

# EXHIBIT C

**Declaration of Dr. Sarah C. Bishop**  
**Risks for Non-Salvadoran Actors Facing Third Country Removal to 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." I received a B.A. from the University of Akron in 2008.
6. I have published numerous articles in peer-reviewed academic journals on the experiences of forced migrants from Central America, including most recently "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; “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,” to be 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 Marxe School for International Affairs in March 2025; “Populism, Rhetorical Strategy, and the Regression of Democracy in Central America,” presented at Cristosal in San Salvador in February 2023; “Addressing Misinformation and Distortion of Statistics in Country Conditions Research,” presented at the International Studies Association in November 2024; “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; “Health and Safety 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 a 2025 grant from the American Council of Learned Societies (ACLS) and 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 Masters in International Affairs. 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 CUNY.
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 master's level students in these methods.
13. In 2025 I received \$75,000 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 Reports 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 eighty-seven 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 Efen 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>

<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. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.justice.gov/usao-edny/press-release/file/1569726/download

<sup>7</sup> "Treasury Targets Corruption Networks Linked to Transnational Organized Crime." *U.S. Treasury Department*. 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> Paradoxically, this was the same director who was indicted by the United States Federal Government for arranging meetings in prison for negotiations with MS-13,<sup>14</sup> and who has 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, emphasizing the scope of corruption common in prison leadership.<sup>15</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

<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.” <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> United States District Court. Eastern District of New York. Paragraph 35. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.justice.gov/usao-edny/press-release/file/1569726/download

<sup>15</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>

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>16</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 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>17</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>18</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>19</sup>
26. During my January 2024 visit to El Salvador, I visited 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. Family members can seek to protect their detained relatives from illness or starvation in prison if their family is able to purchase these expensive packets, which cost \$100-\$300 per month although the national minimum monthly wage is only \$365.<sup>20</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>21</sup> and reports of guards forcing women to do sexual acts in exchange for food and medicine.<sup>22</sup>

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<sup>16</sup> Nayib Bukele. 16 May 2023. <https://x.com/nayibbukele/status/1658608915683201030?s=20>

<sup>17</sup> David Culver, Abel Alvarado, and Evelio Contreras. "Exclusive: Locking eyes with mass murderers in El Salvador." 13 November 2024 <https://www.cnn.com/2024/11/06/americas/el-salvador-inside-cecot-prison/index.html>

<sup>18</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>19</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>20</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>21</sup> "Testimonios: Sobrevivientes de las Cárceles del Régimen." A weekly series from *El Faro*. <https://especiales.elfaro.net/es/testimonios/>

<sup>22</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/>

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>23</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>24</sup>
28. The Human and Community Rights Defense Unit (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 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>25</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>26</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>27</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>28</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

<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 17.

<sup>24</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/>

<sup>25</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>

<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 4.

<sup>27</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>28</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.



“systemic use of torture in Salvadoran prisons.”<sup>29</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>30</sup> They confirm that “torture and cruel, inhuman, and degrading treatment have become habitual practice rather than isolated incidents in the prisons.”<sup>31</sup>

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>32</sup> Likewise, family members of the detained have been threatened with arrest by security forces to “stop asking questions.”<sup>33</sup>
34. A July 2024 report from Cristosal—compiled from 3,643 reports of abuses or rights violations, 110 interviews, 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>34</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>35</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>36</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>37</sup>

<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/>

<sup>30</sup> Ibid.

<sup>31</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>32</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>33</sup> Ibid.

<sup>34</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>35</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>36</sup> Ibid. p 2.

<sup>37</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/>

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>38</sup>
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>39</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>40</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* has been recording and publish 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>41</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

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<sup>38</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>39</sup> "El Salvador: One year into state of emergency, authorities are systematically committing human rights violations." Amnesty International. 3 April 2023. <https://www.amnesty.org/en/latest/news/2023/04/el-salvador-state-emergency-systematic-human-rights-violations/>

<sup>40</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>41</sup> "Testimonios: Sobrevivientes de las Cárceles del Régimen." A weekly series from *El Faro*. <https://especiales.elfaro.net/es/testimonios/>

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>42</sup>

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>43</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>44</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>45</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 1000 because of an estimated minimum of fifteen deaths per month that are not reported.<sup>46</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>47</sup> Others have died due to being denied medical care.<sup>48</sup>

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<sup>42</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 País*. 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>

<sup>43</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>44</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>45</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>46</sup> Socorro Jurídico Humanitario (Humanitarian Legal Aid). 16 March 2025. <https://x.com/SJHumanitario/status/1901454047162372257>

<sup>47</sup> Cristosal (2023). One Year Under State of Exception: A Permanent Measure of Repression and Human Rights Violations. <https://cristosal.org/EN/wp-content/uploads/2023/08/One-year-under-the-state-of-exception-1.pdf>. Page 29.

<sup>48</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>49</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>50</sup> The Salvadoran state maintains that all prison deaths have been the result of natural causes despite forensic evidence to the contrary.<sup>51</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>52</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>53</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>54</sup>
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>55</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>56</sup>

<sup>49</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-policias-practices-legislation-violate-human-rights/>. p 33.

<sup>50</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>51</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>52</sup> United Nations Office on Drugs and Crime (UNODC). "Global prison population and trends. A focus on rehabilitation." 15 August 2024. <https://www.cdeunodc.inegi.org.mx/index.php/2024/08/15/global-prison-population-and-trends-a-focus-on-rehabilitation/>; 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>53</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-policias-practices-legislation-violate-human-rights/>. P 33.

<sup>54</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>

<sup>55</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>56</sup> Cristosal. "One Year Under the State of Exception." May 2023. <https://cristosal.org/EN/2023/08/17/report-one-year-under-the-state-of-exception/> p 53.

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>57</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>58</sup>
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>59</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.

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<sup>57</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>58</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.

<sup>59</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-policias-practicas-legislacion-violate-human-rights/> p 64.

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>60</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>61</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>62</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>63</sup> These kinds of data would be more readily available in more democratic contexts and offer evidence of El Salvador’s sharp democratic decline.
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>64</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>65</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>66</sup> In other

<sup>60</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>61</sup> Ibid, p 2.

<sup>62</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>63</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.

<sup>64</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>65</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>66</sup> Ibid., p 876.

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>67</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>68</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>69</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>70</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.
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>71</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>72</sup>

<sup>67</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>68</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>69</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>70</sup> Bukele, Nayib (@NayibBukele). 2023. Twitter, February 24, 2023. Translated from Spanish by Sarah C. Bishop. <https://twitter.com/nayibbukele/status/1629165213600849920>.

<sup>71</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>72</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>

- 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>73</sup> the Human Rights Commission of El Salvador stated that the practice “carries a total risk of mutinies or selective or collective murders.”<sup>74</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 where 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>75</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.

**Signature**

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



\_\_\_\_\_  
March 19, 2025

Signature

Date

<sup>74</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>75</sup> Stephen Dudley et al. “El Salvador’s (Perpetual) State of Emergency: How Bukele’s Government Overpowered Gangs.” December 2023. <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%20p6.>



# EXHIBIT B

**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 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 Tocorón 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.

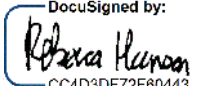
25. The government has also stated it uses previous criminal records to identify TdA members in the United States. However, the U.S. government has no reliable access to criminal records within Venezuela. Given the current contentious relationship between the U.S. and Venezuelan governments, it is implausible 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

<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 Open Society, 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.

Firmado por  
Andrés Santillano  
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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 Open Society, 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 Tocorón 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  
Immigrants' Rights Project  
425 California Street, 7th Floor  
San Francisco, CA 94609  
(412) 626-1379  
troma@aclu.org

# EXHIBIT J



**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](http://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 Tocorón 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

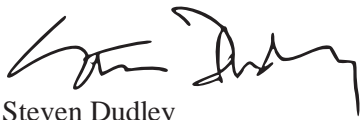
military fashion. Tren de Aragua is not a militia or paramilitary group like the colectivos, nor is it a mercenary group associated with the Venezuelan government in the style of the once-vaunted Wagner group from Russia. In other words, it is not an arm of the Venezuelan government. And we have seen 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". The signature is fluid and cursive, with a large initial "S" and "D".

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

# EXHIBIT S

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

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

*Plaintiffs,*

v.

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

*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 I am competent to make this declaration.
2. I am a lawyer at the American Civil Liberties Union Immigrants' Rights Project (IRP). I represent the Plaintiffs in this case.
3. Upon information and belief, Defendants are using the "Alien Enemy Validation Guide," the "Verification of Removal," and the "Notice and Warrant of Apprehension and Removal Under the Alien Enemies Act" forms to determine whether Venezuelan noncitizens are members of *Tren de Aragua* and subject to summary removal under the Alien Enemies Act.
4. Attached hereto as exhibits are true and correct copies of the following:

**Exhibit**

**Document**

1. "Alien Enemy Validation Guide," "Verification of Removal," and "Notice and Warrant of Apprehension and Removal Under the Alien Enemies Act" Transcription
2. Dep't of Homeland Sec., Homeland Sec. Investigations, Assessment Report of Analysis (HSI-CHI-24-455)


3. Dep't of Homeland Sec., U.S. Border Patrol, Situational Awareness: TDA Gang Recognition Indicators (Oct. 2, 2023).
4. Syra Ortiz Blanes, Veronica Egui Brito & Claire Healy, *Trump Sent These Venezuelans to El Salvador Mega Prison. Their Families Deny Gang Ties*, Miami Herald (Mar. 18, 2025), available at <https://www.miamiherald.com/news/local/immigration/article302251339.html>.
5. Didi Martinez, Daniella Silva & Carmen Sesin, *Families of Deported Venezuelans Are Distraught Their Loved Ones Were Sent to El Salvador*, NBC News (Mar. 19, 2025), available at <https://www.nbcnews.com/news/us-news/families-deported-venezuelans-are-distraught-loved-ones-sent-el-salvad-rcna196950>.
6. Jazmine Ulloa & Zolan Kanno-Youngs, *Trump Officials Say Deportees Were Gang Members. Few Details Were Disclosed*, N.Y. Times (Mar. 18, 2025), available at <https://www.nytimes.com/2025/03/18/us/trump-deportations-venezuela-gang.html>.
7. Annie Correal, *Venezuelan Families Fear for Relatives as Trump Celebrates Deportations*, N.Y. Times (Mar. 16, 2025), available at <https://www.nytimes.com/2025/03/16/world/americas/el-salvador-venezuela-deportations-families.html>.
8. Sarah Kinoshian & Kristina Cooke, *Relatives of Missing Venezuelans Desperate for Answers After US Deportations to El Salvador*, Reuters (Mar. 17, 2025), available at <https://www.reuters.com/world/americas/relatives-missing-venezuelan-migrants-desperate-answers-after-us-deportations-el-2025-03-17/>.
9. Camilo Montoya-Galvez, *Trump Invokes 1798 Alien Enemies Act, orders deportation of suspected Venezuelan gang members*, CBS News (Mar. 16, 2025), available at <https://www.cbsnews.com/news/trump-invokes-1798-alien-enemies-act/>.
10. Tim Padgett, *Was a Venezuelan Deported as a Terrorist Because of a Tattoo Celebrating His Child*, WLRN (Mar. 19, 2025), available at <https://www.wlrn.org/immigration/2025-03-19/venezuelan-deportation-trump-tren-de-aragua-tattoo>.
11. Veronica Egui Brito, *Despite Refugee Status in the U.S., Young Venezuelan Was Deported to Salvadoran Prison*, Miami Herald (Mar. 21, 2025), available at <https://www.miamiherald.com/news/local/immigration/article302464134.html>.
12. Kelby Vera, *Gay Venezuelan Makeup Artist Deported Without Due Process*, Huff Post (Mar. 23, 2025), available at [https://www.huffpost.com/entry/gay-venezuelan-makeup-artist-deported\\_n\\_67e05688e4b0dbd2dbaf96f5](https://www.huffpost.com/entry/gay-venezuelan-makeup-artist-deported_n_67e05688e4b0dbd2dbaf96f5).
13. Patrick J. McDonnell et al., *They Were Called Gang Members and Deported. Families*

*Say Their Only Crime Was Having Tattoos*, L.A. Times (Mar. 23, 2025), available at <https://www.latimes.com/world-nation/story/2025-03-23/deportation-trump-venezuelans-el-salvador>.

14. Carla Gloria Colome & Florantonia Singer, *Arturo and Frizgeralth, Convicted for Being Venezuelans: Trump Takes Another Step in His Racist Drift*, El Pais (Mar. 24, 2025), available at <https://english.elpais.com/international/2025-03-24/arturo-and-frizgeralth-convicted-for-being-venezuelans-trump-takes-another-step-in-his-racist-drift.html>.
15. Arelis R. Hernandez & Maria Luisa Paul, *They Were Arrested During Routine ICE Check-Ins. Then They Were Disappeared*, Wash. Post (Mar. 22, 2025), available at <https://www.washingtonpost.com/immigration/2025/03/22/trump-venezuela-migrants-el-salvador/>.
16. Syra Ortiz Blanes & Veronica Egui Brito, *U.S. Sent Venezuelan Man with Pending Political Asylum Case to El Salvador Mega Prison*, Miami Herald (Mar. 27, 2025), available at <https://www.miamiherald.com/news/local/immigration/article302671624.html>.
17. Noah Lanard & Isabela Dias, *You're Here Because of Your Tattoos*, Mother Jones (Mar. 26, 2025), available at <https://www.motherjones.com/politics/2025/03/trump-el-salvador-venezuela-deportation-prison-cecot-bukele/>.
18. Tom Phillips & Clavel Rangel, *Deported Because of His Tattoos: Has the US Targeted Venezuelans for Their Body Art?*, Guardian (Mar. 20, 2025), available at <https://www.theguardian.com/us-news/2025/mar/20/deported-because-of-his-tattoos-has-the-us-targeted-venezuelans-for-their-body-art>.
19. Charlie Savage & Julian E. Barnes, *Intelligence Assessment Said to Contradict Trump on Venezuelan Gang*, N.Y. Times (Mar. 22, 2025), available at <https://www.nytimes.com/2025/03/20/us/politics/intelligence-trump-venezuelan-gang-alien-enemies.html>.
20. Nicole Acevedo, Deon J. Hampton & David Noriega, *Tattoos of Deported Venezuelans Don't Necessarily Signal Gang Affiliation, Experts Say*, NBC News (Mar. 21, 2025), available at <https://www.nbcnews.com/news/latino/tattoos-deported-venezuelans-not-necessarily-gang-members-rcna197089>.

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 28th of March, 2025, in San Francisco, California.

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

# EXHIBIT 1

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

---

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.*

<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.*

<b>Valuation Explanation</b>			
<b>Category</b>	<b>Definition Explanation</b>	<b>Points</b>	
<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**

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*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.

_____	_____	_____
<i>Name of Agent/officer completing the form</i>	<i>Signature of agent/officer completing the form</i>	<i>Date</i>

_____	_____	_____
<i>Name of Supervisor</i>	<i>Signature of Supervisor</i>	<i>Date</i>

**VERIFICATION OF REMOVAL**

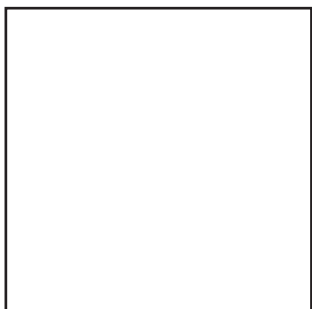
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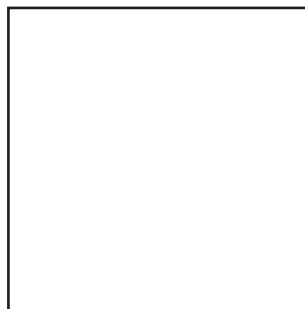
A-number \_\_\_\_\_ Date: \_\_\_\_\_

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

# 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

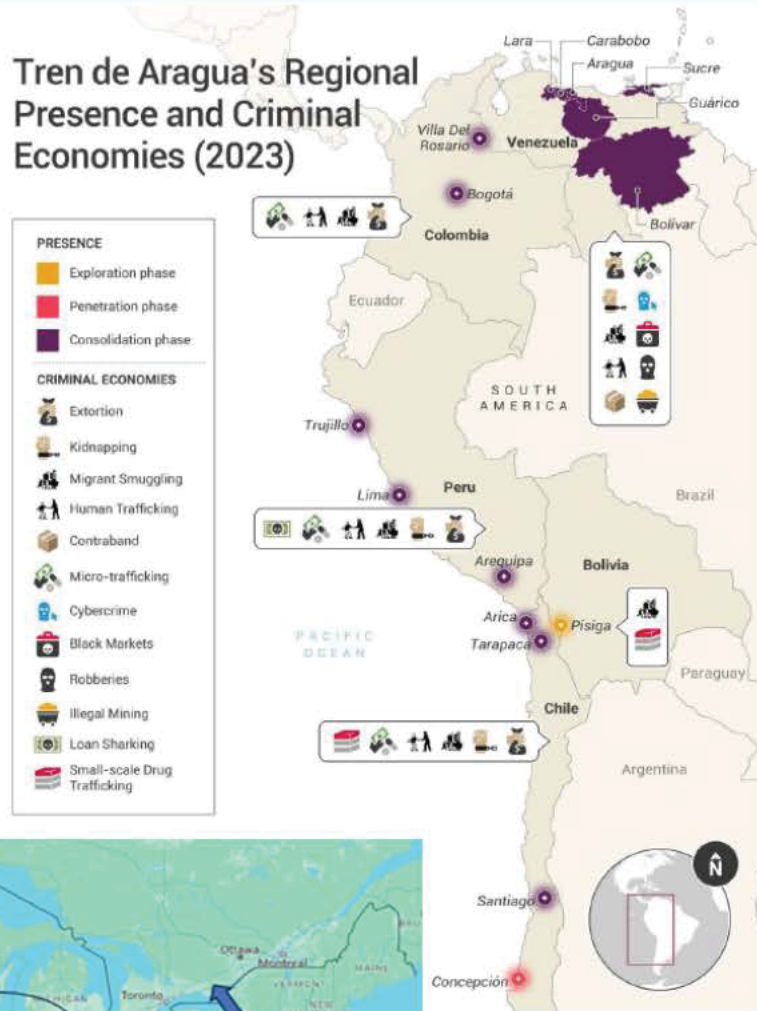
TdA has continuously made efforts to expand its criminal enterprise into other countries. There are three major steps that are part of its expansion process:

- 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)



ASSESSMENT REPORT OF ANALYSIS

## 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).*

# EXHIBIT 3



U.S. DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION

U.S. BORDER PATROL

EL PASO SECTOR

THIS INFORMATION WAS PROVIDED BY CBP AND MAY CONTAIN INFORMATION FROM ANOTHER AGENCY. ANY DISCLOSURE OF THIS INFORMATION OUTSIDE OF CBP MAY CONSTITUTE A VIOLATION OF THE THIRD AGENCY RULE. RELEASING ANY INFORMATION TO ANY ENTITY OUTSIDE OF CBP IS STRICTLY PROHIBITED.

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 IDA.

AK-47



Gas Mask/Real Hasta la Muerte



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).

# EXHIBIT 4

# Trump sent these Venezuelans to El Salvador mega prison. Their families deny gang ties.

[miamiherald.com/news/local/immigration/article302251339.html](https://miamiherald.com/news/local/immigration/article302251339.html)

Syra Ortiz Blanes, Verónica Egui Brito, Claire Healy

March 18, 2025

## Immigration

By Syra Ortiz Blanes,

Verónica Egui Brito and

Claire Healy.

|  22



Watch the latest video shared today on President Nayib Bukele's X account, showing over 200 Venezuelan migrants—that the federal government is linking to Tren de Aragua —arriving in El Salvador and being transferred to the country's mega prison. The footage documents their arrival and transfer to the country's notorious prison. U.S. Secretary of State Marco Rubio and President Bukele have both confirmed the deportation flights. By El Salvador Presidential Press Office

The day after he was arrested while working at a restaurant in Texas, Mervin Jose Yamarte Fernandez climbed out of a plane in shackles in El Salvador, bound for the largest mega-prison in Latin America.

His sister, Jare, recognized him in a video shared on social media. As masked guards shaved detainees' heads and led them into cells at the maximum-security complex, Yamarte Fernandez turned his gaze slowly to the camera.

## TOP VIDEOS

“He was asking for help. And that help didn’t come from the lips. It came from the soul,” said Jare, who asked to be identified by her nickname because she fears for her family’s safety and who added her brother has no previous criminal record. “You know when someone has their soul broken.”

[READ MORE: Trump deports hundreds of alleged Venezuelan gang members. Did he defy a court order?](#)

Yamarte Fernandez, 29, is among 238 Venezuelans the Trump administration accused of being gang members without providing public evidence and sent over the weekend to El Salvador’s Terrorist Confinement Center, a prison about 45 miles from the capital designed to hold up to 40,000 people as part of a crackdown on gangs. They will be jailed for at least one year, El Salvador’s President Nayib Bukele said in a [statement](#) on X, following a deal brokered between the two countries in February.



Mervin Jose Yamarte Fernandez, 29, is one of Venezuelans accused by the Trump administration of gang affiliation and sent over the weekend to El Salvador's Terrorist Confinement Center. His sister identified him in a video shared on social media by the Salvadoran government. "He shouldn't be imprisoned in El Salvador, let alone in a dangerous prison like the one where the Mara Salvatruchas are held," his sister told the Miami Herald. El Salvador Presidential Press Office

"These heinous monsters were extracted and removed to El Salvador where they will no longer be able to pose any threat to the American people," White House Press Secretary Karoline Leavitt said.

But families of three men who appear to have been deported and imprisoned in El Salvador told the Miami Herald that their relatives have no gang affiliation – and two said their relatives had never been charged with a crime in the U.S. or elsewhere. One has been previously accused by the U.S. government of ties to the feared Tren de Aragua gang, but his family denies any connection.

Neither the Department of Homeland Security nor Immigration and Customs Enforcement responded to Miami Herald questions about what criteria was used to select detainees sent to El Salvador, what the plan is for detainees incarcerated abroad, and whether the government had defied a federal judge's orders to send them there.

Legal experts have taken the Trump administration to court over the deportations, arguing that the government illegally invoked an 18th century wartime law. On Saturday, a federal judge ordered the government to hold off on the deportations. The Justice Department has said in court filings that the judge's oral order to turn around the planes, after they had already departed, was not enforceable and suggested that the ruling was not applicable outside U.S. territory.

READ MORE: White House says it didn't defy court order on deportations as judge calls hearing

Hannah Flamm, an attorney and acting senior policy director at the International Refugee Assistance Project, a New York-based legal aid and advocacy group, said the Trump administration's use of wartime authorities to conduct deportations is "shocking." She described the weekend's deportations as part of a "campaign of mass deportations and evisceration of the rule of law."

"The Trump administration is pushing the limits to find out what it can get away with, both in the courts and in public opinion," she said.

Families of some of the men sent to El Salvador told the Herald that they feel powerless in the wake of the U.S. government's decision to ship their loved ones off to a prison in a foreign country without due process. For years, the prison has been the subject of investigations by reporters and advocates who have found thousands of innocent people have been jailed there without due process.

"He shouldn't be imprisoned in El Salvador, let alone in a dangerous prison like the one where the Mara Salvatruchas are held," said Jare, referring to the international criminal organization with roots in El Salvador. "There are many innocent people behind bars. And today, my brother is one of them."

Originally Yamarte Fernandez was hesitant to move to the United States, Jare said, but she convinced him to join her in Dallas County to provide a better life for his partner and daughter, who stayed back in their home state of Zulia. Jare said her brother did not have any tattoos because of their Christian upbringing. Tattoos have been used by the U.S. government in the past as an indication of gang affiliation, though experts say that Tren de Aragua members don't have any particular signs that identify their membership.

"I'm in so much pain," said Jare, who lives in Texas. "I never imagined this country would cause so much harm to my family."

### **'Irregular warfare'**

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On Saturday, President Donald Trump invoked the centuries old wartime law to allow his administration to arrest, relocate, and deport any Venezuelan citizens over the age of 14 who are Tren de Aragua members.

Best known for its role in interning Japanese immigrants during World War II, the Alien Enemies Act is a 1798 law that has been used only three times before – all during times of war. In his announcement of the order, Trump said that Tren de Aragua is invading the country.

“Evidence irrefutably demonstrates that TdA has invaded the United States and continues to invade, attempt to invade, and threaten to invade the country; perpetrated irregular warfare within the country; and used drug trafficking as a weapon against our citizens,” a statement from Trump said.

Anyone accused of being a member of the gang has no right to challenge the accusation under the Alien Enemies law, which grants the government the power to deport a person without due process or the opportunity to contest the claim. Before the proclamation, the American Civil Liberties Union filed a lawsuit against the U.S. government on behalf of five Venezuelans facing deportation.

The rights organization claimed the law cannot be used against nationals of Venezuela because the United States is not at war with Venezuela nor has Venezuela launched a predatory incursion into the United States. Attorneys said the five men, who were not among those deported on Saturday, had been wrongly identified as gang members and were seeking asylum. At least two of them fled Venezuela in part because Tren de Aragua was persecuting them, according to the lawsuit.

“J.A.V. is not and has never been a member of Tren de Aragua,” attorneys wrote about one of the plaintiffs. “He was in fact victimized by that group and the group is the reason he cannot return to Venezuela.”

Lee Gelernt, the ACLU’s lead counsel on the case, called the use of the Alien Enemies Act “flatly unlawful” in a statement to the Herald. But he said that even if it could be used, the individuals were entitled to due process to show they were not gang members.

“If these individuals are afforded due process it will then be determined whether they are members of the gang but we would caution hesitation before anybody takes at face value the Trump administration’s characterization given the administration’s frequent overstatement about immigrant detainees, including with respect to the individuals sent to Guantanamo over the past month,” said Gelernt.

