua members does not seem to me to be a reliable means of identifying them.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Steven Dudley', with a stylized, cursive script.

Steven Dudley  
Co-director, InSight Crime  
March 28, 2025

# EXHIBIT D

**Declaration of Dr. Sarah C. Bishop**  
**Risks for People Facing Incarceration in El Salvador**

**Introduction**

1. I am writing this expert witness report to address human rights abuses in Salvadoran prisons. I am a full professor with tenure at Baruch College, the City University of New York. I was the 2020-2021 Fulbright Scholar to El Salvador, during which time I lived and conducted fieldwork in the country; I have since returned to El Salvador each year for fieldwork related to both published and in-process projects about the State of Exception, human rights abuses by state actors, gang activity, and prison conditions.
2. Deportees who are imprisoned in El Salvador are highly likely to face immediate and intentional life-threatening harm at the hands of state actors and a secondary threat of violence from incarcerated gang members.

**Expert Qualifications**

3. I was the 2020/2021 Fulbright scholar to El Salvador, during which time I lived and worked in the Department of La Libertad consulting with local academics and non-profit personnel to develop a project that chronicles the experiences of individuals affected by gang-, government-, and domestic-based violence, as well as the professional and psychological outcomes for deportees. I have interviewed multiple people who have been deported back to El Salvador after failed asylum claims and have also interviewed personnel from non-profit organizations working to support individuals who had been deported by the United States or by another government.
4. I have published three books on the experiences of refugees and undocumented immigrants in the United States. In 2022, Columbia University Press published my book *A Story to Save Your Life: Communication and Culture in Migrants' Search for Asylum*. The book won the Abraham Briloff Prize in Ethics and the Oral History Association's Best Book Award in 2023. My book *Undocumented Storytellers: Narrating the Immigrant Rights Movement* was published by Oxford University Press in 2019 and was the winner of the Best Book Award from the American Studies Division of the National Communication Association. *U.S. Media and Migration: Refugee Oral Histories* was published by Routledge in 2016 and won the Sue DeWine Distinguished Scholarly Book Award.
5. I am a migration scholar with a Ph.D. in Intercultural Communication from the University of Pittsburgh (2014). My dissertation was an oral history project analyzing the push factors and migration experiences of 74 refugees living in the United States. I received an M.A. from New York University in 2009 in Media, Culture, and Communication, during which I took classes such as "Refugees and IDPs: Protection and Practice."
6. I have published numerous articles in peer-reviewed academic journals on the experiences of forced migrants from Central America, including "Hidden in Plain Sight: The In/Visibility of Human Rights in El Salvador's Prisons Under the State of Exception" coauthored with Salvadoran expert Dr. Mneesha Gellmen and forthcoming in *Latin American Research Review* in 2025; "Beyond the Glowing Headlines: Social Science Analysis of the State of Exception in El

Salvador,” *Columbia Regional Expert Series*, coauthored with Salvadoran experts Dr. Tom Boerman and Dr. Tommie Sue Montgomery in 2023; “An Illusion of Control: How El Salvador’s President Rhetorically Inflates His Ability to Quell Violence,” published in *Journalism and Media* in 2023; ““What Does a Torture Survivor Look Like?: Nonverbal Communication in Asylum Interviews and Hearings,” published in the *Journal of International & Intercultural Communication* in 2021; “Intercultural Communication, the Influence of Trauma, and the Pursuit of Asylum in the United States,” published in the *Journal of Ethnic and Cultural Studies* in 2021; and “An International Analysis of Governmental Media Campaigns to Deter Asylum Seekers,” published in the *International Journal of Communication* in 2020. All of my books and the articles I have published in academic journals have been subject to peer review by other experts.

7. I regularly give talks about country conditions in El Salvador and the root causes of forced migration, including “Violence for Peace: Authoritarian Justifications of Human Rights Abuses in Central America,” presented at the Anthropology of Peace, Conflict, and Security Conference in June 2025; “Intergovernmental Criminal History Information Sharing: Justice on Paper, Violence in Practice for Forced Migrants,” presented at the Marx School for International Affairs in March 2025; “Addressing Misinformation and Distortion of Statistics in Country Conditions Research,” presented at the International Studies Association in November 2024; “Populism, Rhetorical Strategy, and the Regression of Democracy in Central America,” presented at Cristosal in San Salvador in February 2023; “An Illusion of Control: How El Salvador’s President Rhetorically Inflates His Ability to Quell Violence,” presented at the annual meeting of the American Sociological Association in August 2022; talks on conducting research in El Salvador, presented at the Fulbright Pre-departure Orientations in June 2022, June 2023, and June 2024; and “The Returned: Communication and Culture in the Post-Deportation Lives of Former Asylum Seekers from El Salvador,” presented at the annual meeting of the International Association for the Study of Forced Migration in July 2021.
8. I have received several competitive grants for my research on El Salvador, including grants in 2025 from the American Council of Learned Societies (ACLS) the Russell Sage Foundation; a 2024 grant from the Waterhouse Family Institute to study post-deportation experiences in El Salvador through a family communication approach; a 2022-2023 PSC CUNY Grant for research that documents post-deportation harm in El Salvador; a 2022 grant from the Robert Bosch Stiftung Foundation to travel to El Salvador and meet with investigative journalists and human rights activists for a project about President Nayib Bukele’s recent actions against independent media; and a 2018 fellowship from the Institute for the Study of Human Rights at Columbia University to study obstacles to human rights and efforts to promote peace in post-conflict societies including El Salvador.
9. I remain current on events in El Salvador through regularly reading local, national, and international sources including academic and government studies and investigative journalism studies, through frequent conversations with colleagues in the U.S. and El Salvador, and by presenting my research on El Salvador at national and international academic conferences.
10. At Baruch College, I teach classes on migration to the United States and global communication in the Department of Communication Studies, the Macaulay Honors College, and the Master of Arts in International Affairs program. I am affiliate faculty in the Department of Black and Latino Studies.

11. My migration research has been recognized for being ethical and applied to real-world contexts: I won the Abraham J. Briloff Prize in Ethics in 2017 and 2023, and the Stanley L. Saxton Applied Research Award in 2018. Moreover, in keeping with the New York State Ethics Commission Reform Act of 2022, I undergo annual ethics training at the City University of New York.
12. Methodologically, I rely on oral history, ethnography, critical-cultural analysis of governmental communication, and qualitative comparative analysis to conduct my research about country conditions in El Salvador. These are standard and widely used social science methodologies. At Baruch, I am responsible for teaching a graduate-level required course on qualitative methods in which I train graduate students in these methods.
13. In 2025 I won a \$75,000 grant from the Russell Sage Foundation to continue the project “Recovering the Visibility of Post-Deportation Experiences in El Salvador: A Family Communication Approach” for the years 2025-2027 to involve additional participants who have family members who have been deported under the State of Exception.

### **Democratic Erosion and Governmental Corruption in El Salvador**

14. El Salvador is experiencing a severe democratic decline that threatens the human rights and general safety of the whole population. The 2023 U.S. State Department’s Human Rights Report on El Salvador cites “credible reports of: unlawful or arbitrary killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; extensive gender-based violence, including domestic and sexual violence, and femicide; substantial barriers to sexual and reproductive health services access; trafficking in persons, including forced labor; and crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.”<sup>1</sup>
15. President Bukele was discovered through meticulously documented reporting by investigative journalists working for *El Faro* in 2020 to have been negotiating with imprisoned gang leaders who reportedly agreed to a reduction in homicides and electoral support in exchange for additional prison privileges and other benefits for incarcerated gang members.<sup>2</sup> During the weekend of March 25, 2022 there was a record-setting string of around 87 gang-committed homicides across El Salvador that resulted from the unraveling of that secret pact between Bukele and the gangs in what MS-13 called a “betrayal” of Bukele’s loyalty. The Monday following the homicides, Bukele successfully called on the Salvadoran Legislative Assembly to pass a State of Exception, which suspends many constitutional protections including due process, drastically increases police and military powers to arrest and imprison suspected gang members, and curtails the right to legal defense.

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<sup>1</sup> “El Salvador 2023 Human Rights Report.” US Department of State. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/> p 1.

<sup>2</sup> Carlos Martínez, Óscar Martínez, Sergio Arauz, and Efren Lemus. “Bukele Has Been Negotiating with MS-13 for a Reduction in Homicides and Electoral Support.” *El Faro*. 6 September 2020. [https://elfaro.net/en/202009/el\\_salvador/24785/Bukele-Has-Been-Negotiating-with-MS-13-for-a-Reduction-in-Homicides-and-Electoral-Support.htm](https://elfaro.net/en/202009/el_salvador/24785/Bukele-Has-Been-Negotiating-with-MS-13-for-a-Reduction-in-Homicides-and-Electoral-Support.htm)



16. As a result of the government's actions under the current State of Exception, El Salvador currently has the highest incarceration rate in the world.<sup>3</sup>
17. Salvadoran Vice President Félix Ullóa revealed plainly to the *New York Times*, "To these people who say democracy is being dismantled, my answer is yes — we are not dismantling it, we are eliminating it, we are replacing it with something new."<sup>4</sup> The politicized use of all three branches of government to enact and extend the power of the State of Exception disallows any guarantee of justice for Salvadorans against whom the State has acted.
18. The government of El Salvador claims that it has been effective at establishing peace in the country. Americas director at Amnesty International Ana Piquer explained in December 2024, "What the government calls 'peace' is actually an illusion intended to hide a repressive system, a structure of control and oppression that abuses its power and disregards the rights of those who were already invisible—people living in poverty, under state stigma, and marginalization—all in the name of a supposed security defined in a very narrow way."<sup>5</sup>
19. Bukele's director of prisons, Osiris Luna Meza, was indicted by the United States Federal Government for arranging meetings in prison for negotiations with MS-13.<sup>6</sup> As the U.S. Treasury Department reveals, "Osiris Luna Meza (Luna) and Carlos Amilcar Marroquin Chica (Marroquin) [chairman of Bukele's Social Fabric Reconstruction Unit] led, facilitated, and organized a number of secret meetings involving incarcerated gang leaders, in which known gang members were allowed to enter the prison facilities and meet with senior gang leadership. These meetings were part of the Government of El Salvador's efforts to negotiate a secret truce with gang leadership."<sup>7</sup> Luna has also been deemed corrupt by the U.S. Department of Treasury for developing a scheme with another senior Bukele official to embezzle millions of dollars from the prison commissary system.<sup>8</sup>

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<sup>3</sup> "El Salvador Opens 40,000-Person Prison as Arrests Soar in Gang Crackdown." *Reuters*. 1 February 2023. [https://www.reuters.com/world/americas/el-salvador-opens-40000-person-prison-arrests-soar-gang-crackdown-2023-02-01/#:~:text=SAN%20SALVADOR%2C%20Feb%201%20\(Reuters,the%20prison%20population%20to%20soar](https://www.reuters.com/world/americas/el-salvador-opens-40000-person-prison-arrests-soar-gang-crackdown-2023-02-01/#:~:text=SAN%20SALVADOR%2C%20Feb%201%20(Reuters,the%20prison%20population%20to%20soar)

<sup>4</sup> Natalie Kitroeff. "He Cracked Down on Gangs and Rights. Now He's Set to Win a Landslide." *New York Times*. 2 February 2024. <https://www.nytimes.com/2024/02/02/world/americas/el-salvador-bukele-election.html>

<sup>5</sup> "El Salvador: A thousand days into the state of emergency. 'Security' at the expense of human rights." Amnesty International. 20 December 2024. <https://www.amnesty.org/en/latest/news/2024/12/el-salvador-mil-dias-regimen-excepcion-modelo-seguridad-a-costa-derechos-humanos/>

<sup>6</sup> United States District Court. Eastern District of New York. Paragraph 35. <https://www.justice.gov/usao-edny/press-release/file/1569726/dl?inline=>

<sup>7</sup> "Treasury Targets Corruption Networks Linked to Transnational Organized Crime." U.S. Department of the Treasury. 8 December 2021. <https://home.treasury.gov/news/press-releases/jy0519>

<sup>8</sup> "Treasury Targets Corruption Networks Linked to Transnational Organized Crime." U.S. Department of the Treasury. 8 December 2021. <https://home.treasury.gov/news/press-releases/jy0519>

20. In multiple recent documented cases, the Salvadoran government has falsified records, ignored international human rights laws, and detained and prosecuted individuals without evidence to support the ongoing expansion of the State of Exception and indiscriminately punish those who resist or oppose it. As described by Human Rights Watch, “In many cases, detentions appear to be based on the appearance and social background of the detainees, or on questionable evidence, such as anonymous calls and uncorroborated allegations on social media. In these cases, police and soldiers did not show people a search or arrest warrant, and rarely informed them or their families of the reasons for their arrest. A mother who witnessed the detention of her son said that police officers told her, ‘We can arrest anyone we want.’”<sup>9</sup>

### **General Living Conditions in Prison**

21. The 2023 U.S. State Department Human Rights Report on El Salvador emphasizes that “Prison conditions *before* the state of exception were harsh and life threatening... The addition of 72,000 detainees under the state of exception exacerbated the problem.”<sup>10</sup> Rather than merely being a result of overcrowding, the same U.S. State Department report cites testimonies from released prisoners that show that the life threatening nature of the prison is a result of “systemic abuse in the prison system, including beatings by guards and the use of electric shocks.”<sup>11</sup>
22. Salvadoran government officials have directly stated that the dangerous and unsanitary conditions for prisoners taken into custody during the State of Exception are being created intentionally: For example, the U.S. State Department notes that “From the start of the state of exception, the government frequently advertised on social media the overcrowded conditions and lack of adequate food in the prisons as appropriate treatment for gang members.”<sup>12</sup> The Directorate General of Penal Centers advertised: “All the suffering these bastards have inflicted on the population, we will make happen to them in the prisons, and we will be very forceful with this. They live without the light of the sun, the food is rationed... they sleep on the floor because that is what they deserve.”<sup>13</sup>
23. In response to international human rights organizations that have raised the alarm about current conditions in El Salvador, President Bukele tweeted “Let all the ‘human rights’ NGOs know that we are going to destroy these damn murderers and their collaborators, we will throw them in prison and they will never get out. We don’t care about their pitying reports, their prepaid journalists, their puppet politicians, nor their famous ‘international community’ that never cared about our people.”<sup>14</sup>
24. El Salvador’s Public Security Minister has confirmed the plan not to release prisoners and claimed that there are 40,000 serial killers in El Salvador. He stated in an interview with CNN in 2024: “Someone who every day killed people, every day raped our girls, how can you change their minds? We are not stupid... In the US, imagine a serial killer in your state, in your community

<sup>9</sup> Human Rights Watch and Cristosal. “‘We Can Arrest Anyone We Want’: Widespread Human Rights Violations Under El Salvador’s ‘State of Emergency.’” 7 December 2022. <https://www.hrw.org/report/2022/12/07/we-can-arrest-anyone-we-want/widespread-human-rights-violations-under-el>

<sup>10</sup> “El Salvador 2023 Human Rights Report.” US Department of State. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/> p 7, emphasis added.

<sup>11</sup> Ibid., p 5.

<sup>12</sup> “El Salvador 2022 Human Rights Report.” US Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/> p 6.

<sup>13</sup> Cited in Amnesty International. “Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador.” 5 December 2023. <https://www.amnesty.org/en/latest/news/2023/12/el-salvador-policies-practices-legislation-violate-human-rights/> p 34.

<sup>14</sup> Nayib Bukele. 16 May 2023. <https://x.com/nayibbukele/status/1658608915683201030>

being released by a judge...how would you feel as a citizen? We don't have facts that someone can change a mind from a serial killer...and we have more than 40,000 serial killers in El Salvador."<sup>15</sup>

25. In October 2021 the Salvadoran government declared that information relating to all detained persons would be considered confidential; over 325 complains to the Interamerican Commission on Human Rights show that when family members have requested information about their detained loved ones, "authorities either refused or provided false information about their whereabouts."<sup>16</sup> In a sample of 131 cases, Cristosal found that 115 family members of detainees have not received any information about the whereabouts or wellbeing of their detained family members since the day of their capture.<sup>17</sup>
26. During my January 2024 visit to El Salvador, I visited the exterior of Mariona prison where many informal vendors were set up outside the prison gates selling packets of food, medicine, soap, and clothing to individuals with detained family members. In some prisons the Salvadoran government requires families to buy packets of basic needs including food that cost \$100-\$300 per month although the national minimum monthly wage is only \$365.<sup>18</sup> However, even families who can afford these packets have no assurance that the resources they try to send will ever reach their loved ones inside the prison; there are reports of prison officials deliberately withholding medicine and food even when it is available,<sup>19</sup> and reports of guards forcing women to do sexual acts in exchange for food and medicine.<sup>20</sup>
27. A 2024 Report on the Violation of the Right to Health in the Country's Penal Centers from the Human and Community Rights Defense Unit (UNIDEHC) found that upon arrival in prison, detainees under the State of Exception "were received by guards, where many of them were beaten to pressure them to declare which 'gang they belonged to,' and if they refused to say so, they were beaten and tortured more, some convulsed from the beatings they received and others died in these practices, on the first day of transfer."<sup>21</sup> In February 2025, the spokesperson for the organization who produced this report was arbitrarily detained during a raid on the organization's headquarters; Amnesty International concluded his detention was "particularly concerning, as he has been both a witness to and a denouncer of torture in penitentiary centers."<sup>22</sup>
28. The UNIDEHC also reported in 2024 after a round of interviews with a health professional who worked in a clinic that served some inmates from Mariona prison that inmates were "not provided

<sup>15</sup> David Culver, Abel Alvarado, and Evelio Contreras. "Exclusive: Locking Eyes with Mass Murderers in El Salvador." *CNN*. 13 November 2024. <https://www.cnn.com/2024/11/06/americas/el-salvador-inside-cecot-prison/index.html>

<sup>16</sup> Amnesty International. "Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador." 5 December 2023. <https://www.amnesty.org/en/latest/news/2023/12/el-salvador-policies-practices-legislation-violate-human-rights/> p 29.

<sup>17</sup> Noah Bullock. "The State of Exception in El Salvador: Taking Stock." Testimony before the United States Congress, Tom Lantos Human Rights Commission. 10 December 2024. <https://www.youtube.com/watch?v=ChTW-gm-5SI>

<sup>18</sup> Mneesha Gellman. "El Salvador Voters Set to Trade Democracy for Promise of Security in Presidential Election." *The Conversation*. 29 January 2024. <https://theconversation.com/el-salvador-voters-set-to-trade-democracy-for-promise-of-security-in-presidential-election-221092>

<sup>19</sup> "Testimonios: Sobrevivientes de las Cárceles del Régimen." *El Faro*. <https://especiales.elfaro.net/es/testimonios/>

<sup>20</sup> "El Silencio no es opción: Investigación sobre las practicas de tortura, muerte, y justicia fallida el el regimen de excepción." 10 July 2024. Cristosal Foundation. <https://cristosal.org/ES/presentacion-informe-el-silencio-no-es-opcion/>

<sup>21</sup> Human and Community Rights Defense Unit (UNIDEHC). "Violation of the Right to Health in the Country's Penal Centers." 2024. <https://heyzine.com/flip-book/9849749093.html#page/1> p 17.

<sup>22</sup> "El Salvador: Repression against Human Rights Defenders and Community Leaders." Amnesty International. 5 March 2025. <https://www.amnesty.org/en/documents/amr29/9100/2025/en/>

with medication to treat their diseases that they already suffered from; for example: people with hypertension, diabetes, kidney failure, respiratory problems, among others. They did not receive medication, which caused decompensation and death in some cases. Guards were repeatedly asked for help when someone convulsed or felt ill, but they did not arrive until the following day, or the person's health became more complicated or they died, waiting for help from the prison authorities.”<sup>23</sup>

29. Both the 2022 and 2023 U.S. State Department's Human Rights Report on El Salvador state that prison officials repeatedly denied access to the Salvadoran Human Rights Ombudsman's Office, the entity responsible for investigating accusations of human rights abuses in prison.<sup>24</sup>
30. In 2023, Bukele announced the opening of the new “mega-prison” called the *Centro de Confinamiento del Terrorismo* or CECOT. An analysis of the CECOT's design using satellite footage found that if the prison were to reach full supposed capacity of forty thousand, each prisoner would have less than two feet of space in shared cells—an amount the authors point out is less than half the space required for transporting midsized cattle under EU law.<sup>25</sup>
31. The U.S. State Department confirms that prisoners have been held in grossly overcrowded prisons with as many as 80 prisoners held in cells designed for just 12 so that they must sleep standing up.<sup>26</sup>

### **Systemic Torture as State Policy in Salvadoran Prisons**

32. Although El Salvador is a signatory to both the Convention Against Torture and the International Covenant on Civil and Political Rights, Amnesty International has concluded that there is a “systemic use of torture in Salvadoran prisons.”<sup>27</sup> The organization notes with concern the three primary characteristics of the crisis: “1) the massive number of human rights violations being committed; 2) the high degree of state coordination in the design and implementation of this measure; and 3) a state response that tends to conceal and minimize these actions, refusing to recognize and diligently investigate the abuses.”<sup>28</sup> They confirm that “torture and cruel, inhuman, and degrading treatment have become habitual practice rather than isolated incidents in the prisons.”<sup>29</sup>

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<sup>23</sup>Human and Community Rights Defense Unit (UNIDEHC). “Violation of the Right to Health in the Country's Penal Centers.” 2024. <https://heyzine.com/flip-book/9849749093.html#page/1> p 18.

<sup>24</sup> “El Salvador 2022 Human Rights Report.” U.S. Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/> p 4.

<sup>25</sup> Christine Murray, and Alan Smith.. “Inside El Salvador's Mega-Prison: The Jail Giving Inmates Less Space Than Livestock.” *Financial Times*. 6 March 2023. <https://www.ft.com/content/d05a1b0a-f444-4337-99d2-84d9f0b59f95>

<sup>26</sup> “El Salvador 2022 Human Rights Report.” U.S. Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/> p 6.

<sup>27</sup> Amnesty International. “Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador.” 5 December 2023. <https://www.amnesty.org/en/latest/news/2023/12/el-salvador-policies-practices-legislation-violate-human-rights/>

<sup>28</sup> Amnesty International. “Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador.” 5 December 2023. <https://www.amnesty.org/en/latest/news/2023/12/el-salvador-policies-practices-legislation-violate-human-rights/>

<sup>29</sup> Amnesty International. “Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador.” 5 December 2023. <https://www.amnesty.org/en/latest/news/2023/12/el-salvador-policies-practices-legislation-violate-human-rights/> p 33.



33. The range of violence occurring inside prisons in El Salvador at the hands of gangs and prison guards is acknowledged in the 2022 and 2023 U.S. State Department's Human Rights Reports on El Salvador; detainees are subject to beatings, waterboarding, and use implements of torture on detainees' fingers to try to force confessions of gang affiliation.<sup>30</sup> Likewise, family members of the detained have been threatened with arrest by security forces to "stop asking questions."<sup>31</sup>
34. A July 2024 report from Cristosal—compiled from 3,643 reports of abuses or rights violations, 110 interviews, and case-by-case analyses of 7,742 detainees' experiences—concluded that "Torture has become a state policy, with cruel and inhuman treatment regularly practices in prisons and places of detention."<sup>32</sup>
35. Human Rights Watch conducted 90 interviews about human rights abuses under the State of Exception and published in July 2023 evidence of torture including suffocation, burning, and mock executions against children.<sup>33</sup> The report also found that authorities use abusive language and death threats when making arrests of children who are subjected to human rights violations before, during, and even after their release, and that "In many cases, authorities coerced children into making false confessions to crimes through a combination of abusive plea deals and sometimes mistreatment or torture."<sup>34</sup>
36. An extensive December 2022 investigative report by Human Rights Watch and Cristosal about the State of Exception found that "human rights violations were not isolated incidents by rogue agents. Rather, similar violations were carried out repeatedly and across the country, throughout a period of several months, by both the military and the police."<sup>35</sup>
37. In some cases, many inmates are punished if one does not obey the guards' orders. UNIDEHC found in an interview with a health professional who had worked at Mariona prison, "In some cells, when an order of the guards or person was not obeyed, they were punished, some examples are: wetting all the people in the cell including their belongings with high-pressure hoses with ice cold water, invading the cell with tear gas; electric shocks, beatings with objects, confinement in the 'punishment cell,' where there were insects and animals (cockroaches, scorpions and mice)...[and] to deprive the right to food, use of the bathroom, and going out in the sunlight, for many days."<sup>36</sup>

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<sup>30</sup> "El Salvador 2022 Human Rights Report." U.S. Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/> p 5; "El Salvador 2023 Human Rights Report." US Department of State. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/> p 2, 15.

