

No. 24-9566

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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Jorge Alberto Bonilla-Espinoza,  
*Petitioner-Appellee,*

v.

Pamela Bondi, United States Attorney General,  
*Respondent-Appellant.*

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On Petition for Review from the Board of Immigration Appeals  
Case No. 213 559 822

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**BRIEF OF AMICUS CURIAE TIMOTHY ADAM GOLOB, PH.D.  
IN SUPPORT OF PETITIONER AND REMAND**

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## INTEREST OF AMICUS CURIAE<sup>1</sup>

Dr. Timothy Adam Golob is an Assistant Professor in the Department of Political Science at Gulf Coast State College. Dr. Golob holds a B.A. in Spanish from the University of South Carolina, an M.A. in Latin American and Caribbean Studies from the University of South Florida, and a Ph.D. in Government, specializing in Comparative Politics and International Relations, from the University of South Florida. Dr. Golob is an expert in the country conditions in El Salvador, including gang influence, state corruption and impotence, and the state's human rights violations, including torture. His research focuses on exploitation, gang power, and state issues in El Salvador, including the "state of exception," in which Salvadoran security forces have cracked down on individuals suspected of being gang members or affiliates, resulting in mass detentions. He is the author of the book *Gang Strategies in the Northern Triangle: Coerced Criminality as a Form of Human Trafficking* (Rowman & Littlefield Pub. 2023) and has submitted over 200 expert reports in immigration cases. Dr. Golob has a direct interest in the Court's correct understanding of the conditions in El Salvador, and seeks to offer his unique perspective on Mr. Bonilla-

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<sup>1</sup> No counsel for any party authored this brief in whole or in part. No person or entity, other than amicus and its counsel, made a monetary contribution intended to fund the preparation or submission of this brief. The parties have provided written consent for the filing of this amicus brief.

Espinoza’s personal plight, including under the “state of exception” in El Salvador.

## **SUMMARY OF ARGUMENT**

Since 2022, El Salvador has operated under a “state of exception” characterized by human rights abuses, the breakdown of due process protections, and rampant over-incarceration of civilians. This “state of exception,” however, must be understood in the context of El Salvador’s history of violence and extra-governmental control of the country by gangs and illegal organizations, coupled with political leadership that employs strong-man tactics including punishing political opponents.

Mr. Bonilla-Espinoza’s maltreatment in El Salvador is emblematic of the harassment suffered by young Salvadoran men from poor neighborhoods, individuals labeled (often incorrectly) as gang-affiliated, and members of groups critical of the government, including the administration of current Salvadoran President, Nayib Bukele.

Mr. Bonilla-Espinoza fits into all three groups. Salvadoran police regularly target non-gang members from marginalized communities precisely because they wish to appear “tough on gangs” without actually disrupting gang organizations. Following a long tradition of using political power to suppress dissent, they regularly target members of human rights groups. And once incarcerated, detainees experience inhumane treatment, torture, overcrowding, and lack of access to family and legal representation. Deportees from the United States—like

Mr. Bonilla-Espinoza—face risks including increased danger from police and gangs, which cannot be mitigated by moving to a new location within the country. There is every reason to believe, given his personal circumstances, if deported Mr. Bonilla-Espinoza will face serious abuse or even death.

## **ARGUMENT**

### **A. El Salvador’s Mistreatment of Citizens Based on Political Activity and Perceived Gang Association Has Continued and Worsened Under the Current “State of Exception.”**

Gangs have been a consistent and pervasive presence in El Salvador for nearly 50 years, yet the Salvadoran state has failed to implement effective anti-gang policies. The threat of MS 13 and Barrio 18 is vast. Combined, they make up nearly 95 percent of all gang membership, and have expanded their influence beyond urban areas to rural populations, including small towns and villages, like where Mr. Bonilla-Espinoza is from. Gangs possess a wide information network and can monitor the movement of individuals within and between gang-controlled neighborhoods.<sup>2</sup> Targets of these gangs cannot be safe anywhere the gang has presence, whether across El Salvador or transnationally.