**[READ MORE: ‘Give us back our sons’: A look at the Venezuelan migrants Trump sent to Guantanamo](#)**

A federal judge issued a ruling blocking the president from deporting the men on Saturday. He also broadened the order to apply to anyone who could be at risk of deportation under the executive order.

At the hearing, he ordered the Trump administration to return any flights that were in mid-air. Flight-tracking data shows that three flights landed after the judge blocked the executive order, according to the Washington Post.

“Oopsie... Too late,” Bukele wrote on X, a post that Secretary of State Marco Rubio later re-shared.

In Monday’s press briefing at the White House, Leavitt said the U.S. is paying \$6 million to El Salvador “for the detention of these foreign terrorists.” That same day during a court hearing, the federal judge questioned the Trump administration to determine whether it had violated Saturday’s injunction.

In an interview with Fox News, Rubio was asked about concerns regarding the lack of concrete evidence confirming that all the individuals deported to the Salvadoran prisons are indeed members of Tren de Aragua. He responded, “If one of them turns out not to be, then they’re just illegally in our country, and the Salvadorans can then deport them from — to Venezuela, but they weren’t supposed to be in our country to begin with.”

Flamm, the International Refugee Project lawyer, said the Trump administration was undermining its own ability to crack down on gangs by deporting the people it is in the midst of prosecuting. The federal government sent MS-13 members to El Salvador over the weekend too, including a top leader of the group who is a defendant in a prominent criminal case in New York

“The U.S. government has gone out of its way to prosecute on terrorism charges precisely in an effort to hold gang leaders to account. But the Trump administration clearly does not actually care about public safety or accountability,” she said.

### **‘Decision to leave’**

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Yamarte Fernandez had bought a house in a poor neighborhood in Maracaibo to live with his wife and 4-year-old daughter. But the house needed to be remodeled, the kitchen refurbished, the roof replaced.

He decided to travel to the U.S. to support his family at home and send back his earnings to fix up the house. He made the journey from Zulia to the U.S through the Darien Gap, the dangerous jungle between Panama and Colombia, with 13 other Venezuelans, including three other men from his neighborhood who were detained by ICE the same day he was. He arrived at the border in September 2023.





Mervin Jose Yamarte Fernandez, 29, is one of 238 Venezuelans accused by the Trump administration of gang affiliation and sent over the weekend to El Salvador's Terrorist Confinement Center. His sister

recognized him in a video shared on social media, where masked guards shaved the detainees' heads and escorted them into cells at the maximum-security facility. As the camera panned across the scene, Yamarte slowly turned his gaze toward it. Yamarte's family

But as the Trump Administration started its crackdown on illegal immigration – specifically targeting Venezuelans – Yamarte Fernandez and his family had already decided to self deport later this year.

“We had made the decision to leave the U.S. voluntarily to return to Venezuela,” Jare said. “I wanted to stay until December, but he was determined to leave in September.”

Jare said his brother was a hard worker determined to not burden the U.S. In videos where she recognized her brother in El Salvador, she identified two other men who had traveled with him from their neighborhood in Venezuela.

“We came to this country to work and do things right,” she said. “It’s painful that they blame my brother, and they portray him as a member of the Tren de Aragua. I don’t accept the bad reputation created around my brother.”

Yamarte Fernandez is one of seven siblings from a Christian family in Maracaibo, the capital of oil-rich state Zulia, bordering Colombia, according to his sister. Jare described him as a lifelong athlete who loved soccer and baseball and found ways to be active despite his challenging asthma.

“It’s a lie when they said that he was from the TdA. My brother doesn’t even have a tattoo,” his sister said, explaining that his family doesn’t believe in tattoos because of religious reasons.

### **‘Speaking to the devil’**

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On Monday, Venezuelan National Assembly President Jorge Rodríguez called on the legislature, controlled by Nicolás Maduro’s regime, to issue a formal request banning all Venezuelans from traveling to the U.S.

“In the United States, there is no rule of law when it comes to the rights of our migrants,” Rodríguez said during a press conference in Caracas. He also spoke about Venezuelans who were sent to the prison in El Salvador.

“We will go to great lengths, even if it means speaking to the devil, to ensure that Venezuelans are returned to their homeland,” he said.

Venezuelan opposition leader Edmundo Gonzalez, who is recognized by the U.S. and other democratic nations as the real winner of the presidential election held in Venezuela on July 28th, and Maria Corina Machado issued a statement Monday saying that the Tren de Aragua poses a significant “threat to the entire region.”

Machado and Gonzalez expressed support for the measures the U.S. is taking to identify, arrest and prosecute those involved with or supporting the gang. However, they stressed the need for authorities to exercise “extreme caution in administering justice.” They said it is crucial to distinguish between high-level criminals like Maduro and the vast majority of innocent Venezuelans, to prevent the unjust criminalization of Venezuelan migrants.

### **‘Wait for me’**

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Another family fears that their relative was also sent to prison in El Salvador, after he had spent several weeks awaiting deportation in Texas.

Gustavo Adolfo Aguilera Agüero, 27, is from the Venezuelan Andes in Táchira, an area bordering Colombia, and had been living in Dallas since December 2023 with his wife. The couple entered the United States using a now-defunct mobile application to schedule appointments with southwest border authorities. Aguilera Agüero’s wife soon found out she was five months pregnant with their first child. Her husband was working installing water pipes on rooftops and his wife found work taking care of children.

“It hasn’t been easy, but we came together to move ahead in life together,” said his wife, Susej, who asked to only use her first name because she fears for her safety.

In early February, authorities detained Aguilera Agüero while he was taking trash out of his home, his wife said. Authorities had been looking for someone else, she said, but he was taken to Bluebonnet Detention Facility in Anson, Texas.

Aguilera Agüero spent several weeks in detention waiting for a deportation to Venezuela, but his mother, Miriam Aguilera, now fears her son could be among the Venezuelans deported on Saturday to El Salvador instead. The family last heard from Aguilera Agüero on Friday night, when he told his mother he was being deported to Venezuela. A plane from Conviasa, Venezuelan airlines, was going to take him back to his country.

“Mom, we’re going to be deported to Venezuela. Wait for me,” Miriam Aguilera remembered her son telling her.



318a



Gustavo Adolfo Aguilera Agüero, 27, from the Venezuelan Andes in Táchira, had been living in Dallas, Texas, with his wife since December 2023. In early February, Aguilera Agüero was detained by authorities while taking out the trash, according to his wife. Authorities were actually searching for someone else, but Aguilera Agüero spent several weeks in detention, awaiting deportation to Venezuela. Now, his mother, Miriam Aguilera, fears her son may be among the Venezuelans deported to El Salvador on Saturday instead. Aguilera's family

But by Sunday, no plane had arrived in Venezuela, and she saw the deportations to El Salvador on the news. She still doesn't know where he is – and has been scanning videos of the Terrorism Confinement Center in El Salvador looking for him.

Aguilera Agüero has an American-citizen son, Jacob, who is nine months old, and an older Venezuelan son, Santiago. His family denies that he has any connection with Tren de Aragua. According to his mother, her son's tattoos tell a story of love and loyalty: A crown, inked with the name of his first son, Santiago. A star intertwined with his name and his mother's name. Across one arm, the phrase "*Real hasta la muerte*" – "Real until death" – which was made famous by Puerto Rican reggaeton artist Anuel AA.

Public safety authorities in Texas have linked these tattoos to Tren de Aragua and officials are using them to identify suspected members.

"We were told he was arrested because of the tattoos on his neck and arms, but my son doesn't have a criminal record," Miriam Aguilera told the Herald.

One man whose relatives spoke with the Herald has previously faced accusations of gang ties from the Drug Enforcement Administration. His family insists he was wrongfully accused of gang involvement.

### **'Let us leave'**

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Henry Javier Vargas Lugo, 32, originally from La Guaira state on Venezuela's coast, had been living in Aurora, Colorado, for nearly a year when he was detained on Jan. 29, and he was later transported to Texas.

Before Vargas Lugo migrated to the U.S., he lived in Colombia for seven years, working as a mechanic in Bogotá. Seeking a fresh start, he decided to leave Colombia and try his luck in the United States.

Vargas Lugo entered the U.S. through El Paso, bringing his daughter and her mother with him. When U.S. Customs and Border Protection encountered him, they asked him to remove his shirt to document his tattoos. Officials inquired whether he was affiliated with a gang, including Tren de Aragua, and he denied any association, according to his sister, Nayrobis Vargas, who spoke with the Miami Herald. He has several tattoos, including crowns with his niece and mother's name, a clock on his arm and a rosary.



Henry Javier Vargas, 32, originally from Vargas state on Venezuela's coast, had been living in Aurora, Colorado, for nearly a year when he was detained on January 29. Prior to migrating to the U.S., Vargas spent seven years in Colombia, working as a mechanic in Bogotá. Vargas's family was able to identify him in a video posted by Salvadoran President Nayib Bukele, showing the detainees arriving in El Salvador. In the footage, his hands are shackled, and his head is bowed in a moment of despair Vargas's family

In Colorado he worked odd jobs, delivering food and shoveling snow, doing whatever it took to provide for his family, his family said.

He was arrested in Aurora on extortion charges connected to an incident that occurred on the light rail, officials confirmed. He was later released from jail pending an investigation, and his family says that he was the victim of a scam.

The Drug Enforcement Administration – which participated in the arrest – released a photo of Vargas Lugo, identifying him as a member of Tren de Aragua, but hasn't disclosed any evidence. He has yet to be sentenced with a crime.

Vargas Lugo's family was able to identify him in a video posted by Bukele of the detainees arriving in El Salvador. His hands are shackled and his head bowed.



Henry Javier Vargas, 32, originally from La Guaira state on Venezuela's coast, had been living in Colorado for nearly a year when a family member identified him in a video posted by Salvadoran President Nayib Bukele. The footage showed Vargas among the Venezuelans deported to El Salvador's largest mega-prison, the largest in Latin America. In the video, his hands are shackled, and his head is bowed in a moment of despair. El Salvador Presidential Press Office

"The families are devastated and terrified of what might happen to them," said one of his cousins in Venezuela. "I haven't eaten all day just thinking about what they're going through."

Yamarte Fernandez's family is still planning to self deport back to Venezuela. His sister said she does not "blame Trump" because she was "taught not to judge others." But she said that the president's decisions are "reaching extremes that are impacting innocent people."



“Let us leave, but let us leave in a good way,” said Jare, Yamarte Fernandez’s sister. “Not leaving from here and ending up in a prison.”

## Afternoon Newsletter

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Verónica Egui Brito ha profundizado en temas sociales apremiantes y de derechos humanos. Cubre noticias dentro de la vibrante ciudad de Hialeah y sus alrededores para el Nuevo Herald y el Miami Herald. Nacida y criada en Caracas, Venezuela. Se unió al Herald en 2022. Verónica Egui Brito has delved into pressing social, and human rights issues. She covers news within the vibrant city of Hialeah, and its surrounding areas for el Nuevo Herald, and the Miami Herald. Born and raised in Caracas, Venezuela. Joined the Herald in 2022.



SB

Syra Ortiz Blanes covers immigration for the Miami Herald and El Nuevo Herald. Previously, she was the Puerto Rico and Spanish Caribbean reporter for the Heralds through Report for America.

## Join the Conversation

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Conversations are opinions of our readers and are subject to the [Community Guidelines](#).

## All Comments

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# EXHIBIT 5

## Families of deported Venezuelans are distraught their loved ones were sent to El Salvador

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 [nbcnews.com/news/amp/rcna196950](https://www.nbcnews.com/news/amp/rcna196950)

Didi Martinez, Daniella Silva, Carmen Sesin

March 19, 2025

SHARE THIS —

Relatives of recently deported Venezuelan immigrants said they were anguished and shocked to discover their loved ones were sent to a notorious mega-prison in El Salvador after they recognized them in a social media video.

The families strongly deny that their relatives are connected to the Venezuelan gang known as Tren de Aragua, a claim the Trump administration has used to justify their quick deportations under a rarely used law from 1798, the Alien Enemies Act. They say their family members have been falsely accused and targeted because of their tattoos.

The families also said they never expected their loved ones to be sent to a massive prison in El Salvador instead of their home country, Venezuela.

The White House said in a statement Tuesday that it was “confident in DHS intelligence assessments on these gang affiliations and criminality,” adding that the Venezuelan immigrants who were removed from the United States had final orders of deportation.

“This administration is not going to ignore the rule of law,” the statement said.



Relatives of Mervin Yamarte, 29, say he enjoyed playing recreational soccer with friends in Texas. Courtesy Mercedes Yamarte

Relatives of Mervin Yamarte, 29, said they were horrified to see him in a social media video showing men shackled as authorities dragged them from planes and shaved their heads in preparation to take them to prison.

The men were sent to the Terrorism Confinement Center, a lockup known for allegations of human rights abuses. Human rights organizations such as Human Rights Watch and Amnesty International have documented issues including extreme overcrowding and torture at the prison.

The video, released by Salvadoran President Nayib Bukele, claims the men were Venezuelan gang members deported from the United States.

Anayel Miquelina, a relative of Yamarte's, told Telemundo that Yamarte's mother and wife were distraught when they saw him in the video with his shirt ripped and head shaved.

"They fainted. They started screaming," she said.

The Trump administration announced the deportations this weekend of hundreds of immigrants it alleged were members of the gang to El Salvador under the Alien Enemies Act, which allows the president to deport noncitizens during wartime.

In court documents, an official with Immigration and Customs Enforcement said Monday that many of those who were removed from the United States under the Alien Enemies Act "do not have criminal records in the United States."

The official said that “the lack of specific information about each individual actually highlights the risk they pose” and that the government does not have a “complete profile” of alleged gang members who were deported to El Salvador.

Yamarte’s family said that he had an open asylum case with a hearing set for July and that he does not have a criminal record and was not connected to Tren de Aragua.

A check of criminal records in the city of Irving, Dallas County and the state of Texas, as well as federal court records, by NBC News did not find any charges or convictions for Yamarte. The Department of Homeland Security did not respond to a request for more information on whether he had a criminal background.

“We didn’t come to do harm to anybody. It’s not fair that because of a tattoo they involve us with a very crooked criminal gang,” said Juan Yamarte, his brother.



Juan Yamarte said his brother has the same tattoo as a soccer player he admires and the number 99 — the number he has used as a member of a recreational soccer team. He also has tattoos of his mother’s and daughter’s names, as well as the date he and his partner began dating, another brother told Telemundo. None of his tattoos are gang-related, the family said.

Juan Yamarte said his brother had been in the United States for more than a year before immigration officials took him last week at a home he shared with several other people.

“They grabbed him. They cuffed him all at once when he said, ‘Why are you taking me, too, if I haven’t done anything?’” he said.

On Monday, Yamarte's family and others in his hometown, Maracaibo, Venezuela, held a protest and a prayer vigil.

Several other families told NBC News they believe they saw their relatives in the video released by El Salvador. They claim their loved ones have been falsely accused of having gang connections.



Fritzgeralth De Jesus.Family photo

“He is a good kid. He has never committed a crime; he doesn’t have a criminal record,” the sister of Fritzgeralth De Jesus, one of the Venezuelans she says was deported to El Salvador, said as she cried uncontrollably. “He is young, hard-working and an athlete.”

De Jesus’ sister, who asked not to be identified because of fear of deportation, said she received a call from her brother, who had been detained by ICE officials, on Saturday “to say goodbye” because he was going to be deported to Venezuela.

## Recommended

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She grew increasingly worried when she did not hear from him, and she began to scour the internet hoping to find a clue to where he could be. She said she spotted him in Bukele’s video, which had gone viral on social media.



De Jesus, 25, entered the United States through the CBP One app in June, along with three other relatives, his sister said. The three family members were released into the United States right away, but De Jesus was sent to an immigration detention center in New Orleans, where he remained until he was deported, she said. It is unclear why De Jesus was detained; his family believes it may have been because of his tattoos.

“They detained him just because he has tattoos,” De Jesus’ sister said. “From the beginning, they asked constantly about his tattoos. They would ask him if he was a member of the criminal gang, Tren de Aragua, and he always said no.”

She said none of her brother's tattoos are gang-affiliated. Some of the more prominent ones include rose art on his neck and arm, an angel on his chest and a tattoo that says “mom” on his chest.

De Jesus had left Venezuela because “colectivos,” armed paramilitary groups that support President Nicolás Maduro, were harassing and extorting him, his sister said.

Joseph Giardina, an attorney based in Baton Rouge, Louisiana, who is representing De Jesus in his asylum case, was stunned to learn his client had been deported to El Salvador. The final hearing in his asylum case was scheduled for April 10.

When Giardina heard De Jesus had been deported, he checked online and saw that his asylum hearing was still pending. He thought there must have been a mix-up.

“With a pending asylum application and a trial, that would make absolutely no sense,” Giardina said. “I’ve been doing this for years. That’s not how it works.”

“He has been in proceedings for months. The government has never filed an I-213, which would indicate any criminal background. They have never filed any evidence of any kind of criminal history,” Giardina said.



Men alleged to be members of the Venezuelan criminal organization Tren de Aragua who were deported from the United States arrive in Tecoluca, El Salvador, in a photo released Sunday.El Salvador's Presidency Press Office via AFP - Getty Images

Mirelys Casique told Telemundo her family recognized her son, Francisco García Casique, in a photo released by the government of El Salvador. She said that while the man in the image was looking down, the family was able to identify him because of his tattoos.

“He’s not a criminal. He has no criminal record,” she said, adding that if the government was going to deport her son, “they should send him back to his country of origin.”

Trump invoked the Alien Enemies Act this weekend, and on Saturday, a federal judge issued a restraining order blocking him from using it to justify the deportations and ordered any planes that were already in the air to turn around.

In court documents, officials said three planes left the United States after Trump issued his proclamation, raising questions about the timing of the flights and the custody handover.

A federal judge reviewing the case Tuesday asked the administration for further details about the flights and which immigrants were deported solely based on the Alien Enemies Act.

The Venezuelan government has since publicly condemned the detention of its citizens in El Salvador and issued a travel warning to those in the United States and those planning to travel abroad.




“We are calling on the international community to stay alert against these practices that serve against human dignity and the principles of international rights,” Venezuela’s Foreign Affairs Ministry said in a statement Monday.

# EXHIBIT 6

# Trump Officials Say Deportees Were Gang Members. Few Details Were Disclosed.

Families and immigration lawyers argue not all of the deportees sent to a prison in El Salvador over the weekend had ties to gangs.

 Listen to this article · 8:07 min [Learn more](#)



By Jazmine Ulloa and Zolan Kanno-Youngs

Jazmine Ulloa and Zolan Kanno-Youngs reported from Washington, D.C.

Published March 18, 2025 Updated March 19, 2025, 11:34 a.m. ET

In the days since the federal government sent hundreds of Venezuelan immigrants to a prison in El Salvador, Washington has been debating whether the White House did indeed defy a federal judge who ordered the deportation flights to turn around and head back to the United States.

But beyond the Trump administration's evident animus for the judge and the court, more basic questions remain unsettled and largely unanswered: Were the men who were expelled to El Salvador in fact all gang members, as the United States asserts, and how did the authorities make that determination about each of the roughly 200 people who were spirited out of the country even as a federal judge was weighing their fate?

The Trump White House has said that most of the immigrants deported were members of the Venezuelan gang Tren de Aragua, which, like many transnational criminal organizations, has a presence in the United States. Amid the record numbers of migrants arriving at the southern border in recent years, the gang's



presence in some American cities became a rallying cry for Donald J. Trump as he campaigned to return to the White House, claiming immigrants were invading the country.

After Mr. Trump returned to power in January, Tren de Aragua remained a regular talking point for him and his immigration advisers, and the deportation flights last week were the administration's most significant move yet to make good on its promise to go after the gang. But officials have disclosed little about how the men were identified as gang members and what due process, if any, they were accorded before being placed on flights to El Salvador, where the authoritarian government, allied with Mr. Trump, has agreed to hold the prisoners in exchange for a multimillion-dollar payment.

The Justice Department refused to answer basic inquiries on Monday about the deportations from the federal judge in Washington, D.C., who had ordered the deportation flight to return to the United States. On Tuesday afternoon, he ordered the Justice Department to submit a sealed filing by noon on Wednesday detailing the times at which the planes had taken off, left American airspace and ultimately landed in El Salvador.

More than half of the immigrants deported over the weekend were removed using an obscure authority known as the Alien Enemies Act of 1798, which the Trump administration says it has invoked to deport suspected Venezuelan gang members age 14 or older with little to no due process. The rarely invoked law grants the president broad authority to remove from the United States citizens of foreign countries whom he defines as "alien enemies," in cases of war or invasion.

In a court document it filed on Monday night after the hearing, Robert L. Cerna II, a senior Immigration and Customs Enforcement official, asserted that each of the individuals had been investigated and vetted and that those efforts had involved surveillance data, a review of financial transactions and interviews with victims.

But a number of questions were raised by Mr. Cerna's filing, in which he said an ICE database showed that some of those sent to El Salvador under the Alien Enemies Act had been arrested and convicted in the United States "for dangerous

offenses” and that others had convictions outside the country.

Mr. Cerna also acknowledged, though, that “many” did not have criminal records in American courts, though he said that did not mean they would “pose a limited threat.” Still others were said to have been in proximity to Tren de Aragua members during law enforcement raids on vehicles and residences when they were caught in the dragnet.

A growing chorus of families, elected officials and immigration lawyers have begun coming forward in the news media to reject or cast doubt on the allegations. Some lawyers — sent into frantic searches for their clients in detention centers across the country — believe their clients have been singled out simply for their tattoos. Immigration lawyers in New York were able to stop the deportation of at least one Venezuelan who they said had no ties to the gang.

Lindsay Toczylowski, a lawyer with the Immigrant Defenders Law Center, said her client was a young professional in his 30s who worked in the arts industry and had been in detention since he sought entry into the United States last year, when he applied for asylum using an online government app, CBP One. She said her client had come under suspicion because of his tattoos, but his lawyers had not been given the opportunity to counter the claims through a court hearing.

He was transferred earlier this month from California to Texas, she said, and by Saturday, he had disappeared from the online detainee locator.

“Our client is proof that they didn’t do the due diligence to understand who they were sending to El Salvador at all,” she said, declining to name the young man out of concern for his safety.

Some Democrats have not just accused the Trump administration of violating a court order but have also questioned whom the administration sent to El Salvador to be imprisoned.

“The Trump administration is deporting immigrants without due process based solely on their nationality,” Senator Dick Durbin, Democrat of Illinois, said in a statement on Monday. “Courts determine whether people have broken the law. Not

a president acting solo.”

More than 260 people deported to El Salvador over the weekend included 137 people removed through the Alien Enemies Act. An additional 101 were Venezuelans were deported under normal immigration proceedings, according to Trump administration officials.

Lawyers and legal experts said that even under wartime conditions, detainees are entitled to due process.

“The Alien Enemy Act expressly provides for ‘a full examination and hearing’ before noncitizens can be removed under the statute,” Stephen Vladeck, a professor of law at the Georgetown University Law Center, said in an email. “Even in the middle of the Second World War, federal courts would hold hearings to determine if alleged alien enemies were, in fact, citizens of countries with which we’re at war.”

The government of Venezuela has forcefully condemned the transfer of Venezuelans to El Salvador and the use of the wartime authority by the Trump administration. In a statement on Sunday, the government of Nicolás Maduro denounced what he called the “threat of kidnapping” of minors as young as 14 by labeling them as terrorists, claiming that they are “considered criminals simply for being Venezuelan.”

Mariyin Araujo, 32, said the father of her two daughters, 2 and 6, had fled Venezuela after he participated in two demonstrations against Mr. Maduro’s authoritarian government. On the second occasion, he and other protesters were captured and tortured, with electric shocks and suffocation. He registered through the CBP One application in Mexico and was detained in San Diego when he presented himself for his appointment, Ms. Araujo said.

He was a professional soccer player and coach, and he had a tattoo on his arm of a crown atop a soccer ball. Ms. Araujo said that immigration officials associated the crown with the Venezuelan gang and that they had submitted documents showing that her ex-husband had no criminal history, along with photographs and letters

from his employer to show he was a law-abiding citizen. But before his case had been decided, he called to tell her they were moving him to a detention center in Texas.

She did not know his whereabouts until she recognized him in a photo on social media, she said. He was sitting on the floor with his head bowed down in a white prison uniform with other detainees in El Salvador. She has tried to reach out to prison officials there, but she has since learned the facility where he is being held is notorious for not allowing phone calls or family visits.

“There was something inside of me that held out hope that it would not be him, but it was him,” she said. “He is not a criminal.”

Annie Correal and Luis Ferré-Sadurní contributed reporting.

Jazmine Ulloa is a national politics reporter for The Times, covering the 2024 presidential campaign. She is based in Washington. [More about Jazmine Ulloa](#)

Zolan Kanno-Youngs is a White House correspondent for The Times, covering President Trump and his administration. [More about Zolan Kanno-Youngs](#)

# EXHIBIT 7



# Venezuelan Families Fear for Relatives as Trump Celebrates Deportations

The news that hundreds of migrants were headed to an El Salvador prison caused panic for some Venezuelans, who worried that their loved ones might be among them.



By Annie Correal  
Reporting from Mexico City

March 16, 2025

Mirelis Casique's 24-year-old son last spoke to her on Saturday morning from a detention center in Laredo, Texas. He told her he was going to be deported with a group of other Venezuelans, she said, but he didn't know where they were headed.

Shortly after, his name disappeared from the website of the U.S. immigration authorities. She has not heard from him since.

"Now he's in an abyss with no one to rescue him," Ms. Casique said on Sunday in an interview from her home in Venezuela.

The deportation of 238 Venezuelans to El Salvador this weekend has created panic among families who fear that their relatives are among those handed over by the Trump administration to the Salvadoran authorities, apparently without due process.