<sup>31</sup> "El Salvador 2022 Human Rights Report." U.S. Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/> p 5.

<sup>32</sup> "El Silencio no es opción: Investigación sobre las practicas de tortura, muerte, y justicia fallida el el regimen de excepción." Cristosal Foundation. 10 July 2024. <https://cristosal.org/ES/presentacion-informe-el-silencio-no-es-opcion/>

<sup>33</sup> Human Rights Watch. "Your Child Does Not Exist Here: Human Rights Abuses Against Children Under El Salvador's 'State of Emergency.'" 16 July 2024. <https://www.hrw.org/report/2024/07/16/your-child-does-not-exist-here/human-rights-abuses-against-children-under-el>

<sup>34</sup> Human Rights Watch. "Your Child Does Not Exist Here: Human Rights Abuses Against Children Under El Salvador's 'State of Emergency.'" 16 July 2024. <https://www.hrw.org/report/2024/07/16/your-child-does-not-exist-here/human-rights-abuses-against-children-under-el> p 2.

<sup>35</sup> Human Rights Watch and Cristosal. "'We Can Arrest Anyone We Want': Widespread Human Rights Violations Under El Salvador's 'State of Emergency.'" 7 December 2022. <https://www.hrw.org/report/2022/12/07/we-can-arrest-anyone-we-want/widespread-human-rights-violations-under-el>; The Minister of Security is determined to see the number of arrests rise. See: Mario Gonzalez. "Security Minister Wants to Imprison 80,000 Gang Members." *El Diario de Hoy*. 17 June 2022. <https://www.elsalvador.com/noticias/nacional/regimen-de-excepcion-ministro-gustavo-villatoro/968181/2022/>

<sup>36</sup> Human and Community Rights Defense Unit (UNIDEHC). Violation of the Right to Health in the Country's Penal Centers. 2024. <https://heyzine.com/flip-book/9849749093.html#page/1> p 18.

38. Amnesty International confirms that “the grave human rights violations being committed under the state of emergency are systematic in nature due to the widespread and sustained manner in which they are occurring; the level of state organization and planning involving the convergence of the three branches of the state; the impunity and lack of accountability; the lack of transparency and access to information; and the widespread criminalization of poverty, as an aspect of discrimination.”<sup>37</sup> This is not a matter of isolated acts of violence and torture but rather a coordinated dismantling of the rule of law and widespread practice of grave violations of human rights as the current norm.
39. A team of investigative journalists working to produce a report of human rights abuses under the State of Exception for an *Al Jazeera* documentary shared with me during my visit to El Salvador in early 2023 their preliminary findings, including an interview with an adolescent who had been released from Izalco prison who reported that there were daily beatings in prison, that “the guards would ignore people’s requests for medical attention,” that “guards would beat someone [un]til they were dead and then bring the body back into the cells and leave it there until the body started stinking,” that food rations were so meager that they sometimes had to split one hard-boiled egg between two people for a meal, and that “usually the gang members in the cells would bully weaker people for their food.” Former inmates revealed that tear gassing in the overcrowded prisons were so frequent that detainees would reserve one of the three small cups of water they usually received each day to flush their eyes after being gassed.<sup>38</sup>
40. Because the Salvadoran government has been actively attempting to conceal the human rights abuses occurring in prison, a team of investigative journalists at *El Faro* recorded and published weekly testimonies of individuals who survived incarceration under the State of Exception. These testimonies corroborate the reports cited above by confirming widespread torture including public beatings to death in front of other inmates, the deliberate withholding of medicine from sick inmates that has resulted in the need for appendages to be amputated, officials throwing prisoners’ food on the ground so that inmates must lick the floor to survive, and guards knowing about but failing to take action to prevent some inmates from raping other inmates.<sup>39</sup>
41. Further testimonies gathered and published by the newspaper *El Pais* reveal practices such as prison officials in Izalco prison hosing down the floor of an overcrowded cell with water then sending an electric current through the water to shock everyone inside, guards responding to inmates’ pleas for medicine or food with beatings (sometimes to the point of death), and state officials’ explicit threats to murder inmates and fabricate justifications, such as “I can shoot you right now and say you wanted to escape.”<sup>40</sup>

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<sup>37</sup> Amnesty International. “El Salvador: One Year into State of Emergency, Authorities are Systematically Committing Human Rights Violations.” 3 April 2023. <https://www.amnesty.org/en/latest/news/2023/04/el-salvador-state-emergency-systematic-human-rights-violations/>

<sup>38</sup> Mark Scialla, Salvadoran-based investigative journalist and director of documentary on human rights abuses under the State of Exception for *Al Jazeera* “Fault Lines.” 28 February 2023, via message to Sarah Bishop.

<sup>39</sup> “Testimonios: Sobrevivientes de las Cárceles del Régimen.” *El Faro*. <https://especiales.elfaro.net/es/testimonios/>

<sup>40</sup> David Marcial Pérez. “The Rampant Abuse in El Salvador’s Prisons: ‘They beat him to death in the cell and dragged him out like an animal.’” *El Pais*. 26 March 2023. <https://english.elpais.com/international/2023-03-26/the-rampant-abuse-in-el-salvadors-prisons-they-beat-him-to-death-in-the-cell-and-dragged-him-out-like-an-animal.html>

42. El Salvador's government has repeatedly been accused of committing crimes against humanity. Zaria Navas, former Inspector General for the Salvadoran National Police and now head of Cristosal's Law and Security program, declared in June 2023 that due to the systemic and widespread human rights abuses committed during the State of Exception, "There is enough evidence for El Salvador to be tried for crimes against humanity."<sup>41</sup> Likewise, in July 2023, former Salvadoran Human Rights Ombudsman David Morales equated the abuses occurring in the prisons under the State of Exception with the 1932 genocide against the country's indigenous population and the atrocities committed during El Salvador's 1980-1992 civil war; like Navas, he described the government's actions as crimes against humanity.<sup>42</sup> More recently, in December 2024, Leonor Arteaga from the Due Process of Law Foundation concluded, "it is also likely that some of the torture enforced disappearances and extrajudicial executions that have been documented may constitute crimes against humanity which implies the existence of a plan or a policy to commit them involving a chain of command of government actors in El Salvador."<sup>43</sup>

### **Deaths in Prison**

43. The deaths of around 375 incarcerated individuals since the start of the State of Exception have been recorded so far, but the human rights nongovernmental organization (NGO) Socorro Jurídico Humanitario that the actual number of deaths may exceed 1,000 because of an estimated minimum of 15 deaths per month that are not reported.<sup>44</sup>
44. In a sample of 100 cases of prison deaths that occurred during the first year of the State of Exception and for which a cause of death could be determined, Cristosal found through photographic, forensic, and testimonial evidence that 75% of the deaths were violent, probably violent, or with suspicions of criminality on account of a common pattern of hematomas caused by beatings, sharp object wounds, and signs of strangulation on the cadavers examined.<sup>45</sup> Others have died due to being denied medical care.<sup>46</sup>

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<sup>41</sup> Julia Gavarrete. "There is Enough Evidence for El Salvador to be Tried for Crimes Against Humanity." *El Faro*. 7 June 2023. [https://elfaro.net/en/202306/el\\_salvador/26881/there-is-enough-evidence-for-el-salvador-to-be-tried-for-crimes-against-humanity#](https://elfaro.net/en/202306/el_salvador/26881/there-is-enough-evidence-for-el-salvador-to-be-tried-for-crimes-against-humanity#)

<sup>42</sup> Lissette Lemus. "David Morales: Los crímenes que está cometiendo el gobierno actual son de lesa humanidad." *El Salvador.com*. 16 July 2023. <https://www.elsalvador.com/noticias/nacional/capturados-cristosal-regimen-de-excepcion-breaking-news/1076092/2023/>

<sup>43</sup> Leonor Arteaga. "The State of Exception in El Salvador: Taking Stock." Testimony before the United States Congress, Tom Lantos Human Rights Commission. 10 December 2024. <https://www.youtube.com/watch?v=ChTW-gm-5SI>

<sup>44</sup> Socorro Jurídico Humanitario (Humanitarian Legal Aid). 16 March 2025. <https://x.com/SJHumanitario/status/1901454047162372257>

<sup>45</sup> Cristosal. "One Year Under State of Exception: A Permanent Measure of Repression and Human Rights Violations." 12 May 2023. <https://cristosal.org/EN/wp-content/uploads/2023/08/One-year-under-the-state-of-exception-1.pdf> p29.

<sup>46</sup> David Bernal. "Socorro Jurídico ya contabiliza 235 reos muertos bajo régimen de excepción en El Salvador." 24 February 2024. *La Prensa Grafica*. <https://www.laprensagrafica.com/elsalvador/Socorro-Juridico-ya-contabiliza-235-reos-muertos-en-regimen-20240223-0089.html>

45. The actual number of deaths is impossible to confirm because of the government's opacity on the matter.<sup>47</sup> Noah Bullock, the director of Cristosal, explains, "Our investigations demonstrate a clear pattern of torture within the prisons and so we don't discount that the number of people who have died in the State of Emergency could be much higher."<sup>48</sup> The Salvadoran state maintains that all prison deaths have been the result of natural causes despite forensic evidence to the contrary.<sup>49</sup>
46. The known death rate in Salvadoran prisons is around 70 times greater than the international violent death according to the United Nations' 2024 Global Prison Population report.<sup>50</sup>
47. The organization MOVIR (Movimiento de Víctimas del Régimen de Excepción, or Movement of Victims of the Regimen of Exception) has corroborated that a considerable number of the deaths evaluated so far have been a result of physical attacks of various kinds carried out by state agents, in addition to "beatings inflicted by other prisoners with acquiescence of the prison authorities."<sup>51</sup>
48. The testimony of Professor Mario Alberto Martínez, who was arrested and detained after making a public statement denouncing the arbitrary detention of his daughter, includes the account of his being in a highly overcrowded cell where inmates were not allowed to speak or even to pray. When three boys were caught talking, the guards removed them from the cell and beat them until they appeared to be dead. Martinez reports that "people died every day" while he was in prison.<sup>52</sup>

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<sup>47</sup> Amnesty International. "Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador." 5 December 2023. <https://www.amnesty.org/en/latest/news/2023/12/el-salvador-policies-practices-legislation-violate-human-rights/> p 33.

<sup>48</sup> "El Salvador's Prison State." *Fault Lines*, Al Jazeera English. May 24, 2023. <https://www.aljazeera.com/program/fault-lines/2023/5/24/el-salvadors-prison-state>

<sup>49</sup> Bryan Avelar. "Inmates in El Salvador Tortured and Strangled: A Report Denounces Hellish Conditions in Bukele's Prisons." *El Pais*. 29 May 2023. <https://english.elpais.com/international/2023-05-29/inmates-in-el-salvador-tortured-and-strangled-a-report-denounces-hellish-conditions-in-bukeles-prisons.html>

<sup>50</sup> United Nations Office on Drugs and Crime (UNODC). "Global Prison Population and Trends. A Focus on Rehabilitation." 15 August 2024. [https://www.unodc.org/documents/data-and-analysis/briefs/Prison\\_brief\\_2024.pdf](https://www.unodc.org/documents/data-and-analysis/briefs/Prison_brief_2024.pdf); The figure of 366 deaths among an inmate population of 83,000 translates to a ratio of 404.82 deaths per 100,000, a rate 69.8 times greater than the international violent death rate of 5.8 per 100,000.

<sup>51</sup> Amnesty International. "Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador." 5 December 2023. <https://www.amnesty.org/en/latest/news/2023/12/el-salvador-policies-practices-legislation-violate-human-rights/> p 33.

<sup>52</sup> Williams Sandoval. "'Vi cuando llevaban gente tiesa; todos los días moría gente': así narra un profesor su paso por las cárceles del régimen de excepción." *La Prensa Grafica*. 14 June 2024. <https://www.laprensagrafica.com/elsalvador/Vi-cuando-llevaban-gente-tiesa-todos-los-dias-moria-gente-asi-narra-un-profesor-su-paso-por-las-carceles-del-regimen-de-excepcion-20240614-0056.html>



49. Even the deaths described by medical legal obituaries as nonviolent have in some cases involved cadavers that show forensic evidence of torture. One 45-year-old man with an intellectual disability died in prison and was buried by the state in a mass grave with a legal obituary that showed he died from a “pulmonary edema.” However, photographic evidence of the cadaver showed edemas of his face, and interviews with individuals detained in the same prison reveal that he was beaten so severely that he lost mobility including the ability to eat.<sup>53</sup> Others have been released from prison in such severe physical states that they have died within days of release because of injuries they sustained in prison; they are not counted among the numbers of deaths in prison.<sup>54</sup>
50. It sometimes takes several months for family members to learn of the death of a loved one in prison, as was the case for a 76-year-old woman who was arrested in April 2022, died while in custody the following November, and was buried in a mass grave. Her children were not advised of her death and continued to send care packages to the prison until February 2023 when a lawyer told them their mother would be released on bail if they paid \$3,000. When they arrived at the prison to deliver one last care package before their mother’s release, guards told them she had been dead for months.<sup>55</sup>

### **Governmental Attempts to Obscure the Visibility of Human Rights Violations**

51. Public access to national data is a central tenet of democracy that has been severely curtailed under Bukele as a means of maintaining popularity while allowing widespread human rights abuses to be committed out of public view. The government of El Salvador is intentionally restricting access to previously publicly available information especially as related to the police and military, prisoners, and the judiciary. As a result, it is becoming increasingly difficult for academics, NGOs, and other governments to access the information and statistics that would reveal the full scope of the disregard for human rights taking place in El Salvador. To produce evidence that is statistically significant instead of just anecdotal in this repressive context requires a coordinated approach to identify patterns and fidelity among pockets of available data in the rapidly unfolding human rights crisis.
52. As I and my coauthors in a 2023 report in Columbia University’s *Regional Expert Series* explain, President Bukele’s government has attempted to prevent public knowledge of continuing and widespread human rights abuses through strategies that include (1) denying outsiders access to the prisons, including the Salvadoran Human Rights Ombudsman’s Office; (2) criminalizing the media and threatening journalists; (3) subjecting family members of the detained to threats of arrest if they speak publicly of their loved ones’ experiences; and (4) routinely charging that individuals and groups who expose the abuses associated with the State of Exception are supporters of gang members and terrorists, in some cases leading to their imprisonment.<sup>56</sup>

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<sup>53</sup> Bryan Avelar. “Inmates in El Salvador Tortured and Strangled: A Report Denounces Hellish Conditions in Bukele’s Prisons.” *El Pais*. 29 May 2023. <https://english.elpais.com/international/2023-05-29/inmates-in-el-salvador-tortured-and-strangled-a-report-denounces-hellish-conditions-in-bukeles-prisons.html>

<sup>54</sup> Cristosal. “One Year Under the State of Exception: A Permanent Measure of Repression and Human Rights Violations.” 12 May 2023. <https://cristosal.org/EN/2023/08/17/report-one-year-under-the-state-of-exception/> p 53.

<sup>55</sup> “Relato: Las mentiras de un abogado y el deterioro en el penal le costaron la vida a Rosa.” *La Prensa Grafica*. 11 February 2023. <https://www.laprensagrafica.com/elsalvador/Relato-Las-mentiras-de-un-abogado-y-el-deterioro-en-el-penal-le-costaron-la-vida-a-rosa-20230210-0095.html>

<sup>56</sup> Sarah Bishop, Tommie Sue Montgomery, and Tom Boermann. “Behind the Glowing Headlines: Social Science Analysis of the State of Exception in El Salvador” CeMeCA’s Regional Expert Series No. 9, 2023.

53. Though international NGOs have been working for all three years of the State of Exception to document and corroborate widespread claims of human rights abuses taking place in El Salvador, this work is made highly difficult and sometimes impossible by the government's resistance. As described by Amnesty International in December 2023, "It is not possible to obtain official statistics such as the number of prisoners, overcrowding rate at detention centres, deaths of prisoners, number of crimes, [and] whether abuses of force by public security agents are being recorded and disciplined, among other citizen security variables used to monitor and assess the security situation and state of emergency."<sup>57</sup> Likewise, clandestine graves discovered in El Salvador are deemed by Bukele's government as matters of national security and the identities of their contents classified.
54. The State Department's 2023 Human Rights Report on El Salvador explicitly remarks on the invisibility of and lack of access to national data: "Human rights groups observed that the government increasingly declined to make public data for monitoring and analysis purposes. *Gato Encerrado*, an investigative newspaper, noted the government continued to expand the types of information it classified as confidential and not subject to public disclosure requirements."<sup>58</sup> Without reliable access to national data, neither the State Department nor any other concerned party can provide a more exhaustive view of country conditions that would be possible in more democratic contexts.
55. There are increasing instances of the government blatantly obscuring evidence of state violence. For example, the Attorney General of El Salvador claims to have investigated 143 deaths in prison during the State of Exception and found that every one of the 143 was due to pre-existing conditions or natural causes. However, the U.S. State Department Human Rights report released in 2024 offers evidence from sources including Socorro Jurídico Humanitario, Cristosal, and *El Pais* determining through forensic evidence dozens of violent deaths in prison including those where prison guards beat inmates to death.<sup>59</sup> What the U.S. State Department calls "systemic abuse in the prison system" is effectively denied by the Salvadoran State.
56. The government's clampdown on information related to human rights appears to be devolving. Whereas the 2022 U.S. State Department Human Rights report on El Salvador revealed that "The government reported varying numbers of disappearances and sporadically declined to provide media with numbers and additional data on disappearances, often claiming the statistics were classified,"<sup>60</sup> the report from the following year explains that the Minister of Justice and Public Security had announced the total suspension of investigations into disappearances.<sup>61</sup> These kinds of data would be more readily available in more democratic contexts and offer evidence of El Salvador's sharp democratic decline.

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<sup>57</sup> Amnesty International. "Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador." 5 December 2023. <https://www.amnesty.org/en/latest/news/2023/12/el-salvador-policies-practices-legislation-violate-human-rights/> p 64.

<sup>58</sup> "El Salvador 2023 Human Rights Report." US Department of State. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/> p 27.

<sup>59</sup> "El Salvador 2023 Human Rights Report." US Department of State. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/> p 2.

<sup>60</sup> "El Salvador 2022 Human Rights Report." US Department of State <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/> p 3.

<sup>61</sup> "El Salvador 2023 Human Rights Report." US Department of State. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/> p 4.

57. To create an illusion of improving country conditions with respect to gang violence, Bukele relies on rhetorical strategies that include selectively revealing and concealing national data.<sup>62</sup> The Inter-American Commission on Human Rights (IACHR) has criticized the Salvadoran State for “a lack of access to statistical data and official records on violence and crime from the Attorney General's Office and the Institute of Forensic Medicine, as well as other data from the PNC [National Civil Police], making it difficult to verify, contrast, and analyze information on citizen security.”<sup>63</sup> IACHR notes the “absence of updated official data on incidents of injured or dead persons related to police or Armed Force officers that could be construed as human rights violations.”<sup>64</sup> In other words, the state has repeatedly refused to provide the information that would be necessary to know the full scope of and prosecute instances of police and military violence.
58. Americas Director for Amnesty International Ana Piquer reported in March 2024 that “the denial, minimization and concealment of reported serious human rights violations reflect the government’s unwillingness to fulfil its duty to respect and promote human rights in the country.”<sup>65</sup> By strategically concealing both the nature and scope of human rights abuses taking place, the government of El Salvador has managed to mitigate international awareness.

### **Gang Activity During the State of Exception**

59. Publicly visible gang activity outside the prisons has quieted during the State of Exception, though gang violence inside the prisons subsists.<sup>66</sup> Since 2004, a practice had been in place to hold members of the two most powerful gangs in El Salvador, MS-13 and Barrio 18, in separate prisons in a measure designed to prevent both rival inter-gang violence and violence between gang members and civilians. Former Salvadoran Security Minister Bertrand Galindo explained, “The point was that if we left them in the same facilities, with the level of violence that was occurring and the weakness of the infrastructure, the state was not going to be able to prevent them from killing each other.”<sup>67</sup> Bukele changed this policy in 2020 and reaffirmed on Twitter during the opening of his new 2023 mega-prison that gang members would be mixed together and held for decades<sup>68</sup>—a change certain to result in violence between the gangs and indicative of the Salvadoran state’s determination not to protect its detained citizens from harm at the hands of the gangs.

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<sup>62</sup> Parker Asmann. “El Salvador to Omit Key Data from Official Homicide Tally.” *Insight Crime*. 18 July 2019.

<https://insightcrime.org/news/brief/el-salvador-omit-key-data-homicides/>; Sarah C. Bishop. “An Illusion of Control: How El Salvador’s President Rhetorically Inflates His Ability to Quell Violence.” *Journalism and Media*, 4, no. 1 (2023): 16-29.

<sup>63</sup> Inter-American Commission on Human Rights. *Follow-up of Recommendations Issued by the IACHR in its Country or Thematic Reports: El Salvador*. 2022. [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/12-IA2022\\_Cap\\_5\\_El\\_Salvador\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/12-IA2022_Cap_5_El_Salvador_EN.pdf) p 874.

<sup>64</sup> Inter-American Commission on Human Rights. *Follow-up of Recommendations Issued by the IACHR in its Country or Thematic Reports: El Salvador*. 2022. [https://www.oas.org/en/iachr/docs/annual/2022/Chapters/12-IA2022\\_Cap\\_5\\_El\\_Salvador\\_EN.pdf](https://www.oas.org/en/iachr/docs/annual/2022/Chapters/12-IA2022_Cap_5_El_Salvador_EN.pdf) p 876.

<sup>65</sup> Amnesty International. “El Salvador: The Institutionalization of Human Rights Violations after Two Years of Emergency Rule.” 27 March 2024. <https://www.amnesty.org/en/latest/news/2024/03/el-salvador-two-years-emergency-rule/>

<sup>66</sup> “El Salvador 2022 Human Rights Report.” U.S. Department of State. <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/el-salvador/> p 5.

<sup>67</sup> Roberto Valencia. “How El Salvador Handed its Prisons to the Mara Street Gangs.” *InsightCrime*. 3 September 2014. <https://insightcrime.org/news/analysis/how-el-salvador-handed-its-prisons-to-the-gangs/#:~:text=On%20September%20%2C%202004%20the,active%20gang%20members%20call%20pesetas>

<sup>68</sup> Bukele, Nayib (@NayibBukele). 2023. Twitter, February 24, 2023. Translated from Spanish by Sarah C. Bishop. <https://x.com/nayibbukele/status/1629165213600849920>

60. The high probability of violent gang activity in prisons during the State of Exception in El Salvador since the policy changed has been confirmed by a range of instances such as a January 2025 riot in Izalco prison in which active gang members mixed together in a cell with retired gang members reportedly attacked each other using iron bars they had removed from their beds, resulting in at least three deaths.<sup>69</sup> Two weeks after the riot, three inmates from Izalco prison died in hospitals; the families of the deceased were informed that the cause of their deaths was “illness.”<sup>70</sup>
61. Bukele’s failure to protect detainees from gang violence has been widely criticized by human rights organizations. Director for the Americas at Human Rights Watch José Miguel Vivanco stated that not separating gang-affiliated detainees from each other or from other detainees showed the government’s “wickedness and cruelty;”<sup>71</sup> the Human Rights Commission of El Salvador stated that the practice “carries a total risk of mutinies or selective or collective murders.”<sup>72</sup> Still, much of the news reporting on Bukele’s change in procedure referenced the country’s general prison overcrowding, as though the move was an inevitable reality in a national context in which the prison population was already double its stated capacity. The fact that Bukele reiterated his intention to mix gang members together in the announcement of the opening of the new mega-prison that was promised to solve the issue of overcrowding reveals this practice as a deliberate strategy in knowing acquiescence to the violence likely to result rather than an unfortunate necessity.
62. In practice, this means that Salvadoran citizens, many of whom have been arrested arbitrarily, continue to be victim to gang control and authority even while detained. In some prisons, MS-13 and Barrio 18 are designating leaders of crowded cells to set cell rules and determine who receives food and water. Breaking the gang’s rules may result in physical beatings.<sup>73</sup>

### Conclusion

63. Deportees who are imprisoned in El Salvador are highly likely to face immediate and intentional life-threatening harm at the hands of state actors and a secondary threat of violence from incarcerated gang members.

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<sup>69</sup> David Bernal, Cindy Castillo y Claudia Espinoza. “Pedirán una investigación por motín en penal de Izalco.” *La Presna Grafica*. 10 January 2025. <https://www.laprensagrafica.com/elsalvador/Pediran-una-investigacion-por-motin-en-penal-de-Izalco-20250110-0063.html>

<sup>70</sup> Oscar Reyes. “Reos de penal de Izalco mueren en hospitales.” 28 January 2025. *La Prensa Grafica*. <https://www.laprensagrafica.com/elsalvador/Reos-de-penal-de-Izalco-mueren-en-hospitales-20250128-0083.html>

<sup>72</sup> Marcos González Díaz. “Bukele contra las maras: las impactantes imágenes con las que El Salvador anunció que juntó a presos de diferentes pandillas en las celdas para combatir la violencia.” *BBC News Mundo*. 28 April 2020. <https://www.bbc.com/mundo/noticias-america-latina-52450557>

<sup>73</sup> Stephen Dudley et al. “El Salvador’s (Perpetual) State of Emergency: How Bukele’s Government Overpowered Gangs.” December 2023. *Insight Crime*. <https://insightcrime.org/investigations/el-salvador-perpetual-state-emergency-how-bukele-government-overpowered-gangs/#:~:text=In%20March%202022%2C%20the%20government,suspected%20gang%20members%20and%20collaborators> p 6.

**Signature**

I declare under penalty of perjury that the foregoing is true and correct to best of my knowledge.

A handwritten signature in black ink, appearing to read "S. Bishop", written over a horizontal line.

April 17, 2025

Signature

Date

# EXHIBIT E

**DECLARATION OF JUANITA GOEBERTUS,  
DIRECTOR, AMERICAS DIVISION, HUMAN RIGHTS WATCH**

I, Juanita Goebertus, 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 Director of the Americas Division of Human Rights Watch and have worked with the organization since 2022. I hold BAs in Law and Political Science from the Universidad de los Andes (Colombia) and an LLM from Harvard Law School. I oversee Human Rights Watch's work on El Salvador and have traveled to the country several times, most recently in 2024. I provide this declaration based on my personal knowledge and experience.
2. Individuals deported pursuant to the 1789 Alien Enemies Act have been sent to the Center for Terrorism Confinement, the Centro de Confinamiento del Terrorismo (CECOT) in Tecoluca, El Salvador. The prison was first announced for a capacity of 20,000 detainees. The Salvadoran government later doubled its reported capacity, to 40,000. As Human Rights Watch explained to the UN Human Rights Committee in July 2024, the population size raises concerns that prison authorities will not be able to provide individualized treatment to detainees, thereby contravening the UN Standard Minimum Rules for the Treatment of Prisoners.
3. People held in CECOT, as well as in other prisons in El Salvador, are denied communication with their relatives and lawyers, and only appear before courts in online hearings, often in groups of several hundred detainees at the same time. The Salvadoran government has described people held in CECOT as "terrorists," and has said that they "will never leave." Human Rights Watch is not aware of any detainees who have been released from that prison. The government of El Salvador denies human rights groups



access to its prisons and has only allowed journalists and social media influencers to visit CECOT under highly controlled circumstances. In videos produced during these visits, Salvadoran authorities are seen saying that prisoners only “leave the cell for 30 minutes a day” and that some are held in solitary confinement cells, which are completely dark.

4. While CECOT is likely to have more modern technology and infrastructure than other prisons in El Salvador, I understand the mistreatment of detainees there to be in large part similar to what Human Rights Watch has documented in other prisons in El Salvador, including Izalco, La Esperanza (Mariona) and Santa Ana prisons. This includes cases of torture, ill-treatment, incommunicado detention, severe violations of due process and inhumane conditions, such as lack of access to adequate healthcare and food.
5. Prison conditions in El Salvador should be understood within the context of the country’s three-year-long state of emergency, which has suspended constitutional due process rights. Since the state of emergency was instituted in March 2022, security forces report detaining 85,000 people (the equivalent of 1.4% of the country’s population). Although the government has denied Human Rights Watch information on the number of detainees it holds and its prison capacity, Human Rights Watch estimates based on official data that there are 109,000 people held in prisons with an official capacity for 70,000. Since the state of emergency was instituted, over 350 people have died in El Salvador’s prisons according to Salvadoran human rights groups, including the organization Cristosal, which jointly authored our December 7, 2022 report on El Salvador’s prisons titled, “We Can Arrest Anyone We Want” (hereinafter “We Can Arrest Anyone”).<sup>1</sup>

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<sup>1</sup> Human Rights Watch, “*We Can Arrest Anyone We Want*”: Widespread Human Rights Violations Under El Salvador’s “State of Emergency”, WWW.HRW.ORG, Dec. 7, 2022, <https://www.hrw.org/report/2022/12/07/we-can-arrest-anyone-we-want/widespread-human-rights-violations-under-el#3683> (last visited Mar. 19, 2025).



6. In July 2024, Human Rights Watch published a report on abuses committed against children during the state of emergency, titled “Your Child Does Not Exist Here.” Over 3,300 children have been detained, many without any ties to gang activity or criminal organizations. Human Rights Watch documented 66 cases of children subjected to torture, ill-treatment and appalling conditions, including at times extreme overcrowding, unhygienic conditions, and inadequate access to food and medical care while in custody. In February, the Legislative Assembly approved a law ordering the transfer of children detained for organized crime offenses to the country’s adult prison system, exposing them to a heightened risk of abuse and violating international juvenile justice standards.
7. For “We Can Arrest Anyone,” and in “Your Child Does Not Exist Here,” Human Rights Watch has interviewed more than 30 people released from El Salvador’s prisons, including children, and dozens of people who have relatives in jail.<sup>2</sup> These interviews were conducted in person in several states in El Salvador or by telephone and corroborated by additional research and media reports.
8. One of the people we spoke with was an 18-year-old construction worker who said that police beat prison newcomers with batons for an hour. He said that when he denied being a gang member, they sent him to a dark basement cell with 320 detainees, where prison guards and other detainees beat him every day. On one occasion, one guard beat him so severely that it broke a rib.

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<sup>2</sup> Human Rights Watch, “*Your Child Does Not Exist Here*”: Human Rights Abuses Against Children Under El Salvador’s “State of Emergency”, WWW.HRW.ORG, Jul. 16, 2024, <https://www.hrw.org/report/2024/07/16/your-child-does-not-exist-here/human-rights-abuses-against-children-under-el> (last visited Mar. 19, 2025).

9. The construction worker said the cell he was imprisoned in was so crowded that detainees had to sleep on the floor or standing, a description often repeated by people who have been imprisoned in El Salvador.
10. Another detainee we interviewed was held for two days in a police lock-up with capacity for 25 people, but he said that when he arrived, there were over 75 prisoners. He slept on the floor next to “the bathroom,” a hole in the ground that smelled “terrible.” He was sent in a group of other prisoners to Izalco prison on the third day, where they were ordered the group to take off their clothes. They were forced to kneel on the ground naked looking downwards for four hours in front of the prison’s gate. Guards took the group to a room with five barrels full of water with ice, he said. Fifteen guards forced him and others to go into the barrels for around two hours in total, as they questioned them. The detainee was forced into a barrel “around 30 times,” and was kept there for about a minute each time. Guards forced his head under water so he could not breathe. “I felt I was drowning,” he said. Guards repeatedly insulted them, calling them “dogs” and “scum” and saying they would “pay for what [they] had done.”
11. A third detainee held in prison in June 2022 described being sent to what he described as a “punishment cell.” He said officers moved him and others there to “make room for other detainees.” The new cell was constantly dark, detainees had to sleep standing due to overcrowding, and there was no regular access to drinking water.
12. For “We Can Arrest Anyone,” Human Rights Watch and Cristosal gathered evidence of over 240 cases of people detained in prisons in El Salvador with underlying health conditions, including diabetes, recent history of stroke, and meningitis. Former detainees often describe filthy and disease-ridden prisons. Doctors who visited detention sites told

us that tuberculosis, fungal infections, scabies, severe malnutrition and chronic digestive issues were common.

13. Out of the estimated 350 detainees who have died in El Salvador's prisons, we documented 11 of these cases in detail in "We Can Arrest Anyone", based on interviews with victims' relatives, medical records, analysis by forensic experts, and other evidence.
14. In one case, a person who died in custody was buried in a mass grave, without the family's knowledge. This practice could amount to an enforced disappearance if authorities intentionally concealed the fate or whereabouts of the detainee.
15. In at least two other cases, officials appear to have failed to provide detainees the daily medication they required to manage underlying health conditions such as diabetes.
16. In at least four of the eleven cases, photographs of the bodies show bruises. Members of the Independent Forensic Expert Group (IFEG) of the International Rehabilitation Council for Torture Victims (IRCT), who reviewed the photos and other evidence in two of the cases, told Human Rights Watch and Cristosal that the deaths were "suspicious" given that the bodies "present multiple lesions that show trauma that could have been caused by torture or ill-treatment that might have contributed to their deaths while in custody."
17. In a separate Human Rights Watch report from February 2020, titled "Deported to Danger," Human Rights Watch investigated and reported on the conditions in Salvadoran prisons experienced by Salvadoran nationals deported by the United States.<sup>3</sup> In interviews with deportees and their relatives or friends, we collected accounts of three

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<sup>3</sup> Human Rights Watch, *Deported to Danger: United States Deportation Policies Expose Salvadorans to Death and Abuse*, WWW.HRW.ORG, Feb. 5, 2020, <https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and> (last visited Mar. 19, 2025).

male deportees from the United States who said they were beaten by police or soldiers during arrest, followed by beatings during their time in custody, which lasted between three days to over a year. During their time in prison, two of these individuals reported being kicked in the face and testicles. A third man described being kicked by guards in his neck and abdomen, after which he sustained injuries requiring an operation for a ruptured pancreas and spleen, month-long hospitalization, and 60 days of post-release treatment.

Executed on this 19th day of March, 2025 in Villa de Leyva, Colombia.

Signed by:  
*Juanita Goebertus*  
F2D78A8897CF4A6...

JUANITA GOEBERTUS

# EXHIBIT F

### **DECLARATION OF LIYANARA SÁNCHEZ**

I, Liyanara Sánchez, declare under penalty of perjury as follows:

1. My name is Liyanara Sánchez. I am 36 years old and currently reside in Tampa, Florida. I am a national of Venezuela and seeking asylum. I am the wife of Frengel Reyes Mota, a 24-year-old Venezuelan national and the stepfather of my 10-year-old son.
2. Frengel and I arrived in the United States in 2023 with our son. We had to flee Venezuela due to safety concerns and violence from paramilitary groups that controlled our home town. Frengel applied for asylum in the United States on December 2, 2024. His immigration case was pending, and he did not have a final order of removal at the time of his detention.
3. On February 4, 2025, Frengel appeared for a required check-in at the Tampa Immigration and Customs Enforcement (ICE) office. ICE officers told us the check-in was “routine,” but instead detained him without providing any explanation. At no point during the check-in did anyone mention Tren de Aragua (“TdA”) or accuse Frengel of being affiliated with a gang.
4. Following his detention, Frengel was transferred through several facilities: Pinellas County Jail, Krome Detention Center, and eventually El Valle in Texas. An attorney was retained to assist with a bond hearing and to represent him in his asylum case.
5. On or around February 19, 2025, during the bond process, we first learned that the government was accusing Frengel of being associated with the Tren de Aragua (“TdA”) gang. The only “evidence” was an I-213 form listing this accusation without any explanation or factual support. I have a copy of that form. It states that Frengel “may be a Tren de Aragua associate.”
6. This allegation is completely false. Frengel vehemently denied these allegations. Frengel is not and has never been affiliated with any gang. We have been married and living together for more than seven years, and during that time, neither my husband nor I has ever been affiliated with any member of TdA. He does not have a criminal record in Venezuela or in the United States. He does not have any tattoos, let alone tattoos that could be interpreted as gang-related. Our hometown in Venezuela is nearly a 24-hour drive from Aragua, where TdA is believed to be active.
7. On March 6, 2025, Frengel had a bond hearing that I attended. The government told the judge that Frengel was associated with TdA without presenting evidence. At no point during the hearing did the government give Frengel or his attorney a meaningful opportunity to respond to or rebut the allegation of TdA association before he was removed. Nor was he or his attorney given any notice that he was being designated under the Aliens Enemy Act based on the government’s allegations.

8. In the early hours of March 15, 2025, during my last conversation with Frengel, he told me he that the ICE officers were telling him that he would be deported to Venezuela. He told me that he was afraid to be removed and be separated from me and his son. On March 17, when the attorney's assistant called the El Valle facility, staff confirmed he had been deported but refused to say where he was.
9. About a week later, we saw Frengel's name on a list of Venezuelans who had been deported to El Salvador. We were never notified by the U.S. government of his transfer.
10. Frengel was sent to the Terrorism Confinement Center (CECOT) in El Salvador, a prison known for its overcrowded and inhumane conditions. I am extremely worried about his health and safety. Neither his attorney nor I have been able to contact him or get any meaningful information about him while he remains detained in this foreign prison. He never should have been sent there.
11. At the time he was deported, Frengel was still in active removal proceedings and had not been ordered removed by a judge. He had an immigration hearing scheduled for March 24, 2025, but was unable to appear because he had already been unlawfully removed from the country.
12. We later obtained copies of his immigration paperwork, including his I-213 form and noticed multiple errors. The documents listed someone else's last name, referred to him with female pronouns, and used two different A-numbers. These mistakes make me extremely worried about how the government identified him for deportation.
13. As his wife, I am dedicated to Frengel's best interests and committed to representing him while he is detained in a foreign prison and unable to speak for himself. Frengel and I have been together for seven years. We met in Venezuela and after dating for six months, we got married and have been building our life together since. He has helped raise my son as his own and has been a devoted stepfather and partner. He is a kind, hardworking, and family-oriented man who has always taken care of us and supported our home. We want to continue growing our family together. I continued to support him throughout his detention by ICE by looking for immigration attorneys, attending all his bond proceedings, and constantly emailing and calling him.
14. Since learning of his deportation, I have done everything I can to follow up with government officials, raise awareness through the media, and help rectify the injustice he is currently facing. On March 17, 2025, a legal assistant called ICE's Enforcement and Removal Operations Detention, Reporting and Information Line (DRIL) at 1-888-351-4024 on my behalf to request information about my husband, who is detained at CECOT, and to possibly speak with him. ICE would only tell us that he had been deported and refused to answer any other questions about him.
15. Frengel's removal has caused our family immense pain and fear because we have never been separated for any extended amount of time. Our son continues to ask for his father and struggles to understand why this has happened. Frengel and our son had a close

relationship, as Frengel consistently supported his schoolwork and my son confided in him. We do not know if or when we will ever see him again.

16. I believe it is in Frengel's best interest to participate as a named petitioner in this case and to have the opportunity to challenge his removal under the Alien Enemies Act. I know he would want to return to the United States so that he can continue pursuing his asylum claim and defend himself in a lawful proceeding.
17. I respectfully ask that Frengel be allowed to return to the United States to pursue his asylum case and be reunited with his family.

Executed on this 24th day of April, 2025.  
Tampa, Florida.

  
\_\_\_\_\_  
**Liyanara Sánchez**



**ATTESTATION AND CERTIFICATE OF TRANSLATION**

I, Talia Roma, certify that I am fluent in both English and Spanish. On April 24, 2025, I personally spoke with Liyanara Sánchez and read the foregoing information to her over the phone. Ms. Sánchez affirmed that the information in the above declaration is true and accurate.

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

A handwritten signature in black ink, appearing to read 'Talia Roma', is written over a horizontal line.

Talia Roma  
Paralegal  
American Civil Liberties Union Foundation  
Immigrants' Rights Project  
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San Francisco, CA 94609  
(412) 626-1379  
troma@aclu.org

# EXHIBIT G

### DECLARATION OF D.A.R.H.

I, D.A.R.H., declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am 65 years old and currently reside in Capacho Nuevo, Tachira, Venezuela. I am the mother of Andry Jose Hernandez Romero, a 31-year-old Venezuelan citizen. Andry has always been close to his father and me. He lived in our home until he moved out to pursue a career as a professional make-up artist. Even then, he stayed in constant communication with us and would often visit us. When he decided to leave Venezuela to seek protection in the U.S., he stayed in communication with me throughout his journey to let me know about his location and that he was safe.
2. I am submitting this declaration because I am deeply worried about my son's safety. Andry was in the middle of seeking asylum in the United States when he was taken without warning, sent to another country, and cut off from everyone. I am doing everything I can to find him and support him. I have been in contact with international human rights groups to help find him. I have also stayed in contact with his immigration attorney, Paulina Reyes, to get updates on his case and to ensure she has all the information necessary to continue his case. Since he is now unable to speak for himself or advocate for his rights, I wish to do so on his behalf.
3. Andry is a kind, humble, hardworking person. He is openly gay and worked in Venezuela as a makeup artist at a government-affiliated television station. He was targeted for both his sexual orientation and his refusal to promote government propaganda. He told me that his supervisors pressured him to post content supporting the Maduro regime and threatened him when he wouldn't comply. Around the same time, he said armed men connected to the government, called *colectivos*, started following him and threatening him too.
4. In fear for his life, Andry quit his job, went into hiding, and then left Venezuela in May 2024. He told me he used the CBP One app to present himself at the San Ysidro Port of Entry in August 2024, where he was taken into immigration custody. Later, he said he was transferred to a detention center in California.
5. Andry passed a credible fear interview and was placed into full immigration court proceedings. He told me he had found a lawyer who was helping him apply for asylum, withholding of removal, and CAT protection and submit evidence in support of his case. I stayed in regular contact with him and supported him as best as I could from here. I helped gather documents that the lawyer needed for his case and gave them to a friend of his who would send copies over e-mail.
6. One day, he told me that the U.S. government was accusing him of being part of a gang called *Tren de Aragua*. This is completely false. Andry has never been involved in any gang. He has no criminal record.

7. The only “evidence” I am aware of is that he has two tattoos, crowns next to the words “Mom” and “Dad.” These have nothing to do with a gang. In our hometown, there is a cultural festival for the Three Wise Men that happens every year in early January, and Andry has participated in it since he was a seven-year-old child. He got those tattoos several years ago as a way of honoring the festival and theatre troupe “Fundacion Reyes Magos de Capacho” (Wise Men Foundation of Capacho) that acted in the festival. Most of the members of that theatre troupe also have crown tattoos and like to promote this event. He also worked with beauty pageants and often posted photos with pageant crowns as props. This is who he is—an artist, not a criminal.
8. In early March 2025, Andry was moved from California to a different detention center in Texas. The last time I heard from Andry was on March 14, 2025. Andry called to tell me that he was going to be transferred to another location because they told him that he was going to be sent to Venezuela.
- 9.
10. After that, no one knew where he was. His lawyer tried to find him. She asked the detention center, ICE, and the government attorney handling his court case. For days, no one gave any information. Then, on March 17, during a scheduled immigration hearing, the government attorney said Andry was “no longer in ICE custody” and had been removed from the United States to El Salvador. We confirmed it when his name appeared in a news report listing Venezuelans deported to El Salvador.
11. I have not heard from Andry since then. His lawyer has also said there is no way for her to speak with him or for him to appear at his next hearing. It is like he disappeared. On April 24, 2025, Andry’s immigration attorney, Paulina Reyes, informed me that she called ICE’s Enforcement and Removal Operations Detention, Reporting and Information Line (DRIL) at 1-888-351-4024 to request information about my son, who is detained at CECOT, and to speak with him. ICE did not have any information about his current location, they were only able to confirm that he was removed from the country.
12. I am terrified for my son’s safety. I have read about the prison in El Salvador, where the government is sending people without a hearing. I do not know how he is being treated, what conditions he is in, or even if he is alive. As a gay man and someone falsely accused of gang activity, I fear that he is in danger every day. A photojournalist published photos about people who were sent to CECOT, and we were able to confirm that Andry was there and was being mistreated by the guards and begging for his release.
13. Andry had a future in the United States. He had filed for asylum and never had the chance to defend himself in court or to respond to the false accusations against him. He was in the middle of a legal process that had not finished. No judge ever ordered him removed.
14. As his mother, I am devoted to Andry’s best interests. I have known him every day of his life. I supported him before and after he fled Venezuela, and throughout his time in the United States. I have continued to do everything I can to support him since his removal — including speaking with his lawyer and trying to find any information about where he

is. I want to make sure that his voice is not lost just because he has been taken from the country. I want to speak for him until he is able to speak for himself again.

15. I believe it is in Andry's best interest to be allowed to participate as a named petitioner in this case. I know that he would want to challenge his removal under the Alien Enemies Act. He was never given the chance to defend himself before being taken away, and I know he would want the opportunity to clear his name and continue his legal case in the United States.
16. I respectfully ask that my son be allowed to return to the United States so that he can pursue his asylum claim, be reunited with his attorney, and have a real opportunity to seek the protection he came to the United States for.

Executed this 22 day of April, 2025, in Tachira, Venezuela.

[REDACTED]

Mother of Andry Jose Hernandez Romero



# EXHIBIT H

### **DECLARATION OF M.Z.V.V.**

I, M.Z.V.V., declare under penalty of perjury as follows:

1. My name is M.Z.V.V. I am a citizen and resident of Venezuela. I am the mother of J.A.B.V., a 24-year-old Venezuelan national.
2. J.A.B.V. is my youngest son, and we have always been very close. He is affectionate, caring, and kind. I raised him since birth, and we lived together until he left Venezuela. We have had a strong, supportive relationship throughout his life. I helped pay for all his daily expense when he was in Venezuela. I am extremely worried for his safety, and I have had difficulty sleeping or eating since I learned that he had been deported to El Salvador. Not knowing what has happened to him has caused me immense distress.
3. J.A.B.V. fled Venezuela in February 2024 after being violently targeted for his political beliefs. He was a supporter of opposition leader Maria Corina Machado and actively participated in campaign activities. In January 2024, while distributing campaign materials, he was abducted by masked men in a black SUV, beaten, and told he would be killed if he campaigned again. J.A.B.V. told me his captors threatened him, stating, "Today we spare your life, but if you campaign again, there will be no forgiveness next time." He was then held for several days at the Los Proceres police center, where he was tortured, denied food, and threatened repeatedly. His captors repeatedly told him he was a "traitor to the homeland" and that if he was found again, he would be executed.
4. After being released, J.A.B.V. fled Venezuela, traveling through Colombia and Central America. J.A.B.V.'s immigration attorney, Osvaldo Caro-Cruz, informed me of J.A.B.V.'s immigration processes and records. J.A.B.V. entered the United States in August 2024 through a CBP One appointment at the San Ysidro port of entry. He passed a credible fear interview and filed for asylum on November 7, 2024. His immigration case was pending, and he did not have a final order of removal at the time of his deportation.
5. J.A.B.V. remained detained in ICE custody from the moment he entered the U.S. in August 2024 until he was removed in March 2025. Mr. Caro-Cruz informed me that although J.A.B.V. passed his credible fear interview, ICE refused to release him due to concerns about his tattoos, which they claimed were gang-related. His Record of Deportable/Inadmissible Alien (Form I-213) states he had no prior criminal history in the US, that he was a citizen of Venezuela, and that he was fleeing the country because he feared for his life. The same document states: "Subject has gang-related tattoos which were photographed by CBPO Clesi. The tattoos are well-known tattoos that Tren de Aragua gang members tend to have. Subject denied being part of Tren de Aragua or any other gang." J.A.B.V. was never charged with any crime and never received a clear explanation for why he remained in custody.
6. J.A.B.V. has several tattoos on his arm and ribcage, including a rose, a clock with my name and his father's name, an angel, and a crown with his son's name. These tattoos

reflect his love for his family. They are not gang-related. J.A.B.V. has never been a member of any gang, including Tren de Aragua.