The men were described by the White House press secretary, Karoline Leavitt, as "terrorists" belonging to the Tren de Aragua gang. She called them "heinous monsters" who had recently been arrested, "saving countless American lives." But several relatives of men believed to be in the group say their loved ones do not have gang ties.

On Sunday, the Salvadoran government released images of the men being marched into a notorious mega-prison in handcuffs overnight, with their heads newly shaven.

Like other Venezuelan families, Ms. Casique has no proof that her son, Francisco Javier García Casique, is part of the group, which was transferred to El Salvador on Saturday as part of a deal between President Nayib Bukele and the Trump administration. The Salvadoran leader has offered to hold the Venezuelan migrants at the expense of the U.S. government.

However, Ms. Casique said that not only had her son's name disappeared from the website of U.S. Immigration and Customs Enforcement, she also recognized him in one of the photos of the recently arrived deportees that El Salvador's government has circulated. When she saw him in the photograph, she said, she felt "broken at the injustice" of what was taking place.

Neither government has made public the names of the Venezuelan deportees, and a spokeswoman for the Salvadoran government did not respond to a request for confirmation that Ms. Casique's son was part of the group. The U.S. Department of Homeland Security, which oversees Immigration and Customs Enforcement, did not respond to a request to confirm whether Mr. García had been deported to El Salvador, either.

Ms. Casique said she had identified Mr. García by the tattoos on one of his arms, as well as by his build and complexion, though his face was not visible. The photo shows a group of men in white shirts and shorts with shaved heads, their arms restrained behind their backs.

In recent years, Venezuelans have migrated to the United States in record numbers, as their country has spiraled into crisis under the government of Nicolás Maduro. Because Mr. Maduro, unlike most other leaders in the region, has not accepted regular deportation flights from the United States, the Trump administration has been looking for other ways to deport Venezuelans.

On Sunday, Venezuela's government forcefully denounced the transfer of the migrants to El Salvador, saying in a statement that the United States had used an outdated law — the Alien Enemies Act of 1798 — to carry out an illegal operation that violated both American and international laws.

From the start of his presidential campaign, Mr. Trump has focused on Tren de Aragua and its presence in the United States. When he deported a large group of Venezuelans last month to Guantánamo, a U.S. military base on Cuba, Mr. Trump also said that the deportees belonged to the gang, a claim that some of their relatives have denied.

Neither the United States nor the Salvadoran government has offered evidence that the migrants are connected to Tren de Aragua, a gang that originated in Venezuela's prisons but whose reach now extends throughout Latin America. Mr. Trump, whose government designated it a terrorist group, has zeroed in on incidents that, he said, show the presence of Tren de Aragua in the United States.

Mr. Bukele said that the deportees would be held for at least a year and made to perform labor and attend workshops under a program called "Zero Idleness."

Ms. Casique said her son had no gang affiliation and had entered the United States to seek asylum in late 2023, after several years spent working in Peru to support his family back home. During his journey north, he was injured in Mexico when he fell from a train, she said.

Mr. García, who had turned himself over to the authorities at the U.S. border, was detained at a routine appearance before immigration officers last year after they spotted his tattoos, Ms. Casique said.

The tattoos, which she says include a crown with the word "peace" in Spanish and the names of his mother, grandmother and sisters, led the authorities to place Mr. García under investigation and label him as a suspected member of Tren de Aragua, according to Ms. Casique.

Mr. García remained in a detention center in Dallas for two months, his mother said, but a judge ultimately decided that he did not pose a danger and allowed him to be released as long as he wore an electronic device to track his movements.

The New York Times could not independently verify why he had been held and released.

After Mr. Trump's inauguration this year, Mr. García became worried, but Ms. Casique remembered telling her son that he had nothing to fear: The administration said it would go after criminals first.

But on Feb. 6, the authorities arrived at Mr. García's door and took him into custody.

"I told him to follow the country's rules, that he wasn't a criminal, and at most, they would deport him," Ms. Casique said. "But I was very naïve — I thought the laws would protect him."

Gabriel Labrador contributed reporting from San Salvador.

Annie Correal reports from the U.S. and Latin America for The Times. More about Annie Correal

# EXHIBIT 8

Learn more about [LSEG](#)


## Relatives of missing Venezuelan migrants desperate for answers after US deportations to El Salvador

 **Reuters**

my news  



[1/4] Franco Caraballo, 26, a Venezuelan migrant whose family believes he was sent from the United States to a prison in El Salvador, takes a selfie with his wife Johanny Sanchez, in this undated handout... [Purchase Licensing Rights](#)  [Read more](#)



Feedback

### Summary

- U.S. provides no details on identities of deported Venezuelans
- Rubio says all deportees had been identified as gang members
- Woman spots brother in El Salvador prison garb in online images
- Relatives protest innocence of family members

March 17 (Reuters) - Family members of Venezuelan migrants who suspect their loved ones were sent to El Salvador as part of a rapid U.S. deportation operation over the weekend are struggling to get more information as a legal battle plays out.

**344a**

Advocates have launched a [WhatsApp helpline](#) for people searching for family members, while immigration attorneys have tried to locate their clients after they went dark.

The Reuters Daily Briefing newsletter provides all the news you need to start your day. Sign up [here](#).

In a [proclamation](#) published on Saturday, U.S. President Donald Trump [invoked](#) the 1798 [Alien Enemies Act](#) to swiftly deport what the White House said were members of the Venezuelan gang Tren de Aragua. The Trump administration used the authority to deport 137 Venezuelans to El Salvador on Saturday even as a judge [ordered the removals halted](#), sparking a legal standoff.

The sudden move caused confusion among family members and immigration advocates.

"This chaos is purposeful," said Anilú Chadwick, pro bono director of the advocacy group Together & Free. "They want to exhaust people and exhaust resources."

The U.S. Department of Homeland Security did not immediately respond to a request for comment.

The Trump administration has provided few details so far on the identities of those who were deported.

But Solanyer Sarabia believes she saw her 19-year-old brother, Anyelo, among images shared online of the Venezuelans deported to El Salvador's mega-prison. His head had been shaved and he was dressed in white prison garb.

Anyelo had told his sister on Friday night that he would be deported to Venezuela, she said in a phone interview with Reuters from Texas.

Solanyer said her brother had been detained on January 31 after an appointment at a U.S. Immigration and Customs Enforcement office. He had crossed the U.S.-Mexico border illegally with Solanyer and another sister in November 2023 and had been released to pursue a claim for asylum.

Solanyer said an ICE officer told her that her brother was detained because of a tattoo that linked him to [Tren de Aragua](#), a violent gang with Venezuelan prison origins that has spread through the Americas. She said the tattoo depicted a rose and that he had gotten it in a tattoo parlor in Dallas.

"He thought it looked cool, looked nice, it didn't have any other significance," she said, stressing that he is not a gang member.

ICE did not immediately respond to a request for comment on Sarabia's case.

"It's extremely disturbing that hundreds of people were flown on U.S. government planes to El Salvador and we still have no information on who they are, their attorneys were not notified and families are left excruciatingly in the dark," said Lindsay Toczylowski, executive director at the Immigrant Defenders Law Center.

El Salvador's President [Nayib Bukele](#) has gained international attention for his crackdown on gangs in the Central American country. Supporters say his tactics have driven down violent crime, but rights groups have accused his administration of torture, arbitrary detentions, and other abuses in the country's prisons.

## MISSING

Johanny Sanchez, 22, suspects her husband Franco Caraballo, 26, who was detained in Texas, could now be in El Salvador, but does not know for sure.

Sanchez says Caraballo called her on Friday at around 5 p.m. to tell her he would be deported to Venezuela. He was confused because he had a pending asylum claim and a court date set for Wednesday.

Sanchez said on Saturday morning she looked him up on an online U.S. government immigration system where detainees' locations are logged and saw that it said he was no longer listed as being at a detention center.

She spoke with Caraballo's family in Venezuela who told her they had not heard anything. By 7 p.m. on Saturday, she was desperate for information. Then at around 11 p.m., she saw news reports about deportations from the United States to El Salvador.

ICE did not immediately respond to a request for comment on Caraballo's case.

Caraballo had multiple tattoos including ones of roses, a clock with this daughter's birth time, a lion and a shaving razor, said his wife.

"I've never seen him without hair, so I haven't recognized him in the photos," she said. "I just suspect he's there because of the tattoos that he has and right now any Venezuelan man with tattoos is assumed to be a gang member", she added, citing also the fact that he has effectively gone missing.

Sanchez said her husband has never been a member of Tren de Aragua.

U.S. Secretary of State Marco Rubio said on Monday that U.S. law enforcement authorities had spent the better part of a year assembling a roster of known gang members. All the people deported to El Salvador had been on that list, he said.

"If one of them turns out not to be, then they're just illegally in our country, and the Salvadorans can then deport them to Venezuela," Rubio said.

# EXHIBIT 9



## Trump invokes 1798 Alien Enemies Act, orders deportation of suspected Venezuelan gang members

 [cbsnews.com/news/trump-invokes-1798-alien-enemies-act](https://www.cbsnews.com/news/trump-invokes-1798-alien-enemies-act)

Camilo Montoya-Galvez



### Politics

By

Updated on: March 16, 2025 / 6:09 PM EDT / CBS News

President Trump on Saturday invoked the Alien Enemies Act of 1798 to order the swift detention and deportation of all Venezuelan migrants suspected of being members of the Tren de Aragua prison gang, treating them like wartime enemies of the U.S. government.

In his proclamation, the president argued the Venezuelan gang was "perpetrating, attempting, and threatening an invasion or predatory incursion against the territory of the United States," the legal threshold for invoking the 227-year-old war authority.

The president directed the Departments of Homeland Security and Justice to "apprehend, restrain, secure, and remove every" Venezuelan migrant, 14 or older, who is deemed to be part of Tren de Aragua and who lacks U.S. citizenship or permanent residency.

Those subject to the law would be eligible to be summarily arrested, detained and deported, without any of the due process protections outlined in U.S. immigration law, which include opportunities to see a judge and request asylum. Instead, they would be treated as enemy

aliens and processed under America's wartime laws.

But Mr. Trump's directive was dealt an almost immediate blow on Saturday, after a federal judge agreed to block the government from deporting anyone in U.S. immigration custody subject to the president's Alien Enemies Act proclamation.

At the request of a lawsuit filed by the American Civil Liberties Union, James Boasberg, chief judge for the U.S. District Court in Washington, D.C., temporarily blocked those deportations through a 14-day temporary restraining order. Deportation flights in the air with deportees subject to Mr. Trump's decree should return to the U.S., Boasberg indicated during a hearing Saturday evening.

Earlier Saturday, Boasberg issued another order blocking the deportation of five Venezuelan migrants in immigration detention who the ACLU said were at risk of being expelled under Mr. Trump's directive.

"We are thrilled the judge recognized the severe harm our plaintiffs would face if removed," said Lee Gelernt, the ACLU attorney leading the lawsuit against Mr. Trump's proclamation. "The President's use of the Alien Enemies Act is flat out lawless."

The Justice Department forcefully denounced the court order. "Tonight, a DC trial judge supported Tren de Aragua terrorists over the safety of Americans. TdA is represented by the ACLU," Attorney General Pam Bondi said in a statement. "This order disregards well-established authority regarding President Trump's power, and it puts the public and law enforcement at risk."

As Mr. Trump's proclamation was litigated in Washington, the U.S. deported more than 260 migrants to El Salvador over the weekend, including Venezuelans with alleged ties to Tren de Aragua. Salvadoran President Nayib Bukele posted a video showing some of the deportees being escorted by armed soldiers and police, having their heads shaved and marched into a prison.

A senior administration official said 137 of the 261 deportees sent to El Salvador were alleged Venezuelan gang members expelled under the Alien Enemies Act. Another 101 Venezuelans were deported under regular immigration law, the official said. The group, the official added, also included 21 Salvadorans accused of MS13 gang membership and two "special cases" that Bukele described as gang leaders wanted by El Salvador's government.

In a filing on Sunday, the Justice Department said the alleged Venezuelan gang members "had already been removed from United States territory" under the Alien Enemies Act before the court order barring the expulsions.

The White House denied it had defied the judge's order. "The Administration did not 'refuse to comply' with a court order," White House press secretary Karoline Leavitt said in a statement. "The order, which had no lawful basis, was issued after terrorist (Tren de Aragua) aliens had already been removed from U.S. territory."

Leavitt added, "A single judge in a single city cannot direct the movements of an aircraft carrier full of foreign alien terrorists who were physically expelled from U.S. soil."

Mr. Trump's extraordinary order is breathtaking in its scope and has little precedent in U.S. history. The law it cites, enacted 22 years after the Declaration of Independence, references invasions and incursions staged by "any foreign nation or government."

The centuries-old statue has been invoked only a few times in American history, including during World War I and World War II, when U.S. officials cited it to surveil and detain foreigners from Italy, Germany and Japan.

But never before has the Aliens Enemies Act been invoked to target migrants from countries with which the U.S. is not actively at war or with the premise that a non-state actor is staging an invasion or incursion of the U.S.

Mr. Trump in his order argued Tren de Aragua is "closely aligned" with the repressive government of Venezuelan President Nicolas Maduro.

"(Tren de Aragua) has engaged in and continues to engage in mass illegal migration to the United States to further its objectives of harming United States citizens, undermining public safety, and supporting the Maduro regime's goal of destabilizing democratic nations in the Americas, including the United States," Mr. Trump said in his order.

In:

- Venezuela
- Trump Administration

Camilo Montoya-Galvez

Camilo Montoya-Galvez is the immigration reporter at CBS News. Based in Washington, he covers immigration policy and politics.

Twitter



# EXHIBIT 10

DONATE



# Was a Venezuelan deported as a terrorist because of a tattoo celebrating his child?

WLRN Public Media | By [Tim Padgett](#)

Published March 19, 2025 at 7:00 AM EDT



LISTEN • 4:45



*Courtesy Johanny Sanchez*

Asylum Seekers: Venezuelan migrants Franco Caraballo (right) and wife Johanny Sanchez at their 2024 wedding in Sherman, Texas. Caraballo is believed to be among the 238 Venezuelans deported to El Salvador by the Trump Administration last weekend as gang "terrorists."



WLRN South Florida  
**Weeknight Jazz**

**351a**

Last Saturday night, 238 Venezuelan migrants deported from the U.S., in apparent violation of a federal court order, arrived in El Salvador and were processed into a high security prison.

The Trump administration had expelled most of them as terrorists under the 1798 Alien Enemies Act because — it said — they were members of the violent Venezuelan criminal gang known as Tren de Aragua.

The administration has not released the names of the deportees. But at least one migrant who appears to be among them also appears not to be a gang member, let alone an alien enemy terrorist — and appears to have been branded as such for nothing more than a tattoo.

"It's a travesty," says Miami immigration attorney Martin Rosenow of Coconut Grove. He represents Franco José Caraballo Tiapa, a 26-year-old Venezuelan barber who crossed the U.S. southern border with his wife two years ago seeking asylum.

**READ MORE:** [Trump administration deports hundreds of immigrants to El Salvador even amid court challenge](#)

When Caraballo went to an asylum application appointment in Dallas, Texas, last month, an agent from the Immigration and Customs Enforcement agency, or ICE, noticed a tattoo on his arm.

"It was a clock with the time of birth of his daughter," Rosenow told WLRN.



*Courtesy Johanny Sanchez*

Franco Caraballo's arm tattoo — a clock showing the time of his daughter's birth, which is a popular style of tattoo in Venezuela today, but which U.S. authorities say is a tell-tale sign someone is a member of the Venezuelan Tren de Aragua criminal gang.

That kind of tattoo is popular in Venezuela. But U.S. authorities identify it as a favorite of Tren de Aragua, which formed back in the Venezuelan state of Aragua.

So, according to court records reviewed by WLRN, ICE agents — apparently solely on that basis — accused Caraballo of being a Tren de Aragua gang member, despite the fact that he had no criminal record in either Venezuela or the U.S.

The document also accuses Caraballo of not crossing the U.S. border "at a prescribed point of entry," although that appears not to have been an issue in his case until ICE decided to accuse him of Tren de Aragua membership.

ICE acknowledged on Tuesday that "many" of the Venezuelans deported as gang members in fact did not have criminal records. But it asserted — questionably if not speciously, say critics — that this "actually highlights the risk they pose."

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"I'm nauseous. We fight for our clients' civil rights and we're taught to abide by the Constitution —

and this is just a flagrant violation of everything we know.”

Attorney Martin Rosenow

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Either way, Caraballo is likely not the only Venezuelan migrant deported last weekend who was rounded up under that seemingly arbitrary criterion. Several families in Venezuela claim to have recognized the faces of sons or siblings in video released from the arrival of the Venezuelan migrants in El Salvador; and they too insist their relatives are not Tren de Aragua members.

Moreover, in many cases, they insist the deportation involved a hasty and unjust assumption that a tattoo identified a terrorist.

ICE says it cannot comment on individual immigration cases. But Caraballo was detained and processed for deportation, according to ICE locator records – and Rosenow is convinced he was on Saturday's flight from Texas to El Salvador.

“We don’t have a hundred percent certainty, because they haven’t released a list,” Rosenow says, “but all the people that fit under this pattern, the ICE locator system as of Saturday shows that they no longer exist in the system.”



Department of Homeland Security

Person's Name <b>CARABALLO TIAPA, FRANCO JOSE</b>	File Number <b>245 403 693</b>	Date <b>02/03/2025</b>
Event No: <b>DAL2502000278</b>		

**Present Administrative Charges**  
 (03/2025 - 212a6A1 - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)

**CRIMINAL AFFILIATIONS**  
 Subject has been identified as a Member/Active of Tren de Aragua

**Records Checked**  
 TIC Pos  
 IS Pos  
 LAIM Neg  
 ARM Neg  
 GI Pos

**Record of Deportable/Excludable Alien:**  
**CRIMINAL HISTORY:**  
 None known at this time.

**IMMIGRATION HISTORY:**  
 The subject entered the U.S. without inspection at or near Eagle Pass, Texas on or about October 28, 2023. The subject was apprehended and released by United States Border Patrol via prosecutorial discretion on October 29, 2023. The subject was instructed to report to the nearest ICE/ERO office of their final U.S. destination for case processing.

**ENCOUNTER:**  
 The subject reported as scheduled to SI office in Dallas, Texas on February 3, 2025, subject was arrested by ERO officers. Upon processing, the subject was determined to be a citizen and national of Venezuela who is illegally present in the United States. The subject stated that both of his parents are also citizens of Venezuela. The subject was fingerprinted, photographed, and entered in EAGLE/IDENT and IAFIS systems. Checks were conducted in CIS, EARM, NCIC and TECS. These checks revealed the immigration histories above.

**ADMISSIBILITY / REMOVABILITY:**  
 The subject freely stated that he is a citizen and national of Venezuela who last entered the United States on or about October 28, 2023 at or near Eagle Pass, TX. The subject did not present himself for inspection or admission by an immigration officer at a prescribed port of entry. The subject does not possess any type of immigration document that would allow him to reside or work legally in the United States. The subject is removable under Section 212 (a) (6) (A) (i) of the Immigration and Nationality Act.

The subject has been advised of his right to speak with a consular official from his country and afforded the opportunity. He was also provided a list of free legal services.

**MILITARY SERVICE:**  
 The subject has never served in the United States Military.

Signature: **GABRIEL MARTINEZ** Title: **Special Agent**

2 of 3 Pages

Form I-471 Continuation Page (Rev. 08/01/07)

ICE

A Immigration and Customs Enforcement document from Feb. 3, 2023, concluding that Franco Caraballo is a Tren de Aragua member, based on his tattoos. It also acknowledges he has no criminal history in the U.S.

In almost all cases, this means deportation.

In the court records, ICE plainly acknowledges Caraballo had no criminal history in the U.S. According to Venezuela’s government, he had no criminal past there, either.

A hearing on his case was supposed to take place this week – but Saturday's peremptory deportation, Rosenow says, denied him of that due process, which is supposed to apply to undocumented migrants as well as U.S. citizens.

"I'm nauseous," Rosenow said. "We fight for our clients' civil rights and we're taught to

Secretary of State Marco Rubio said the deportations were “a historic measure to make America safer.” But the Trump Administration may have carried them out in defiance of a federal judge’s ruling that questioned the constitutionality of invoking the 18th-century Alien Enemies Act.

As big a question hanging over the operation is how U.S. authorities determined the Venezuelans were so-called *Tren de Aragua* “terrorists” under that law.

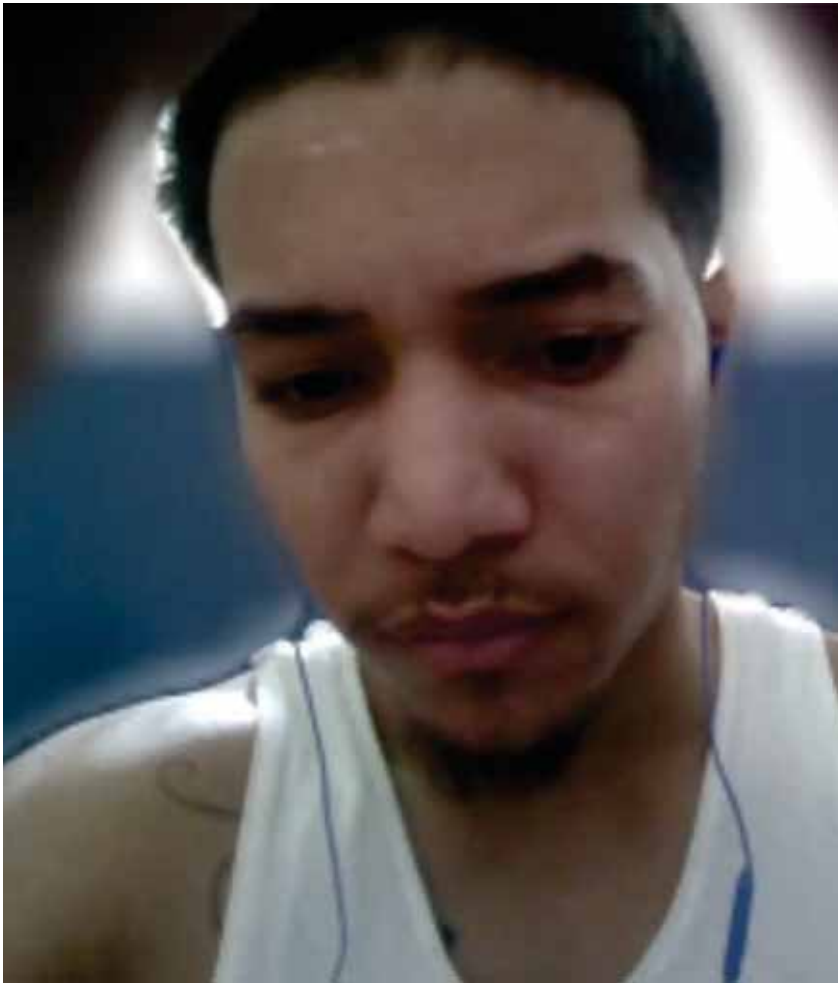
This week President Trump’s border czar, Tom Homan, said it was done “through various investigations.”

“Through social media, through their activities, through their criminal records here and abroad. The review of this issue was at the highest level I’ve seen,” he said.

**READ MORE:** [Migrant crimes bring Venezuelans to their own 'Mariel moment'](#)

But Franco Carballo’s case seems to contradict Homan’s claim of thorough investigation.

Carballo’s 22-year-old wife, Johanny Sánchez, told WLRN from Dallas the couple arrived in the U.S. in October 2023 after an often dangerous, three-month trek from their home state of Yaracuy, Venezuela.



*Courtesy Johanny Sanchez*

Franco Caraballo in detention in Texas last month, after being accused of being a Tren de Aragua member, in a FaceTime phone video photo taken by his wife.

The couple settled in Sherman, Texas, near Dallas, where they married last year, and have supported themselves with barber and housecleaning work. Caraballo's daughter – whom he insists his tattoo is dedicated to – is from a previous marriage and lives in Venezuela with grandparents. He planned to send for her after he and Sánchez received asylum.

In Yaracuy, Sánchez says, Caraballo was a barber (his shop had [a Facebook page](#)) an avid soccer player – and, as he told U.S. immigration authorities, a target of persecution by Venezuela's brutal dictatorship.

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“It's like he was kidnapped for nothing more than a

is labeled as Tren de Aragua."

Johanny Sánchez

The reason: he opposed the left-wing regime – which the U.N. has accused of crimes against humanity, and which is widely blamed for the worst humanitarian crisis in modern South American history – and he had taken part in anti-regime marches led by Venezuelan opposition leader María Corina Machado, they say.

"In 2019 he was arrested and held for two days," Sánchez said, "and they beat him up. He's afraid if goes back now they'll treat him as a traitor to the state."



Venezuelan Interior Ministry

Venezuelan government confirmation, dated March 17, 2025, that Franco Carballo has no criminal record in that

Carballo spoke to Sánchez last Friday from detention in Laredo, Texas. He told her they'd boarded him and the other Venezuelans on a deportation flight that day, but it was canceled due to bad weather, and they were told they would be flown out of the U.S. on Saturday.

Sánchez said she hasn't heard from him since that call.

"He told me, 'Honey, this is probably the last call I'll be able to make to you,' and then he just disappeared," Sánchez says. "It's like he was kidnapped for nothing more than a tattoo."

Tattoos like Carballo's have become a focus of whether migrants are being fingered arbitrarily as gang members.

One advice many immigration attorneys now give clients who have the popular clock tattoos marking birth times, for example, is to have a birth certificate with that time on hand, to confirm to authorities that the tattoo commemorates a child, not a gang.

Either way, says Sánchez, "It feels like any Venezuelan immigrant now is labeled as Tren de Aragua."