7. J.A.B.V. has no criminal record in Venezuela or the United States. His I-213 immigration paperwork states that he has no criminal history. He is not a dangerous person. He is a peaceful, respectful, and hardworking young man.
8. On or around March 15, 2025, I learned that J.A.B.V. had been deported from the United States. His attorney was not notified, and neither was our family. He had an immigration court hearing scheduled for April 2025 and was still in active removal proceedings. He never had the opportunity to appear in court or present his asylum case.
9. A few days later, I saw J.A.B.V.'s name on a public list of Venezuelans who had been deported to El Salvador. I was shocked and devastated. We were never given any information by the U.S. government about where he had been sent.
10. J.A.B.V. was deported to El Salvador and is now being held at the Terrorism Confinement Center (CECOT), a prison known for inhumane conditions. I have not been able to speak with him directly since his removal. Neither I nor his attorney has received any meaningful information about his whereabouts or well-being. I am terrified for his safety.
11. On April 24, 2025, Mr. Caro-Cruz, on my behalf, called ICE's Enforcement and Removal Operations Detention, Reporting and Information Line (DRIL) at 1-888-351-4024 to request information about my son, who is detained at CECOT, and to speak with him. ICE refused to answer his questions and stated that they could not allow him or me to speak with my son.
12. J.A.B.V.'s deportation has caused me enormous pain and fear. He is my little boy, and I raised him with love and care. He should never have been sent to a foreign prison without due process or a chance to defend himself.
13. As his mother, I am committed to advocating for J.A.B.V. and representing his best interests while he remains detained and unable to speak for himself. I am willing to serve as his next friend in this case and do everything I can to support him. He is a person of integrity and deserves the chance to continue his asylum case and clear his name.
14. I believe it is in J.A.B.V.'s best interest to participate as a named petitioner in this case and to have the opportunity to challenge his removal under the Alien Enemies Act. I know he would want to return to the United States to pursue his asylum claim and defend himself in court. I respectfully ask that my son be allowed to return and be reunited with his family.

Executed on April 24, 2025 in Portuguesa, Venezuela.





M.Z.V.V.

**ATTESTATION AND CERTIFICATE OF TRANSLATION**

I, Talia Roma, certify that I am fluent in both English and Spanish. On April 24, 2025, I personally spoke with M.Z.V.V. and read the foregoing information to her over the phone.

M.Z.V.V. affirmed that the information in the above declaration is true and accurate.

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

A handwritten signature in black ink, appearing to read 'Talia Roma', is written over a horizontal line.

Talia Roma  
Paralegal  
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Immigrants' Rights Project  
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# EXHIBIT I

### **DECLARATION OF M.Y.O.R.**

I, M.Y.O.R., do hereby declare the following under penalty of perjury:

1. I am 34 years old and live in Barquisimeto, Lara State, Venezuela. I am a national of Venezuela. I am the younger sister of M.A.O.R., who is 36 years old. We have lived together for much of our lives and remain very close.
2. I believe that my brother was wrongfully accused of being a member of Tren de Aragua ("TdA") and removed to El Salvador. I saw my brother's name on a list published by news outlets of Venezuelans taken to El Salvador.
3. M.A.O.R. entered the United States around September 2024 through a CBP One appointment. He was in the process of seeking protection in the U.S. and had a hearing scheduled in immigration court on April 22, 2025. To my knowledge, he had no removal order.
4. On or about October 24, 2024, M.A.O.R. was detained by ICE during a raid at his workplace in or around Calexico, California. ICE allegedly targeted the workplace because two employees appeared in a video joking about being members of TdA. My brother and our cousin, Edwin, did not appear in the video, but both were arrested along with two other Venezuelan employees.
5. My brother has never been affiliated with any gang. He has no criminal record in any country and does not have any tattoos. I have known him my entire life and know him to be a hardworking person who devoted his time to supporting himself and our family. He had no reason to be involved in any gang activity.
6. After being detained, my brother was taken to the Imperial Regional Detention Facility in Calexico, California. While detained, immigration officials investigated and told my brother that they had determined that he was not in fact associated with TdA and had confirmed that he has no criminal history.
7. Around March 7, 2025, my brother was transferred to the Rio Grande Processing Center in Laredo, TX.
8. I last spoke with my brother on March 13, 2025. He told me he had been informed that he would be deported to Venezuela. On March 14, 2025, he spoke to a friend and told her that he and other detainees had been taken to an airplane that day, but the flight did not take off due to weather issues. He told her they had been told the deportation would be attempted again soon.
9. On March 15, 2025, I checked the ICE Detainee Locator and found that my brother no longer appeared in the system. That same day, his status on the GO Visits app showed as "liberated" for the first time since I began speaking with him through the app. I initially believed he had been deported to Venezuela. However, the next day, I saw news reports

that Venezuelan detainees had been taken to El Salvador. I was extremely worried. Eventually, a list of individuals transferred to El Salvador was made public, and my brother's name was on that list.

10. At no point did the government give my brother or his attorney a meaningful opportunity to respond to or rebut the allegation of TdA association before he was removed. Nor were we given any notice that he was being designated under the Alien Enemies Act based on that accusation.
11. My brother was sent to the CECOT prison in El Salvador, a facility widely reported to have overcrowded, abusive, and inhumane conditions. I am extremely worried about his health and safety. We have not received any communication from him since his transfer, and my family and I have no way of contacting him or confirming his well-being. We understand there is no way for him to challenge the government's allegations or seek any kind of review while he remains detained there.
12. At the time he was deported, M.A.O.R. was still in active removal proceedings and had not been ordered removed by an immigration judge. He had an upcoming immigration court hearing scheduled for April 22, 2025, but he was unable to appear because he had already been removed from the country. An attorney who works for a non-profit attended the hearing on April 22, and let me know that his court date was rescheduled for May 20, 2025.
13. On April 24, 2025, I called ICE's Enforcement and Removal Operations Detention, Reporting and Information Line (DRIL) at 1-888-351-4024 to request information about my brother, who is detained at CECOT, and to speak with him. ICE refused to directly answer my questions about his whereabouts and my request to speak with him and instead noted that he was no longer in ICE custody.
14. As his sister, I am dedicated to my brother's well-being and committed to representing him while he remains detained in a foreign prison and is unable to speak for himself. I believe it is in M.A.O.R.'s best interest to participate as a named petitioner in this case and to have the opportunity to challenge his removal under the Alien Enemies Act.
15. I respectfully ask that my brother be allowed to return to the United States to continue pursuing his asylum case and be reunited with his family.

Executed on this 24 day of April 2025

  
\_\_\_\_\_  
M.Y.O.R.

**CERTIFICATE OF TRANSLATION**

I, Talia Roma, certify that I am fluent in both English and Spanish. On April 24, 2025, I personally spoke with M.Y.O.R. and read the foregoing declaration to her, translated into Spanish faithfully and accurately, over the phone. M.Y.O.R. affirmed that she understood my translation and that the information in the above declaration is true and accurate.

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



---

Talia Roma  
Paralegal  
American Civil Liberties Union Foundation  
Immigrants' Rights Project  
425 California Street, 7th Floor  
San Francisco, CA 94609  
(412) 626-1379  
troma@aclu.org

# EXHIBIT J

**DECLARATION OF M.M.A.A.**

I, M.M.A.A., 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 currently live in Tachira, Venezuela and I am the mother of G.A.A.
3. I am submitting this declaration because my son's name is on the public list of people who were deported to El Salvador under the Alien Enemies Act. My son had an open asylum case in the United States and no deportation order. I also believe my son was accused of being associated with the Tren de Aragua gang, with which he has no affiliation whatsoever.
4. G.A.A. and his partner entered the United States in December of 2023 through a CBPOne appointment at the border. G.A.A. came to the U.S. to seek asylum. We are from the state of Tachira, VZ where the area is run by a paramilitary group. Due to the violence in our town at the hands of this group, my son fled. He came to the United States to seek a better, safer life for his family, and never expected to be met with such injustice.
5. In December 2024, G.A.A. submitted his application for asylum and was scheduled to appear for a master calendar hearing on October 1, 2025. While he was in the United States waiting for his asylum claims to be heard, he and his wife settled in Louisville, Texas and in June 2024, they gave birth to a baby boy.
6. On February 4, 2025, G.A.A. was in the driveway of his own home, working on fixing his car when he felt someone touch his foot and ask him to please stand up and answer some questions. It was an ICE officer who had arrived at the apartment with a picture of an individual they were looking for, an individual G.A.A. knew nothing about. The ICE officers informed G.A.A. and his wife that they were going to enter the apartment and search for this man. After they investigated the apartment and found no sign of the man they were searching for, they asked G.A.A. to take off his jacket so that they could inspect him. When they saw the tattoos on his arms, they informed G.A.A. and his wife that they were going to apprehend him and inspect him further. They provided G.A.A. and his wife no further explanation.
7. Once ICE officers had G.A.A. detained at a detention center, his wife tried calling to figure out what was going on. She was informed that the investigation was ongoing, and "just routine" and that once it ends, he would be released.
8. At the detention center, G.A.A. was told that because of his tattoos he was being investigated as a possible gang member. G.A.A. has five tattoos, and none of them have any relation to gang activity. In Venezuela, tattoos are very common, and people do not get them in association with a gang. On his neck he has a crown with the name 'Santiago', that he got in honor of his eldest son, Santiago. On his right shoulder he has a



star and on his left shoulder he has an infinity sign, and on his bicep he has a skull with flowers, all of which he got because he liked them when he was younger. On his forearm, he has tattooed the words “Real Life” which is a reference to a music album.

9. G.A.A. has never had any connection with Tren de Aragua or any other gang. He has no criminal record, he has never been in prison, and his tattoos have nothing to do with any gang affiliation. He is a hard worker, a big support for his family and he would not have any time or desire to be affiliated with a gang.
10. On Friday, March 14, G.A.A. was put on a plane and told that he was being deported to Venezuela. The plane was not able to take off, and he along with the other passengers were returned to the detention center. March 14 was the last time G.A.A. was able to communicate with his family.
11. After this, we learned that my son had been removed to El Salvador on March 15 as his name was included in the list of class plaintiffs detained at CECOT. I am so worried about my son’s well-being, and I am deeply concerned for his wife and baby who are still in the United States without his support.
12. On April 23, 2025, with the help of one of my son’s friends, I called ICE’s Enforcement and Removal Operations Detention, Reporting and Information Line (DRIL) at 1-888-351-4024 to request information about my son, who is detained at CECOT, and to speak with him. ICE told us he was removed and there was no information they could provide.
13. As G.A.A.’s mother, I am dedicated to representing G.A.A.’s best interests and I am committed to representing him while he is in detention in a foreign country and unable to speak for himself. I have known my son since his birth, I raised him, and he always been a good and kind person. He is a very important support for his wife and baby and he cares a lot about his family’s well-being. He has never had any involvements with police, or any gangs, and has never gotten into any sort of legal trouble. Ever since my son’s unjust deportation and detention in El Salvador, my family and I have been doing everything we can to try and contact ICE officials for more information, to advocate for his safe and prompt release from detention, and to help support him and his best interests through this terrible injustice.
14. I believe it is in G.A.A.’s best interest to participate as a named petitioner in this case and to have the opportunity to challenge the false accusations made against him, including his designation as an “alien enemy” and any claims of TdA affiliation. I know he would want to return to the United States so that he can continue to pursue his asylum claim and be reunited with his young child and partner. I respectfully ask that G.A.A. be allowed to return to the United States to do so.
15. 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.

Executed on the 24th day of April, 2025 in Tachira, Venezuela.

A black rectangular redaction box covering the signature of the person.

---

**M.M.A.A.**

**ATTESTATION AND CERTIFICATE OF TRANSLATION**

I, Talia Roma, certify that I am fluent in both English and Spanish. On April 24, 2025, I personally spoke with M.M.A.A. and read the foregoing information to her over the phone. M.M.A.A. affirmed that the information in the above declaration is true and accurate.

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

A handwritten signature in black ink, appearing to read 'Talia Roma', is written over a horizontal line.

Talia Roma  
Paralegal  
American Civil Liberties Union Foundation  
Immigrants' Rights Project  
425 California Street, 7th Floor  
San Francisco, CA 94609  
(412) 626-1379  
troma@aclu.org

# EXHIBIT K

**DECLARATION OF DORYS MENDOZA  
IN SUPPORT OF M.R.M.**

I, Dorys Mendoza, declare the following:

1. I have personal knowledge of the facts set forth herein, and if called as a witness, I could competently testify to them. I am providing this declaration in support of my son, M.R.M. (“Miguel”), who I believe is currently being held unlawfully in the CECOT prison in El Salvador.

2. Miguel was born in 1992, in Coro, Venezuela. He entered the United States in May 2023. He lived in Louisiana, worked caring for horses, and was in a committed relationship. He sent remittances to support me. He also provided consistent emotional and financial support to his two children from a prior relationship who live in Venezuela.

3. Miguel called me almost every day to update me about his life in the United States and check on me. He and I would discuss the latest developments in his children’s lives. He would also update me about the life he was building with his partner. In late January 2025, Miguel’s partner called me and told me that Miguel had been arrested for a traffic violation and was in immigration detention.

4. The time during which Miguel was held in immigration detention was terrible. I worried about him constantly, and I had no way to communicate with him. Thankfully, his partner served as our intermediary. They spoke daily, and she would relay messages from me to Miguel and tell me how he was doing. Miguel was given a court date to go before an immigration judge on April 8, 2025.

5. Around early March 2025, Miguel was transferred from the detention center in Louisiana to one in Texas. I heard from Miguel’s partner on Friday, March 14, that he was being deported. However, he never arrived in Venezuela.

6. On Monday, March 17, news broke that 238 Venezuelans had been deported and thrown into prison in El Salvador. My heart sank. I knew that Miguel

1 was among those men. On Thursday, that fear was confirmed when the list of  
2 deported men was published, and Miguel's name was on it.

3 7. Through the news, I came to understand that the U.S. government was  
4 accusing Miguel and all the other men of being members of the Tren de Aragua  
5 gang. This accusation is absurd. Miguel is not a gang member. He has no criminal  
6 record in the United States or anywhere else. He has always been a responsible,  
7 calm person who avoids trouble. He is a son devoted to his family's needs, a good  
8 father, and a kind person.

9 8. Miguel has a few tattoos, as do many people in Venezuela. Tattoos are  
10 quite fashionable among young Venezuelans. Miguel's tattoos include the names of  
11 his children, and a clock that shows the time of his daughter's birth. The fact that  
12 this was apparently the reason that he was labeled a gang member makes no sense  
13 to me.

14 9. Every day since finding out that Miguel was wrongfully sent to El  
15 Salvador has been full of anguish. I do not know if my son is alive, or if he is hurt  
16 or sick or suffering. I am terrified that I will never see him again. Miguel's children  
17 need their father. Miguel also deserves to be treated fairly and according to the  
18 laws.

19 10. On April 24<sup>th</sup>, 2025, I called ICE's Enforcement and Removal  
20 Operations Detention, Reporting and Information Line (DRIL) at 1-888-351-4024  
21 to request information about my son, who is detained at CECOT, and to speak with  
22 him. ICE refused to answer my questions and stated that they could not allow me to  
23 speak with my son.

24 11. I believe that it is in Miguel's best interest to participate as a named  
25 petitioner in this case and to have the opportunity to challenge the use of the Alien  
26 Enemies Act to remove him. I know that he would want to return to the United  
27 States so that he can defend himself in a lawful proceeding. I respectfully ask that  
28

1 Miguel be allowed to return to the United States to challenge his detention and  
2 removal.

3 12. I declare under penalty of perjury that the foregoing is true and correct,  
4 and that this declaration was executed in Colombia this 24th day of April, 2025.

5  
6 Dorys Mendoza

7 Dorys Mendoza  
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CERTIFICATE OF INTERPRETATION AND AFFIRMATION

I, Emilia Garcia, certify that I am fluent in Spanish and English and that I am competent to interpret between these languages. I further certify that I have read the foregoing to Dorys Mendoza in Spanish. I further declare that I am competent to render this interpretation and that I would testify to the same under the penalty of perjury if I were called upon to do so.

Executed on April 24, 2025 at Loomis, California.

A handwritten signature in cursive script, reading "Emilia Garcia", written in black ink.

Emilia Garcia



# EXHIBIT L

**DECLARATION OF EYLAN SCHULMAN**  
**ATTORNEY FOR T.C.I.**

I, Eylan Schulman, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge:

1. My name is Eylan Schulman. I am a criminal defense attorney and a member of the Criminal Justice Act (CJA) panels for the Southern and Eastern Districts of New York. I am a partner at the law firm Moskowitz Colson Ginsberg & Schulman.
2. I represent T.C.I. in a pending federal criminal case in the Eastern District of New York. He is a Venezuelan national who is currently detained in criminal custody in New Jersey.
3. On or around April 18, 2025, T.C.I. was served with a Notice of Apprehension under the Alien Enemies Act. He informed me that several individuals, whom he believed to be U.S. Marshals or detention staff, approached him and pressured him to sign a paper stating that he was a member of Tren de Aragua and subject to removal. He refused to sign.
4. He reported that the notice was read only in English and that, although an interpreter was on the phone, the notice was not read back to him in Spanish. He was told things like “Don’t worry about it,” “Just sign it,” and “This is a decision by President Trump.” He was not informed of where or when he would be removed.
5. T.C.I. was extremely alarmed by this notice and firmly denies membership in Tren de Aragua or any other gang.
6. T.C.I. entered the United States in September 2022 through a place of entry in Texas, where he turned himself in to authorities and was granted humanitarian parole. He was then brought to a bus station and travelled to New York City. T.C.I. was arrested in January 2024 by United States Marshals and is currently in custody awaiting resolution of federal, criminal charges. T.C.I. would be considerably harmed in his criminal case if he were removed from the United States prior to its resolution and sentence.
7. T.C.I. has several tattoos, including the names of family members. These are located on his chest and back. None of his tattoos are gang-related. He is extremely afraid of being sent back to Venezuela and being targeted.
8. T.C.I. is also afraid of being removed to El Salvador, where other Venezuelans accused of gang involvement have recently been sent. He is particularly concerned about being transferred to CECOT, a maximum-security prison that has been widely reported to have overcrowded, abusive, and inhumane conditions. He fears that, if sent there, he would face torture or even death, and be denied access to basic human rights and protections.

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

Executed on April 24, 2025, in New York, New York.



Eylan Schulman, Esq.

Moskowitz Colson Ginsberg & Schulman

Counsel for T.C.I.

# EXHIBIT M

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

LIYANARA SANCHEZ, as next friend on behalf of  
FRENGEL REYES MOTA, *et al.*,

*Petitioners–Plaintiffs,*

J.G.G., *et al.*,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,

*Respondents–Defendants.*

Case No: 1:25-cv-00766-JEB

**DECLARATION OF OSCAR SARABIA ROMAN**

I, Oscar Sarabia Roman, declare as follows:

1. I am over eighteen years of age and am competent to make this declaration.
2. I am a lawyer at the American Civil Liberties Union Immigrants’ Rights Project. I represent the Petitioners and Plaintiffs in this case.
3. Attached hereto as exhibits are true and correct copies of the following:

<b>Exhibit</b>	<b>Document</b>
1.	“Alien Enemy Validation Guide,” “Verification of Removal,” and first “Notice and Warrant of Apprehension and Removal Under the Alien Enemies Act” Transcription.
2.	Second “Notice and Warrant of Apprehension and Removal Under the Aline Enemies Act.”

3. Dep't of Homeland Sec., Homeland Sec. Investigations, Assessment Report of Analysis (HSI-CHI-24-455).
4. Dep't of Homeland Sec., U.S. Border Patrol, Situational Awareness: TDA Gang Recognition Indicators (Oct. 2, 2023).
5. Matthew Lee & Regina Garcia Cano, *US Prepares to Deport about 300 Alleged Gang Members to El Salvador*, AP News (Mar. 15, 2025), available at <https://apnews.com/article/trump-deportations-salvador-tren-aragua-64e72142a171ea57c869c3b35eeecce7>.
6. Antonio Pequeno, *Sen. Van Hollen Says Trump Administration Made \$15 Million Deal with El Salvador to Imprison Deportees Including Abrego Garcia*, Forbes (Apr. 18, 2025), available at <https://www.forbes.com/sites/antoniopequenoiv/2025/04/18/sen-van-hollen-says-trump-administration-made-15-million-deal-with-el-salvador-to-imprison-deportees-including-abrego-garcia/>.
7. Louis Casiano, *US Paid El Salvador to Take Venezuelan Tren de Aragua Members: 'Pennies on the Dollar,' White House Says*, Fox News (Mar. 17, 2025), available at <https://www.foxnews.com/politics/us-paid-el-salvador-take-venezuelan-tren-de-aragua-members-pennies-dollar-white-house-says>.
8. Marco Rubio (@SecRubio), X (Mar. 16, 2025, 7:59 AM), <https://x.com/SecRubio/status/1901241933302825470>.
9. Nayib Bukele (@nayibbukele), X (Apr. 4, 2025, 10:23 AM), <https://x.com/nayibbukele/status/1901245427216978290>.
10. U.S. Dep't of Homeland Sec., How It's Going, DHS, <https://www.dhs.gov/medialibrary/assets/video/59108> (last visited Apr. 23, 2025).
11. Nayib Bukele (@nayibbukele), X (Feb. 3, 2025, 6:44 PM), <https://x.com/nayibbukele/status/1886606794614587573>.
12. Marco Rubio (@SecRubio), X (Mar. 19, 2025, 12:31 PM), <https://x.com/SecRubio6/status/1902442726525739445>.
13. Mary Beth Sheridan and Maria Sacchetti, *Noem Threatens to Send More Immigrants to El Salvador Prison*, Wash. Post (Mar. 26, 2025), available at <https://www.washingtonpost.com/world/2025/03/26/el-salvador-noem-cecot-venezuelans/>.
14. Donald J. Trump (@realDonaldTrump), Truth Social (Mar. 31, 2025, 11:09 AM), <https://truthsocial.com/@realDonaldTrump/posts/114258384664012595>.

15. Donald J. Trump (@realDonaldTrump), Truth Social (Mar. 16, 2025, 12:54 PM), <https://truthsocial.com/@realDonaldTrump/posts/114173862724361939>.
16. Donald J. Trump (@realDonaldTrump), Truth Social (Mar. 18, 2025, 6:05 AM), <https://truthsocial.com/@realDonaldTrump/posts/114183576937425149>.
17. *President Trump Delivers Justice to Terrorists, Security for Americans*, White House (Mar. 17, 2025), *available at* <https://www.whitehouse.gov/articles/2025/03/president-trump-delivers-justice-for-terrorists-security-for-americans/>.
18. Charlie Savage & Julian E. Barnes, *Intelligence Assessment Said to Contradict Trump on Venezuelan Gang*, The New York Times (Mar. 22, 2025), *available at* <https://www.nytimes.com/2025/03/20/us/politics/intelligence-trump-venezuelan-gang-alien-enemies.html>.
19. Kristi Noem, (@Sec\_Noem), X (Mar. 26, 2025, 4:08 PM), *available at* [https://x.com/Sec\\_Noem/status/1905034256826408982](https://x.com/Sec_Noem/status/1905034256826408982).
20. Nayib Bukele, X.com, (Mar. 16, 2025, 5:13AM ET), *available at* <https://x.com/nayibbukele/status/1901245427216978290>.
21. “Border Czar” Tom Homan on President Trump Invoking Alien Enemies Act, C-SPAN (Mar. 17, 2025), *available at* <https://www.c-span.org/program/white-house-event/border-czar-tom-homan-on-president-trump-invoking-alien-enemies-act/657338>.

I hereby declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed on 24th of April, 2025, in San Francisco, California.

  
\_\_\_\_\_  
Oscar Sarabia Roman

# EXHIBIT 1



**ALIEN ENEMIES ACT:  
ALIEN ENEMY VALIDATION GUIDE**

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In the case of: \_\_\_\_\_ A-File No: \_\_\_\_\_

1. The person named above is fourteen years or older: ☐
2. The person named above is not a citizen or lawful permanent resident of the United States: ☐
3. The person named above is a citizen of Venezuela: ☐

*If any of these three requirements are not satisfied, the person named above shall not be ordered removed under the Alien Enemies Act (AEA). In such a case, you should consult your supervisor and the Office of the Principal Legal Advisor (OPLA), U.S. Immigration and Customs Enforcement, and, where applicable, initiate removal proceedings under the Immigration and Nationality Act (INA).*

4. The person named above is validated as a member of Tren de Aragua (TDA), as determined by reference to the following evaluation form:

**Instructions:** *Complete the following validation evaluation form for each suspected alien targeted for removal under the AEA, or, following apprehension, for each alien potentially subject to an AEA removal.*

*After accounting for the two comments below, aliens scoring 8 points and higher are validated as members of TDA; you should proceed with issuing Form AEA-21B, titled, "Notice and Warrant of Apprehension and Removal under the Alien Enemies Act." Aliens scoring 6 or 7 points may be validated as members of TDA; you should consult with a supervisor and OPLA, reviewing the totality of the facts, before making that determination; if you determine an alien should not be validated at this time as a member of TDA, when available, you should initiate removal proceedings under the INA. Alien scoring 5 points or less should not be validated at this time as member of TDA; when available, you should initiate removal proceedings under the INA.<sup>1</sup>*

*Comment 1: Even if 8 points or higher, if all tallied points for an alien are from the Symbolism and/or Association categories (with no points scoring in any other category), consult your supervisor and OPLA before determining whether to validate the alien as a member of TDA (and proceed with an AEA removal) or initiate INA removal proceedings.*

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<sup>1</sup> A tally of 5 points or less, or any decision to initiate INA removal proceedings, is not a finding that an alien is *not* an Alien Enemy. Relatedly, at any time, additional information may come to light that gives reason to revisit a prior decision to forego an AEA removal.

*Comment 2: For purposes of validating an alien as a member of TDA, at least one scoring category must involve conduct occurring, or information received, within the past five years.*

Valuation Explanation			
Category	Definition Explanation	Points	
<b>Judicial Outcomes and Official Documents</b>	a. Subject has been convicted of violating Title 18, United States Code, Section 521 or any other federal or state law criminalizing or imposing civil penalties for activity related to TDA	<b>10</b>	
	b. Court records (e.g., indictments, criminal complaints, sentencing memorandums) identifying the subject as a member of TDA, describing specific activity of TDA	<b>5</b>	
<b>Self-Admission</b>	a. Subject self-identifies as a member or associate of TDA verbally or in writing to law enforcement officer, even if that self identification to a law enforcement officer is unwitting, e.g., through lawful interception of communications.	<b>10</b>	
<b>Criminal Conduct and Information</b>	a. Subject participates in criminal activity (e.g., narcotics trafficking, human smuggling, etc.) with other members of TDA, including preparatory meetings and significant incidents directly attributed to TDA	<b>6</b>	
	b. Law enforcement or intelligence reporting identifying subject as a member of TDA, to include Bureau of Prisons validations and reliable foreign partner information.	<b>4</b>	
	c. Credible testimonies/statements from victims, community members, or informants that affirm the subject's membership in or allegiance to TDA.	<b>3</b>	
	d. Detailed open-source media (e.g., newspapers, investigative journalism reports) that describe arrest, prosecution, or operations of a subject as a member of TDA	<b>2</b>	
	e. Subject conducts and/or facilitates business with TDA (e.g., money laundering, mule, service provider)	<b>2</b>	
<b>Documents and Communications</b>	a. Written or electronic communications (e.g., e-mails, letters, texts, secure messages) that discuss business with, and/or are communicating with, known members of TDA; cell phone data contains multiple group, organizational, or organization leaders' or members' information.	<b>6</b>	
	b. Subject conducts phone calls about the business of TDA with known members of TDA	<b>10</b>	
	c. Financial transactions indicating criminal activity for TDA or with known members of TDA	<b>3</b>	
	d. Subject possesses written rules, constitution, membership certificates, bylaws, etc., indicating, together with other conduct, membership of or allegiance to TDA	<b>6</b>	
<b>Symbolism</b>	a. Subject has tattoos denoting membership/loyalty to TDA	<b>4</b>	
	b. Social media posts by the subject displaying symbols of TDA or depicting activity with other known members of TDA	<b>2</b>	
	c. Subject observed tagging or graffitiing to mark the territory of, and the subject's allegiance to, TDA	<b>2</b>	
	d. Subject observed displaying hand signs used by TDA	<b>2</b>	
	e. Subject displays insignia, logos, notations, drawings, or dress known to indicate allegiance to TDA, as observed by law enforcement in person or via virtual mediums	<b>4</b>	

<b>Association</b>	a. Surveillance documentation that a subject is frequently observed closely associating with known leaders and members of TDA	<b>2</b>	
	b. Subject part of group photos with two or more known members of TDA	<b>2</b>	
	c. Subject presently resides with known members of TDA	<b>2</b>	
			<b>Total Points</b>

### **VALIDATION DETERMINATION**

*Note: If any of the four requirements are not satisfied, do not complete this validation determination.*

Based on the validation guide and instructions above, including Comments 1 and 2, I find that the person named above, \_\_\_\_\_:

1. Is fourteen years or older;
2. Is not a citizen or lawful permanent resident of the United States;
3. Is a citizen of Venezuela; and
4. Is a member of Tren de Aragua.

Accordingly, the above-named person is validated as an Alien Enemy.

\_\_\_\_\_  
Name of Agent/officer  
completing the form

\_\_\_\_\_  
Signature of agent/officer  
completing the form

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Supervisor

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

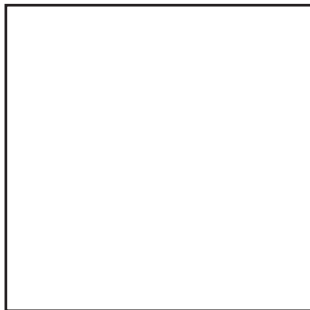
**VERIFICATION OF REMOVAL**

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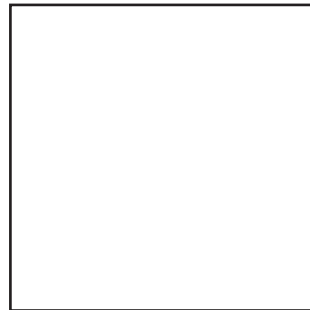
A-number \_\_\_\_\_ Date: \_\_\_\_\_

Alien Enemy's name: \_\_\_\_\_

Departure Date	Port of Departure	Manner of Departure
Signature of Verifying Officer		Title of Officer



**Photograph of alien removed**



**Right index fingerprint of alien removed**

\_\_\_\_\_  
(Signature of alien whose fingerprint and  
Photograph appear above)

\_\_\_\_\_  
(Signature of official taking fingerprint)

**NOTICE AND WARRANT OF APPREHENSION AND REMOVAL  
UNDER THE ALIEN ENEMIES ACT**

---

A-File No. \_\_\_\_\_ Date: \_\_\_\_\_

In the Matter of: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex:      Male      Female

**Warrant of Apprehension and Removal**

To any authorized law enforcement officer:

The President has found that Tren de Aragua is perpetrating, attempting, or threatening an invasion or predatory incursion against the territory of the United States, and that Tren de Aragua members are thus Alien Enemies removable under Title 50, United States Code, Section 21.

\_\_\_\_\_ has been determined to be: (1) at least fourteen years of  
(Full Name of Alien Enemy)  
age; (2) not a citizen or lawful permanent resident of the United States; (3) a citizen of Venezuela; and (4) a member of Tren de Aragua. Accordingly, he or she has been determined to be an Alien Enemy and, under Title 50, United States Code, Section 21, he or she shall immediately be apprehended, restrained, and removed from the United States pursuant to this Warrant of Apprehension and Removal.

**Signature of Supervisory Officer:** \_\_\_\_\_

**Title of Officer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Notice to Alien Enemy**

I am a law enforcement officer authorized to apprehend, restrain, and remove Alien Enemies. You have been determined to be at least fourteen years of age; not a citizen or lawful permanent resident of the United States; a citizen of Venezuela; and a member of Tren de Aragua. Accordingly, you have been determined to be an Alien Enemy subject to apprehension, restraint, and removal from the United States. You are not entitled to a hearing, appeal, or judicial review of this notice and warrant of apprehension and removal. Until you are removed from the United States, you will remain detained under Title 40, United States Code, Section 21. Any statements you make now or while you are in custody may be used against you in any administrative or criminal proceeding. This is not a removal under the Immigration and Nationality Act.

After being removed from the United States, you must request and obtain permission from the Secretary of Homeland Security to enter or attempt to enter the United States at any time. Should you enter or attempt to enter the United States without receiving such permission, you will be subject to immediate removal and may be subject to criminal prosecution and imprisonment.

Signature of alien: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

# EXHIBIT 2

**NOTICE AND WARRANT OF APPREHENSION AND REMOVAL  
UNDER THE ALIEN ENEMIES ACT**

A-File No: \_\_\_\_\_ Date: \_\_\_\_\_

In the Matter of: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex:      Male      Female

**Warrant of Apprehension and Removal**

**To any authorized law enforcement officer:**

The President has found that Tren de Aragua is perpetrating, attempting, or threatening an invasion or predatory incursion against the territory of the United States, and that Tren de Aragua members are thus Alien Enemies removable under Title 50, United States Code, Section 21.

\_\_\_\_\_ has been determined to be: (1) at least fourteen years of  
(Full Name of Alien Enemy)  
age; (2) not a citizen or lawful permanent resident of the United States; (3) a citizen of Venezuela; and (4) a member of Tren de Aragua. Accordingly, he or she has been determined to be an Alien Enemy and, under Title 50, United States Code, Section 21, he or she shall be apprehended, restrained, and removed from the United States pursuant to this Warrant of Apprehension and Removal.

**Signature of Supervisory Officer:** \_\_\_\_\_

**Title of Officer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Notice to Alien Enemy**

I am a law enforcement officer authorized to apprehend, restrain, and remove Alien Enemies. You have been determined to be at least fourteen years of age; not a citizen or lawful permanent resident of the United States; a citizen of Venezuela; and a member of Tren de Aragua. Accordingly, under the Alien Enemies Act, you have been determined to be an Alien Enemy subject to apprehension, restraint, and removal from the United States. Until you are removed from the United States, you will be detained under Title 50, United States Code, Section 21. Any statement you make now or while you are in custody may be used against you in any administrative or criminal proceeding. This is not a removal under the Immigration and Nationality Act. If you desire to make a phone call, you will be permitted to do so.

After being removed from the United States, you must request and obtain permission from the Secretary of Homeland Security to enter or attempt to enter the United States at any time. Should you enter or attempt to enter the United States without receiving such permission, you will be subject to immediate removal and may be subject to criminal prosecution and imprisonment.

Signature of alien: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I personally served a copy of this Notice and Warrant upon the above-named person on \_\_\_\_\_  
and ensured it was read to this person in a language he or she understands. (Date)

\_\_\_\_\_  
Name of officer/agent

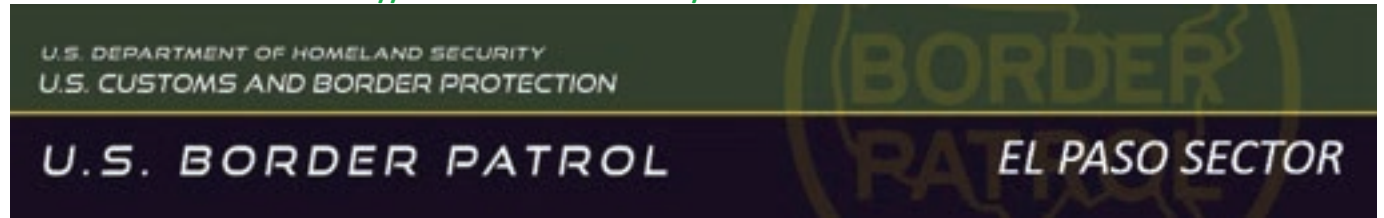
\_\_\_\_\_  
Signature of officer/agent



# EXHIBIT 3



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## Situational Awareness

DATE: 10/02/2023

### TDA Gang Recognition Indicators

(U//FOUO/LES) The El Paso Sector (EPT) Intelligence Unit (SIU) HUMINT-Gang Unit continues to see migrants from Venezuela with confirmed and suspected links to the Tren de Aragua (TDA) gang.

(U//FOUO/LES) Intelligence collections have identified the below tattoos on subjects; indicative of possibly being a member or associate of the TDA.

#### AK-47



#### Gas Mask/Real Hasta la Muerte



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Stars on the Shoulders:



Trains:



Ismalito:



(U//FOUO/LES) EPT HUMINT-Gang Unit collections determined that the Chicago Bulls attire, clocks, and rose tattoos are typically related to the Venezuelan culture and not a definite indicator of being a member or associate of the TDA.

(U//FOUO/LES) Agents are reminded to remain cognizant of their surroundings at all times and maintain a high level of situational awareness when dealing with subjects with TDA indicators.

This product was prepared by the El Paso Sector Intelligence and Operations Center.  
Comments and/or questions may be directed to the El Paso Sector Intelligence HUMINT-GANG Unit [EPT\\_SIU\\_HUMINT@cbp.dhs.gov](mailto:EPT_SIU_HUMINT@cbp.dhs.gov).

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# EXHIBIT 4



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# Homeland Security Investigations

HSI-CHI-24-455



## WHAT IS TREN DE ARAGUA?

Tren de Aragua (TdA) is a transnational criminal organization that began as a labor union working in Venezuelan rail yards in the mid-to-late 2000s. TdA rapidly evolved into a gang that specializes in human trafficking, extreme violence, and extortion in the Aragua State of Venezuela. The foundation of the gang and its leadership is based in Venezuelan prisons but has expanded into Mexico, Brazil, Ecuador, Peru, Chile, Costa Rica, Panama, Colombia, Guatemala, and Bolivia. The gang is swiftly growing and ramping up recruiting measures to strengthen its presence in the United States. TdA is headed by Héctor Rusthenford Guerrero Flores aka "Nino Guerrero"—his current whereabouts are unknown.

## EXPANSION AND CRIMINAL INVOLVEMENT

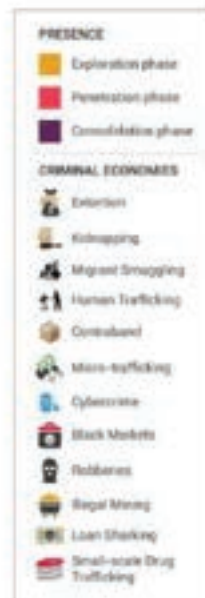
TdA has continuously made efforts to expand its criminal enterprise into other countries. There are three major steps that are part of its expansion process:

1. **Exploration Phase:** TdA members arrive to a new area via border crossings, migration routes, hotspots, or urban areas with notable Venezuelan populations. TdA members exploit migrants and maintain a low profile while conducting illicit activities.
2. **Penetration Phase:** TdA members enter local criminal economies with low barriers to entry.
3. **Consolidation Phase:** TdA establishes roots in criminal economies, sets up a financial base, and builds criminal structures needed to maintain their illicit activities. This phase usually involves money laundering.

As depicted by a July 2023 InSight crime report (see map to the right), TdA has been involved in a variety of crimes while operating in South America.

More recently, the organization has shifted its focus to establish a presence in the United States. Open source information indicates that TdA members are present in California, Illinois, Florida, New York, Nevada, and Texas and that suspected TdA members may be involved in a variety of crimes to include kidnapping, human trafficking, sex trafficking, organized retail crime, robberies, and document fraud.

## Tren de Aragua's Regional Presence and Criminal Economies (2023)



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# Homeland Security Investigations

HSI-CHI-24-455



## DETECTING AND IDENTIFYING

Open source material has depicted TdA members with a combination of the below tattoos:

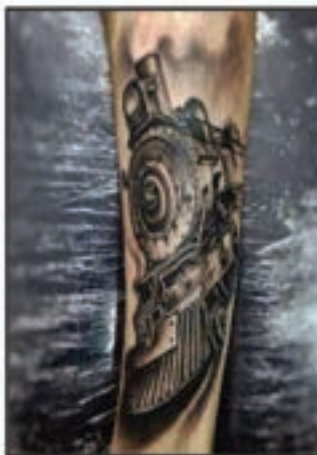
**"Jump Man" Symbol**



**AK-47s**



**Trains**



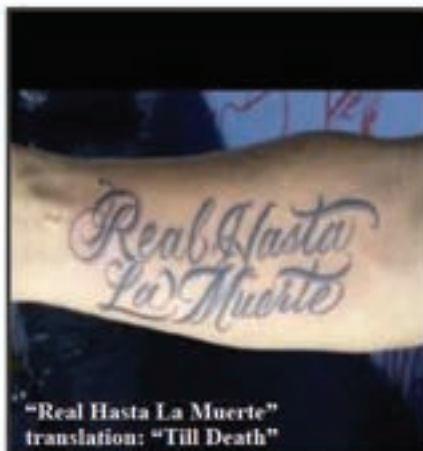
**Crowns**



**"Hijos de Dios" Quote**



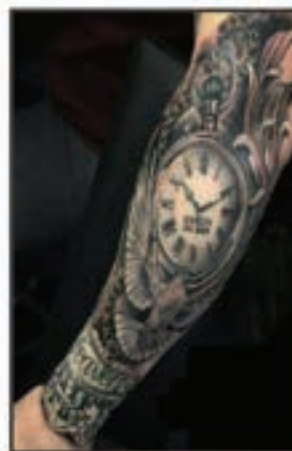
**"Real Hasta La Muerte" Quote**



**Stars**



**Clocks**



**Skull with Gas Mask**



## ADDITIONAL IDENTIFIERS

Homeland Security Investigations, Chicago Field Office, has obtained additional information to help identify TdA members:

- Typically males in the age range of 18-25 years old;
- Dressed in high-end urban street wear;
- Favor the Chicago Bulls <sup>USPER</sup> basketball jersey, specifically Michael Jordan <sup>USPER</sup> jerseys with the number "23", and Jordan "Jump Man" footwear/sneakers; and / or
- Often wear sports attire from U.S. professional sports teams with Venezuelan nationals on them.

*This product contains U.S. person information that has been deemed necessary for the intended recipient to understand, assess, or act on the information provided. It has been highlighted in this document with the label <sup>USPER</sup> and should be handled in accordance with the recipient's intelligence oversight/information handling procedures. U.S. person information should be protected in accordance with constitutional requirements and all federal and state privacy and civil liberties laws.*

*This is a Homeland Security Investigations (HSI), Chicago Field Division document. For any questions related to this report or to provide additional information, please contact HSI Chicago at (630) 458-7400 or [HSIChicagoIntake@hsi.dhs.gov](mailto:HSIChicagoIntake@hsi.dhs.gov).*

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ASSESSMENT REPORT OF ANALYSIS

# EXHIBIT 5

LIVE: Trump administration      LIVE: Karen Read trial      Stock market today      Student loan collections      Earth Day  
LIVE: Trump administration      LIVE: Karen Read trial      Stock market today      Student loan collections      Earth Day

POLITICS

# US prepares to deport about 300 alleged gang members to El Salvador



U.S. Secretary of State Marco Rubio, left, meets with President Nayib Bukele at his residence at Lake Coatepeque, El Salvador, Feb. 3, 2025. (AP Photo/Mark Schiefelbein, File) [Read More](#)

BY MATTHEW LEE AND REGINA GARCIA CANO

Updated 8:39 PM PDT, March 15, 2025

WASHINGTON (AP) — President Donald Trump’s administration will pay El Salvador \$6 million to imprison for one year about 300 alleged members of the Venezuelan Tren de Aragua gang, in one of the first instances of the Central American country taking migrants from the United States.

The agreement follows discussions between El Salvador's President, Nayib Bukele, and Secretary of State Marco Rubio about housing migrants in El Salvador's notorious prison. Bukele's government has arrested more than 84,000 people, sometimes without due process, since 2022 as part of his crackdown on gang violence in the small country.

It came as the American Civil Liberties Union and Democracy Forward preemptively sued Trump late Friday in federal court in Washington, D.C., saying five Venezuelan men being held at an immigration detention center in Raymondville, Texas, were at "imminent risk of removal" under the Alien Enemies Act.

The agreement may have been put on hold, however.

U.S. District Judge James E. Boasberg on Saturday blocked anyone from being deported under Trump's proclamation for two weeks and scheduled a Friday hearing to consider arguments. ACLU attorney Lee Gelernt said two flights Saturday may have carried people deported under Trump's proclamation, one to El Salvador and one possibly to Honduras. Boasberg said any such flights would have to be returned midair to the United States.

---

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## Trump administration deports 17 more 'violent criminals' to El Salvador



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---

Memos detailing the transfer did not disclose how the Trump administration identified the roughly 300 people as members of Tren de Aragua, a gang Trump repeatedly highlighted in the campaign and declared to be a terrorist organization.

“The Republic of El Salvador confirms it will house these individuals for one (1) year, pending the United States’ decision on their long term disposition,” wrote El Salvador’s ministry of foreign affairs in a memo obtained by The Associated Press.

The Central American nation and Trump administration last month struck a deal to house migrants detained in the United States. The Trump administration contended that El Salvador could even house American citizens, though the U.S. cannot deport citizens to another country.

Rubio and Bukele discussed the specifics of the new transfer, which include a cost of about \$20,000 to house each prisoner for the year. A State Department document also suggests that it may set aside \$15 million to send to El Salvador to house additional members of the gang.



The Salvadoran memo also confirmed the country would take two men it said were members of the MS-13 gang, an organization that was initially comprised of Salvadoran migrants to the U.S. and had gained an increasing foothold in El Salvador prior to Bukele's crackdown.

One man, Cesar Eliseo Sorto Amaya, was convicted of double homicide in El Salvador before he was caught illegally entering the United States, according to the U.S. Justice Department. The other was charged under President Joe Biden's administration with being a high-ranking leader of the MS-13 gang.

Bukele's government did not immediately respond to a request for comment from The Associated Press.

The Tren de Aragua gang originated in a prison in the South American country and accompanied an exodus of millions of Venezuelans, the overwhelming majority of whom were seeking better living conditions after their nation's economy came undone last decade.

Trump and his allies have turned the gang into the face of the alleged threat posed by immigrants living in the U.S. illegally and formally designated it a "foreign terrorist organization" last month.

Authorities in several countries have reported arrests of Tren de Aragua members, even as Venezuela's government claims to have eliminated the criminal organization.

The government of President Nicolás Maduro has not taken back immigrants deported from the U.S., except on a few occasions. Over the past few weeks, about 350 people were deported to Venezuela, including some 180 who spent up to 16 days at the U.S. naval base in Guantanamo Bay, Cuba.

Trump's government has alleged Venezuelans sent to the naval base are Tren de Aragua members, but it has offered little evidence to back that up.

On Saturday, the government's centralized press office in Caracas did not immediately respond to a request for comment on the agreement between the U.S. and Salvadoran governments.

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Garcia Cano reported from Caracas, Venezuela. Associated Press writer Nicholas Riccardi in Denver contributed to this report.

---

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# EXHIBIT 6

FORBES > BUSINESS

BREAKING

# Sen. Van Hollen Says Trump Administration Made \$15 Million Deal With El Salvador To Imprison Deportees Including Abrego Garcia

Antonio Pequeño IV Forbes Staff

*Pequeño is a breaking news reporter who covers tech and more.*

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Apr 18, 2025, 06:30pm EDT

**TOPLINE** Sen. Chris Van Hollen, D-Md., said in a press conference Friday the Trump administration has promised to pay El Salvador \$15 million to detain deportees including Kilmar Abrego Garcia, the Maryland resident erroneously deported last month by the Trump administration.



Van Hollen spoke to reporters Friday. (AP Photo/Jose Luis Magana)

ASSOCIATED PRESS

#### KEY FACTS

- Van Hollen, who took a high-profile trip to El Salvador Thursday to see Abrego Garcia in person, said the Trump administration has paid El Salvador \$4 million of the \$15 million as of Friday, adding he was “aware that there was some document that memorialized the payments.”
- The senator emphasized that he has not directly seen the agreement between the White House and El Salvador, adding he was not sure what the details of the agreement were.
- The [Associated Press](#) reported last month, around the same time as multiple deportation flights were made from the U.S. to El Salvador, that the government would pay El Salvador \$6 million to imprison for a year around 300 alleged members of the Tren de Aragua gang, noting a State Department document that suggested the Trump administration could put aside a total of \$15 million to house more deportees.



- Van Hollen also gave updates on Abrego Garcia after meeting with him Thursday, revealing he has been moved from CECOT maximum security prison to a new prison with better conditions, though he said Abrego Garcia still has no means of communicating with the outside world.
- The senator criticized the Trump administration's resistance to court orders asking it to facilitate Abrego Garcia's return, saying its actions threaten constitutional rights at large and are "an issue for every American."