## **Rise in anti-Venezuelan discrimination**

The gang represents only a miniscule share of Venezuelan migrants in the U.S. But anti-Venezuelan discrimination has in fact been on the rise since Trump's presidential campaign last year – when he made the Tren Aragua gang and its crime sprees in cities like New York and Aurora, Colorado, central to his xenophobic anti-immigration platform.

"It's troubling for all Venezuelans that we are being painted as criminals, when we make up only 2% of the estimated 11 million unauthorized immigrants in the United States," says Venezuelan exile and Miami attorney Maria Corina Vegas, a diaspora advocate.

"We are being vilified and scapegoated for the immigration crisis. It flies in the face of constitutional due process," Vegas added, "And it can happen to any national group now."

Vegas says that's why Trump felt emboldened last month to strip hundreds of thousands of Venezuelan migrants of their Temporary Protected Status, or TPS, which shields them from deportation.



Tim Padgett / WLRN

Franco Caraballo's attorney, Martin Rosenow, at his Coconut Grove office pointing out the court hearing Caraballo was supposed to have this week — but was not granted because he was deported last weekend.

"They were granted in TPS precisely in recognition that deporting people back to Venezuela would be inhumane."

Meanwhile, as for migrants like Franco Caraballo and the rest who were deported over the weekend to a prison in El Salvador as gang members on questionable evidence like tattoos?

Their best hope for freedom now is that Salvadoran President Nayib Bukele will deport them back to Venezuela — the hell they came to the U.S. to escape in the first place.

**Tags**

- Immigration
- Tren de Aragua
- News
- Local News
- Venezuela
- Trump 47: Immigration



# EXHIBIT 11

IMMIGRATION

# Despite refugee status in the U.S., young Venezuelan was deported to Salvadoran prison

By Verónica Egui Brito

Updated March 21, 2025 5:34 PM

🔍 **Miami Herald**

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A screengrab from a video obtained from the El Salvador Presidential Press Office shows alleged members of the Venezuelan gang Tren de Aragua, deported by the U.S. government, detained at the Terrorism Confinement Center in Tecoluca, El Salvador, on March 16, 2025. *El Salvador Presidential Press Office*

E.M. and his girlfriend fled persecution in their native Venezuela in 2021 and dreamed of making a new life in the United States.

The young couple spend two years in Colombia before applying for refugee status in 2023 to come to the U.S. Struggling to survive in Colombia, they worked tirelessly in informal jobs, selling food on the streets and making deliveries to make ends meet.

On Jan. 8, after they were finally granted the coveted refugee status, E.M., 29, and his girlfriend, Daniela Palma, 30, finally arrived in the United States, flying into Houston.

Upon arrival, an immigration officer asked the young man the question that changed his life in moments.

“Do you have any tattoos?”

He had already been asked that by U.S. authorities in Colombia as part of an extensive background check, and he now gave the same answer. He lifted his shirt and pants and showed the immigration officer tattoos on his chest, legs and arms — a crown, a soccer ball and a palm tree.

At that point, it no longer mattered that he had no criminal record, and that he had been granted refugee status, with the full legal right to enter the United States. Immigration officials decided the tattoos were evidence enough to suspect he might be a member of Tren de Aragua, a prison-born Venezuelan gang whose members have earned a reputation in Latin America as fearless and ruthless.

E.M., whom the Miami Herald is not identifying by his full name for his safety in case he is forced to return to Venezuela, was detained. His girlfriend, threatened with detention for months herself, agreed to be deported back to Colombia.

E.M. spent the next couple of months in three different immigration detention centers in Texas, his girlfriend said.

On March 15, the Trump administration deported him, along with over 200 other Venezuelans, to El Salvador, where they were promptly imprisoned in a maximum-security facility with a troubling history of violating human rights and where men sleep hundreds to a cell on steel beds with no mattresses or pillows.



A screengrab from a video obtained from the El Salvador Presidential Press Office shows alleged members of the Venezuelan criminal organization Tren de Aragua, deported by the U.S. government, detained at the Terrorism Confinement Center in Tecoluca, El Salvador, on March 16, 2025. *El Salvador Presidential Press Office*

His girlfriend and his family suspected he had been sent to the fearsome prison, the *Centro de Confinamiento del Terrorismo* — Terrorism Confinement Center, known by its Spanish initials, CECOT. On Thursday, CBS News got its hands on the entire list of all Venezuelans sent to El Salvador. E.M.’s name was on it.

E.M. is not the only Venezuelan granted refugee status in the U.S. who was deported to El Salvador, the Herald has learned; another man, who was detained longer than E.M., shared the same fate. However, his family has chosen to remain anonymous to avoid jeopardizing his safety.

## **Rebuilding their lives**

E.M. fled his country in 2021 with his girlfriend to escape persecution they endured from the government. They had been targeted by authorities and *colectivos* — Venezuelan armed paramilitary groups — in their hometown, his girlfriend said, for exposing government shortcomings and for their efforts to help their local community.

The couple fled to Colombia, which shares a large — and porous — land border with Venezuela.

For the next three years, E.M. and Palma worked to rebuild their lives. E.M. mainly worked in deliveries, navigating the busy streets of Bogota to earn enough to support themselves while awaiting the results of their refugee status application.

They applied for refugee status — a protection granted to individuals who are unable or unwilling to return to their home country due to past persecution or a well-founded fear of future persecution — to enter the United States. They kept out of trouble — neither had a criminal record in Colombia or Venezuela, according to the Colombian National Police and the Venezuelan Ministry of the Interior and Justice.

The next 17 months were filled with background and criminal checks and countless interviews — by the United Nations High Commissioner for Refugees, the International Organization for Migration, and finally U.S. Citizenship and Immigration Services.

During their interview with the U.S. agency in September, an officer asked E.M. and his girlfriend if they had any tattoos. E.M. said he did, his girlfriend said. The

officer didn't raise any alarms, and the tattoos didn't appear to be an issue. After the thorough background checks, the couple was granted refugee status, their future seemingly secured. The dream of starting fresh in the U.S. appeared within reach.

## **The tattoo question**

At George Bush Intercontinental Airport in Houston, they were screened — and that's when an immigration officer again asked E.M. if he had any tattoos. The immigration officials in Houston said E.M.'s tattoos were similar to those seen on members of Tren de Aragua. That moment marked the beginning of the couple's troubles and separated them from each other, Palma said.

“It's unfair to criminalize every Venezuelan. Having a tattoo or being born in Aragua doesn't make you a member of a criminal gang,” Palma told the Herald. She described her boyfriend as a passionate about sports, especially soccer, a gentle man and an entrepreneur.

They had been together for five years, though they had known each other as kids growing up neighbors in a poor town in Aragua state, in central-west Venezuela.

Aragua state is where the infamous Tren de Aragua gang originated. The gang's roots trace back to the infamous Tocoron prison, where its leaders, many of whom were hardened criminals, began organizing and establishing their power.

E.M.'s tattoos were inked more than a decade ago when he was just a boy, E.M.'s uncle, Noel Guape, said.



Alleged members of the Venezuelan criminal organization Tren de Aragua, deported by the U.S. government, detained at the Terrorism Confinement Center in Tecoluca, El Salvador, on March 16, 2025. *El Salvador Presidential Press Office*

Law enforcement authorities in [Texas have linked tattoos to the Tren de Aragua gang](#), using them as a way to identify suspected members. However, experts have said that, unlike many other criminal gangs, TdA members don't have specific, identifiable tattoos.

E.M.'s family is now left in anguish, wondering if he's safe.

"He is the kind of person who illuminated a room just when he walked in," his uncle told the Herald. "He is the life of the party, always bringing laughter and warmth wherever he goes."

Catholic Charities of Dallas had been expecting to help E.M. and his girlfriend transition into life in the U.S. when they learned he had been detained and Palma had been deported.

"The refugee services that our organization provides do not have the power to influence arrival decisions or deportation processes," said Nadia Ahmad Daniali, the case manager in charge of reception and placement of the Venezuelan refugee couple.

During his last call from E.M. a week ago, he told his uncle he knew he was going to be deported. He didn't specify the destination, but the family assumed it would be Venezuela. But as the days passed without word from E.M., and his alien registration number disappeared from the online immigration system, his family panicked. They worried he had been sent to El Salvador, where he had no connections and where his life might be in danger.

Since last Friday E.M.'s family desperately had tried to contact the ICE detention centers where he had been last held in Texas, but no one had been willing to provide any information about his whereabouts. It wasn't until Thursday afternoon they found out he was on the list of the hundreds of Venezuelans sent to El Salvador.

## **'He is not a criminal'**

Several Venezuelans families have told the Herald their family members were deported to El Salvador [despite not having any criminal record in the U.S](#) or elsewhere.

Jerce Reyes Barrios, a professional soccer player from Venezuela, took part in peaceful demonstrations against the Nicolas Maduro regime in 2024. He was detained, tortured with electric shock shock and suffocation. When he was released he fled to the U.S. seeking protection.

Reyes' story was detailed in a court document filed by his attorney, Linette Tobin, in a federal court case in Washington, D.C., where the ACLU is challenging the deportations of the Venezuelans to El Salvador.

Reyes registered with CBP One, a mobile application developed by U.S. Customs and Border Protection that allowed migrants to schedule appointments at ports of entry along the U.S.-Mexico border.

Reyes used the app to secure an appointment and, on the day of his scheduled entry, he presented himself to CBP officials, but his tattoos raised alarms. He was detained and sent to the Otay Mesa Detention Center near San Diego. Despite

having no criminal record in Venezuela, no links to gangs and no history of violence, Reyes was treated as a criminal, his lawyer said.

After applying for asylum in December 2024, he was deported to El Salvador last week without any notice to his lawyer or family, his attorney said. His loved ones were left in the dark, wondering what had become of him.

Reyes and E.M. were deported with another 236 Venezuelans the same day the Trump administration invoked the Alien Enemies Act, an 18th Century law that had been used only three times in history — all during times of war or invasion. Under the law, Trump asserted the power to arrest, relocate or deport any Venezuelan over 14 from what the U.S. considers an “an invasion.”

The law strips individuals accused of gang membership, like Reyes and E.M., of their right to challenge the accusation. The government maintains it can deport them without due process.

“My boyfriend is not defined by a tattoo or his birthplace. We want justice for him,” Palma said. “We are going to prove he is not a criminal.”

This story was originally published March 21, 2025 at 5:00 PM.

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March 18, 2025 5:30 AM



**Verónica Egui Brito**

el Nuevo Herald



305-376-2664

Verónica Egui Brito ha profundizado en temas sociales apremiantes y de derechos humanos. Cubre noticias dentro de la vibrante ciudad de Hialeah y sus alrededores para el Nuevo Herald y el Miami Herald. Nacida y criada en Caracas, Venezuela. Se unió al Herald en 2022. Verónica Egui Brito has delved into pressing social,

# EXHIBIT 12

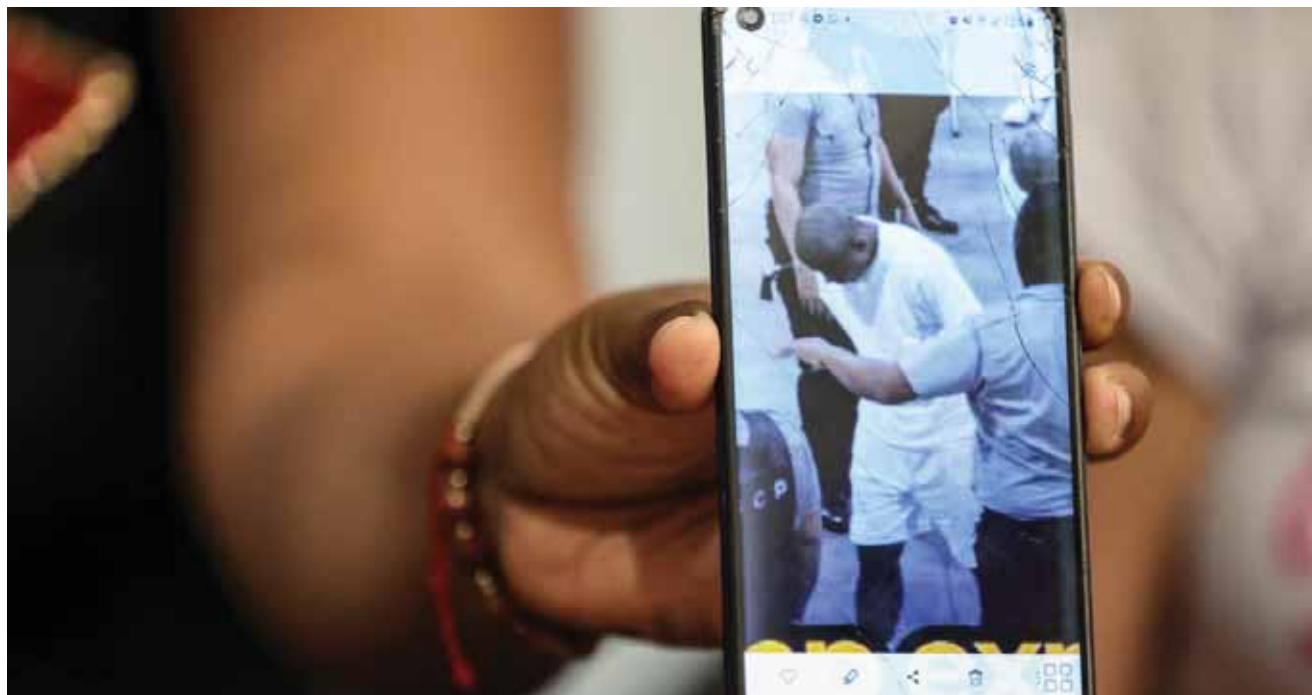


## Gay Venezuelan Makeup Artist Deported Without Due Process

[huffpost.com/entry/gay-venezuelan-makeup-artist-deported\\_n\\_67e05688e4b0dbd2dbaf96f5](https://www.huffpost.com/entry/gay-venezuelan-makeup-artist-deported_n_67e05688e4b0dbd2dbaf96f5)

Kelby Vera

March 23, 2025



A 23-year-old makeup artist with no known gang affiliation was among the hundreds of Venezuelan men deported to El Salvador's infamous CECOT prison without due process last week.

Lindsay Toczyłowski, co-founder and president of the Immigrant Defenders Law Center, painted a harrowing picture while recounting how her client was “disappeared” during an appearance on “[The Rachel Maddow Show](#)” on Thursday.

Andrys, who is gay and whose last name is being withheld due to concerns over his safety, initially arrived in the U.S. seeking asylum but was detained after immigration officials decided his tattoos could be a sign of gang affiliation.

His attorney firmly denied the accusation, telling Maddow, “These are not the tattoos of somebody who is involved with gangs. These are normal tattoos that you would see on anybody at a coffee shop anywhere in the United States or Venezuela.”

Though Andrys was scheduled to appear in U.S. immigration court last week, he was forcibly removed from the country last weekend despite a judge's order to keep him and over 250 other men on U.S. soil until further legal review.



Watch Video At: <https://youtu.be/iNQwfptvyA>

The last time he spoke to his family, they believed he would be deported to Venezuela, according to an interview with his mother and the Venezuelan news outlet *Crónica Uno* detailed by *The Advocate*.

Instead, he was sent to El Salvador's Terrorism Confinement Center, known as CECOT, where he has yet to speak to his family or his attorneys.

In her communications with U.S. Immigration and Customs Enforcement, Toczyłowski was told the agency would not help her make contact with Andrys.

"They will not facilitate communication with our client, because he has, in their words, been removed," she told Maddow.

Toczyłowski said she has grave concerns about Andrys' safety at CECOT, a 40,000-capacity prison complex where people are often held without a trial or release date and kept in brutally spartan living conditions.

Telling Maddow her team is "pursuing all avenues" to seek Andrys' release, she added, "Because our client's life is at risk. We're concerned for his safety. And the fact that he was forcibly taken from the United States with no due process ... it's something that really shocks the conscience in a way that we haven't seen since family separation happened in 2018."

Last Sunday, El Salvador's President Nayib Bukele appeared to celebrate the arrival of the deportees as he posted a video of shackled men being ushered off a plane and processed for detention to his social media.

# EXHIBIT 13



WORLD & NATION

# They were called gang members and deported. Families say their only crime was having tattoos



Venezuelan Vice President Delcy Rodriguez, center, attends a rally Tuesday in Caracas to protest the imprisonment of Venezuelans in a Salvadorean jail. Hundreds of people marched through the capital to demand the release and repatriation of 238 Venezuelans sent by President Trump to a prison in El Salvador, accused of links to the El Tren de Aragua criminal gang. (Juan Barreto / Getty Images)

By Patrick J. McDonnell, Kate Linthicum, Mery Mogollon and Nelson Rauda

March 23, 2025 3 AM PT

- Relatives of a Venezuelan deported to El Salvador say his tattoo isn't a sign of gang membership. It supports his favorite soccer team.
- “The United States now has a tropical gulag,” says one expert of the Trump administration’s agreement with El Salvador to imprison deportees.

SAN SALVADOR — One is a former professional soccer player who, according to his lawyer, fled Venezuela after being tortured by the country’s authoritarian government.

The other, also from Venezuela, is a onetime shoe salesman and social media influencer who documented his journey from South America on TikTok.

Both were apparently among thousands of political asylum aspirants who entered the United States from Mexico legally via an immigration process scrapped by the Trump administration.

Both were detained, one in California, and deported. Now they are imprisoned in El Salvador, according to their families, who have been left in the dark about their fates in a penal system widely condemned for human rights abuses.

“This has been a torture for us, an injustice,” said Antonia Cristina Barrios de Reyes, mother of Jerce Egbunik Reyes Barrios, 36, the former professional goalkeeper. “My son is not a criminal.”



Jerce Egbunik Reyes Barrios, a former professional soccer player from Venezuela, was among the alleged gang members deported from the United States to El Salvador. “My son is not a criminal,” his mother said. (Family of Jerce Reyes)

The social media influencer is Nolberto Rafael Aguilar Rodríguez, 32. He initially fled to Colombia, Venezuela’s western neighbor, out of desperation, said his sister, Jennifer Aguilar.

“We’re *campesinos*, we come from the fields,” she said. “We left Venezuela because we were starving.”



WORLD & NATION

### Stranded in Mexico City, these migrants hoping to reach the United States have no good options

Jan. 26, 2025

Reyes Barrios and Aguilar were among 261 people — the vast majority Venezuelans — expelled to El Salvador last week after the Trump administration alleged that most were affiliated with the Venezuela-based [Tren de Aragua](#) gang, which President Trump has declared a terrorist group.

The evidence of gang membership cited by the government is typically flimsy to nonexistent, defense lawyers allege, and largely based on tattoos and social media postings.

Experts say the administration’s outsourcing of detained migrants to a nation with an infamously repressive prison system has no precedent.

In El Salvador, “the United States now has a tropical gulag,” said Regina Bateson, a political scientist at the University of Colorado Boulder. “The notion that the U.S. government is paying millions of dollars to another government to violate these people’s rights is horrifying.”



WORLD & NATION

## This French film about Mexico has 13 Oscar nominations. Why ‘Emilia Pérez’ is tanking in Mexico

Feb. 1, 2025

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The El Salvador operation is part of a deal between the Trump administration and [Salvadoran President Nayib Bukele](#). Advocates have filed a federal lawsuit challenging Trump’s use of the Alien Enemies Act — a statute from 1798 previously only invoked during wartime — to expel most of the alleged Venezuelan gang members.

ADVERTISEMENT

On Friday, a federal judge in Washington, D.C., vowed to “get to the bottom” of whether the Trump administration [defied his order](#) to hold off on the deportations while lawsuits challenging the expulsions played out in court.

Many relatives of the deportees deny their kin have gang ties or a criminal record, saying they were simply searching for better lives or escaping persecution in their turbulent homeland, part of the exodus that has seen millions flee Venezuela.

“We have no idea what’s going to happen to Jerce,” said Jair Barrios, uncle of the soccer player. “We understand and respect the laws of each country; but at the same time, we ask that, please, let justice be done and truly innocent people be released.”



Reyes Barrios was detained at the Otay Mesa border post in California in September, according to a statement from his attorney, Linette Tobin, when he appeared for his appointment under the Biden administration program known as CBP One, which [facilitated U.S. entry](#) for prospective asylum applicants and others.

According to Tobin, he was mistakenly accused of Tren de Aragua affiliation based on an arm tattoo and a social media post in which he made a hand gesture that U.S. authorities called a gang sign.

The tattoo — a crown atop a soccer ball, with a rosary and the word “Díos” — is actually an homage to his favorite team, Real Madrid, Tobin wrote. The hand gesture is a popular sign language rendering of “I Love You,” the lawyer added.

Reyes Barrios participated in antigovernment demonstrations in Venezuela in February and March 2024, Tobin wrote, and was subsequently arrested and tortured, enduring electric shocks and suffocation. After his release, he fled for the United States and registered for CBP One while in Mexico.

Tobin portrayed Reyes Barrios as a law-abiding person who had never been charged with a crime and wrote that he had “a steady employment record as a soccer player, as well as a soccer coach for children and youth.”

Once in custody in California, Tobin wrote, Reyes Barrios applied for political asylum and other relief. A hearing had been set for April 17 at immigration court in Otay Mesa.

Reyes Barrios was deported to El Salvador on March 15.

Tricia McLaughlin, assistant secretary for the Department of Homeland Security, defended the government action.

Reyes Barrios was “not only in the United States illegally,” McLaughlin wrote on X, “but he has tattoos that are consistent with those indicating TdA [Tren de Aragua] membership. His own social media indicates he is a member of the vicious TdA gang.”

She added that “DHS intelligence assessments go beyond a single tattoo and we are confident in our findings.”

Reyes Barrios is a “respected person” in Venezuela, said his wife, Mariyen Araujo Sandoval, who has remained in Mexico with two of the couple’s four children.

“It’s unjust to criminalize someone because of a tattoo,” said Araujo, 32. She said she recognized her husband in the online videos of Venezuelans expelled to El Salvador.

Now dashed, she said, is her family’s dream of a reunion in the United States. She now hopes for a reunion in Venezuela — if her husband can ever get out of El Salvador.

“I’m too scared to even try to go to the United States,” said Araujo, who noted that she also has a tattoo, of a rose. “I’d be afraid that they would separate me from my daughters and put me in jail.”

The Venezuelans dispatched to El Salvador have no legal recourse for appeal or release, attorneys say, and may face indefinite detention.

“There is, of course, no law, rule or judicial standard in El Salvador to outsource the prisons,” said José Marinero, a Salvadoran lawyer. “These people have ... no conviction, no debt to the Salvadoran justice system.”

Their predicament, activists say, highlights the erosion of democracy across the region, as well as the dramatic crackdown on migration pushed by Washington.

“There’s no real safe haven left,” said Michael Ahn Paarlberg, a political scientist who studies Latin America at Virginia Commonwealth University.



An image provided by El Salvador’s presidential press office shows prison guards overseeing deportees at a facility in Tecoluca on March 16. (Associated Press)

The Trump administration has acknowledged that many of those deported under the Alien Enemies Act have no criminal records in the United States. But the government says they may still pose a threat.

“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,” Secretary of State Marco Rubio, who brokered the deal with Bukele, declared on X.

Critics say that Trump, like Bukele, invokes crime as an excuse for suspending civil liberties.

“They’re using these particularly vulnerable people as test cases,” said Paarlberg, who added that the message appears to be: “If we can deport people who don’t have criminal records, people who are fleeing a regime that pretty much everyone and the U.S. government agrees is authoritarian, then we can deport anyone.”

Bukele, a former advertising executive who labels himself “the world’s coolest dictator,” dispatched video crews to record the arrival of the Venezuelans, who were led off deportation planes in shackles and had their hair shorn.

“This is a performative act of cruelty ... to scare people into not coming, to scare people who are here without papers, to scare people away from protesting,” Paarlberg said.

News of the deportations has sent relatives of the expelled Venezuelans poring over videos and social media posts in an effort to determine if their loved ones were among those flown to El Salvador.



A photo provided by El Salvador's presidential press office shows prison guards transferring deportees from the U.S. to the Terrorism Confinement Center in Tecoluca on March 16. (Associated Press)

The names of the deported Venezuelans appeared on a list leaked to the media. Included was Aguilar, who garnered more than 40,000 followers as he documented his northbound trek from South America on TikTok. His feed included images from the treacherous Darien Gap, the dense jungle separating Colombia and Panama.

Jennifer Aguilar described her brother as a hard-working family man who fled Venezuela for Colombia in 2013. He has three children: an 11-year-old girl in Venezuela and a 4-year-old girl and boy, 2, in Colombia. Aguilar's sister says he got his tattoo, of playing cards and dice, to cover up a scar on his forearm from an accident he had at age 16.



Nolberto Rafael Aguilar Rodríguez, 32, is one of hundreds of Venezuelan migrants detained in the U.S. and sent to El Salvador. (Jennifer Aguilar)

According to his sister, Aguilar made his way to Mexico and secured an appointment for U.S. entry via [CBP One](#). On June 24, he posted a video of himself boarding a plane, apparently en route to the U.S.-Mexican border.

“Have faith in God,” he wrote in a caption. “Never put your head down. And trust yourself.”

Jennifer Aguilar said he got a job in a travel agency in the California border city of Calexico. For reasons that remain unclear, he was detained by U.S. immigration authorities late last year.

From Colombia, where she lives with her three daughters, Jennifer Aguilar has written about her brother's plight on social media and sent messages to Venezuelan President Nicolás Maduro and to Bukele, the Salvadoran leader.

Aguilar "has never been to prison in Venezuela or in Colombia," she wrote to Bukele. "Believe me, if he was guilty I'd say: 'Leave him there.' Because we were taught to be honest and do good."







Nolberto Rafael Aguilar Rodríguez chronicled his journey from South America to the United States on social media. He was deported and is now being held in El Salvador. (Jennifer Aguilar)

“I’ve tried by all means ... to be Rafael’s voice,” said the sister, adding that she doesn’t know anyone in El Salvador. “If I could be there, I would. I’m deeply sorry that I can’t.”