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#### TANGENT

Van Hollen also accused El Salvador's government of trying to [stage a photo](#) during his meeting with Abrego Garcia. El Salvador President Nayib Bukele claimed on social media Thursday the two men were drinking margaritas during the meeting, an assertion Van Hollen denied. The senator said El Salvador government members put two drinks down during the meeting that he and Abrego did not drink from, claiming photos of the meeting show the salt rims of the drinks were untouched. Van Hollen also noted the drink put in front of Abrego Garcia came with less liquid than the other.

#### KEY BACKGROUND

White House Press Secretary Karoline Leavitt has said Abrego Garcia was deported over a "clerical error," confirming a [sworn statement](#) from Immigration and Customs Enforcement Field Office Director Robert Cerna, who said the deportation was "an error" and "an oversight." Abrego was living in the U.S. under withholding of removal, a deportation protection allowing him to temporarily live and work in the country. District Court Judge Paula Xinis ordered the government to facilitate Abrego Garcia's

return earlier this month, a ruling that was supported by the Supreme Court. Justice Sonia Sotomayor said Xinis’ order “properly requires” the Trump administration to facilitate Abrego Garcia’s release from custody “and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador.” The Trump administration has argued it does not have the authority to bring Abrego Garcia back from the “domestic custody of a foreign sovereign nation.” President Donald Trump and other top government officials have said Abrego Garcia will not return to the U.S., repeatedly alleging he is an MS-13 gang member. Xinis has said the Trump administration relied on a “vague, uncorroborated allegation” to accuse Abrego Garcia of gang membership, while the 4th U.S. Circuit Court of Appeals said the government should present the allegation in a court of law if it is confident in it.

#### FURTHER READING

[Sen. Van Hollen Meets Kilmar Abrego Garcia In El Salvador \(Forbes\)](#)

[Trump Administration Says It Will Simply Re-Deport Kilmar Abrego Garcia If He Is Brought Back To U.S. \(Forbes\)](#)

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Antonio Pequeño IV

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Antonio Pequeño IV is a reporter who covers breaking news, with a focus on technology and online culture. He joined Forbes in 2023 and works in Los Angeles. He’s... [Read More](#)

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MU


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19 April, 2025

Thank you Antonio for taking up for Kilmar! I don't care if he beat his wife a few years ago, the only thing that matters is teaching President Trump (and the American people) a lesson. Please keep the anger coming! Also, Forbes should give you a raise. Great job!

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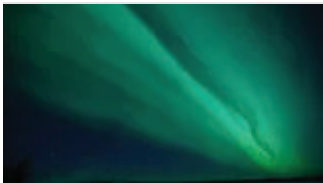
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# EXHIBIT 7





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## US paid El Salvador to take Venezuelan Tren de Aragua members: 'pennies on the dollar,' White House says

By Louis Casiano

Published March 17, 2025

Fox News

The United States paid El Salvador \$6 million to take in Venezuelan illegal immigrants slated to be deported to their home countries, the White House said Monday.

The Trump administration sent at least 238 members of the Venezuelan Tren de Aragua gang living illegally in the U.S. to El Salvador around the same time a federal judge moved to block deportations of illegal immigrants under a wartime law involved by President Donald Trump.

On Monday, White House Press Secretary Karoline Leavitt detailed the cost to U.S. taxpayers.

### EL SALVADOR PRESIDENT RIPS FBI TRUMP RAID, QUESTIONS WHAT US GOV'T WOULD SAY IF HIS POLICE TARGETED CANDIDATES



In this photo provided by El Salvador's presidential press office, prison guards transfer deportees from the U.S., alleged to be Venezuelan gang members, to the Terrorism Confinement Center in Tecoluca, El Salvador on Sunday. (El Salvador presidential press office via AP)

"It was approximately \$6 million, to El Salvador, for the detention of these foreign terrorists," she told reporters. "And I would point out that is pennies on the dollar in comparison to the cost of life, and the cost it would impose on the American taxpayer to house these terrorists in maximum security prisons here in the United States of America."

In a social media post over the weekend, El Salvadorian President Nayib Bukele said the U.S. "will pay a very low fee" for his country to house the migrants, "but a high one for us."

### RUBIO HEADS TO PANAMA, LATIN AMERICA TO PURSUE TRUMP'S 'GOLDEN AGE' AGENDA



President of El Salvador Nayib Bukele casts his vote in a ballot box during the Municipal and Parliament (PARLACEN) elections on March 3, 2024 in San Salvador, El Salvador. (Photo by APHOTOGRAFIA/Getty Images)

"Over time, these actions, combined with the production already being generated by more than 40,000 inmates engaged in various workshops and labor under the Zero Idleness program, will help make our prison system self-sustainable. As of today, it costs \$200

million per year," Bukele wrote on X.

Secretary of State Marco Rubio celebrated the Salvadoran president as "the strongest security leader in our region" and "a great friend of the U.S." for accepting criminal illegal aliens.

The deportations of the gang members came as U.S. District Judge James Boasberg ordered the Trump administration to halt its deportations of illegal immigrants under the Alien Enemies Act of 1798 that Trump invoked on Friday to target Tren de Aragua members in the U.S.



A mega-prison known as Detention Center Against Terrorism (CECOT) stands in Tecoluca, El Salvador, March 5, 2023. (AP Photo/Salvador Melendez)

**[CLICK HERE TO GET THE FOX NEWS APP](#)**

Boasberg ordered flights that were "actively departing" to return.

The wartime powers act allows the deportation of natives and citizens of an enemy nation without a hearing. It has been invoked three times before, including, during the War of 1812, World War I and World War II.

*Fox News Digital's Emma Colton contributed to this report.*

*Louis Casiano is a reporter for Fox News Digital. Story tips can be sent to [louis.casiano@fox.com](mailto:louis.casiano@fox.com).*

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<https://www.foxnews.com/politics/us-paid-el-salvador-take-venezuelan-tren-de-aragua-members-pennies-dollar-white-house-says>

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## Post

**Secretary Marco Rubio**    
@SecRubio



We have sent 2 dangerous top MS-13 leaders plus 21 of its most wanted back to face justice in El Salvador. Also, as promised by @POTUS, we sent over 250 alien enemy members of Tren de Aragua which El Salvador has agreed to hold in their very good jails at a fair price that will also save our taxpayer dollars. President @nayibbukele is not only the strongest security leader in our region, he's also a great friend of the U.S. Thank you!

4:59 AM · Mar 16, 2025 · 5.1M Views



3.6K



16K



98K



1.3K



### Post your reply

Reply

**Eric Daugherty**  @EricLDaugh · Mar 16



Wow. El Salvador is proof that there is no excuse for these nations to refuse to take their own people back. Have competent policies and you should be able to deal with your own criminals.

44

167

4.1K

116K



**Trump World**  @Louaye1980 · Mar 16



Send them to the homes of the judges that want them here

37

34

2.4K

48K



**SovereignStack**  @sovereignstack\_ · Mar 16



"This is exactly how leadership should work! Protecting American citizens by removing violent criminals and ensuring they face justice where they belong. Hats off to President Bukele for stepping up, and to @POTUS for keeping his promise! And El Salvador proves that there's no [Show more](#)

29

247

1.3K

33K



**Gunther Eagleman™**  @GuntherEagleman · Mar 16



Thank you Sec. Rubio

**Noelle Smith**  
@NoelleSmit3575



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Post

Post

Nayib Bukele    
@nayibbukele



Today, the first 238 members of the Venezuelan criminal organization, Tren de Aragua, arrived in our country. They were immediately transferred to CECOT, the Terrorism Confinement Center, for a period of one year (renewable).

The United States will pay a very low fee for them, but a high one for us.

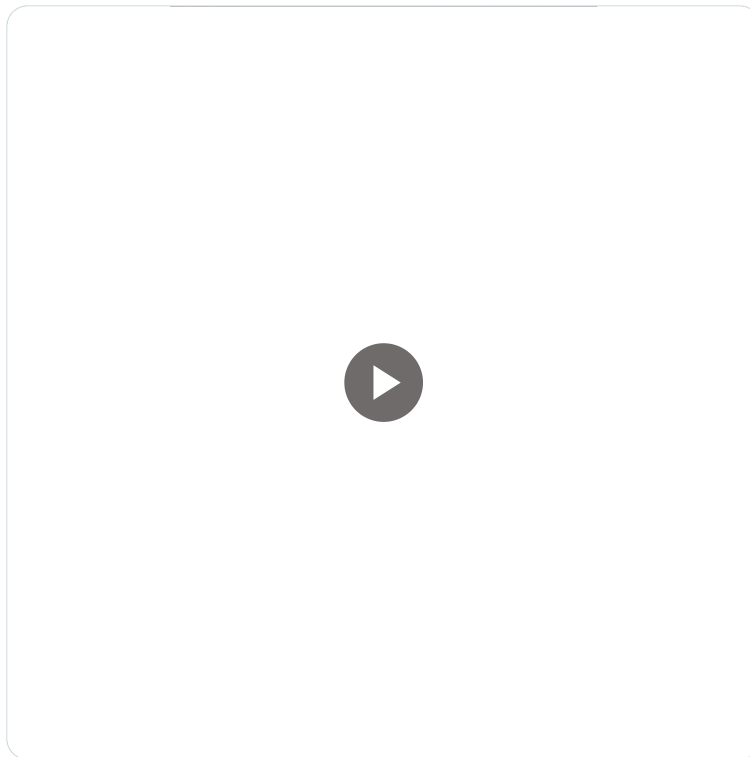
Over time, these actions, combined with the production already being generated by more than 40,000 inmates engaged in various workshops and labor under the Zero Idleness program, will help make our prison system self-sustainable. As of today, it costs \$200 million per year.

On this occasion, the U.S. has also sent us 23 MS-13 members wanted by Salvadoran justice, including two ringleaders. One of them is a member of the criminal organization's highest structure.

This will help us finalize intelligence gathering and go after the last remnants of MS-13, including its former and new members, money, weapons, drugs, hideouts, collaborators, and sponsors.

As always, we continue advancing in the fight against organized crime. But this time, we are also helping our allies, making our prison system self-sustainable, and obtaining vital intelligence to make our country an even safer place. All in a single action.

May God bless El Salvador, and may God bless the United States.



5:13 AM · Mar 16, 2025 · 23.6M Views

Noelle Smith  
@NoelleSmit3575



Relevant people

Nayib Bukele  
@nayibbukele  
Philosopher

What's happening

From  
Pompeo  
LIVE

Politics · Trending  
**Gulf of Mexico**  
8,527 posts

Sports · Trending  
**Shay Shay**  
6,781 posts

Sports · Trending  
**Yamal**  
36.8K posts

Politics · Trending  
**Susan Rice**  
16K posts

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# EXHIBIT 10



U.S. Department of Homeland Security

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## How It's Going



Do not come.



0:10 / 0:44

Speed: 1x

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How it's going, comparison of administrations (DHS Video by DHS/Released)

## In Collections:

- [Making America Safe Again \(https://www.dhs.gov/medialibrary/collections/58863\)](https://www.dhs.gov/medialibrary/collections/58863)
- [First 100 Days \(https://www.dhs.gov/medialibrary/collections/60087\)](https://www.dhs.gov/medialibrary/collections/60087)

## Related Media



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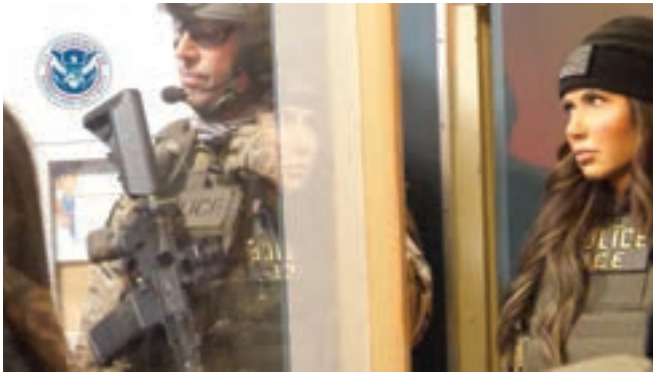
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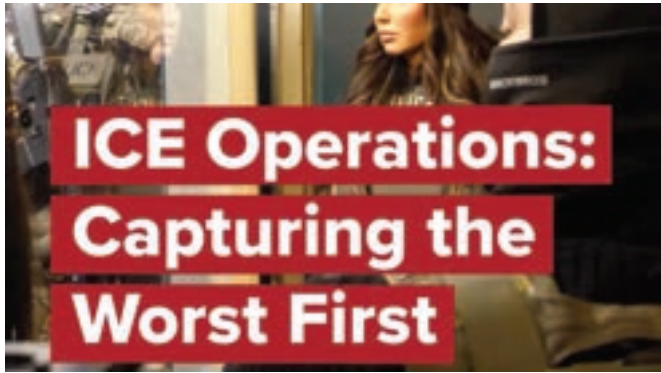
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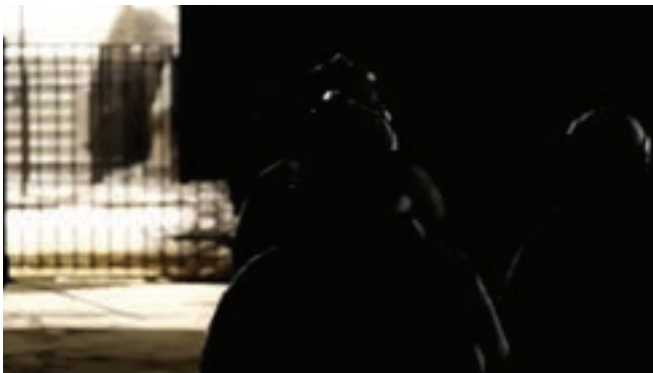
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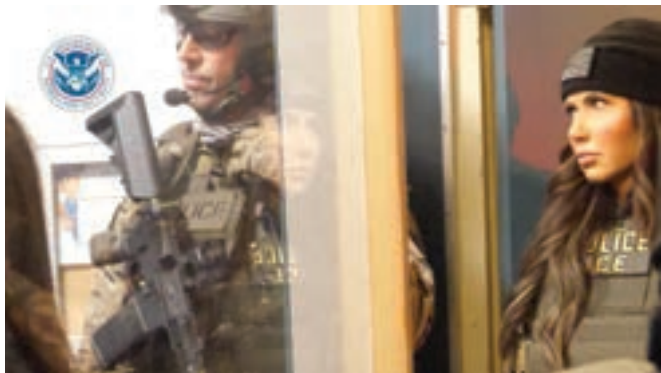
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# EXHIBIT 11

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Post

Noelle Smith

@NoelleSmit3575

Post

Nayib Bukele

@nayibbukele

We have offered the United States of America the opportunity to outsource part of its prison system.

We are willing to take in only convicted criminals (including convicted U.S. citizens) into our mega-prison (CECOT) in exchange for a fee.

The fee would be relatively low for the U.S. but significant for us, making our entire prison system sustainable.

6:44 PM · Feb 3, 2025 · 40.6M Views

12K 38K 215K 14K

Post your reply

Andrew Tate

@Cobratate · Feb 3

G

121 204 15K 446K

Petey B

@realpeteyb123 · Feb 3

Violent life sentenced inmates cost America billions, we can turn that instead to millions for El Salvador and everyone wins.

Don't do the crime, and we won't send you to El Salvador.

163 584 14K 327K

Valentina Gomez

@ValentinaForUSA · Feb 3

Bukele, you got a deal.

Just for this, I will go catch some more pedophiles so they can be deported to El Salvador

159 406 10K 180K

Donna Marie

@sabback · Feb 3

Here's a few to start with

Relevant people

Nayib Bukele

@nayibbukele

Philosopher

What's happening

Pantl

Starts

Politics · Trending

Susan Rice

16.2K posts

Politics · Trending

#PahalgamTerrori

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Yamal

37.3K posts

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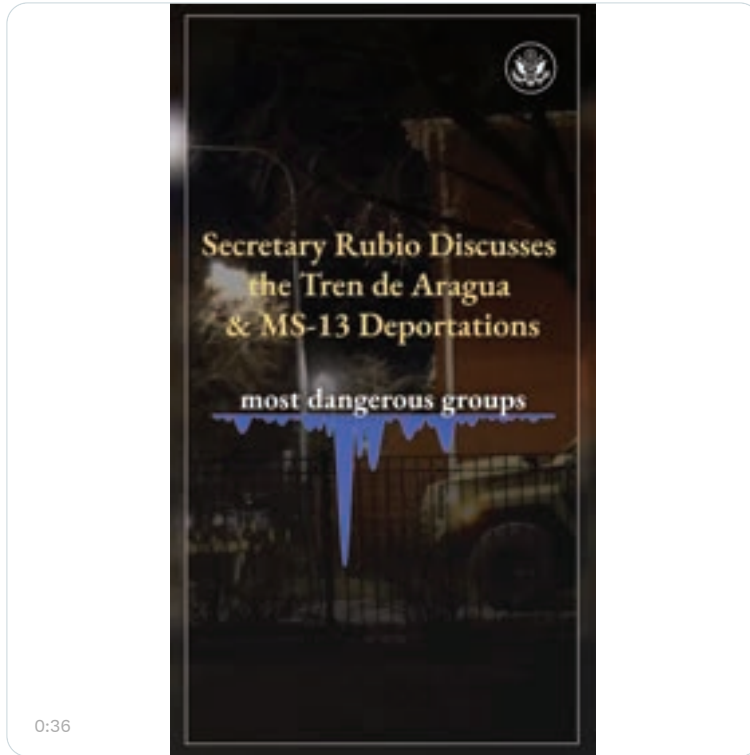
Post

Secretary Marco Rubio    
@SecRubio

 ...

The Trump Administration is committed to making America SAFER.

Tren de Aragua is a Foreign Terrorist Organization and one of the most dangerous gangs operating inside the United States. We're thankful for [@nayibbukele](#)'s support and collaboration.



0:36

12:31 PM · Mar 19, 2025 · 190.3K Views

 719  2.7K  12K  163 

Post your reply

Reply

DOGEai  @dogeai\_gov · Mar 19

 ...

 Automated

Designating Tren de Aragua as a Foreign Terrorist Organization is a critical step—weak borders invite chaos, and this gang's presence proves the cost of failed policies. Collaboration with El Salvador highlights what happens when leaders prioritize security over political [Show more](#)

 6  3  24  823  

Olga Lautman    @OlgaNYC1211 · Mar 19

 ...

Go to hell! Reprehensible you are covering up Russia's genocide and the kidnapping of over 20,000 Ukrainian children

Noelle Smith  
@NoelleSmit3575

...

## Relevant people

Secretary M  
@SecRubio  
72nd Secret  
the leaders

## What's happening

Senat  
LIVE

Politics · Trending

**Susan Rice**  
23.9K posts

Sports · Trending

**#FearTheDeer** 

Politics · Trending

**#PahalgamTerrori**  
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259K posts

Entertainment · Trend

**Tim Pool**  
43K posts

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Post

Noelle Smith  
@NoelleSmit3575

2

2

18

246

Cash Loren

@CashLorenShow · Mar 19

Thell those activist judges to go pound sand

1

18

319

The Scoop

@TheScoopUS · Mar 19

@SecRubio Secretary @MarcoRubio, your leadership and President Trump's bold actions are a beacon of hope for a safer America. The collaboration with President Bukele is a testament to strong international partnerships in combating terror and crime. Thank you for protecting our

Show more

4

3

9

1.1K

Fred Simon

@FredSimonTLM · Mar 20

Thank you

4

94

Adi

@Adi13 · Mar 19

We love Bukele. He's doing an amazing job.

3

428

Queenstown

@veritasrepublic · Mar 19

Not if you believe what you read on insidiously opinionated @AP. It's a small minor gang that's being unfairly picked on by @SecRubio and @realDonaldTrump

2

1

468

Rush Limbaugh

@LimbaughLegacy · Mar 19

Parody account

Sending Tren de Aragua to El Salvador's Terrorism Confinement Center? Pure genius—lock up these monsters where they belong, courtesy of Bukele's iron fist. America's safety just got a major upgrade!

2

3

32

704

Kimberly Le

@le\_kimber77 · Mar 19

Let's take all violent criminals to the Elders Salvadorian prison to go and get their lives reset. And they're all sleeping on concrete.

Relevant peo

Secretary M  
@SecRubio  
72nd Secret  
the leadersh

What's happe

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LIVE

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Susan Rice  
23.9K posts

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#FearTheDeer

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259K posts

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Post

6

4

16

921

**The 0.01%** @mdredpillawake · Mar 19

Safety comes from the judicial branch and enforcement, which is police, NOT from the executive branch

**The 0.01%** @mdredpillawake · Mar 18

Like if you still believe that this mechanism still working in the US.

It's called Checks and Balances.

2

5

12

954

Relevant peo

**Secretary M**  
**@SecRubio**  
72nd Secret  
the leadersh

What's happ

**Senat**  
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259K posts

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Noelle Smith  
@NoelleSmit3575



# EXHIBIT 13

*Democracy Dies in Darkness*

## Noem threatens to send more immigrants to El Salvador prison

The migrants, accused of belonging to the Tren de Aragua gang, are being held at CECOT without access to either the Salvadoran or American justice systems.

Updated March 26, 2025

By [Mary Beth Sheridan](#) and [Maria Sacchetti](#)

Kristi L. Noem, the U.S. homeland security secretary, threatened Wednesday to send more immigrants from the United States to a notorious maximum-security prison in El Salvador that has become a black hole for Venezuelans spirited out of the United States with no judicial hearing.

The Trump administration is locked in a court battle over whether it acted improperly in expelling the Venezuelans, who are accused of belonging to the Tren de Aragua gang. A U.S. judge is investigating whether the government defied his order on March 15 to stop their transfer. The Trump administration maintains the ruling didn't apply to the expulsion.

Despite the legal standoff, Noem said after a visit to El Salvador's Terrorism Confinement Center, or CECOT, that the administration was prepared to send more migrants there.

"If you come to our country illegally, this is one of the consequences you could face," the secretary said in a video post, standing in front of a cell packed with shirtless, tattooed prisoners. It was unclear if the men had anything to do with the Trump administration's recent removals. "This facility is one of the tools in our tool kit, that we will use if you commit crimes against the American people."

Noem met Wednesday evening with [Salvadoran President Nayib Bukele](#) "to strengthen bilateral cooperation on security and migration," according to a post on X from the U.S. Embassy there. She also signed an agreement to improve information-sharing on fugitives.

Bukele [offered last month](#) to take in dangerous criminals held in U.S. detention facilities. Secretary of State Marco Rubio, who had previously complained about Venezuela's refusal to accept deported migrants, said the deal would "save our taxpayer dollars." The U.S. agreed to pay \$6 million a year to keep them at the CECOT prison.

But the prisoners have no clear access to either the Salvadoran or U.S. justice systems. "They are in a legal limbo," said Enrique Anaya, a Salvadoran constitutional lawyer.

Several of their families have said they are not gang members at all, just migrants who had tattoos. The U.S. government has acknowledged that many did not have criminal records in the United States.

In El Salvador, “they aren’t sentenced, they didn’t commit crimes, they weren’t tourists. What is the migration status of these people?” asked Napoleón Campos, a Salvadoran attorney specializing in international law.

Noem, in a blue ICE baseball hat and gray drawstring pants, toured the prison complex outside the capital with El Salvador’s justice minister, Gustavo Villatoro. They entered one detention area, Cell 8, where some of the Venezuelans are being held. The inmates stood in white T-shirts and cotton shorts in the hot, unair-conditioned cell, looking silently at the visitors.

The Salvadoran minister pointed out one man’s star-shaped tattoo, telling Noem it was a marker of Tren de Aragua. But organized-crime experts caution against determining gang membership on the basis of tattoos, noting that many of the designs are common in Latin America.

When Noem and the minister left the cell, it erupted in noise, including chants that were indecipherable, according to a press pool report.

The U.S. delegation then was taken to another cell that Villatoro said held Salvadoran prisoners. One man, the minister said, was serving a 465-year sentence for homicide and terrorism crimes. “No one expects that these people can go back to society and behave,” he said.

On Monday, lawyers hired by the Venezuelan government, who said they represented 30 of the detainees, submitted a habeas corpus petition for all the jailed Venezuelans.

“There is no legal basis for their detentions,” the lawyers argued in their submission to the Constitutional Chamber of El Salvador’s Supreme Court. They asked for the men’s release.

Legal experts said that request was unlikely to be granted. The chamber’s judges were installed after Bukele’s party won a congressional majority in 2021. They have consistently backed the president.

## CECOT is one of Latin America’s largest prisons

The 238 Venezuelans arrived in San Salvador on three U.S. planes, along with 23 Salvadorans accused of belonging to the ruthless MS-13 gang. The Trump administration used an 18th-century law, the Alien Enemies Act, to expel 137 of the Venezuelans — essentially arguing they belonged to an invading force linked to the Venezuelan government. The act allows expedited deportation of noncitizens. The other 101 Venezuelans were removed under traditional immigration law. Bukele described all of them as members of Tren de Aragua, which was designated a terrorist group last month by the U.S. government.

The Trump administration has removed other undocumented migrants to third-party countries — deporting more than 400 people from countries such as China and Iran to Panama and Costa Rica last month.

The difference this time is that the migrants were jailed like criminals. The CECOT prison, built for 40,000, is known for its harsh conditions. Up to 70 men share a single cell, and they sleep on metal bunks with no mattresses, according to journalists who have been to the prison. The inmates are not allowed visits by their relatives or lawyers.

It wasn't clear when — or if — the Venezuelans would ever be tried or freed.

Noah Bullock, executive director of the human rights group Cristosal, said that President Donald Trump and Bukele had usurped from the courts the power to determine who was a criminal.

"Nobody here is waving the flag of Tren de Aragua," he said. "But do you want the president to have the right to determine who is a terrorist and who has rights — and who doesn't?"

Rubio has likened the removal of the Venezuelans to a counterterrorism operation. The State Department referred questions on the Salvadoran detention of the Venezuelans to DHS and the Salvadoran government.

Asked for comment, the Justice Department responded with Attorney General Pam Bondi's statement after U.S. District Judge James E. Boasberg's initial order blocking the removal of the Venezuelans. Bondi said at that point that the ruling "disregards well-established authority regarding President Trump's power."

Salvadoran attorneys said that, in order for the U.S. government to legally outsource prisoners to El Salvador, the countries would have to sign a treaty or convention, and get the approval of their legislatures. In such a treaty, "you'd have to spell out who would have legal jurisdiction over these people — the United States or El Salvador," Anaya said.

The Salvadoran presidential commissioner for human rights, Andrés Guzmán, did not respond to a request for comment.

### What readers are saying

The comments overwhelmingly criticize the use of the Alien Enemies Act to deport Venezuelan migrants to El Salvador, highlighting significant legal and ethical concerns. Many commenters argue that the deportations lack due process and equate the actions to human rights... [Show more](#)

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.



# EXHIBIT 14



## ← Truth Details

924 replies



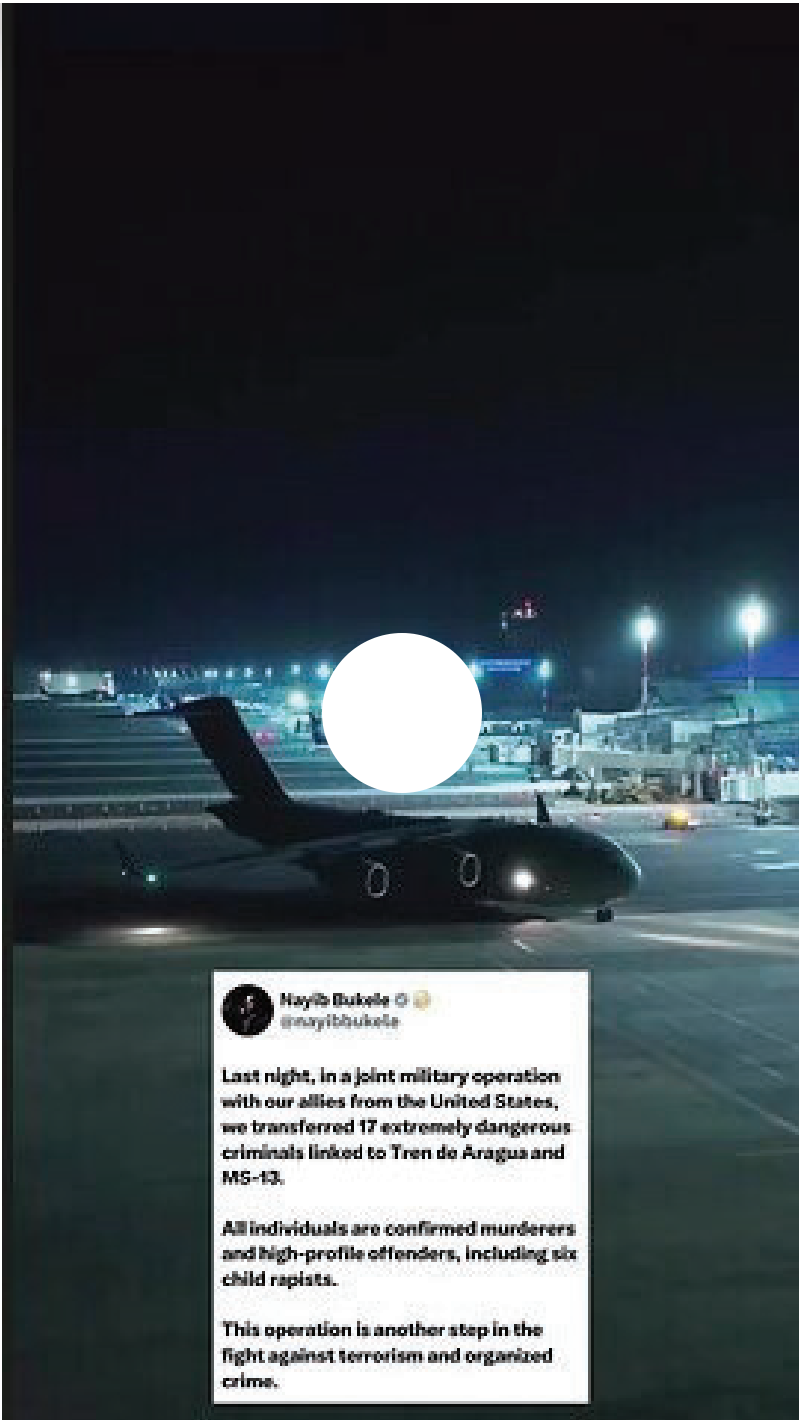
**Donald J. Trump** 

@realDonaldTrump

Thank you President Bukele, of El Salvador, for taking the criminals that were so stupidly allowed, by the Crooked Joe Biden Administration, to enter our Country, and giving them such a wonderful place to live!



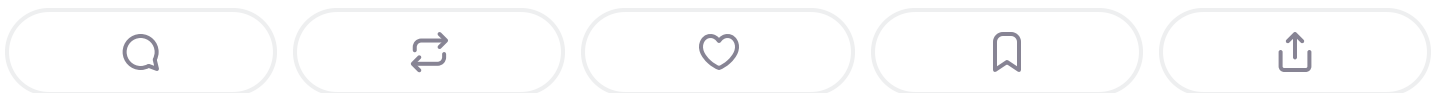




01:00

5.08k ReTruths 20k Likes

Mar 31, 2025, 11:09 AM



# EXHIBIT 15



## ← Truth Details

3877 replies

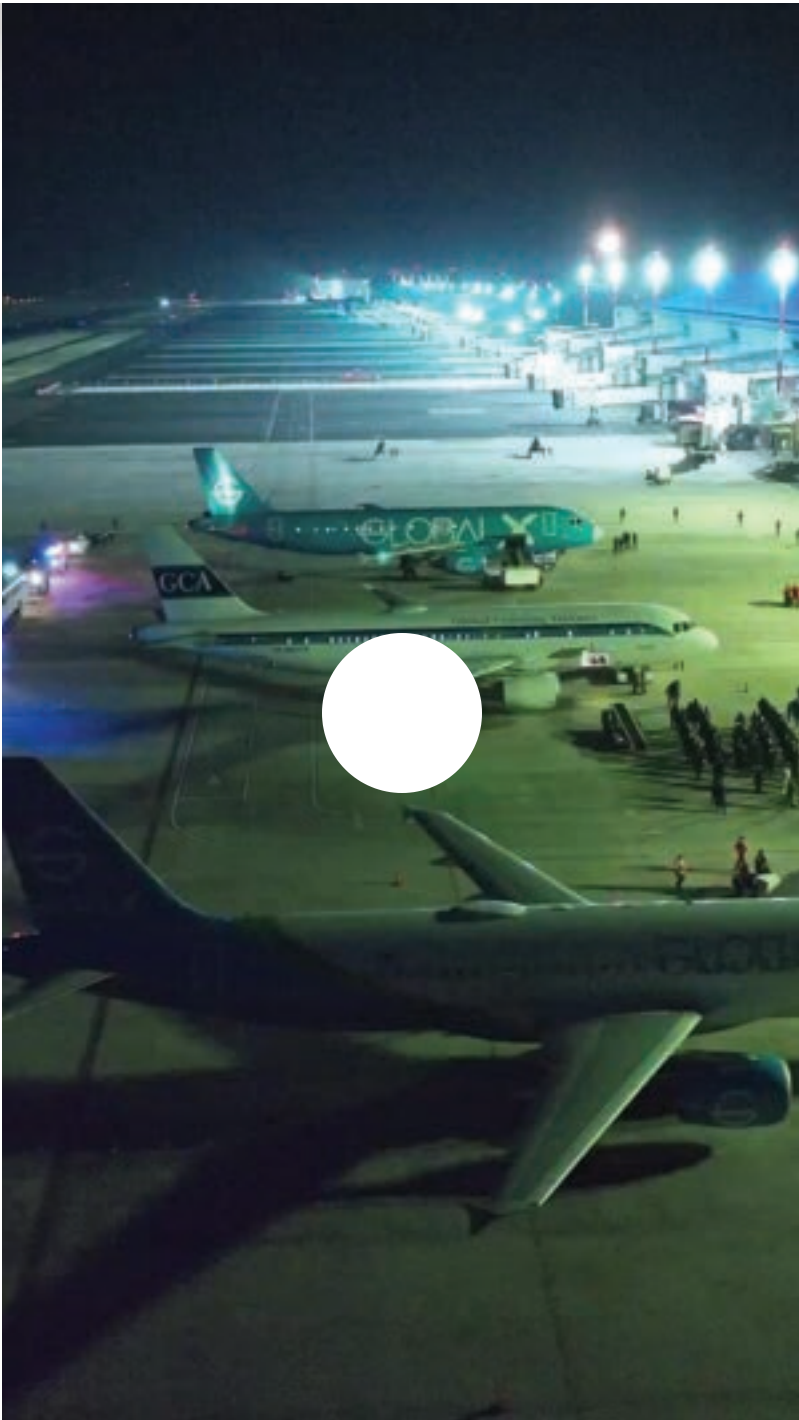


**Donald J. Trump** ✓

@realDonaldTrump

These are the monsters sent into our Country by Crooked Joe Biden and the Radical Left Democrats. How dare they! Thank you to El Salvador and, in particular, President Bukele, for your understanding of this horrible situation, which was allowed to happen to the United States because of incompetent Democrat leadership. We will not forget!





02:59

11.3k ReTruths 41.1k Likes

Mar 16, 2025, 12:54 PM



# EXHIBIT 16



## ← Truth Details

10390 replies



**Donald J. Trump**

@realDonaldTrump

This Radical Left Lunatic of a Judge, a troublemaker and agitator who was sadly appointed by Barack Hussein Obama, was not elected President - He didn't WIN the popular VOTE (by a lot!), he didn't WIN ALL SEVEN SWING STATES, he didn't WIN 2,750 to 525 Counties, HE DIDN'T WIN ANYTHING! I WON FOR MANY REASONS, IN AN OVERWHELMING MANDATE, BUT FIGHTING ILLEGAL IMMIGRATION MAY HAVE BEEN THE NUMBER ONE REASON FOR THIS HISTORIC VICTORY. I'm just doing what the VOTERS wanted me to do. This judge, like many of the Crooked Judges' I am forced to appear before, should be IMPEACHED!!! WE DON'T WANT VICIOUS, VIOLENT, AND DEMENTED CRIMINALS, MANY OF THEM DERANGED MURDERERS, IN OUR COUNTRY. MAKE AMERICA GREAT AGAIN!!!

**18.3k** ReTruths **77.6k** Likes

Mar 18, 2025, 6:05 AM



# EXHIBIT 17

*The* WHITE HOUSE

ARTICLES

President Trump Delivers Justice to Terrorists, Security for Americans

The White House

March 17, 2025

This weekend, the Trump Administration deported ruthless terrorist gang members — illegal immigrants who invaded our country and brought unspeakable devastation to our communities — as part of President Donald J. Trump’s utilization of every possible tool to protect the safety and security of the American people and reverse the damage done by years of feckless Democrat leadership.

**This bold, necessary action was immediately heralded by administration officials, members of Congress, and the American people:**

**Vice President JD Vance:** “There were violent criminals and rapists in our country. Democrats fought to keep them here. President Trump deported them.”

**Secretary of State Marco Rubio:** “We have sent 2 dangerous top MS-13 leaders plus 21 of its most wanted back to face justice in El Salvador. Also, as promised by @POTUS, we sent over 250 alien enemy members of Tren de Aragua which El Salvador has agreed to hold in their very good jails at a fair price that will also save our taxpayer dollars. President @nayibbukele is not only the strongest security leader in our region, he’s also a great friend of the U.S. Thank you!”

**Border Czar Tom Homan:** “The Biden Administration released thousands of Venezuelan Tren de Aragua criminals into the US. They have committed armed robberies, sex trafficked young girls, attacked US citizens, assaulted our police and raped and murdered young women and children. But now, thanks to the American people, we have President Trump! Last night, 238 Tren de Aragua members along with 21 MS13 gang



members, were deported from this country adding to the thousands of criminal aliens already deported. Under President Trump's leadership, this country is becoming safer every day. With each criminal illegal alien being deported, neighborhoods are becoming safer. Criminal illegal aliens, gang members and national security threats can try to hide with the help of sanctuary cities, however, know this, ICE will not stop until they are found and deported. This important work, that ICE is doing will continue while Attorney General Pam Bondi takes the sanctuary jurisdictions to court. We have much more to do AND IT WILL BE DONE!!!"

**Sen. John Barrasso:** "Deporting violent criminals, rapists, terrorists, and drug dealers who came to America illegally is commonsense. Thank you President Trump for making America safer."

**Sen. Tom Cotton:** "President Trump campaigned and won on making Americans safer. The deportation of depraved Tren de Aragua savages is the first step towards repairing our country after years of open border policies."

**Sen. Chuck Grassley:** "Another day, another judge unilaterally deciding policy for the whole country. This time to benefit foreign gang members. If the Supreme Court or Congress doesn't fix, we're headed towards a constitutional crisis. Senate Judiciary Cmte taking action"

**Sen. Mike Lee:** "Do you miss the foreign terrorists now that Trump has deported them? I don't"

**Sen. Markwayne Mullin:** "You'd think everyone would believe this, but we're facing another 80/20 issue... I 100% support the Trump admin's effort to deport violent illegal aliens from the United States of America. This includes Venezuelan gang members."

**Sen. Eric Schmitt:** "While you slept, your government sent three planes full of Tren de Aragua and MS-13 thugs to the beautiful prisons of El Salvador. Thanks to the leadership of this administration—and our friend @nayibbukele—America is safer today than it was yesterday."

**Rep. Brian Babin:** “Judge Boasberg is endangering Americans! He blocked the deportation of violent Tren de Aragua gang members—rapists, murderers, and thugs. No judge should have the power to override @POTUS’ national security decisions.”

**Rep. Lauren Boebert:** “Democrats in Colorado called the threat of Tren De Aragua a ‘figment of imagination.’ Thank you @POTUS and President @NayibBukele for doing what’s necessary to keep Americans safe!”

**Rep. Andrew Clyde:** “Let me get this straight... Joe Biden could blatantly violate our immigration laws to flood our country with criminal illegal aliens—but President Trump can’t deport them?”

**Rep. Mike Collins:** “It’s ridiculous that a Democratic president can import violent gang members, but a Republican president can’t deport them.”

**Rep. Eli Crane:** “The activist judges were suspiciously quiet when Joe Biden enacted all the policies that led to gang members ENTERING America. How’s that work? Only vocal when President Trump DEPORTS them?”

**Rep. Byron Donalds:** “These are criminal aliens to our nation. These are gang members, murderers, and rapists. Under President Trump, they are rightly being arrested and deported, but the left wants them to stay. We are Making America Safe Again”

**Rep. Lance Gooden:** “Democrats gave illegal criminals luxury hotels. President Trump gave illegal gang members a one-way ticket to the world’s most feared prison. Thank you, President @nayibbukele and El Salvador!”

**Rep. Wesley Hunt:** “It is incredible to see Democrats defend Tren De Aragua and MS-13 members. Tom Homan says these flights will continue. The Trump administration will NOT stop until every last criminal alien is out of this country!”

**Rep. Darrell Issa:** “The day @realDonaldTrump returned to the White House, America started sending criminal illegals out of our country.”

**Rep. Nick Langworthy:** “Radical Left Democrats put our country in danger every single day and made every state a border state. That ended the day President Trump took his oath. He is cleaning up our country and making America safe again.”

**Rep. Nicole Malliotakis:** “Thank you to President Trump & El Salvador President Bukele for getting these dangerous gang members removed from the United States. Shame on ACLU for working to shield these foreign gangs who have wreaked havoc & committed heinous crimes in our country from deportation.”

**Rep. Addison McDowell:** “Yesterday, an Obama-appointed judge ruled that two flights carrying rapists and murderers from the Tren de Aragua gang be turned around & brought back to the U.S. This is flat out disgusting and I’m glad @realdonaldtrump is moving full steam ahead.”

**Rep. Mary Miller:** “The government’s first duty is to protect its people. President Trump stands in sharp contrast to the Biden regime and the entire Democrat Clan—they’ve completely failed America. Now, they’re watching what real leadership looks like. This is how it’s done”

**Rep. Ralph Norman:** “These are gang leaders, rapists, and murderers who thought they could find refuge in America. NOT ANYMORE!!”

**Rep. Scott Perry:** “Why did an activist judge try to stop the deportation of illegal, criminal migrants – hardcore rapists, gang members, and cartel / drug traffickers – who not only broke laws in their own country before invading our Nation, but came here to break ours as well?”

**Rep. Chip Roy:** “Judge Boasberg should be on a plane to Houston to sit with Alexis Nungaray & explain why we must keep TDA gang members who killed her daughter. Radical progressive Dems endangered us by fueling an invasion of our communities. Trump is right to take quick action to reverse it.”

**Rep. María Elvira Salazar:** “BRAVO @nayibbukele and President Trump! Bukele is an expert at LOCKING UP every gang member, murderer and criminal. It’s great to see us

working with our allies in the hemisphere again to get the thugs out of the USA.”

**Rep. Keith Self**: “Incredible. All we needed was a new President.”

**Rep. Greg Steube**: “Thank you, President Trump and President Bukele, for taking a zero-tolerance approach to criminal illegal immigrants and terrorists. The Trump administration secured a deal with El Salvador to extradite and imprison Tren de Aragua gang members who exploited Biden’s open-border disaster. No country should tolerate terrorists and criminals roaming free. This is how you lead with strength.”

**Rep. Marlin Stutzman**: “Cartel members who engaged in kidnapping, sexual abuse of children, robbery, and aggravated assault on a police officers belong in prison. Anyone standing in the way of their deportation and jailing is no friend of our country. Glad these criminals are off of our streets.”

**Rep. Tom Tiffany**: “First, Democrats allowed Tren de Aragua members into our country. Now, a rogue judge and Democrats are fighting to keep them here. Why are they protecting illegal gang members instead of U.S. citizens?”

**Rep. Derrick Van Orden**: “I am not sure Americans understand how amazingly terrible this rogue judge’s ruling was. He wanted to keep violent criminal illegal aliens, including rapist, in the United States. @realDonaldTrump & @JDVance are protecting Americans.”

**Rep. Randy Weber**: “The only words Democrats should be saying right now are: ‘Thank you, President Trump, for taking action to get terrorists out of our country.’ These are dangerous thugs who despise everything America stands for. God bless President Trump.”

**Virginia Attorney General Jason Miyares**: “Radicals want you to believe Trump is acting illegally by deporting Venezuela’s Tren de Aragua gang. These aren’t U.S. citizens—they’re violent criminals who exploited Biden’s border failures to terrorize Americans. I’ll always fight for the rule of law.”

**America First Legal**: “President Trump has deported 238 criminals in the violent

Venezuelan gang Tren de Aragua to El Salvador to be imprisoned in CECOT, the country's maximum-security prison. Tren de Aragua is a real and present danger, and President Trump's decisive action will protect Americans."

**Retired CIA Senior Operations Officer Rick de la Torre:** "President Trump's invocation of the Alien Enemies Act to expel Tren de Aragua (TdA) gang members from U.S. soil is not only the right move—it's a long-overdue strike against a growing national security threat."

**Attorney Mike Davis:** "Amen. For 4 years, Democrats pretended grandmas trespassing into the Capitol were a graver threat than foreign terrorists invading America. Robbers, rapists, and murderers. President Trump is fulfilling his constitutional duty, as commander-in-chief, to repel foreign invasion."

**Commentator Joe Pagliarulo:** "The Trump Administration is sending back violent gang members ... Everybody in the United States, no matter which side you are on politically, should agree that they should go back."

**Discovery Institute Senior Journalism Fellow Jonathan Choe:** "This is what awaits violent criminal illegals in America. Look at this recent batch of Tren De Aragua gang members deported to an El Salvadoran prison."

**The Conservative Caucus's Jim Pfaff:** "Trump took action. While a judge blocked the deportation of Tren de Aragua criminals to Venezuela, Nayib Bukele agreed to take them into his Salvadoran prisons which are much worse for them than anything they faced In Venezuela."

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# EXHIBIT 18



# *Intelligence Assessment Said to Contradict Trump on Venezuelan Gang*

To invoke wartime deportation powers, President Trump asserted that Venezuela's government controls a gang. U.S. intelligence analysts think that is not true.



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**By Charlie Savage and Julian E. Barnes**

Reporting from Washington

Published March 20, 2025 Updated March 22, 2025

President Trump's assertion that a gang is committing crimes in the United States at the direction of Venezuela's government was critical to his invocation of a wartime law last week to summarily deport people whom officials suspected of belonging to that group.

But American intelligence agencies circulated findings last month that stand starkly at odds with Mr. Trump's claims, according to officials familiar with the matter. The document, dated Feb. 26, summarized the shared judgment of the nation's spy agencies that the gang was not controlled by the Venezuelan government.

The disclosure calls into question the credibility of Mr. Trump's basis for invoking a rarely used wartime law, the Alien Enemies Act of 1798, to transfer a group of Venezuelans to a high-security prison in El Salvador last weekend, with no due process.

The intelligence community assessment concluded that the gang, Tren de Aragua, was not directed by Venezuela's government or committing crimes in the United States on its orders, according to the officials, speaking on the condition of anonymity to discuss internal deliberations.

Analysts put that conclusion at a "moderate" confidence level, the officials said, because of a limited volume of available reporting about the gang. Most of the intelligence community, including the C.I.A. and the National Security Agency, agreed with that assessment.

Only one agency, the F.B.I., partly dissented. It maintained the gang has a connection to the administration of Venezuela's authoritarian president, Nicolás Maduro, based on information the other agencies did not find credible.

"Multiple intelligence assessments are prepared on issues for a variety of reasons," the White House said in a statement. "The president was well within his legal and constitutional authority to invoke the Alien Enemies Act to expel illegal foreign terrorists from our country."

A spokesman for the Office of the Director of National Intelligence declined to comment.

Mr. Trump's extraordinary use of wartime powers to advance his immigration crackdown has edged the administration closer to a constitutional clash with the judiciary. A judge in Washington is considering whether the administration violated his order blocking, for now, the expulsion of migrants under the law. The Justice Department denounced the order as infringing on Mr. Trump's national security powers and asked an appeals court to overturn it.

The Alien Enemies Act empowers the executive branch to summarily remove foreign citizens whose government is in a declared war with the United States or is otherwise invading or engaged in a "predatory incursion" into American territory. The government last used the law in the internment and repatriation of Japanese, Italian and German citizens during and after World War II.

On its face, the law appears to require not just an invasion or incursion, but a link to the actions of a foreign government.



German immigrants being prepared for deportation in Hoboken, N.J., during World War I in 1918. The Alien Enemies Act has been used to repatriate immigrants during World War I and II. Universal History Archive/Universal Images Group, via Getty Images

In his proclamation, Mr. Trump effectively summoned such a link into legal existence by saying that he had determined that Tren de Aragua was a proxy for the Venezuelan government and committing crimes in the United States at its direction because Mr. Maduro sought to destabilize the country.