El Salvador has rounded up and imprisoned some 85,000 people — the equivalent of 1.5% of the nation’s population — since March 2022, when Bukele declared a state of emergency that effectively suspended constitutional due process rights. The Venezuelans were dispatched to the infamous Center for Terrorism Confinement, the centerpiece of Bukele’s mass incarceration agenda.

*Times staff writers McDonnell and Linthicum reported from Mexico City while special correspondents Mery Mogollón and Nelson Rauda contributed, respectively, from Caracas, Venezuela, and San Salvador. Special correspondent Cecilia Sánchez Vidal contributed from Mexico City.*

## More to Read

**The Tren de Aragua gang started in a Venezuelan prison. It’s now deep in U.S. politics**

March 18, 2025



# EXHIBIT 14



## International

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MEXICO · CHINA · LATEST NEWS



VENEZUELA >

# Arturo and Frizgeralth, convicted for being Venezuelans: Trump takes another step in his racist drift

Families recognize their loved ones in videos from the Salvadoran prison where the US deported nearly 300 people with alleged ties to the Tren de Aragua gang. Some have clean criminal records. No one knows if they'll be able to return home



SuarezVzla is the stage name of the reggaeton artist Arturo Suárez-Trejo from Venezuela.  
CORTESÍA

**CARLA GLORIA COLOMÉ | FLORANTONIA SINGER**

New York / Caracas - MAR 24, 2025 - 10:26CET



Dart Martins, a Peruvian reggaeton artist in a hurry to record his song TXTEO, can't believe he has to delay it because SuarezVzla isn't there. They've been making music together for a long time. Last time they were on a stage was at the Urban Fresh Festival in Santiago, Chile, in front of a young, loud audience. A video captures the memory of that April night: Dart Martins at the front of the stage, singing; SuarezVzla in the back, the audience in front, doing [perreo](#). Earlier this year, when SuarezVzla had already left Chile to settle in the United States, they exchanged a few messages. Donald Trump had not yet [returned to the White House](#).

“How’s it going in the United States?” Martins, 30, asked in one of his messages. “I heard Trump is deporting all the illegal immigrants.”

SuarezVzla — the stage name of Arturo Suárez-Trejo, 33 — told him it was true, that they were going to deport [many illegal migrants](#), but that everything was fine with him. He had left his native Venezuela in 2018 and had settled in Chile. There he made music, friends and fans. On September 2, 2024, around 1 p.m., he entered the United States after presenting himself at the San Ysidro border crossing in California. He had benefited from the CBP One program, the application created by the Joe Biden administration and dismantled by the Republican administration on its first day in office, which has allowed legal entry into the country to some 900,000 immigrants.

SuarezVzla left Venezuela in 2018 and settled in Chile. On September 2, 2024, he entered the United States after presenting himself at the San Ysidro border crossing in California.

**CORTESÍA**

Suárez wanted to improve his musical technique and return to Chile with his wife. He had the protection of a parole program and a hearing scheduled for April 2 of this year. He won't be able to go: he now finds himself in El Salvador. He met the same fate as the 238 Venezuelans who were taken there last week in a dystopian story: expelled from the United States under a two-century-old law in violation of a court order and [taken to a maximum-security prison for terrorists](#) built by Salvadoran President Nayib Bukele.

On February 8, Suárez was recording a video clip at a home in Raleigh, North Carolina, where he lived. Immigration and Customs Enforcement (ICE) agents arrived and arrested the entire group of people. They first held him at the Stewart Detention Center in Georgia. They then transferred him to the Valle Detention Center in Texas. At one point, he told his family he was being deported to Venezuela.

“We thought this was going to happen, they were going to deport him to Caracas,” says his brother, Nelson Suárez-Trejo, 35, who describes Suárez as a noble man, a lover of music and poetry, who has never thrown a punch beyond his kickboxing practices.

Days after Suárez's last call, the nightmare began. The images of the inmates, shaved, handcuffed, and sent on three flights to El Salvador as alleged members of the Venezuelan criminal gang Tren de Aragua, were shocking. They zoomed in on one and there was no doubt: it was Suárez.

“We knew it because of the tattoos he has and his physical features,” his brother says.

No one has provided any information or warning to the family. Confirmation didn't come until Thursday, when CBS News published an internal U.S. government list of the names of the 238 Venezuelans who were sent to the Central American country, despite a judge's order preventing the deportation. The name Arturo Suárez-Trejo appears on the list. To this day, the family remains unaware of what will happen to him.

“We haven't received any response from the Salvadoran government. We don't even know what charges he faces. He had no criminal record,” his brother says.

Suárez's family, friends, and fans have been circulating documents on social media confirming that he has no criminal record in any of the countries where he has lived. Dozens of people have shared his photos, his videos perched on a stage, and his love songs. They have united to demand justice for someone they describe as "a fundamental pillar of Santiago's emerging cultural scene." Suárez "is an artist, not a criminal," they assert.

"He doesn't deserve to have his life ended, to have his name tarnished," his brother insists. "I don't understand how they can cut short the dreams of someone who came to this country to dream big and who didn't enter illegally. We're affected; we're not Tren de Aragua, we're not even from Aragua."

Nelson would also like to know "how he is, how they are treating him" in prison. It's the same question being asked by Nathali, Sánchez's wife, who has been struggling with so much concern for almost a week. "In the Texas prison, he was coughing blood and had a fever. I'm afraid it could get worse," says the 27-year-old, who cares for their daughter, a baby born just three months ago. "I won't rest until I see him free, until I see him with his daughter."

Following a wave of condemnation over the deportation of dozens of men considered criminals to El Salvador, U.S. authorities have acknowledged that not all of them are members of the aforementioned gang and that some do not even have a criminal record in the United States. Several officials told CBS News that 137 of the Venezuelan men sent to the Salvadoran mega-prison were treated as "enemy aliens," but that 101 were deported "under ordinary immigration procedures." Organizations such as the United Nations have focused on the way these migrants are being treated. Its Secretary-General, António Guterres, called for respect for "due process, their fundamental rights, and their most basic dignity."

Now, Suárez's brother, Nelson, is the one who will have to take care of the baby and his wife, who remain in Chile. "She doesn't have the means to work three months after giving birth. She's alone, and now I, as his brother, have to take care of them." But the thing is, Nelson is also afraid to go out on the streets. He's [an Amazon delivery driver](#); he has to work. His papers are in order, but nothing guarantees that the same thing that happened to Suárez won't happen to him. "I'm also terrified of being stopped. I have my TPS, my court date, and my

license, all in order, but who knows. I walk the streets in fear because I also have tattoos, but I don't belong to any gang; all I've done my whole life is work.”

Guards look after deportees from the United States at the Anti-Terrorist Detention Center in Tecoluca, El Salvador, on March 16, 2025.

AP

## **The party that wasn't in Venezuela**

At the Cornejo Pulgar home, high in the Antímáno neighborhood in western Caracas, blue and yellow balloons were placed a week ago. This was how they were planning to welcome Frizgeralth De Jesús, 25, the youngest of the children who would be returning to the country, the only one who still has a huge baby portrait hanging in the living room. The deportation was the best news for his family, after the young man had spent eight months in a detention center in Texas. At home, they were happy, his older brother Carlos says from Caracas.



They were planning to go greet him at the airport that Saturday, after he told them he was happy and about to board the plane home.

Last year, Frizgeralth had made a long journey [through the Darien Gap](#). He waited for his appointment to apply for temporary residence through the now-defunct CBP One application, a benefit that Venezuelans had until last year. His deadline was June 19, 2024. Meanwhile, he was making plans to open a store in the United States to sell the streetwear brand he started in Venezuela. “He was going to look for something better,” says Carlos. That something ended up being a prison as soon as he crossed into the United States. He was with three friends, another one of his brothers, and his brother’s girlfriend. They were headed to Tennessee, where another of his sisters has lived for seven years. Venezuelans have been migrating en masse for a decade now. Now, almost all of them have a place to call home.

Frizgeralth was the only one of his group who wasn’t allowed to enter. [The tattoos](#) on his neck, chest, abdomen, arms, and legs became the unwritten reason that led to his being declared a suspect when he tried to enter the country in June 2024. He had been in custody ever since. Now he’s also gone missing. His family hasn’t seen him in the videos Salvadoran President Nayib Bukele released celebrating the agreement with the United States to provide jailer services. But they deduced he’s in that group. Now, his name on the published list confirms it.

During his eight months in prison, Frizgeralth spoke mostly with his sister, who lives a 12-hour drive from where he was detained. In a message she still has, the young man told her: “I never imagined being in prison just for getting tattoos.” Tattoos are part of the style he identifies with, that urban, very hip-hop, very American fashion that led him to start his own clothing brand and for which he was ultimately arrested. “This is mental torture every day,” he wrote in another message.

His sister has considered buying a ticket from Tennessee to El Salvador, not knowing if she’ll be able to see him. Carlos also tried to find information at the march that Nicolás Maduro’s government organized this week in solidarity with their families. The head of the National Assembly, Jorge Rodríguez, compared U.S. immigration policy to the Nazi persecution of Jews sent to concentration camps during World War II, and promised to do whatever was necessary to

bring them to Venezuela. But Carlos found no answers about his brother. “The truth is, I spent the entire march crying.”

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# EXHIBIT 15

## Immigration

# They were arrested during routine ICE check-ins. Then they disappeared.

Deportation proceedings are often shrouded in secrecy. But lawyers say the lack of information about the Venezuelan migrants deported under the Alien Enemies Act is nearly unprecedented.

Updated March 22, 2025

Nays Ñaupari Rosila shows a photo of herself and her husband, Henry Albornoz Quintero, who was detained by ICE. (Desiree Rios/For The Washington Post)

By [Arelis R. Hernández](#) and [María Luisa Paúl](#)

SAN ANTONIO — Henry Albornoz Quintero's family had been tracking his whereabouts through an online detainee locator ever since he was arrested and put in deportation proceedings after a routine check-in with immigration officials in late January.

But on Friday — less than a week before the expected birth of his son — the Venezuelan man disappeared from the database.

"Your search has returned zero (0) matching records," the government website states.

The families and lawyers of dozens of other Venezuelan and Salvadoran men who had been detained by U.S. Immigration and Customs Enforcement say their relatives and clients have similarly disappeared over the past week, with no explanation provided by the government over where they may be.

Deportation proceedings in the United States are often shrouded in secrecy. Arrest records are not public, and detainees can be transferred to far-flung jails anywhere in the United States. But family members, lawyers and the public can get information on an inmate's whereabouts through an online database, contact with an official or direct phone communication with a detainee.

Yet in the week since the Trump administration invoked the Alien Enemies Act to deport 137 Venezuelan migrants accused of being Tren de Aragua gang members to a mega-prison in El Salvador, detainees can no longer be found in the database. The Trump administration cast them as violent threats against Americans, though a top ICE official admitted in a court filing that “many” of those deported under the act do not have criminal records in the U.S. A lawyer advocating for those sent to El Salvador said in court Friday that his team would soon file documents that show some of the migrants deported there were rejected by the prison because they were women or from countries other than Venezuela or El Salvador.

Government prosecutors have offered little or no information about the migrants who were left there. Lawyers have gone to court dates for bond and asylum hearings, only to find that their clients are missing. Relatives have been left to scrutinize images released by the Salvadoran government showing men being frog-marched off a plane in shackles into the prison, to find out if they are there.

“This looks like the kinds of things we thought only happened in other countries, and it’s happening to people who come from those places and came here to get away from it,” said Michelle Brané, a former Biden appointee who is among a group of lawyers working to identify detainees who may have been sent to El Salvador. “You’re not supposed to have people disappear in the United States.”

The White House and the U.S. Department of Homeland Security have not released the names of the men sent to El Salvador and did not respond to questions regarding when family members or lawyers will be notified. Press secretary Karoline Leavitt said at a briefing Monday that the names were not being released “because of privacy concerns at this point in time — that doesn’t mean we won’t.”

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## **Do you know someone who was sent to El Salvador?**

The Washington Post is trying to learn more about those being detained in El Salvador. If you know — or think — that your loved one is one of those involved, we would like to hear from you. You can send us information [at this link](#).

The Washington Post está intentando obtener más información sobre las personas detenidas en El Salvador. Si sabe o cree que su ser querido está entre las personas afectadas, nos gustaría saberlo. Puede enviarnos información a través [de este enlace](#).

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Lawyers of those likely to have been sent to El Salvador say the lack of information around these men is nearly unprecedented. They described a scrambled quest to find out where their clients are that has thus far yielded few answers. Some called ICE detention centers and were told that the detainees about whom they were inquiring were no longer there, but officials weren’t able to say where they are now.

“It’s like being completely stonewalled,” said Lucia Curiel, who is representing a Salvadoran man who she said has no criminal convictions and disappeared from ICE’s detainee database after the Alien Enemies Act was invoked.

Communicating with the migrants sent to El Salvador and offering them legal representation is likely to be extremely difficult. Inmates at the prison where they were sent are routinely denied access to lawyers or relatives.

The families of 19-year-old Anyelo Sarabia González and 24-year-old Francisco Javier García Casique shared similar stories. Their relatives had been in regular contact with them before they disappeared last weekend. Their family members believe they have spotted them in photos taken of prisoners at El Salvador's Terrorism Confinement Center, but they have no official information on where they are or why they were taken there.

For Albornoz Quintero's family, the search for information has been anguishing. His wife, Nays Ñaupari Rosila, is nine months pregnant. She said she has repeatedly called Salvadoran authorities but has not been able to get through to anyone. When she went to the Dallas ICE office looking for answers, she said she was told to leave or risk arrest.

"I'm so scared for my baby," Ñaupari Rosila, 22, said, sobbing. "Unfortunately, we came to a country where basically we don't have a right to anything."

## 'This isn't Venezuela'

The three men whose families spoke with The Washington Post are all young Venezuelans who settled in north Texas. All had been in the United States for about a year after illegally crossing the Rio Grande and surrendering to U.S. Border Patrol. They were released into the country while they pursued asylum claims and were required to attend regular check-ins with ICE.

Anyelo Sarabia González was "the baby of the house," said Solanyer Michell Sarabia González, 25, his older sister. The siblings, along with another sister, crossed into the U.S. in November 2023. They were told to check in with ICE once a year — and it was during one of those check-ins in January that an officer began asking questions.

Solanyer said an ICE official took interest in a tattoo on her brother's hand showing a rose with petals made of \$100 bills. He'd only recently gotten the tattoo, she said. Their mother had forbade him from getting one in Venezuela. Because her brother was now helping her pay the bills, "I felt like I couldn't say no when he asked. God, I even helped him pick it. We thought it was just a cool design."

The official asked where Anyelo was from, said his sister, who also had an appointment that day and witnessed what transpired. When he said he was from La Victoria, in the Venezuelan state of Aragua, that "was the nail in the coffin," she said. He was taken to another room and told to strip naked. His sisters got on their knees and begged the official to deport them instead.

For more than a month, Solanyer and her brother stayed in contact regularly by phone. She tried reassuring him that everything would be fine. She reminded him that he had an asylum hearing coming up in May.

"Don't cry. This isn't Venezuela," she told him. "They have a justice system here."

Francisco Javier García Casique had also been detained while trying to comply with a routine ICE check-in during February of last year. His brother, Sebastián García Casique, said one of the officers looked at his arms — sprawled with tattoos of a compass, a crown, a single rose, and his mother's, grandmother's and sisters' names — and began asking questions.

"They saw that and they decided he was Tren de Aragua," Sebastián said. "They didn't care that he had never been arrested before — neither in Peru, Venezuela or the United States — and told him that they needed to investigate him more."

Sebastián said his brother was detained for several months last year. Though Sebastián said authorities could not link Francisco to any criminal activity, he was nonetheless ordered deported. But that didn't happen. A judge released him with an ankle monitor because, at the time, the U.S. did not have a deportation agreement with Venezuela and the court decided he didn't pose a security threat, his brother said.

"Francisco just kept telling us: 'I have nothing to fear because I'm not a criminal,'" his brother recalled. Then in February, officials showed up at Francisco's home and sent him to a detention center. "It was bittersweet for him, but he kept saying that his only wish was to be sent back to Venezuela."

Albornoz Quintero and his wife had just celebrated their first year in the U.S. when he went to the ICE check-in where he was detained. He is a mechanic by training and had managed to find repair jobs while waiting for a work permit. The couple initially made ends meet by sleeping in a car but eventually earned enough money to put a deposit down on an apartment in Dallas.

Both were elated when they learned she was pregnant, Ñaupari Rosila said.

She had no issues at the check-in, but an officer detained her husband without providing any explanation. The expectant mom — then seven months pregnant — got in touch with an attorney and began raising money for him to be released on bond. A hearing was scheduled for the same week that she was due.

But a few days before, Albornoz Quintero told his wife he was going to be deported back to Venezuela. The other men whose families spoke with The Post say their loved ones also said they were going to be sent home.

In Texas and Venezuela, relatives anxiously searched for information on their flights. They were disappointed, but the men were also eager to be out of jail and back with their families, even if it was in the place they'd risked everything to leave. Francisco's relatives cooked his favorite foods and prepared a homecoming celebration.

Then they disappeared.

## Pushing legal boundaries

On the same day the men last called their families, President Donald Trump had invoked a wartime provision designating members of the Tren de Aragua gang as alien enemies eligible for immediate deportation.

The next day, March 15, they were boarded onto planes as a court battle began brewing over whether the president had the right to deport the men under the act. Five men named as plaintiffs in the case were removed from the planes, but the others departed and were in the air when a federal judge ordered that they be turned around. The planes landed in El Salvador several hours later anyway.

Greg Chen, senior director of government relations for the American Immigration Lawyers Association, said there appears to have been an information breakdown between immigration officials in Washington and local ICE officials, who do not appear to have received adequate instruction about what is happening and what to do next.

"There's operational chaos," he said.

The situation echoes ICE's early days after its founding in 2003, when entering immigration detention was like "entering a black hole," said Ohio State University law professor César Cuauhtémoc García Hernández. "People would die in detention, and ICE wouldn't inform anyone."

But several immigration lawyers said the agency had become more transparent in recent years, after several embarrassing investigative reports and lawsuits. ICE regularly made detainees available for court, granted some legal access, facilitated phone calls and in 2020 created the locator system in response to pressure from advocacy groups. Anyone with a detainee's basic details could learn where that person was being held.

That wasn't the case, however, when the Trump administration began sending migrants to the Guantánamo Bay naval station in Cuba. When families of those migrants searched the ICE locator for information on their loved ones, they were told to call a Florida field office. The agency only updated the locator with a specific "NSGB" label after the advocates brought a lawsuit earlier this year, ACLU attorney Eunice Cho said.

If the system does not offer a location, the likely scenario is that the detainee is no longer in ICE custody. That person could be dead, or in the case of the alleged Venezuelan gang members, out of the country.

"We are in a situation where ICE is pushing the boundaries of what it is legally permitted to do," García Hernández said. "ICE is trying to act aggressively in making headway on President Trump's promise of overseeing a mass deportation campaign and making use of every legal tool available with little regard to norms or practices or the effect removal has on the people who care about that individual."

The Trump administration has wavered in justifying its decision to land two planes carrying Venezuelan migrants deported under the Alien Enemies Act. High-ranking Trump administration officials have argued the president's executive authority supersedes the judge's order, while in court his lawyers have argued that because the planes were over international waters, the ruling did not apply.



## ‘Freedom and rights?’

Dallas attorney John Dutton logged on to Albornoz Quintero’s bond hearing this week through the virtual Webex platform. His client did not. The lawyer asked a government prosecutor where the expectant father was.

The Trump administration attorney said he did not know, Dutton said.

“The judge suggested that I contact the Salvadoran Consulate,” in the event that he was indeed in El Salvador, Dutton recalled. If that was the case, the judge noted, he wasn’t sure if he had any jurisdiction over the case anymore.

“Can you imagine just being taken ahead of what is supposed to be one of the most exciting days of your life, the birth of a child, and being put in a foreign prison designed for terrorists?” Dutton said. “This kid is screwed.”

With no information from lawyers, families are resorting to amateur sleuthing — zooming in on blurry photos, studying every image, and freezing frames of videos shared by the White House and Salvadoran government — to confirm whether their brother, father, son or spouse are among those spirited away to a foreign prison.

Sebastián García Casique found his brother in a photograph. The blurry image featured dozens of men in formation, with their heads shaved and wrists bound behind them. Sebastián zoomed in on every bald head. Then he saw them: the tattoos, the ears, the broad frame he had known his whole life.

Still, hoping to be wrong, Sebastián checked the ICE locator website. Until March 15, it showed his brother was still in Texas. By Sunday night, that had changed. Now it indicated that his search yielded no results.

“The worst part is that they don’t even have the courtesy of calling the families,” Sebastián said. “It’s inhumane how they’re literally disappearing people. What happened to being the country of freedom and rights?”

Solanyer Sarabia González was also bewildered when she spotted her little brother among the prisoners in El Salvador.

“I kept thinking to myself: ‘How in the world will I ever recognize him now among all these bald guys?’” she said. Then she recognized him. “Those are the knees, shoulders, forehead I’ve known and loved forever.”

For Albornoz Quintero’s wife, finding him in a photograph was an official confirmation that he will not be at his child’s birth. Ñaupari Rosila has tried to keep her mind focused on the baby, arranging and rearranging the baby’s corner of their one-bedroom apartment. Most of the walls in their unit are bare, except for where the baby’s crib is, which she has decorated with a dinosaur sticker.

The closet is full of baby clothes that her husband had excitedly picked out.

Graphics by Álvaro Valiño. Silvia Foster-Frau contributed to this report.

### **What readers are saying**


The comments express strong opposition to the use of the Alien Enemies Act for deporting individuals without criminal records, drawing parallels to authoritarian regimes and historical instances of "disappearing" people. Many commenters fear this sets a dangerous precedent for... [Show more](#)

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

# EXHIBIT 16

IMMIGRATION

## U.S. sent Venezuelan man with pending political asylum case to El Salvador mega prison

By **Syra Ortiz Blanes** and **Verónica Egui Brito**  
Updated March 27, 2025 10:00 AM |  11



Frengel Reyes Mota and his 9-year-old stepson, whose face has been blurred to protect his identity.



Only have a minute? Listen instead  
Powered by **Trinity Audio**  
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Frengel Reyes Mota was supposed to be dealing with his ongoing asylum case as he fought for his chance to stay in the United States. Suddenly, he instead found himself locked up in a mega prison thousands of miles away.

“He’s in the torture prison in El Salvador,” Mark Prada, Reyes Mota’s lawyer, told Immigration Judge Jorge Pereira

during a hearing on Monday at the Krome Detention Center in western Miami-Dade

County. The hearing had been scheduled before Reyes Mota was sent out of the country.

#### TOP VIDEOS



Reyes Mota is among the hundreds of Venezuelans that the Trump administration deported earlier this month through the use of extraordinary wartime powers based on a 1798 law. The administration sent them to the Terrorism Confinement Center in El Salvador, claiming they are members of the notorious Venezuelan gang Tren de Aragua.

But the 24-year-old father does not have a criminal record in Venezuela. His U.S. immigration detention records are riddled with mistakes, raising questions about how reliable they are. He does not have tattoos and his family members deny he has any gang ties.

“He’s not a gang member, judge,” Prada said.

Had Reyes Mota still been in the United States, the hearing related to his asylum request would have been a commonplace matter. But his absence showcases the remarkable nature of the Venezuelans’ deportation to El Salvador. As lawyers argue the deportation flights were unlawful and violated a federal judge’s order, the immigration court system is navigating the case of an asylum seeker with pending immigration proceedings whom the Trump administration flew to another country without due process.

“We are facing a novel and extremely concerning situation where people’s immigration court proceedings are still pending but they are being disappeared from the United States without any lawful removal order,” said Prada. “This is an affront to the rule of law.”

Other lawyers have said in court documents challenging the deportations that their clients were also in pending asylum or other immigration proceedings.

### **‘Doesn’t deserve this injustice’**

Reyes Mota and his wife decided to come to the United States because they saw no future for their child in Venezuela. In 2023, they became part of the seven million Venezuelans who have fled economic turbulence, political repression and widespread poverty in their native country.

Liyanara Sánchez, Reyes Mota’s wife, described him as a reserved man, a loving husband, a dedicated father and pet lover. In the United States he painted houses for a living. He carefully budgeted to buy treats and clothes to spoil his adopted dog, Sacha.

“He’s the most beautiful person. If you need something, he’ll be there for you,” said Sánchez. “He’s a hard worker. He’s never left us without food or housing.”

At a young age, he chose to build a life with Sánchez, who was already a mother. To the boy, Reyes Mota was more than a stepfather — he was a true father, someone

who stepped into the role with love and commitment, embracing the boy as his own, his family said.

“I need help for my father,” his 9-year-old son, who has learned English in the United States, told the Herald over audio messages. “My father is very nice with me.... My father is not bad people. My father is very, very good people.”



Frengel Reyes Mota, a 24-year-old Venezuelan asylum seeker, enjoyed playing with his dog, Sacha. He was deported to El Salvador's mega prison despite having no criminal record in Venezuela or the U.S. *Frengel Reyes Mota family*

On Feb. 4, Reyes Mota, who was living in Tampa, went to the Immigration and Customs Enforcement office in the city for a required check-in. There, agents informed him that he was being placed in custody under suspicion of being associated with the Tren de Aragua gang, according to his family.

From detention, Reyes Mota asked his loved ones about whether Sacha was eating enough and how his son was doing in school. But they lost contact with him on the day before the deportation flights to El Salvador, on March 15. A week later, his name popped up on a list of Venezuelans who were being held at the Central American mega prison.

“He doesn’t deserve this injustice,” said a family member who requested to remain anonymous out of fear for their safety.

### **Back in the courtroom**

At attorney Prada’s request the judge froze Reyes Mota’s asylum case for the time being. That way, he could eventually take it up again. That is, if he is ever able to return to the United States.

“We can agree that there was no removal order from this court or another court,” the judge said, noting that there was very little he could do.

The U.S. government claims on Reyes Mota’s I-213 form, a document the Department of Homeland Security uses to support that someone is deportable, that he “may be a Tren de Aragua associate.” But in those same documents, the government says he has no criminal records or immigration history in the United States. The government also uses someone else’s last name in several parts of the document, identifies him with female pronouns, and uses two different unique identification numbers that immigration authorities use to keep track of individuals, raising questions about the reliability of Trump officials’ accusations against him.



After Prada pointed out the mistakes and argued there is no evidence Reyes Mota was a Tren de Aragua member, the judge asked whether the government had made a mistake. Lawyers for the Department of Homeland Security said this was not a hearing to analyze evidence but that they would look into it. However, there are no more hearings for the foreseeable future.

Reyes Mota's family also provided to the Miami Herald government documents showing that Reyes Mota did not have any criminal record in Venezuela, and photos that show he does not have any tattoos. Immigration authorities have used the presence of tattoos to hold migrants on suspicions of being gang members.

On Wednesday afternoon, Homeland Security Kristi Noem was on her way to visit the Terrorism Confinement Center in El Salvador. She and other officials have touted the deportations as a feat of President Donald Trump's agenda to keep Americans safe from violent criminals. Before her arrival she said on her X account she was going to see firsthand "where the worst-of-the-worst criminals are housed."

But the Trump administration has admitted in federal court documents that "many" Venezuelans it accused of being dangerous gang members and deported through presidential wartime powers [have no criminal records in the United States](#), although they argued it was only because they had only been in the U.S. briefly. On Wednesday, a federal appeals court in Washington upheld the block a lower court had imposed on the use of the war time powers to deport immigrants.



Frengel Reyes Mota, a 24-year-old father and asylum seeker, was deported to El Salvador's mega prison despite having no criminal record, according to Department of Homeland Security records. In his free time, Reyes Mota enjoyed playing with his dog, Sacha. *Frengel Reyes Mota family*

Several family members of Venezuelan men sent to El Salvador have also told the Herald their loved ones at the Terrorism Confinement Center [are not part of Tren de](#)

[Aragua](#). The Trump administration has also sent Venezuelans who had been granted refugee status to El Salvador. To receive refugee status, people must undergo extensive background checks.

[READ MORE: Despite refugee status in the U.S., young Venezuelan was deported to Salvadoran prison](#)

Venezuelan nonprofit organizations have raised alarms about the “arbitrary detentions of Venezuelan migrants” in the United States, emphasizing that they had left their country fleeing a difficult situation where their lives could be in danger if they are returned.

“The mass and indiscriminate deportation of Venezuelans, without properly assessing their individual circumstances” makes them vulnerable, Foro por la Vida, a coalition of human-rights groups in Venezuela, said in a statement.

Reyes Mota, a young man from a poverty-stricken city in a region rich in oil, wanted stability and peace for his family, his loved ones said. When he came to the United States, he was not expecting he would end up held indefinitely in a Central American prison that has been accused of human rights violations, or that the U.S. government would accuse him of belonging to a gang designated as a terrorist organization.

His loved ones insist that he is a man of integrity with no criminal record.

“Please, Trump, there are many innocent people in that jail,” his wife said, “and they are paying the price.”

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**SB**

Syra Ortiz Blanes  
el Nuevo Herald



# EXHIBIT 17

IMMIGRATION

# "You're Here Because of Your Tattoos"

*The Trump administration sent Venezuelans to El Salvador's most infamous prison. Their families are looking for answers.*

NOAH LANARD AND ISABELA DIAS MARCH 26, 2025



Mother Jones illustration; Mark Boster/Los Angeles Times/Getty; Photos courtesy Génesis Lozada, Joseph Giardina, Arturo Suárez, and María Alvarado



**Mother Jones illustration; Mark Boster/Los Angeles Times/Getty; Photos courtesy Génesis Lozada, Joseph Giardina, Arturo Suárez, and María Alvarado**

*Fight disinformation: Sign up for the free Mother Jones Daily newsletter and follow the news that matters.*

**On Friday,** March 14, Arturo Suárez Trejo called his wife, Nathali Sánchez, from an immigration detention center in Texas. Suárez, a 33-year-old native of Caracas, Venezuela, explained that his deportation flight had been delayed. He told his wife he would be home soon. Suárez did not want to go back to Venezuela. Still, there was at least a silver lining: In December, Sánchez had given birth to their daughter, Nahiana. Suárez would finally have a chance to meet the three-month-old baby girl he had only ever seen on screens.

But, Sánchez told *Mother Jones*, she has not heard from Suárez since. Instead, last weekend, she found herself zooming in on a photo the government of El Salvador published of Venezuelan men the Trump administration had sent to President Nayib Bukele's infamous Terrorism Confinement Center, or CECOT. "I realized that one of them was my husband," she said. "I recognized him by the tattoo [on his neck], by his ear, and by his chin. Even though I couldn't see his face, I knew it was him." The photo Sánchez examined—and a highly produced propaganda video promoted by Secretary of State Marco Rubio and the White House—showed Venezuelans shackled in prison uniforms as they were pushed around by guards and had their heads shaved.

The tattoo on Suárez's neck is of a *colibrí*, a hummingbird. His wife said it is meant to symbolize "harmony and good energy." She said his other tattoos, like a palm tree on his hand—an homage to Suárez's late mother's use of a Venezuelan expression about God being greater than a coconut tree—were similarly innocuous. Nevertheless, they may be why Suárez has been effectively disappeared by the US government into a Salvadoran mega-prison.

*Mother Jones* has spoken with friends, family members, and lawyers of ten men sent to El Salvador by the Trump administration based on allegations that they are members of the Venezuelan organized crime group Tren de Aragua. All of them say their relatives have tattoos and believe that is why their loved ones were targeted. But they vigorously reject the idea that their sons, brothers, and husbands have anything to do with Tren de Aragua, which the Trump

administration recently labeled a foreign terrorist organization. The families have substantiated those assertions to *Mother Jones*, including—in many cases—by providing official documents attesting to their relatives' lack of criminal histories in Venezuela. Such evidence might have persuaded US judges that the men were not part of any criminal organization had the Trump administration not deliberately deprived them of due process.

On March 14, President Donald Trump quietly signed a proclamation invoking the Alien Enemies Act—a 1798 law last used during World War II. The order declared that the United States is under invasion by Tren de Aragua. It is the first time in US history that the 18th-century statute, which gives the president extraordinary powers to detain and deport noncitizens, has been used absent a Congressional declaration of war. The administration then employed the wartime authority unlocked by the Alien Enemies Act to quickly load Venezuelans onto deportation flights from Texas to El Salvador.

In response to a class action lawsuit brought by the ACLU and Democracy Forward, federal judge James Boasberg almost immediately blocked the Trump White House from using the Alien Enemies Act to summarily deport Venezuelans, and directed any planes already in the air to turn around. But in defiance of that order, the administration kept jets flying to El Salvador. Now Suárez and others like him are trapped in the Central American nation with no clear way to contact their relatives or lawyers.

Suárez, whose story has also been reported on by the Venezuelan outlet *El Estímulo*, is an aspiring pop musician who records under the name SuarezVzla. His older brother, Nelson Suárez, said his sibling's tattoos were intended to help him “stand out” from the crowd. “As Venezuelans, we can't be in our own country so we came to a country where there is supposedly freedom of expression, where there are human rights, where there's the strongest and most robust democracy,” Nelson said. “Yet the government is treating us like criminals based only on our tattoos, or because we're Venezuelan, without a proper investigation or a prosecutor offering any evidence.” (All interviews with family members for this story were conducted in Spanish.)

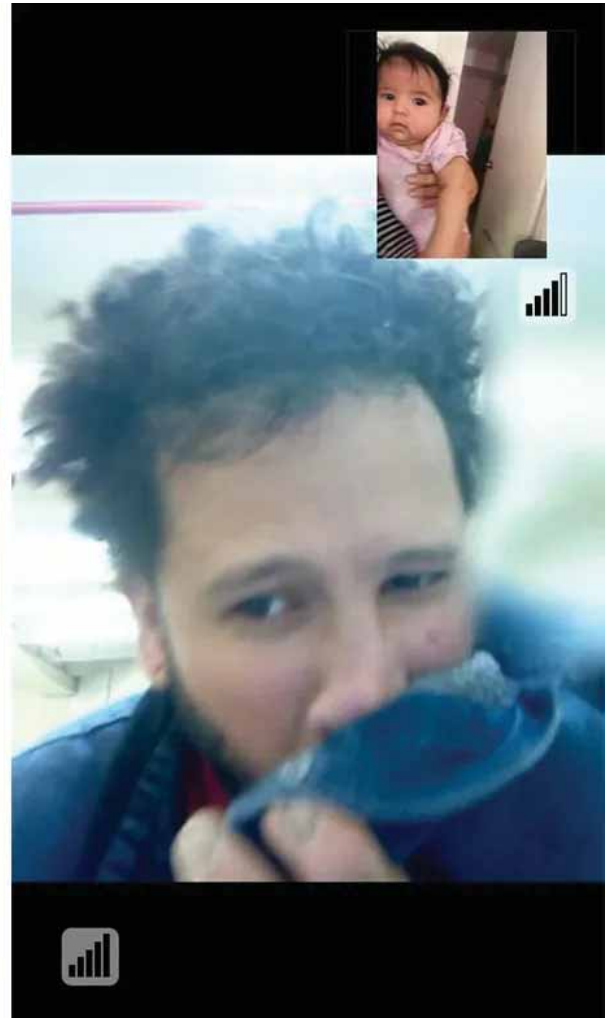
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*“Well, you're here because of your tattoos,” the ICE agent reportedly said. “We're finding and questioning everyone who has tattoos.”*

The Justice Department's website states that Suárez's immigration case is still pending and that he is due to appear before a judge next Wednesday. Records provided by Nelson Suárez show that Arturo has no criminal record in Venezuela. Nor, according to his family, does Suárez have one in Colombia and Chile, where he lived after leaving Venezuela in 2016. They say he is one of millions of Venezuelans who sought a better life elsewhere after fleeing one of the worst economic collapses in modern history. (Just a few years ago, Secretary Rubio, then a senator from Florida, stressed that failure to protect Venezuelans from deportation “would result in a very real death sentence for countless” people who had “fled their country.”)

The stories shared with *Mother Jones* suggest that Trump's immigration officials actively sought out Venezuelan men with tattoos before the Alien Enemies Act was invoked and then removed them to El Salvador within hours of the presidential proclamation taking effect.

“This doesn't just happen overnight,” said immigration lawyer Joseph Giardina, who represents one of the men now in El Salvador, Frizgeralthe de Jesus Cornejo Pulgar. “They don't get a staged reception in El Salvador and a whole wing for them in a maximum-security prison...It was a planned operation, that was carried out quickly and in violation of the judge's order. They knew what they were doing.”



Arturo Suárez performing and speaking with his baby daughter from detention. **Courtesy Arturo Suárez**

**The White House** has yet to provide evidence that the hundreds of Venezuelans flown to El Salvador—without an opportunity to challenge their labeling as Tren de Aragua members and “terrorists”—had actual ties to the gang. When pressed on the criteria used for their identification, Press Secretary Karoline Leavitt pointed to unspecified “intelligence” deployed to arrest the Venezuelans she has referred to as “heinous monsters.” Trump’s border czar Tom Homan has insisted—without providing specific details—that the public should trust ICE to have correctly targeted the Venezuelans based on “criminal investigations,” social media posts, and surveillance.

Robert Cerna, an acting field office director for ICE’s removal operations branch, said the agency “did not simply rely on social media posts, photographs of the alien displaying gang-related hand gestures, or tattoos alone.” But Cerna also acknowledged that many of the Venezuelans deported under the Alien Enemies Act had no criminal history in the United States, a fact he twisted into an argument to seemingly justify the summary deportations without due process. “The lack of a criminal record does not indicate they pose a limited threat,” Cerna wrote. “In fact, based upon their association with TdA, the lack of specific information about each individual actually highlights the risk they pose. It demonstrates that they are terrorists with regard to whom we lack a complete profile.”

The relatives who talked to *Mother Jones* painted a vastly different picture from the US government’s description of the men as terrorists or hardened criminals. Many said their loved ones were tricked into thinking they were being sent back to Venezuela, not to a third country. (The Department of Homeland Security and ICE did not respond to a detailed request for comment asking for any evidence that the Venezuelans named in this article have ties to Tren de Aragua.)



Before leaving for the United States in late 2023, Neri Alvarado Borges lived in Yaritagua, a small city in north central Venezuela. His father is a farmer and his mother supports his 15-year-old brother, Nelyerson, who has autism.



Neri Alvarado with his brother Nelyerson in 2023. **Courtesy María Alvarado**

Alvarado's older sister, María, stressed in a call from Venezuela that her brother has no connection to Tren de Aragua. She said her brother was deeply devoted to helping Nelyerson—explaining that one of his three tattoos is an autism awareness ribbon with his brother's name on it and that he used to teach swimming classes for children with developmental disabilities. "Anyone who's talked to Neri for even an hour can tell you what a great person he is. Truly, as a family, we are completely devastated to see him going through something so unjust—especially knowing that he's never done anything wrong," María said. "He's someone who, as they say, wouldn't even hurt a fly."

Still, Alvarado was detained by ICE outside his apartment in early February and brought in for questioning, Juan Enrique Hernández, the owner of two Venezuelan bakeries in the Dallas area and Alvarado's boss, told *Mother Jones*. One day later, Hernández went to see him in detention and asked him to explain what had happened. Alvarado told Hernández that an ICE agent had asked him if he knew why he had been picked up; Alvarado said that he did not. "Well, you're here because of your tattoos," the ICE agent replied, according to Hernández. "We're finding and questioning everyone who has tattoos."

The agent then asked Alvarado to explain his tattoos and for permission to review his phone for any evidence of gang activity. "You're clean," the ICE officer told Alvarado after he complied, according to both Hernández and María Alvarado. "I'm going to put down here that you have nothing to do with Tren de Aragua."

For reasons that remain unclear, Hernández said that another official in ICE's Dallas field office decided to keep Alvarado detained. María Alvarado said her brother told her the same story at the time.

Hernández spoke to Alvarado shortly before he was sent to El Salvador. "There are 90 of us here. We all have tattoos. We were all detained for the same reasons," he recalled Alvarado telling him. "From what they told me, we are going to be deported." Both assumed that meant being sent back to Venezuela.

Hernández, a US citizen who moved to the United States from Venezuela nearly three decades ago, searched desperately for Alvarado when he didn't show up in his home country that weekend. He was nearly certain that Alvarado was in El Salvador when he first spoke to *Mother Jones* on Thursday. "I have very few friends," he said. "Very few friends and I have been in this country for 27 years. I let Neri into my house because he is a stand-up guy...Because you can tell when someone is good or bad." Later that day, on Alvarado's 25th birthday, Hernández got confirmation that his friend was in El Salvador when CBS News published a list of the 238 people now at CECOT.

A centerpiece of Bukele's brutal anti-gang crackdown, CECOT is known for due process violations and extreme confinement conditions. Last year, CNN obtained rare access to the remote prison, which can hold up to 40,000 people. The network found prisoners living in crowded cells with metal beds that had no mattresses or sheets, an open toilet, and a cement basin. Visitation and time outdoors are not allowed. A photographer who was allowed into the prison as the Venezuelans arrived earlier this month wrote for *Time* magazine that he witnessed them being beaten, humiliated, and stripped naked.

The Trump administration has indicated in court records that the El Salvador operation was weeks, if not months, in the making. In a declaration, a State Department official said arrangements with the Salvadoran and Venezuelan governments for the countries to take back US deportees allegedly associated with Tren de Aragua had been made after weeks of talks "at the highest levels"—including ones involving Secretary of State Rubio—and "were the result of intensive and delicate negotiations."

As part of the deal, the US government will pay El Salvador \$6 million to hold the Venezuelan men for at least one year. Calling the agreements a "foreign policy matter," Rubio has claimed the outsourcing of deportees' detention to Bukele's "excellent prison system" is saving money for US taxpayers.

It is unclear if, or when, anyone sent to CECOT will be able to return to Venezuela. A Human Rights Watch program director noted in a declaration that the organization "is not aware of any detainees who have been released from that prison." During an appeals court hearing on March 24, the ACLU's lead counsel Lee Gelernt said, "We're looking at people now who may be in a Salvadoran prison the rest of their lives."



Neri Alvarado working at the bakery and the autism awareness tattoo with his brother's name. **Courtesy María Alvarado**

**Joseph Giardina's** client Frizgeralth de Jesus Cornejo Pulgar thought he was set to return to Venezuela on a deportation flight. Carlos, Frizgeralth's older sibling, said his 26-year-old brother called their sister, who lives in Tennessee, from the El Valle detention center in Texas. He said Frizgeralth told her he was going to be deported to Venezuela later that day. "He was happy that he was going to be here with us," Carlos said from Caracas in a video call with *Mother Jones*.

But Frizgeralth never arrived. Eventually, the family heard from the girlfriend of another Venezuelan set to be deported on the same flight as Carlos. She had identified him in videos shared on social media of the men who had been sent to the prison in El Salvador. On March 19, Carlos started scouring the internet and spotted his brother in a TikTok video. In it, Frizgeralth has his freshly shaved head pressed down, a rose tattoo on his neck peeking out from under a white t-shirt.

"We felt very powerless and in a lot of pain," Carlos said. "To see how they mistreat a person who doesn't deserve any of that. It's not fair."

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*"I never imagined being imprisoned just for getting a tattoo."*

Frizgeralth arrived in the United States in June 2024 after crossing the Darién Gap and waiting several months in Mexico for a CBP One appointment. The Biden-era program, which the Trump administration has since terminated,

allowed migrants to schedule a date to present lawfully at a US port of entry. Carlos said Border patrol agents let Frizgeralth's girlfriend and their other brother, as well as two friends, through but they held Frizgeralth back. He ended up detained at Winn Correctional Center, an ICE facility in Louisiana.

In messages to his family from detention, Frizgeralth expressed concern he was being investigated because of his tattoos. He explained that none of the 20 or so images—including one on his chest of an angel holding a gun—he has tattooed on his body have any connection to gang activity. He also described feeling discouraged from hearing stories in detention of Venezuelans who had recently been redetained and said ICE agents picked them up over suspicions about their tattoos.

Frizgeralth even had a declaration from his tattoo artist confirming the harmless nature of the artwork. "I never imagined being imprisoned just for getting a tattoo," Frizgeralth, who owns a streetwear clothing brand with Carlos, wrote. "I never imagined being separated from my family. I wouldn't wish this on anyone, not even my worst enemy if I had one. It's horrible, it's mental torture every day."

Like Suárez and Alvarado, Frizgeralth had no criminal record in Venezuela, documents show. Giardina said his client also had no known criminal history in the United States. Nor did he have a final deportation order. During his preliminary court hearings, the US government never claimed or presented evidence that Frizgeralth had ties to Tren de Aragua. "He was doing everything he was supposed to do," Giardina said. "He got vetted and checked when he came into the country. He was in detention the entire time. It's insanity." If anything, Giardina said, his client had a strong claim for asylum based on political persecution. He said Frizgeralth was being targeted by the *colectivos*, paramilitary groups linked to the Maduro regime.

About a week prior to his deportation, they moved Frizgeralth to Texas. His next hearing, which is scheduled for April 10, still appears on the immigration court's online system. "To detain them in this maximum security prison with no access to lawyers, no charges, just because you're saying they're terrorists...", Giardina said. "I mean, what the hell?"

Génesis Lozada Sánchez said she and her younger brother Wuilliam are from a rural Venezuelan "cattle town" called Coloncito near Colombia. Following Venezuela's economic collapse, both she and Wuilliam lived in Bogota, where her brother saved up for the journey to the United States by making pants at a clothing factory. After he reached the border last January, Wuilliam was detained for more than a year, Génesis said.

On Friday, March 14, he called a cousin in the United States to say that he was about to be deported to Venezuela. "But to everyone's surprise, that's not what happened. They were kidnapped," Génesis said. "Why do I say kidnapped? These people have no ties to El Salvador. They haven't committed any crimes there. And they're not even Salvadoran. They don't even cross into El Salvador after going through the Darién Gap on their way to the United States. So, it's a kidnapping. They tricked these guys into signing papers by telling them they were being sent to Venezuela."

Like other men sent to El Salvador, Wuilliam has tattoos. But Génesis said that they have nothing to do with Tren de Aragua and that her brother has no criminal record. His goal had been to make enough money in the United States to help support their parents and to save up enough to hopefully open a clothing factory back home.

Other reporting and court briefs further support the families' suspicions that their loved ones were primarily targeted for deportation because of their tattoos. In one instance, a professional soccer player, whose attorney said had fled Venezuela after protesting against the Maduro regime and being tortured, was accused of gang membership based on a tattoo similar to the logo of his favorite team, Real Madrid.

John Dutton, a Houston-based immigration attorney, said that he started noticing ICE officers detaining Venezuelans during check-ins due to their tattoos earlier this year. "If they notice they have a tattoo, they're just taking them into custody," he explained. "No more questions to ask." Dutton estimated he now has about a dozen clients who have been arrested because of tattoos.

One of his clients, Henry Albornoz Quintero, was due in court for a bond hearing last Wednesday after being taken into detention at a routine ICE check-in. “I show up. The judge asked me where my client is,” the Houston lawyer said. “I asked the same question to the DHS attorney. She looked at her notes, shuffled papers around as if she’s gonna find the answer in there, looks up, and said, ‘Judge, I don’t know.’”

Dutton told the judge that his client might be in El Salvador; his relatives had recognized him in one of the images of people at CECOT. The judge then decided not to hear the case on the grounds that he no longer had jurisdiction. “You could tell he wanted to help me,” Dutton added. “He just couldn’t. There’s nothing he could do.”

The next day, Albornoz’s name appeared on the list of people imprisoned in El Salvador. So far, Albornoz is the only one of Dutton’s clients to be sent there. His wife is nine months pregnant with their first child.

“They didn’t just deport these people and then set them free,” says Ilya Somin, a law professor at George Mason University. “They sent them to El Salvador, where that country, at the behest of the United States, is incarcerating them for at least a year in their prison system. This is not just deportation without due process. This is imprisonment without due process in a foreign prison system that has terrible conditions. That’s a pretty blatant violation of the Fifth Amendment’s due process clause, which says that you can’t take away people’s life, liberty or property without due process of law.”

**Until Thursday**, March 20, Barbara Alexandra Manzo still wasn’t sure if her brother Lainerke Daniel Manzo Lovera was among those sent to El Salvador and transferred to CECOT. The family hadn’t heard from him since that Saturday, when he called from El Paso, Texas, to say they were deporting him to Venezuela or Mexico. Her confirmation also came when she saw his name on the CBS News list.

Barbara Alexandra told *Mother Jones* that Lainerke didn’t even have a tattoo before he left Venezuela in December 2023. He got one—a clock on his arm—while living and working in Mexico, waiting for a CBP One appointment. It was a gift from a roommate who had been given a date before he did. Last October, Lainerke showed up at the border and was sent to ICE detention; first in San Diego, then briefly in Arizona. He had a court hearing scheduled for March 26.

“My son went to look for a better future, the American Dream,” his mother Eglee Xiomara said in a video. “And it didn’t come true. That was the worst trip he has ever made in his life.”

Lainerke has yet to meet his six-month-old daughter, who was born in the United States. “He’s never been in prison,” Barbara Alexandra said. “[We’re wondering] if he’s ok or if something is happening to him. And we’ll never know because we have no recourse.”

Nelson Suárez fears that he, too, could meet the same fate as his brother Arturo, the Venezuelan musician. Even during the first Trump administration, the fact that Nelson has Temporary Protected Status and a pending asylum case would have been enough to protect him from deportation. But there are no guarantees that it will be now. If Judge Boasberg’s temporary restraining order is lifted or overturned, he could be immediately deported to Venezuela, or sent to El Salvador, without due process. He doesn’t know if he will walk out of a scheduled check-in with ICE in May free or in chains.

“I’m really scared,” he said last week. “My three daughters are here with me. My wife is here. My kids are in school. I don’t know what could happen. Since this happened to my brother, I really haven’t been able to sleep. I have no peace, no sense of calm. I’m afraid to go out on the street. But at the same time, we have to go out to work and get things done.”