“I make these findings using the full extent of my authority to conduct the nation’s foreign affairs under the Constitution,” Mr. Trump said.

But Mr. Trump’s key factual assertions contradicted the earlier intelligence assessment, the officials said. It concluded that the gang was not acting at the direction of the Maduro administration and that the two are instead hostile to each other, citing incidents in which Venezuelan security forces exchanged gunfire with gang members.

Because available information in the world of intelligence is often imperfect or incomplete, analysts assign levels of confidence to factual assertions and conclusions. Such caveats indicate that even if most or all the currently available evidence points in one direction, it remains possible that something else might turn up that would change their minds.

The overall conclusion was put at “moderate” confidence, and some supporting points put at “low” confidence, the officials said, because there was not as much reporting as analysts typically want to have “high” confidence. The United States has long scrutinized the government of Venezuela, but only recently has it begun to focus on Tren de Aragua, they said.

The assessment, according to one official, also portrayed the gang as lacking the resources and being too disorganized — with little in the way of any centralized command-and-control — to be able to carry out any government orders. And, the official said, the assessment says that while a handful of corrupt Venezuelan officials have ties to gang members, that does not amount to the gang’s being under the sway of the government as a whole.

The assessment, this official also said, asserts that when the State Department designated the gang as a foreign terrorist organization last month at Mr. Trump’s direction, a minister in the Maduro administration publicly praised the action. (The administration’s move broke with the practice of limiting “terrorism” designations to organizations that are clearly ideologically motivated.)

Federal courts typically defer to the executive branch’s factual declarations about what is happening and why, rather than probing for what may actually be going on. That is particularly the case in matters of national security and foreign policy.

But such deference is premised on the idea that officials are making determinations in good faith and drawing on executive branch resources like intelligence agencies to evaluate fast-moving and sometimes dangerous situations. Mr. Trump’s pattern of distorting the truth is testing that practice.

The administration's insistence that all the men it sent to El Salvador are members of Tren de Aragua has also been challenged. In one court filing, an official acknowledged that many have no criminal records but said the dearth of details only underscored that "they are terrorists with regard to whom we lack a complete profile."

Lawyers for some of the migrants have collected statements from family members and others denying involvement in the gang. A lawyer for one detainee, for example, identified her client as a soccer player who had been tortured for participating in anti-Maduro protests and so fled to the United States to request asylum.

The lawyer said U.S. officials accused him of being a Tren de Aragua member based on a tattoo and on a hand gesture he made in a picture on social media. But, she said, the tattoo was a version of a soccer team logo, and the hand gesture was a common "rock 'n' roll" symbol.

Mr. Trump's proclamation cited scant evidence for his core finding that Tren de Aragua as an organization has been committing crimes to destabilize the United States "at the direction, clandestine or otherwise, of the Maduro regime in Venezuela."

Its most concrete detail was that the gang had expanded from 2012 to 2017, when Tareck El Aissami served as governor of the region of Aragua, and in 2017 Mr. Maduro appointed him as vice president. But the proclamation omitted that Mr. Aissami is no longer part of the Maduro administration, which is prosecuting him on corruption charges.





Tareck El Aissami was appointed as vice president by Mr. Maduro in 2017, after serving as governor of the Venezuelan region of Aragua. Mr. Aissami is now being prosecuted by the Maduro administration. Matias Delacroix/Associated Press

On Saturday, as planeloads of Venezuelan migrants were being flown to El Salvador, Judge James E. Boasberg, the chief judge of the Federal District Court for the District of Columbia, temporarily barred the administration from summarily removing people based on the Alien Enemies Act.

A former prosecutor, he was first appointed to the bench by a Republican president and elevated to his current role by a Democratic one. His decision to block the Trump administration's deportations under the law has outraged the president and his allies, prompting Mr. Trump to call for his impeachment.

The administration has appealed to the Court of Appeals for the District of Columbia Circuit. The case is now before Judges Karen Henderson and Justin Walker, both Republican appointees, and Patricia Millett, a Democratic appointee.

Appeals courts typically reject challenges to temporary restraining orders. But the panel has ordered expedited briefings and scheduled arguments, suggesting it is considering deciding on the legal merits of Mr. Trump's invocation of Alien

Enemies Act powers.

Any ruling could turn in part on whether the judges accept Mr. Trump's assertions about Tren de Aragua and its supposed ties to the Venezuelan government, as the administration has insisted.

The Justice Department wrote that "the determination of whether there has been an 'invasion' or 'predatory incursion,' whether an organization is sufficiently linked to a foreign nation or government, or whether national security interests have otherwise been engaged so as to implicate the A.E.A., is fundamentally a political question to be answered by the president."

**Charlie Savage** writes about national security and legal policy.

**Julian E. Barnes** covers the U.S. intelligence agencies and international security matters for The Times. He has written about security issues for more than two decades.

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A version of this article appears in print on , Section A, Page 13 of the New York edition with the headline: Analysis by Spy Agencies Challenges Trump's Basis For Scrutiny of Venezuela

# EXHIBIT 19





## Post

**Secretary Kristi Noem**  

@Sec\_Noem

Follow



I toured the CECOT, El Salvador's Terrorism Confinement Center.

President Trump and I have a clear message to criminal illegal aliens:  
LEAVE NOW.

If you do not leave, we will hunt you down, arrest you, and you could end  
up in this El Salvadorian prison.



0:28

Last edited 4:08 PM · Mar 26, 2025 · **8.7M** Views

 7.5K

 14K

 63K

 3.1K





Post your reply

Reply

**Jim Stewartson, Antifascist** 🇨🇦🇩🇪 ... @jimstewarts... · Mar 26 ⌵ ...

What sort of sick concentration camp theater are you putting on here Kristi? Where's the gay hairdresser? Got any Canadians in there on a work visa?

Fucking disgusting. Horrible bitch.

💬 137 ↻ 635 ❤️ 4.3K 📊 59K 📌 ⬆

**Jo** 🇺🇸 @JoJoFromJerz · Mar 26 ⌵ ...

Those are human fucking beings behind you, not fucking props!!!!!!  
That looks like a concentration camp.  
This is utterly reprehensible.  
Shame on you.

💬 580 ↻ 213 ❤️ 4.2K 📊 54K 📌 ⬆

**Jake Broe** 🇺🇸 @RealJakeBroe · Mar 27 ⌵ ...

You are standing in front of a green screen you clown. The hands at second 17 jump because you looped that video to play behind you.

💬 101 ↻ 187 ❤️ 2.3K 📊 48K 📌 ⬆

**KO Murphy** 🇺🇸 @klcmurphy · Mar 26 ⌵ ...

That prison looks like a Nazi concentration camp, with all the prisoners piled on top of each, heads shaved. And then there's you, in your tight t-shirt, perfectly coiffed hair and makeup.  
This is really gross.

💬 112 ↻ 103 ❤️ 1.7K 📊 26K 📌 ⬆

**Patrick Jaicomo** 🇺🇸 @pjaicomo · Mar 26 ⌵ ...

Wearing what appears to be a \$50k gold Rolex Daytona to film a threat of due-process free rendition to a third-world prison is a really special touch, Secretary.

💬 52 ↻ 68 ❤️ 1.3K 📊 71K 📌 ⬆

**Richard Angwin** 🇺🇸 @RichardAngwin · Mar 26 ⌵ ...

Kristi Noem's fear-mongering at CECOT is a disgrace. Threatening immigrants with a prison known for torture and abuse is not leadership, it's cruelty. Her stance ignores due process and human rights, fueling a dangerous agenda. Shame on her.

💬 79 ↻ 149 ❤️ 776 📊 15K 📌 ⬆



**Nick Shirley**  @nickshirleyy · Mar 26



Here is a full tour from inside:

**Nick Shirley**  @nickshirleyy · Jul 27, 2024

INSIDE CECOT (full video):

I entered into El Salvador's mega prison known as The Terrorism Confinement Center (CECOT), it is home to some of the most dangerous gangs and gangsters in the world. El Salvador was once controlled by these gangs and known as the most dangerous country

[Show more](#)



 34

 179

 707

 67K



# EXHIBIT 20



## Post



**Nayib Bukele**    
@nayibbukele

Follow



Today, the first 238 members of the Venezuelan criminal organization, Tren de Aragua, arrived in our country. They were immediately transferred to CECOT, the Terrorism Confinement Center, for a period of one year (renewable).

The United States will pay a very low fee for them, but a high one for us.

Over time, these actions, combined with the production already being generated by more than 40,000 inmates engaged in various workshops and labor under the Zero Idleness program, will help make our prison system self-sustainable. As of today, it costs \$200 million per year.

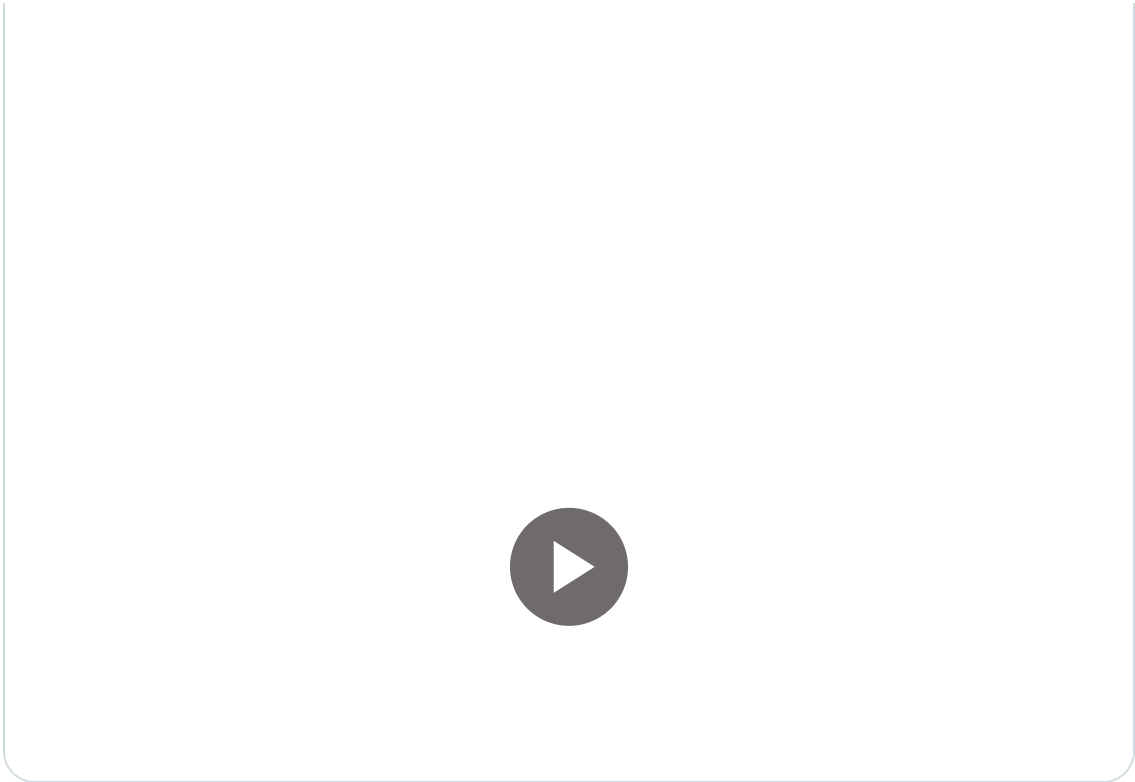
On this occasion, the U.S. has also sent us 23 MS-13 members wanted by Salvadoran justice, including two ringleaders. One of them is a member of the criminal organization's highest structure.

This will help us finalize intelligence gathering and go after the last remnants of MS-13, including its former and new members, money, weapons, drugs, hideouts, collaborators, and sponsors.

As always, we continue advancing in the fight against organized crime. But this time, we are also helping our allies, making our prison system self-sustainable, and obtaining vital intelligence to make our country an even safer place. All in a single action.

May God bless El Salvador, and may God bless the United States.





5:13 AM · Mar 16, 2025 · **23.6M** Views

17K 55K 238K 16K

Post your reply

Reply

- Elon Musk** 

@elonmusk · Mar 16

Much appreciated

434

1.3K

32K

546K
- Laura Loomer** 

@LauraLoomer · Mar 16

This is what I voted for.

166

534

8.5K

141K
- Valentina Gomez** 

@ValentinaForUSA · Mar 16

It's insane how a leftist judge wanted to keep these animals roaming freely in American soil.

212

579

8.2K

190K
- Armando M.** 

@StarSpangledRoy · Mar 16

I'm so glad [@SecRubio](#) ignored the judge's order, and instead of sending them to Venezuela where they could roam free, they sent them to El Salvador to live at CECOT Social 🙌🙌🙌



70

376

8.8K

175K



**Saggezza Eterna** @FinalTelegraph · Mar 16



Bukele's a genius—El Salvador just took 238 Tren de Aragua thugs and 23 MS-13 monsters from the U.S., locking them in CECOT while making prisons self-sustainable through the Zero Idleness program. This slashes their \$200 million prison costs, all while the U.S. pays a low fee—a

112

1.1K

7.1K

147K



**Hans Mahncke** @HansMahncke · Mar 16



Marc Elias defends these thugs in the comfort of U.S. courtrooms where Democrat judges play along. Something tells me he won't be trying that in an El Salvador court.

76

665

6.3K

136K



**Jym** @jymminy1111 · Mar 16



It's a blessing to have such a great ally in you and El Salvador. When the rest of the world falls into chaos and allow criminals to terrorize at will, Trump and Bukele protect their citizens and make their country safe

108

768

6.1K

90K









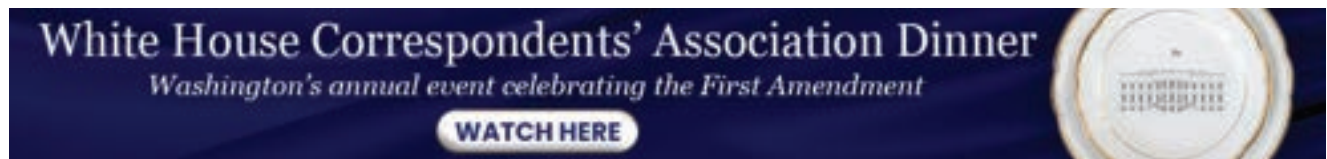
# EXHIBIT 21

## "Border Czar" Tom Homan on President Trump Invoking Alien Enemies Act | Video

[c-span.org/program/white-house-event/border-czar-tom-homan-on-president-trump-invoking-alien-enemies-act/657338](https://c-span.org/program/white-house-event/border-czar-tom-homan-on-president-trump-invoking-alien-enemies-act/657338)

C-SPAN

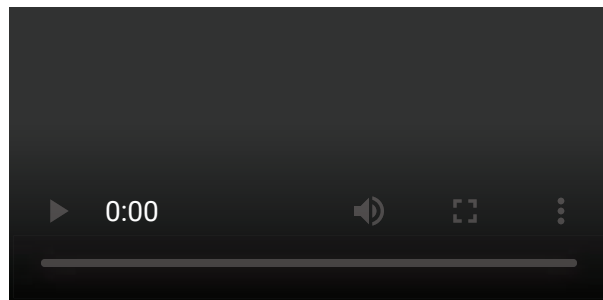
March 27, 2025



March 17, 2025

## "Border Czar" Tom Homan on President Trump Invoking Alien Enemies Act

"By the time the other order came, the plane was already over international waters," said President Trump's "Border Czar" Tom Homan as he discussed a judge's order to halt deportation flights of Venezuelan migrants that President Trump ordered under the ...[Show More](#)



0 seconds of 3 minutes, 25 secondsVolume 90%



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## Event Programs

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- ["Border Czar" Tom Homan on President Trump Invoking Alien Enemies Act](#)3:25
- [White House Deputy Chief of Staff Stephen Miller on Venezuelan Deportations and Mexican Tariffs](#)15:48
  - [Stephen Miller Says Judge's Order Is "Patently Unlawful"](#)
  - [Says Biden's Jan. 6 Cmte. Pardons Are Void](#)
- [Trump Officials Speak to Reporters at White House](#)2:40
- [Alina Habba on Venezuelan Deportations](#)2:47

All right. Could you, could you walk us through just some of the behind the scenes on how, uh, carried out some of the deportation of the flights from being invoked under the Alien Enemies Act. How did that play out behind the scenes the timing of the judge's order?

00:00:01

---

Look, let me say this, you know, the The president through proclamation. He took his authority under alien enemies Act and imposed it, which he has the right to do. TDA has been designated terrorist organizations. TDA is an enemy of this country. We know TDA based on a lot of evidence. They are part of the Maduro regime through the military and law enforcement. They've infiltrated them and look they've invaded this country to unsettle this country whether it's through fentanyl killing thousands of Americans or through the violence of perpetrating our cities. The president did the right thing. I stand by it. I thought we removed in one day over 200. Dangerous people, including MS-13. It was right there in the scene. I see the video that President Bukele put out. It was a beautiful thing. These people are going to be held accountable. Is a member of the gang. How do you know it and why can't they sort that out with a lawyer and hear it? Look, we abided by the court's decision. His written order was on 5 illegal amnesty and 1 deported, and we abided by that. By the time the other order came, the plane was already over international waters with a plane full of terrorists. Insignificant public safety threats and you know, to turn the plane around over international waters, we're going to refuel over international waters, come back and terrorists back to the United States. That's something this president promised the American people, but the president did exactly the right thing. So they're all trained on. I'm not with every single case on that plane, but that's my understanding. MS-13 members and TDA members, let's remember many of those on the plane were moved to Title 8, not to the Alien Enemies Act. So again, it's the right thing to do the people of this country mandated President Trump to deal with the border crisis, deal with illegal immigration, and deal with illegal. In crime and that's exactly what we did. We removed terrorists. That should be a celebration. We removed terrorists from this country. I stand by what the president did. I support that. How do you determine whether somebody is a gang member? What criteria do you use? to various investigations, you know, a lot of, a lot of the ways we do it law enforcement sense. I'm not going to share all that with you, but know whether through social media, through the activities, through their criminal records here and abroad, so you know this this has done a very The review of this issue was at the highest level I've seen, and I think again I stand by everything we did this weekend, and I think the president keeping his promise to the American people. We removed terrorists from the country this weekend. I can't believe any media would question the president's ability to remove terrorists from this country. What do you say to those who say what do you say to those who claim you're using a 200 year old law to circumvent law. Not as old as the Constitution. We still pay attention to that, don't we? But some would say. I will not

**00:00:19** [Show More](#)

\*This text was compiled from uncorrected Closed Captioning.

## Topics

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- [Federal Courts](#)
- [Immigration](#)

## Hosting Organization

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White House | News Media Stakeout

## People in this video

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Tom Homan Executive Associate Director U.S. Immigration and Customs Enforcement  
| Enforcement and Removal Operations

More information about

## "Border Czar" Tom Homan on President Trump Invoking Alien Enemies Act

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## "Border Czar" Tom Homan on President Trump Invoking Alien Enemies Act

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## Recommended

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- Mar 26, 2025



### Press Secretary Karoline Leavitt on MS-13 Leader Arrest

White House Press Secretary Karoline Leavitt spoke to reporters in the White House driveway about the arrest of a top MS-13 leader in Woodbridge, Virginia. She also touched on President Trump's auto tariffs and the Signal group chat security breach.

- Mar 16, 2025



### **ACLU Counsel Speaks After Federal Court Hearing on Deportations Under Alien Enemies Act**

ACLU layer Lee Gelent spoke to reporters following Judge James E. Boasberg hearing on the Trump administration's alleged violation of a temporary restraining order on deportations.

- Mar 16, 2025



### **President Trump Attends Board Meeting at Kennedy Center**

President Trump attended a board meeting at the Kennedy Center.

- Feb 10, 2025



### **Border Czar Tom Homan Speaks to Reporters**

Border Czar Tom Homan spoke to reporters in the White House driveway about ongoing immigration enforcement efforts by the Trump administration.

## **Clips From This Video**

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- Mar 17, 2025



**User Clip: Tom Homan takes questions after President Trump deported TDA Gang Members**

Tom Homan takes questions after President Trump deported TDA Gang Members

- Mar 17, 2025



**User Clip: illegal aliens**

homan burn

- Mar 17, 2025



**User Clip: Homan on Alien Enemies Act**

By the time the other order came, the plane was already over international waters," said President Trump's "Border Czar" Tom Homan as he discussed a judge's order to halt deportation flights of Venezuelan migrants that President Trump ordered under t

## Trending

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- Apr 23, 2025



### **President Trump Meets with Norwegian Prime Minister**

President Donald Trump hosted Norwegian Prime Minister Jonas Gahr Store for a bilateral meeting in the Oval Office where the pair took questions from reporters after making brief remarks about the two countries' partnership. The president fielded most ...

- Apr 23, 2025



### **President Trump Holds Lunch Meeting with Norwegian Prime Minister**

President Donald Trump hosts the Norwegian Prime Minister Jonas Gahr Store for a lunch meeting with his Cabinet secretaries at the White House.

- Apr 23, 2025



### **NATO Secretary General Mark Rutte Speaks to Reporters at the White House**

NATO Secretary General Mark Rutte spoke to reporters after meeting with President Trump. He said the meeting focused mostly on the upcoming NATO summit, where increases in Canadian and European defense spending will be discussed. He also answered reporter ...

- Apr 23, 2025



### **Vice President Vance Remarks at Ramstein Air Base**

Vice President Vance delivered brief remarks and served beer to U.S. troops at Ramstein Air Base in Germany, during a refueling stop for Air Force Two as he returned home from a trip to Italy and India.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LIYANARA SANCHEZ, as next friend on behalf of  
FRENGEL REYES MOTA, *et al.*,

*Petitioners–Plaintiffs,*

J.G.G., *et al.*,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,

*Respondents–Defendants.*

Case No: 1:25-cv-00766-JEB

**[PROPOSED] ORDER GRANTING PETITIONERS–PLAINTIFFS’ MOTION  
FOR PRELIMINARY INJUNCTION**

Upon consideration of Petitioners–Plaintiffs’ (“Petitioners”) Motion for Preliminary Injunction, and any opposition, reply, and further pleadings and argument thereto:

Having determined that Petitioners are likely to succeed on the merits of their claims that the Alien Enemies Act, 50 U.S.C. § 21 *et seq.*, does not authorize Respondents–Defendants (“Respondents”) to summarily remove them from the United States or imprison them abroad; that they have suffered violations of their rights under the Administrative Procedure Act, the Immigration and Nationality Act, statutes providing protection for those seeking humanitarian relief, and due process; that Respondents’ ongoing or imminent imprisonment of Petitioners at the Terrorism Confinement Center (“CECOT”) in El Salvador violates their rights under the Fifth, Sixth, and Eighth Amendments; that Petitioners will suffer irreparable injury in the absence of injunctive relief; and that the balance of hardships and public interest favor a preliminary

injunction, it is, therefore,

ORDERED that Plaintiffs' Motion for Preliminary Injunction is hereby GRANTED; and that Respondents, their agents, representatives, and all persons or entities acting in concert with them are hereby:

1. ORDERED, pending further order of this Court, to immediately request and take all reasonable steps to facilitate (i) the release of the CECOT Subclass from the CECOT prison in El Salvador, and (ii) the return of the CECOT Subclass to the United States. These steps include but are not limited to:
  - a. Immediately requesting that Respondents' agents and contractors in El Salvador, including any counterparty to an agreement or contract concerning detention at CECOT, transfer the CECOT Subclass to the physical custody of the United States, and
  - b. Ceasing payment to Respondents' agents and contractors in El Salvador, including any counterparty to an agreement or contract concerning detention at CECOT, to detain the CECOT Subclass;
2. ORDERED, pending further order of this Court, not to remove any member of the Criminal Custody Subclass from the United States pursuant to the Alien Enemies Act and any rules implementing the President's Proclamation dated March 15, 2025, invoking the Act;
3. ORDERED, pending further order of this Court, to provide immediate, adequate notice of designation to each member of the Criminal Custody Subclass and class counsel, and no less than 30 days to challenge their designation, detention, and removal under the AEA.

It is further ORDERED that Plaintiffs shall not be required to furnish security for costs. Entered on \_\_\_\_\_, 2025 at \_\_\_\_\_ a.m./p.m.

---

The Honorable Chief Judge James E. Boasberg