# EXHIBIT 18

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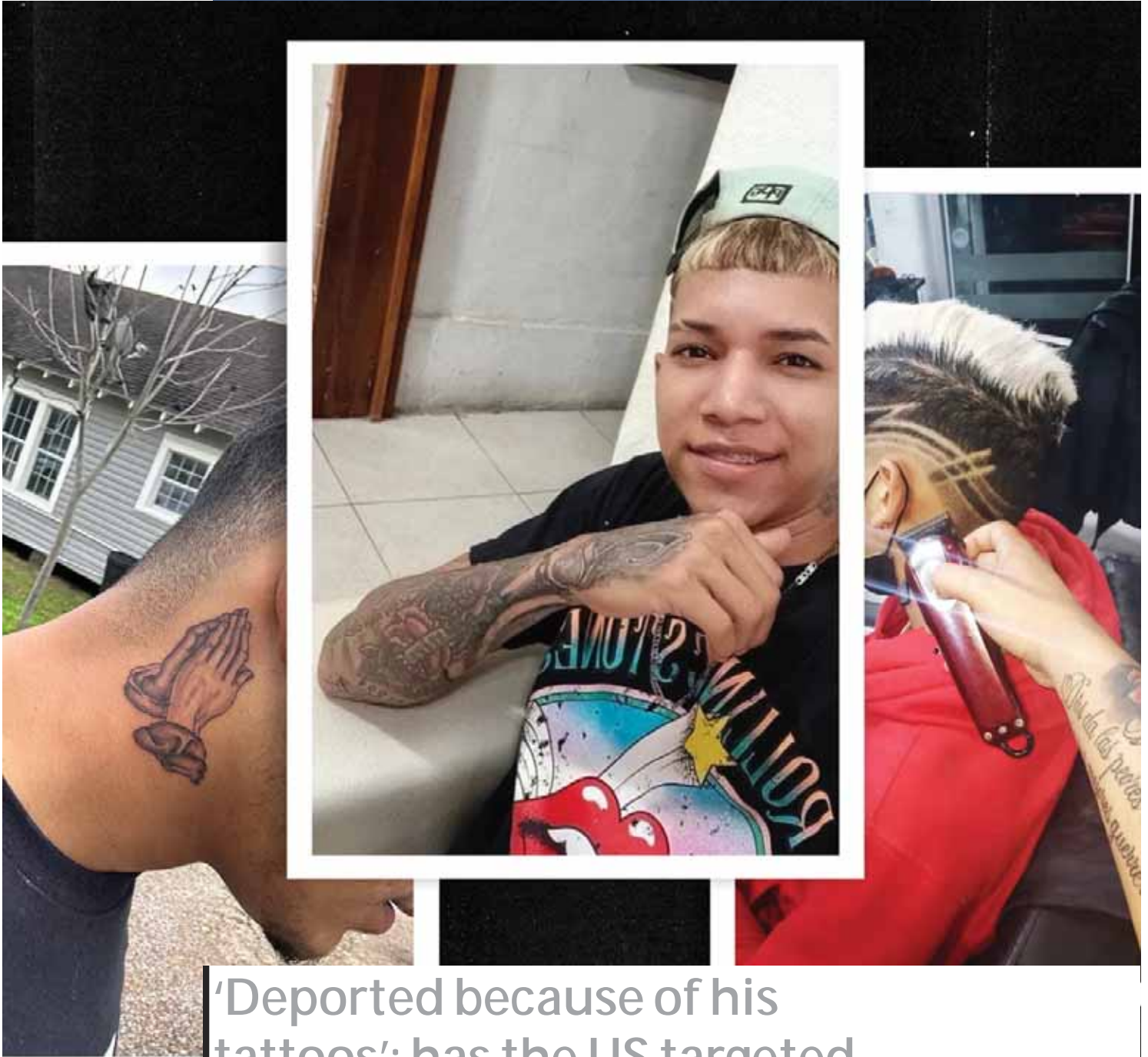
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## 'Deported because of his tattoos': has the US targeted Venezuelans for their body art?

US claims tattoos prove membership of Tren de Aragua gang but relatives describe tributes to God, family and Real Madrid

By [Tom Phillips](#) and [Clavel Rangel](#)

Venezuela migrants who have been caught up in Trump's crackdown, seemingly in part because of their tattoos.  
Composite: Supplied

Thu 20 Mar 2025 19:42 EDT

Like many Venezuelans of his generation, Franco José Caraballo Tiapa is a man of many tattoos.

There is one of a rose, one of a lion, and another - on the left side of the 26-year-old's neck - of a razor blade that represents his work as a barber.

Two other tattoos pay tribute to Caraballo's eldest daughter, Shalome: a pocket watch featuring the time of her birth and some black lettering on his chest that spells out the four-year-old's name.

"He's just a normal kid ... he likes tattoos - that's it," said Martin Rosenow, a Florida-based attorney who represents the Venezuelan asylum seeker - one of [scores shipped to El Salvador by the Trump administration last weekend](#) as part of his hard-line immigration crackdown.



Tattoos on the body of Franco José Caraballo Tiapa.

Caraballo's fondness for body art may have been his undoing. For when the father of two was detained by US immigration officials in Dallas last month, they appear to have taken those tattoos as proof that he was a member of [Venezuela's most notorious gang, Tren de Aragua](#).

An official Department of Homeland Security document issued in early February and reviewed by the Guardian states: "[The] subject [Caraballo] has been identified as a Member/Active of Tren de Aragua" although it does not explain how agents reached that conclusion. The same document notes that Caraballo - who it calls a "Deportable/Excludable Alien" - has several tattoos and no known criminal history "at this time".

Rosenow rejected the idea that the images inked on to his client's skin indicated gang membership. "It's specious - there's no basis [for this conclusion]," he said. "Experts in Venezuela who study the gang have all stated that there are no tattoos that associate gang members. It's not like the Central American MS-13 gang where tattoos are relevant in their organization."

"Tren de Agua has no [specific] tattoos," Rosenow continued. "If you see pictures [of actual Tren de Aragua members arrested in the US], they're shirtless and many of them don't even have tattoos."

"I'm nauseated by it all. I'm distressed for these individuals. I'm sad for what this means. As an American, for me it's disgraceful that we would violate human rights so flagrantly on an international level."

Caraballo, who hails from the Venezuelan state of Bolívar and entered the US over its southern border in October 2023, is one of several Venezuelans



whom immigration officials appear to have identified as gang members based on little more than their nationality and their tattoos.

**Daniel Alberto Lozano Camargo**

Daniel Alberto Lozano Camargo, a 20-year-old asylum seeker from Maracaibo in western Venezuela, lived in Houston, Texas where he washed cars for a living, advertising his services on Facebook.

His partner, a US citizen called Leslie Aranda, said he was arrested last November after being contacted by a supposed client. She has not heard from him since last Friday, when Donald Trump invoked sweeping wartime powers called the Alien Enemies Act to deport people considered a threat, such as members of Tren de Aragua, which was last month [designated a foreign terrorist organization](#).



Daniel Alberto Lozano Camargo.

Like other Venezuelans who were deported, Lozano has several tattoos, said Aranda, 25. He has the name of his partner’s daughter, Danessy, on one arm. A rose. The name of his niece, Eurimar, with a crown over the letter E. Praying hands on his neck. His father’s name, Adalberto, and his initials. Lozano also has the date of his anniversary with Aranda: 19 January 2023. Another tattoo reads “King of Myself.”

“I know his father’s name is significant to him because he died when Daniel was young. And I also know he didn’t really like the rose tattoo because a friend who was practising did it. Daniel loves art and tattoos - that’s why he has them,” Aranda said.

Lozano’s mother, Daniela, who is also in the US, said: “They violated his human rights - it’s an injustice. He doesn’t belong to any gang.”

**Neri José Alvarado Borges**

The sister of Neri José Alvarado Borges, another Venezuelan deported to [El Salvador](#), said the 24-year-old also had tattoos that relatives suspect may have led to him being wrongly identified as a criminal.

One says “Family”, another says “Brothers” and a third, on his left thigh, features the name of his younger brother, Neryelson, who is autistic, and the

rainbow-colored ribbon of the autism acceptance movement.



Neri José Alvarado Borges.

“None of these tattoos has anything at all to do with the Tren de Aragua,” said his sister, Lisbengerth Montilla, 20. “But for them [immigration authorities] anyone with a tattoo is connected to Tren de Aragua.”

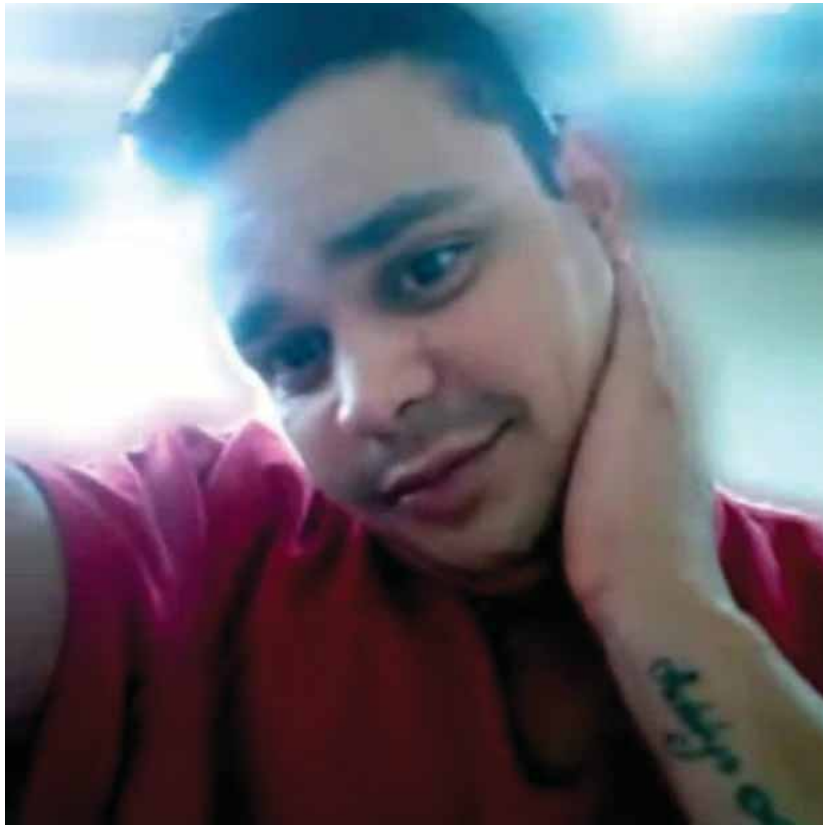
Montilla said her brother was no gangster. In fact, he was a psychology student who had been forced to abandon his studies and migrate to the US nine months ago because of [Venezuela's economic collapse](#).

After trekking through the perilous Darién Gap jungle and entering the US, Alvarado, who has no criminal history, built a life in Dallas where he worked in a bakery.

“Many of us have come here because of the situation back in our country,” said Montilla, who also lives in the US. “There were times when we didn’t even have food to eat or have the money to buy anything. Many people fled because of the dictatorship in Venezuela, seeking a better future.

“Not all of those people [deported to El Salvador] are criminals - and not all Venezuelans are bad people. We are from a decent, hard-working and upstanding family. We’ve never had problems with anybody.”

**Luis Carlos José Marcano Silva**



Luis Carlos José Marcano Silva.

Luis Carlos José Marcano Silva, a 26-year-old barber from the Venezuelan island of Margarita, was detained at an immigration hearing in Miami last month. His tattoos also seemingly played a role in his detention and deportation to El Salvador.

One, on Marcano's belly, shows the face of Jesus of Nazareth. Another, on his arm, shows an infinity symbol while a third features the name of his daughter, Adelys. His chest is emblazoned with the image of a crown.

"[At the hearing] all they kept telling him was that he belonged to the Tren de Aragua gang. When his wife contacted the lawyer, they said it was probably because of his tattoos," said Marcano's mother, Adelys del Valle Silva Ortega, denying that her son has any links to the crime group or even a criminal record.

"I feel frustrated, desperate. I imagine they are not treating him well. I've already seen videos of that prison," Silva said of the notorious Salvadoran "anti-terrorism" jail where her son is now thought to be incarcerated. "I think of him every moment, praying to the Virgin of the Valley [a Venezuelan patron saint] to protect him."

#### **Jerce Reyes Barrios**

The lawyer for a fifth Venezuelan man deported to El Salvador, a former professional footballer called Jerce Reyes Barrios, 36, has also claimed his tattoos played a role in sealing his fate.

Reyes's tattoos include one of a crown sitting atop a soccer ball with a rosary and the word "Dios" (God). In a sworn declaration, his California-based attorney, Linette Tobin, said the Department of Homeland Security had alleged this tattoo was proof of gang membership.

"In reality, he chose this tattoo because it is similar to the logo for his favourite soccer team, Real Madrid," Tobin said in her statement on Wednesday.

Tobin rejected the idea that her client was a gang member and said he had fled Venezuela in early 2024 after being detained at an anti-government demonstration by security forces. Reyes was subsequently “taken to a clandestine building where he was tortured” with electric shocks and suffocation.

Tobin said US immigration officials had reviewed her client’s social media posts and found one in which he made “a hand gesture that they allege is proof of gang membership”.

“In fact, the gesture is a common one that means I Love You in sign language and is commonly used as a rock’n’roll symbol,” Tobin said.

**Francisco Javier García Casique**

Sebastián García Casique, the brother of a sixth Venezuelan deported to El Salvador, said his sibling, Francisco Javier García Casique, also had tattoos, including of a rose, a compass and a phrase reading: “God chooses his toughest battles for his best warriors.”



Francisco Javier García Casique.

A fourth tattoo says: “Vivir el momento” (Live in the Moment). A fifth says in English: “Family”.

In September 2021 García posted an Instagram video of a tattoo of a timepiece being inked on to his right arm by an artist in Peru, where he then lived. “My tattoo in tribute to my two grandmas who I love and miss a lot,” García wrote.

**Anyelo Sarabia González**

In a sworn declaration, the sister of Anyelo Sarabia González, Solanyer Michell Sarabia González, said her 19-year-old brother had been detained by immigration agents at the start of this year in Dallas and that those agents had asked “about a tattoo that is visible on his hand” showing a rose with money as its petals.

“He had that tattoo done ... because he thought it looked cool,” González’s sister said, adding that she believed her brother had been sent to El Salvador “under the false pretence that he was a member of Tren de Aragua”.

“The tattoo has no meaning or connection to any gang,” said González, 25. Two other tattoos on her brother’s body - of the phrases “strength and

courage” and “I can do all things through Christ who strengthens me” - were also not gang-related, she said.

**Franco José Caraballo Tiapa**

Rosenow also saw no indication that his client - who he said had sought asylum on the basis of political persecution after taking part in opposition protests - was involved in the Venezuelan gang. He said Caraballo’s “cheesy” and romantic Instagram posts indicated he was not “a vicious gang member”.



Franco José Caraballo Tiapa

A Venezuelan criminal background check issued earlier this month indicates Caraballo has no criminal record there. Francisco Javier García Casique’s family has also published evidence that he had no criminal record back home.

The White House has described the Venezuelans deported to El Salvador as “heinous monsters” and terrorists but has yet to release detailed information about their identities, let alone their alleged crimes.

On Thursday afternoon CBS News published an internal government [list](#) of the 238 Venezuelan deportees, which included the names of all of the men in this story.

On Monday, a senior official from immigration and customs enforcement, Robert Cerna, admitted that “many” of those removed from the US under the Alien Enemy Act did not have criminal records in the US, but he nevertheless said they were Tren de Aragua members.

The fact that those people did not have a criminal record “is because they have only been in the country for a short period of time”, Cerna said.

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# EXHIBIT 19

# 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.



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. [More about Charlie Savage](#)

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. [More about Julian E. Barnes](#)

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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 20

IMMIGRATION

## Tattoos of deported Venezuelans don't necessarily signal gang affiliation, experts say

Relatives of some Venezuelan deportees believe the men were targeted as Tren de Aragua members based on their tattoos, but a gang expert said this isn't a reliable identifier.



— The Trump administration on March 16 deported to El Salvador 238 people it claimed were members of Venezuela's Tren de Aragua gang and 23 people it said belonged to MS-13.

El Salvador Presidency handout / Getty Images

March 21, 2025, 12:22 PM PDT

By Nicole Acevedo, Deon J. Hampton and David Noriega

Nike's Jumpman, roses and a popular phrase from a [Donald Trump-supporting Puerto Rican rapper](#): These are some of the tattoos [defense lawyers](#) and [relatives](#) say helped authorities accuse several Venezuelan men of belonging to [Tren de Aragua gang](#).

The men were not deported to their homeland last weekend but were instead sent to El Salvador, where they were jailed in a [notorious megaprison](#), raising questions about whether they were given due process.

[Lawyers for at least five men](#) have said in court filings this week that the U.S. government apprehended their clients in part because of tattoos that immigration authorities believed signaled ties to the gang.

Law enforcement and immigration officials have said in the past they've had [a challenging time identifying legitimate members](#) of the Venezuelan criminal organization. Often the only information they do have to identify individuals is alleged gang tattoos.

In the case of the recent deportation flights, Robert Cerna, the acting field office director of enforcement and removal operations at Immigration and Customs Enforcement, said in a sworn declaration on Monday that officials [did not solely rely on tattoos](#) to identify the deportees as alleged gang members.

But family members and attorneys are contesting that assertion, saying the inkings in question merely indicate the men are [sports fans](#) or [family men](#), not gang members. They believe their clients and deported relatives were [falsely accused and targeted because of their tattoos](#), and denied the men are connected to [Tren de Aragua](#) at all.



## What is 'Tren De Aragua'? Explaining the gang at center of Trump's immigration crackdown

04: 40



Other Latin American gangs, such as the Salvadoran group MS-13, are known to use certain tattoos to identify their membership.

But that's not the case with the Venezuelan gang Tren de Aragua, according to Ronna Riskey, an expert on the group who authored the Spanish-language book "The Tren de Aragua: The Gang That Revolutionized Organized Crime in Latin America."

Riskey said tattoos are not closely connected with affiliation to Tren de Aragua. When asked if there's a specific tattoo that identifies Tren de Aragua members, [Riskey told Noticias Telemundo](#), "Venezuelan gangs are not identified by tattoos."

"To be a member of one of these Venezuelan organizations, you don't need a tattoo," she said in Spanish. "You can have no tattoos and still be part of Tren de Aragua. You can also have a tattoo that matches other members of the organization."

Law enforcement and [immigration officials](#) across the nation have [linked several tattoos](#) to Tren de Aragua: stars on shoulders, [crowns](#), firearms, grenades, trains, dice, predatory felines, gas masks, [clocks](#), [the Illuminati sign](#) and the jersey number 23 – which basketball players including Michael Jordan and LeBron James made famous – in addition to tattoos of roses and the Jumpman logo.



**Families of deported Venezuelans are distraught their loved ones were sent to El Salvador**

Other [tattooed phrases](#) law enforcement says are associated with the gang include “Hijos de Dios” (Sons of God), or its abbreviation “HJ,” and “[Real Hasta la Muerte](#)” (Real Until Death).

The government of El Salvador stated this week that hundreds of men deported from the U.S. last weekend were members of Tren de Aragua. In a [propaganda-style video](#), the detainees were shown handcuffed in a crouched position as their heads were being shaved ahead of their transfer to the [CECOT megaprison](#), according to [El Salvador’s Press Secretariat](#).

The video shows some prisoners who have tattoos: One man sports ink of a rose, an Illuminati symbol and the Jumpman logo, inspired by Michael Jordan – all tattoos previously cited by police and immigration authorities as evidence of [ties to Tren de Aragua](#).

But Riquez said that gang members also sport tattoos considered culturally popular at the moment and popular among the general public – such as “Real Hasta la Muerte” tattoos, a phrase popularized by [Anuel AA, the reggaeton singer](#).

“This guy is [loved by many Venezuelans](#) and by many Latin Americans who have adopted this tattoo, and they’ve gotten that tattoo,” Riquez said. “So that tattoo can’t be associated with Tren de Aragua because there are many people who aren’t from the Tren de Aragua, including Anuel, who have that tattoo.”



— A photo from U.S. Border Patrol of what it said are Tren de Aragua tattoos. U. S. Border Patrol

The Trump administration views Tren de Aragua as a national security threat, saying dangerous members have entered the country illegally. In the U.S., [law enforcement has accused](#) dozens of people of belonging to the gang in at least 14 states, according to an NBC News analysis.

The administration has repeatedly cited Tren de Aragua as the embodiment of the criminal immigrant as part of the president's aggressive immigration enforcement agenda, which has included sending hundreds of [Venezuelan immigrants to the U.S. naval base in Guantanamo Bay](#),

Cuba, and to the Salvadoran megaprison, as well as stripping hundreds of thousands more of temporary legal status in the U.S.

Targeting Venezuelans because of their tattoos is “wrong and outrageous,” said Bill Hing, a law professor at the University of San Francisco and co-director of the school’s immigration and deportation defense clinic.

“It’s very evident that just having a Michael Jordan tattoo does not necessarily mean that a person is a gang member,” said Hing, who has represented hundreds of asylum-seekers from Central America, Colombia and Venezuela.

A neck tattoo of the Jumpman logo was allegedly among the reasons one man was detained at Guantanamo along with 176 other Venezuelans, according to documents filed in a lawsuit by the American Civil Liberties Union and other groups.

“Jordan is popular around the world, and for many Venezuelans he’s part of their fashion,” Hing said. He echoed Riskey in saying that most people get tattoos based on pop culture references as well as their geographical or ancestral roots, racial pride and religion.

The idea that a Jordan tattoo or jersey would be used to link someone with Tren de Aragua is close to laughable, said Riskey.

The Department of Homeland Security did not respond to a request for comment. But on Tuesday, the White House said in a statement in response to the deportation flights to El Salvador that it was “confident in DHS intelligence assessments on these gang affiliations and criminality.” It added that the Venezuelan immigrants who were removed from the U.S. had final orders of deportation, though some attorneys and family members of the deportees are contesting that.

“This administration is not going to ignore the rule of law,” the statement said.

Hundreds of Venezuelans have since been removed from the U.S. under [the Alien Enemies Act](#), which allows the president to expeditiously deport noncitizens during wartime.

Trump invoked this law after he claimed the gang was invading the United States. That justification is now [the heart of dispute between Department of Justice lawyers and a federal judge](#).

But in assessing the use of tattoos as a main identifier of gang affiliation, Riskey pointed out that as in all parts of the world, the only way to determine that a person is a delinquent or criminal is “to conduct a police investigation” and [“grant them due process.”](#)



Nicole Acevedo

Nicole Acevedo is a reporter for NBC Latino.

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Deon J. Hampton

Deon J. Hampton is a national reporter for NBC News.

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David Noriega

David Noriega is an NBC News correspondent based in Los Angeles.

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Sarah Ford, Damià Bonmatí, Daniela Silva, Gary Grumbach and Carmen Sesin contributed.

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

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

Petitioner,

v.

DONALD J. TRUMP, *et al.*,

Respondents.

No. 1:25-cv-766 (JEB)

Declaration Of Acting Field Office Director  
Robert L. Cerna

**DECLARATION OF ROBERT L. CERNA**

I, Robert L. Cerna, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an Acting Field Office Director Enforcement and Removal Operations (“ERO”) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”).

2. As the (A)FOD of the Harlingen Field Office, I am responsible for, among other things, the detention and enforcement operations of more than 350 employees, assigned to six ERO Harlingen offices. ERO Harlingen encompasses fifteen South Texas counties and is responsible for six detention facilities with a combined total of 3,790 detention beds.

3. I am aware that the instant lawsuit has been filed regarding the removal of Venezuelan members of Tren de Aragua (“TdA”) pursuant to the Alien Enemies Act (“AEA”).

4. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.

5. ICE understood the Proclamation *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua* to be effective only once it was posted to the White House website (<https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-act-regarding-the-invasion-of-the-united-states-by-tren-de-aragua/>), which was at or around 3:53 PM EDT on March 15, 2025. Based on the face of the Proclamation, it had been signed by the President on March 14, 2025.

6. On March 15, 2025, after the Proclamation was publicly posted and took effect, three planes carrying aliens departed the United States for El Salvador International Airport (SAL). Two of those planes departed U.S. territory and airspace before 7:25 PM EDT. The third plane departed after that time, but all individuals on that third plane had Title 8 final removal orders and thus were not removed solely on the basis of the Proclamation at issue. To avoid any doubt, no one on any flight departing the United States after 7:25 PM EDT on March 15, 2025, was removed solely on the basis of the Proclamation at issue. ICE carefully tracks the TdA members who are amenable to removal proceedings. At this time approximately 54 members of TdA are in detention and on the detained docket, approximately 172 are on the non-detained docket, and approximately 32 are in criminal custody with active detainers against them. Should they be transferred to ICE custody, they will likely be placed in removal proceedings.

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

Executed this 18th day of March 2025.

**ROBERT L  
CERNA II** Digitally signed by  
ROBERT L CERNA II  
Date: 2025.03.18  
10:45:15 -05'00'

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Robert L. Cerna  
Acting Field Office Director  
Enforcement and Removal Operations  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security



# EXHIBIT A

**DECLARATION OF DEBORAH FLEISCHAKER**

I, Deborah Fleischaker, 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 began working on immigration detention issues in 2011, when I was a career employee at the U.S. Department of Homeland Security’s (DHS) Office for Civil Rights and Civil Liberties (CRCL). I was employed by CRCL from March 2011 until September 2021. One year of this (May 2019 - May 2020) was spent on a temporary detail to Senator Patrick J. Leahy’s Judiciary Committee staff. An additional four months was spent on a temporary detail at the DHS Office of Policy and three months at U.S. Immigration and Customs Enforcement (ICE). I worked on immigration issues in all of these temporary assignments.
2. Between September 2021 and November 2023, I was employed as a political appointee by DHS’s ICE. I was an Assistant Director at ICE and headed the Office of Regulatory Affairs and Policy from September 2021 to November 2022. From November 2022 until November 2023, I served as the Acting ICE Chief of Staff.
3. As the Assistant Director for the Office of Regulatory Affairs and Policy, I spearheaded policy and regulatory initiatives for the agency, with a significant focus on immigration enforcement, detention, and removal. In that position, I worked on a number of enforcement and detention policies, including Secretary Alejandro Mayorkas’ enforcement priorities, the DHS sensitive locations and courthouse enforcement policies, and policies relating to the detention of pregnant people, crime victims, and parents.
4. I provide this declaration based on my personal knowledge and experience as well as my review of Robert L. Cerna’s Declaration.

5. Mr. Cerna's declaration indicates that ICE is not prepared to detain members of Tren de Aragua ("TdA").
6. Based on my extensive experience with ICE detention policies and practices, that is wrong.
7. ICE detention facilities in the United States are prepared to detain any noncitizen, regardless of their security risk level. This includes people with violent criminal histories, as well as members of gangs and Foreign Terrorist Organizations.
8. Mr. Cerna testifies that gang members in ICE facilities pose a grave risk to nonviolent detainees. That is not true.
9. ICE has a clear custody classification system. Detainees are assessed a custody level and detained at that level. The custody classification system allows ICE facilities to separate detainees with no criminal histories from those with a history of violence. ICE facilities also have "Special Management Units" designed to securely house individuals who cannot be housed safely with the general detainee population. This could include the highest risk and most violent detainees.
10. All but a handful of ICE detention facilities are able to manage all levels of detainees in a safe and secure manner, and ICE is able to ensure that higher risk detainees are housed in appropriately secure facilities.
11. Mr. Cerna also testifies that gang members pose a grave risk to ICE personnel. This is also wrong.
12. As a threshold matter, ICE personnel typically do not serve as guards at detention facilities. Contracted guard services are usually responsible for the safety and security of all detainees and staff, including ICE personnel.

13. ICE has numerous policies in place to ensure a safe and secure environment for both detainees and staff. In all facilities, detainees are subject to line-of-sight monitoring, regular searches, and limitations on the amount and type of property they may have in their possession. ICE also maintains staff/detainee ratios that must be met at all detention facilities to ensure the safety and security of the facilities.
14. ICE devotes significant effort and preparation to safety and security, and the agency routinely manages complex populations with high levels of criminality and gang affiliation, all while keeping its personnel safe.
15. Mr. Cerna testifies that holding TdA members risks potential gang recruitment activities in ICE detention. Again, this is untrue and any risks can be appropriately mitigated.
16. ICE facilities have specific tools to address gang recruitment concerns. Detainees may be held in segregation or housed in pods that contain only detainees with the same gang affiliation. Individual cells are regularly searched, telephone calls are monitored, and there is not significant freedom of movement for high-risk detainees.
17. Finally, Mr. Cerna testifies that holding members of TdA without “an immediate mechanism to remove them” is “irresponsible.” That is simply not true.
18. ICE routinely holds gang members through their immigration proceedings. ICE also had facilities designated to hold specific gang-affiliated individuals, often separated by gang. I am not aware of any evidence that TdA’s presence in ICE units is any more difficult to manage than the presence of other criminal gangs.
19. Mr. Cerna’s declaration describes the types of crimes alleged against individuals removed under the AEA. Assuming the allegations in paragraphs 10 and 11 of Mr. Cerna’s

declaration are true, it would have been well within ICE’s capacity to detain those individuals safely for the duration of their removal proceedings.

20. ICE has always safely and securely detained individuals who are gang members and/or who have been arrested, charged, or convicted, or who have INTERPOL red notices for violent crimes. There is nothing about the situation described by Mr. Cerna that is different than what ICE normally handles. Safe and secure detention of all individuals, regardless of their security risk, is essential to ICE’s mission and a core agency function.

Executed on this 19th day of March, 2025 in Washington D.C.

DocuSigned by:  
*Deborah T. Fleischaker*  
8AA70A96D4E74C5...

Deborah T. Fleischaker

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

J.G.G., <i>et al.</i> ,	)	
	)	Civil Action No. 1:25-cv-00766
Plaintiffs-Petitioners,	)	
	)	
v.	)	
	)	
DONALD J. TRUMP, in his official	)	
capacity as President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Defendants-Respondents.	)	

**RESPONSE TO ORDER TO SHOW CAUSE**

On March 20, 2025, the Court directed Defendants to “show[] cause why they did not violate the Court’s Temporary Restraining Orders by failing to return class members removed from the United States on the two earliest planes that departed on March 15, 2025.” Dkt. 47, at 3.<sup>1</sup> That directive refers to flights carrying criminal aliens removed from the United States pursuant to the March 15, 2025 Presidential Proclamation entitled “Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua.”

These removals both complied with the law and safeguarded Americans against members of a foreign terrorist organization. The Government will continue to defend the removals before this Court and, if necessary, on appeal challenging this Court’s two injunctions issued on March 15. The first injunction, in a written minute order entered before a class was provisionally certified, enjoined the Government from “remov[ing] any of the individual Plaintiffs from the United States for 14 days absent further Order of the Court.” Although that first injunction did not comply with

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<sup>1</sup> This Court provisionally certified a class consisting of “[a]ll noncitizens in U.S. custody who are subject to the March 15, 2025, Presidential Proclamation.” Minute Order (March 15, 2025).

Rule 65(d)(1)(A)'s requirement that the order "state the reasons why it issued," no one disputes that the Government complied with that Order, and Defendants therefore do not discuss it further.

The second injunction issued via a minute order at 7:25 PM: "The Government is ENJOINED from removing members of [the] class (not otherwise subject to such removal) pursuant to the Proclamation for 14 days or until further Order of the Court." That minute order likewise did not comply with Rule 65(d)(1)(A). Regardless, the injunction thus bars the Government from *removing* class members; it does not require the Government to *undo* removals that have already occurred. And for good reason. Even without the challenged Proclamation, the President doubtlessly acts within his constitutional prerogative by declining to transport foreign terrorists into the country. Here, any members of the putative class aboard the referenced flights had already left the United States when the minute order was entered, and thus had already been removed. No court has the power to compel the President to return them, and there is no sound basis to read the Court's minute order as requiring that unprecedented step.

**I. The Government Did Not Remove Any Class Members from the United States After Entry of the Court's Injunctions.**

The Government fully complied with the terms of the Court's 7:25 PM injunction. That order purported to enjoin the Government "from removing" class members under the Alien Enemies Act. The Government did not "remove" any class members after that time under the AEA. To be sure, the Government had *already* removed some *before* the injunction. But nothing in the minute order suggested that the Government had to return already-removed class members to the United States (even assuming the Court could compel such an act consistent with Article II of the Constitution, which it cannot, *infra* § III).

"[A]n injunction must be read in the context of its circumstances." *Milk Wagon Drivers Union v. Meadowmoor Dairies, Inc.*, 312 U.S. 287, 298 (1941). Here, Plaintiffs challenged the

President’s exercise of his authority under the Alien Enemies Act, which authorizes the President to “remove[]” certain dangerous aliens in the event of certain threats against “the territory of the United States.” 50 U.S.C. § 21. Because neither the injunction on which the injunction is based nor the statute defines “remove,” the “ordinary or natural meaning” controls. *See al Janko v. Gates*, 741 F.3d 136, 140 (D.C. Cir. 2014).

When the Alien Enemies Act was enacted, the ordinary meaning of “remove” was “to take or put away,” or “to place at a distance.” Samuel Johnson, *Dictionary of the English Language* (6th ed. 1785) (“To put from its place; to take or put away”; “to place at a distance”); John Ash, *The New and Complete Dictionary of the English Language*, Vol. II (1795) (“to put from its place, to place at a distance.”); Sheridan, *A Complete Dictionary of the English Language* (3d ed. 1790) (“to put from its place, to take or put away, to place at a distance”). And it continues to mean the same thing today. *See Remove*, *The American Heritage Dictionary* (5th ed. 2011) (“to move from a place or position occupied”); *Remove*, *Webster’s New World College Dictionary* (4th ed. 2009) (“to move (something) from where it is; lift, push, transfer, or carry away, or from one place to another”); *Remove*, *Black’s Law Dictionary* (defining “removal” as “[t]he transfer or moving of a person or thing from one location, position, or residence to another.”). The Court’s injunction thus directs the Government not “to take,” “move,” or “transfer” class members from the United States.

The plain meaning of “remove” aligns with the context of the Alien Enemies Act, a statute with which Congress empowered the President to protect “the territory of the United States” from foreign threats. 50 U.S.C. § 21; *cf. Nicusor-Remus v. Sessions*, 902 F.3d 895, 899 (9th Cir. 2018) (holding, in distinct INA context, that an alien has been removed once he has “left the United States”). Given that purpose, the statute is understandably focused on removing enemy aliens from U.S. territory—not where they go after departing our borders.



The Government thus complied with the Court’s injunction with respect to the two flights at issue. According to Plaintiffs, those two flights took off approximately two hours *before* the Court’s Minute Order of 7:25 PM EDT, and did so from a location very close to the outer limit of U.S. airspace. *See* Dkt. 21, at 3.<sup>2</sup> And, as explained in the Declaration of Robert Cerna of U.S. Immigration and Customs Enforcement, “two flights carrying aliens being removed under AEA departed U.S. airspace before the Court’s minute order of 7:25 PM EDT.” Dkt. 49-1 at 2. Accordingly, by the time the Court issued its injunction, the planes’ occupants had *already* been “transferred”—that is, removed—from United States territory and airspace. The Government thus did not “remove” any class members from the United States after the Court issued its injunction. Indeed, the Government could not possibly have “removed” them from a place they had already departed.

To be clear, the Government did not order any removal flights to return to the United States. But as noted above, declining to bring class members *back* to the United States is not the same thing as *removing* them from the United States. As the injunction said nothing about class members who had already departed the country, there was no violation.

If any doubt remains (and none does), the Court should apply the “longstanding, salutary rule” that favors the party subject to the injunction when that injunction’s meaning is uncertain or debatable. *Pasadena City Bd. of Ed. v. Spangler*, 427 U.S. 424, 439 (1976); *accord Ford v. Kammerer*, 450 F.2d 279, 280 (3d Cir. 1971); *Common Cause v. Nuclear Regul. Comm’n*, 674 F.2d 921, 927 (D.C. Cir. 1982) (citing, *inter alia*, *Ford*). Here, the Government enjoys that presumption, which underscores that the Government complied with this Court’s injunction.

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<sup>2</sup> Plaintiffs also identified a third flight that departed later. Dkt. 21, at 4. As the Government has already disclosed, that flight carried detainees who were removable on grounds other than the Proclamation and is therefore irrelevant. Dkt. 24, at 3.

In any event, the 7:25 PM Minute Order failed to satisfy Rule 65(d)(1)(A)'s requirement that it "state the reasons why it issued." The order does not contain any such reasoning—only directives. The Minute Order thus failed to satisfy the requirements for issuing a binding injunction. *See, e.g., Adkins v. Nestle Purina PetCare Co.*, 779 F.3d 481, 483 (7th Cir. 2015); *e360 Insight v. The Spamhaus Project*, 500 F.3d 594, 604 (7th Cir. 2007).

## **II. The Court's Written Minute Orders Control.**

In suggesting a violation of this Court's orders, Plaintiffs have focused not on the written minute orders—which, as explained above, were fully respected—but instead on oral statements that the Court made during the course of the March 15, 2025 hearing. They suggest that the Court's oral statements (which were made available for viewing at the courthouse or purchase only the next day, Dkt. 20) should control rather than the Court's minute order (which was entered on the docket at 7:25 PM the day of the hearing). *See* Dkt. 21. Specifically, Plaintiffs fixate on a handful of lines in the 46-page transcript, in which this Court said that class members "need to be returned to the United States" "immediately," while "leav[ing]" to the Government the choice of accomplishing that result by "turning around a plane or not embarking anyone on the plane." Hearing Tr. 43:13–19. Thus, Plaintiffs' argument goes, even if the planes were already outside the United States—and even though the minute order itself speaks only to "removal" and not "returning" already-removed class members—the Government had to turn around planes carrying foreign terrorists mid-flight, based on the Court's statements at the hearing that began at 5 PM. Dkt. 21, at 2-3.

This argument ignores blackletter law. It is well-settled that an oral directive is not enforceable as an injunction. *See Bates v. Johnson*, 901 F.2d 1424, 1427 (7th Cir. 1990) ("Oral statements are not injunctions."). Federal Rule of Civil Procedure 65(d) provides that a temporary

restraining order or injunction “must ... state the reasons why it issued,” “state its terms specifically,” and “describe in reasonable detail—and not by referring to the complaint or other document—the act or acts restrained or required.” Those requirements “contemplate[] the issuance of a *written* order.” *Lau v. Meddaugh*, 229 F.3d 624, 633 (2d Cir. 1976) (emphasis added); *see also Garcia v. Yonkers Sch. Dist.*, 561 F.3d 97, 105 (2d Cir. 2009) (Miner, J., joined by Sotomayor and Katzmann, JJ.) (“Requirements for the form and content of preliminary injunctions and temporary restraining orders are properly met by a written order.”).

Thus, “[i]f an injunction is not recorded in writing, the defendant is *under no judicial compulsion*.” *Landmark Legal Found. v. EPA*, 272 F. Supp. 2d 70, 83 (D.D.C. 2003) (emphasis added). As Judge Easterbrook squarely put it: “Oral statements are not injunctions,” and “[a] judge who proclaims, ‘I enjoin you’ and does not follow up with an injunction [in writing] has done nothing.” *Bates*, 901 F.2d at 1427; *see also Hispanics United v. Village of Addison*, 248 F.3d 617, 621 (7th Cir. 2001) (“[I]f the district judge neither puts pen to paper nor identifies an authoritative document, nothing of legal significance has happened—for oral statements are not judgments and under Rule 65(d) have no legal effect.”). This principle is deeply ingrained in caselaw. “[O]nly concrete language in a written order can be enforced as an injunction,” *In re Rockford Prods. Corp.*, 741 F.3d 730, 734 (7th Cir. 2013), and “statements in court ... do not change the contents of injunctions,” *Bethune Plaza, Inc. v. Lumpkin*, 863 F.2d 525, 527 (7th Cir. 1988). That accords with the general rule that, “[w]here the record includes both oral and written rulings on the same matter,” it is the “written opinion” that matters—“not the oral statements.” *PlayMakers LLC v. ESPN, Inc.*, 376 F.3d 894, 897 (9th Cir. 2004).<sup>3</sup>

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<sup>3</sup> The general rule is inverted in the criminal-sentencing context where a district court’s “oral pronouncement of a sentence controls over a written judgment.” *United States v. Russell*, 45 F.4th 436, 441 (D.C. Cir. 2022). That rule derives from the Federal Rules of Criminal Procedure and

There are powerful, common-sense reasons why only written injunctions are binding. *First*, the written order may represent a more considered judgment of the court about the proper exercise of its powers: “Oral responses from the bench may fail to convey the judge’s ultimate evaluation,” and “[s]ubsequent consideration may cause the district judge to modify his or her views.” *Ellison v. Shell Oil Co.*, 882 F.2d 349, 352 (9th Cir. 1989). Indeed, that was a very reasonable inference to draw here. Ordering the Government to reverse an extant counterterrorism operation and deliver foreign terrorists to United States soil would have been an astonishingly *ultra vires* exercise of judicial power—and in conflict with basic constitutional principles, *see infra* § III. When the written order did not include that command, the Government could reasonably have understood that as reflecting the Court’s more considered view in a quickly evolving situation. And that is true regardless of how Government counsel understood the Court’s intent at the time of the hearing.

*Second*, “the specificity provisions of Rule 65(d) are ... designed to prevent uncertainty and confusion on the part of those faced with injunctive orders.” *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974). “An injunctive order is an extraordinary writ,” and Rule 65 “require[es] that a federal court frame its orders so that those who must obey them will know what the court intends to require and what it means to forbid.” *Gunn v. University Committee to End War*, 399 U.S. 383, 389 (1970). “[A]n ordinary person reading the court’s *order* should be able to ascertain from the

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special needs of “[c]riminal defendants.” *United States v. Godoy*, 706 F.3d 493, 495 (D.C. Cir. 2013) (cleaned up); *see also* Fed. R. Crim. P. 35(c) (defining “sentencing” as “oral announcement of the sentence”); *United States v. Villano*, 816 F.2d 1448, 1452 (10th Cir. 1987) (connecting this exception to the “right to be present at sentencing”). But in the civil context, the written judgment invariably controls. *See* Fed. R. Civ. P. 58(a) (requiring that “[e]very judgment and amended judgment must be set out in a separate *document*,” with few exceptions (emphasis added)); *United States v. Moroyoqui-Gutierrez*, 602 F. App’x 378, 379 (9th Cir. 2015) (“[O]utside of [the criminal-sentencing] context the district court’s written order is the operative decision.”).

*document itself* exactly what conduct is prescribed.” Wright & Miller, Fed. Prac. & Proc. § 2955 (3d ed. 2024) (emphases added). It would undermine the principles embodied in Rule 65(d) to hold that every syllable uttered at a hearing (whether after briefing or mere hours after the complaint itself was filed) is as binding as a subsequent written order.

This Court itself appeared to recognize that its oral statements did not amount to a binding injunction. Just before explaining its preference that the Government “tur[n] around [the] plane[s],” Hearing Tr. at 43:16, the Court informed counsel that it “w[ould] issue a minute order memorializing [a TRO] so *you don’t have to race to write it down,*” *id.* at 42:22-23 (emphasis added). And immediately after the oral statement, the Court further stated that it “will issue a minute order memorializing all of this.” *Id.* at 46:9-10. Those promises accord with the rule that a court will ensure “those enjoined receive explicit notice of precisely what conduct is outlawed.” *Schmidt*, 414 U.S. at 476. That rule is doubly important in a case like this one, which involves many parties, grave national security concerns, and complex foreign arrangements. And even at the hearing itself, the Court’s statements were inconsistent and contradictory—just a few transcript pages before the above remarks, the Court admitted that “once they are out of the country, I’m not sure what I can do there,” acknowledging that its jurisdiction ended at the border.<sup>4</sup> Hearing Tr. at 36:20–21. Plaintiffs agreed, conceding that the Court would “*clearly* lose jurisdiction” once the class members exit the country, in support of their irreparable-harm arguments. *Id.* 36:17–19, 22–23 (emphasis added).

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<sup>4</sup> As noted above, Plaintiffs have asserted that the alleged deportation flights departed at 5:26 and 5:45 PM EDT, from a location very close to the outer limit of U.S. airspace. *See* Dkt. 21, at 3. Plaintiffs also assert that this Court made the oral statements on which they rely “between approximately 6:45 pm ET and 6:48 ET.” *Id.* at 1. Based on Plaintiffs’ own assertions—which the Government neither confirms nor challenges—the flights thus departed U.S. airspace before this Court made the oral pronouncements on which Plaintiffs rely.

Under Rule 65(d), there is no need to wade into the thicket of parsing contradictory and imprecise verbal exchanges after-the-fact. This Court should decline Plaintiffs’ request to transform oral statements into a binding injunction. What matters is the written minute order, which the Court posted 30 minutes after the hearing concluded. Moreover, even if the Court’s earlier, oral statements were binding, because Rule 65(d) requires that an injunction set out its terms without reference to any other document, the Court’s written order would have superseded its earlier oral statements.<sup>5</sup> *Cf. United States v. Com. of Va.*, 569 F.2d 1300, 1302 (4th Cir. 1978) (holding that an oral statement of “findings of fact and conclusions of law from the bench, with the written order thereafter entered merely making reference to the ‘reasons stated from the bench’ ... did not comply with the provisions of Rules 52(a) and 65(d) of the Federal Rules of Civil Procedure”) (footnote omitted). Adherence to this rule is particularly important when, as here, the Court explicitly modifies an earlier order. *MillerCoors LLC v. Anheuser-Busch Companies, LLC*, 940 F.3d 922, 923 (7th Cir. 2019). Either way, the Government has complied with the Court’s operative order—the 7:25 PM Minute Order.

### **III. In All Events, the President No Longer Needed To Rely on the Proclamation Once the Flights Had Left the United States.**

As explained above, the Government fully complied with the Court’s injunctions. But even if those orders had purported to prohibit the Government from continuing to transfer class members who were already outside the United States to a foreign country, the orders could only

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<sup>5</sup> Notably, Plaintiffs themselves have already taken the position that the court’s oral instruction to return planes was *not* incorporated into the written minute order. Specifically, Plaintiffs have taken the position that only the 7:25 PM Minute Order was appealed to the D.C. Circuit and that the oral statements regarding planes were entirely separate from this Court’s written order. Plaintiffs’ counsel thus yesterday told the D.C. Circuit that, unlike the minute order, “I don’t think the order to return the planes is before you.” Oral Argument at 1:19:39-42, <https://media.cadc.uscourts.gov/recordings/docs/2025/03/25-5067.mp3>; *id.* at 1:17:29-37 (“The order about bringing people back, or potentially bringing people back, is not before you.”).

be understood as enjoining such conduct *based on the Proclamation*. See, e.g., 7:25 PM Minute Order (Mar. 15, 2025) (enjoining removals “pursuant to the Proclamation”). Proclamation aside, the President has ample independent authority under Article II to decline to bring foreign terrorists into the United States, including by returning to the United States foreign terrorists who were previously within the United States. For that reason too, the Government’s decision not to turn around the alleged deportation flights complied with the Court’s orders.

The President is “entrusted with ... vast powers in relation to the outside world.” *Ludecke v. Watkins*, 335 U.S. 160, 173 (1948). For one, he is the “Commander in Chief” of the armed forces. U.S. Const. art. II, § 2. “As commander-in-chief, [the President] is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.” *Fleming v. Page*, 9 How. 603, 615 (1850). And the Constitution makes the President “not only the Commander-in-Chief but also the guiding organ in the conduct of [this country’s] foreign affairs.” *Ludecke*, 335 U.S. at 173; see also *First Nat’l Cty. Bank v. Banco Nacional de Cuba*, 406 U.S. 759, 767 (1972) (the President has “the lead role ... in foreign policy”).

Indeed, these Presidential powers—implicating “national security, military matters and foreign relations”—are “quintessential sources of political questions.” *Al-Aulaqi v. Obama*, 727 F. Supp. 2d 1, 45 (D.D.C. 2010). “[A] controversy involves a political question where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it.” *Zivotofsky ex rel. Zivotofsky v. Clinton*, 566 U.S. 189, 195 (2012) (cleaned up). The Court “lacks the authority to decide” cases presenting such questions. *Id.* “The principle that the courts lack jurisdiction over political decisions that are by their nature committed to the political branches to the exclusion of

the judiciary is as old as the fundamental principle of judicial review.” *Schneider v. Kissinger*, 412 F.3d 190, 193 (D.C. Cir. 2005). And the reasons counseling against courts intervening in such disputes are only heightened when the relevant facts occur outside the country. The “lack of discoverable and manageable judicial standards” is exacerbated when judges “sit[] thousands of miles from the field of action.” *DaCosta v. Laird*, 471 F.2d 1146, 1155 (2d Cir. 1973).

The President’s ultimate direction of the flights at issue here—especially once they had departed from U.S. airspace—implicated military matters, national security, and foreign affairs outside of our Nation’s borders. As such, it was beyond the courts’ authority to adjudicate. *Cf. Ghaleb Nassar Al-Bihani v. Obama*, 619 F.3d 1, 38 (D.C. Cir. 2010) (Kavanaugh, J., concurring in denial of rehearing en banc) (noting “the well-established principle that the Judiciary should not interfere when the President is executing national security and foreign relations authority in a manner consistent with an express congressional authorization”); *People’s Mojahedin Org. of Iran v. U.S. Dep’t of State*, 182 F.3d 17, 23 (D.C. Cir. 1999) (holding that courts are “not competent to pass” on Secretary of State’s finding that an organization’s “terrorist activity” threatens “the national security of the United States”).

Two consequences follow. *First*, to the extent there was any ambiguity about the Court’s orders, or about how the Court’s oral statements interacted with the subsequent written order, that ambiguity should be resolved in favor of a reading that not only avoids the notice issues associated with imposing penalties for violation of a vague order, but also does not purport to interfere with the President’s Article II authorities or decisions beyond judicial review. Indeed, at the hearing itself, this Court expressed strong doubts that its jurisdiction would extend beyond the border under these circumstances—and Plaintiffs were certain that it did not. *See* Hearing Tr. 36:17–23. If courts cannot assess a President’s decision to target terrorists on foreign soil, *see Al-Aulaqi v.*



*Obama*, 717 F. Supp. 2d at 47; *El-Shifa*, 607 F.3d at 844, they surely cannot require the President to *bring* terrorists *into* the United States. And even if the Court disagrees with that proposition, the Executive Branch cannot be faulted for not interpreting the Court’s order as impliedly claiming such extravagant authority. That courts lack authority to micromanage how the President decides to deal with terrorists abroad is simply another reason to reject any broader reading of the Court’s order.

*Second*, whatever else the Court’s orders may have done, they surely were limited to the use of the Proclamation and the Alien Enemies Act. They did not reach the President’s inherent Article II authorities, which were independently sufficient to support his directions with respect to flights and terrorists outside the United States. Again, the minute order in no way directed the Government to do *anything* outside the United States. But, at most, the Court’s injunctions and oral statements—in the context of this litigation—concerned the invocation of the Proclamation and use of the Alien Enemies Act. In other words, even if one could broadly and improperly construe the Court’s orders as restricting the government from “turn[ing] over” alien enemies “to foreign governments” (Dkt. 21, at 2), or as governing presidential decisions with respect to actions taken outside the United States, that still was limited by its terms to actions taken “pursuant to the Proclamation.”

For the reasons explained above, however, once the flights were outside the United States, the President did not need to rely on that Proclamation or Act to justify transferring members of a designated foreign terrorist group to a foreign country. At that point, the Constitution itself provided sufficient authority to act, and any dispute over the President’s extraterritorial exercise of that authority would present a non-reviewable political question. For that reason as well, any order that restrained the invocation of the Proclamation could not have thereby compelled the

President to return foreign terrorists from outside the United States—and any governmental refusal to do so was thus not a violation of the Court’s orders.

**CONCLUSION**

The Court should discharge the order to show cause because the Government has complied with the Court’s orders in this case. If the Court concludes otherwise, the Government respectfully requests the opportunity to submit further briefing.

Respectfully Submitted,

PAMELA J. BONDI  
U.S. Attorney General

TODD BLANCHE  
Deputy Attorney General

EMIL BOVE  
Principal Associate Deputy  
Attorney General

CHAD MIZELLE  
Acting Associate Attorney General

YAAKOV M. ROTH  
Acting Assistant Attorney General

s/ Drew C. Ensign  
DREW C. ENSIGN  
Deputy Assistant Attorney General  
950 Pennsylvania Avenue  
Washington, DC 20530  
Phone: (202) 514-2000  
drew.c.ensign@usdoj.gov

AUGUST E. FLENTJE  
Acting Director

EREZ REUVENI  
Assistant Director

BRIAN C. WARD  
Acting Assistant Director

PATRICK GLEN  
Senior Litigation Counsel