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<sup>2</sup> Michael Paarlberg, *Gang Membership in Central America: More Complex than Meets the Eye*, MIGRATION POL’Y INST. (Aug. 26, 2021), [www.migrationpolicy.org/article/complexities-gang-membership-central-america](http://www.migrationpolicy.org/article/complexities-gang-membership-central-america).

The “state of exception” was ostensibly created as a temporary and dramatic solution to increased gang violence, but has now evolved into state-sanctioned targeting of vulnerable, low-income, marginalized individuals, and those who oppose the state. Current President Bukele extended this “state of exception” 32 times from 2022 until 2024 and it is still active today, effectively implementing perpetual martial law.<sup>3</sup> The “state of exception” policies after 2022 have authorized the state’s security forces to engage in unlawful arrests and disappearances, extrajudicial killings, unlawfully long detentions, and labeling individuals as suspected gang members without due process. Those who endure this state violence are overwhelmingly individuals living below the poverty line and those who speak out against the administration. State law enforcement is pressured to act but risk retaliation by gang leadership if they target gang membership directly. Instead, they utilize “state of exception” policies to scapegoat these most vulnerable and marginalized individuals.

Furthermore, press freedom in El Salvador has deteriorated significantly, fostering what has been described as a “culture of silence.”<sup>4</sup> Government officials, including President Bukele himself,

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<sup>3</sup> AFP, *El Salvador extends state of emergency over gang violence*, THE TICO TIMES (Jan. 12, 2013), <https://ticotimes.net/2023/01/12/el-salvador-extends-state-of-emergency-over-gang-violence>.

<sup>4</sup> Dánae Vílchez, *A ‘culture of silence’ threatens press freedom under El Salvador President Bukele*, COMMITTEE TO PROTECT JOURNALISTS



regularly discredit and stigmatize the press, labeling independent outlets as enemies or gang affiliates, and restrictions on access to public information under the pretext of “national security” have made investigative reporting increasingly difficult. President Bukele has consolidated power in the executive office and declared war on any opposition. Mr. Bonilla-Espinoza and his family are likely the targets of President Bukele’s war on political dissidents, due to their participation in the Foundation for Studies for the Application of Law (FESPAD), a human rights organization advocating against police violence and reforms to ensure state accountability.<sup>5</sup> FESPAD has operated as a vocal opponent to the police abuse, arbitrary detentions, and extrajudicial killings under President Bukele’s heavy-handed anti-gang

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(Oct. 11, 2024), <https://cpj.org/2024/10/a-culture-of-silence-threatens-press-freedom-under-el-salvador-president-bukele/>; see generally Sarah Kinoshian, *Trolls, propaganda and fear stoke Bukele’s media machine in El Salvador*, REUTERS (Nov. 29, 2022), <https://www.reuters.com/investigates/special-report/el-salvador-politics-media/>.

<sup>5</sup> Mauro Cerbino, *Ethnographic Encounters: Civil Society Campaigns Against El Salvador’s Mano Dura*, FLACSO (2011), <https://biblio.flacsoandes.edu.ec/libros/digital/52504.pdf#page=58>; Vilde Holmboe Mortensen, *Police Brutality and Conflict Transformation: A Case Study of Police Officers’ Increasing Use of Lethal Force in El Salvador* (2020), <https://www.duo.uio.no/handle/10852/80064>; Joanna del Carmen Beltrán Girón, *The Normality of Abnormality: Extraordinary Measures and the Militarization of Public Security in El Salvador Post-2016* (2019), <https://repositories.lib.utexas.edu/items/8d5cb0f2-f57c-4a29-8083-0455610825e9>.

policies known as *mano dura*.<sup>6</sup> Salvadorans who participate in an organization like FESPAD would likely be visible targets of state violence under President Bukele's efforts to silence political dissenters.

Without opposing voices, state and media reports are manipulated to bolster false claims of lower rates of gang violence and push a narrative that the problem is "fixed" despite evidence to the contrary.<sup>7</sup> The Bukele administration has admitted that only one out of six people detained *might* be a gang member.<sup>8</sup> These policies are claimed as a supposed "victory" against the gangs, but President Bukele's claims of "reclaiming El Salvador" are thinly veiled euphemisms for garnering

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<sup>6</sup> *El Salvador: Anti-Gang Law Enforcement Efforts, Including Anti-Gang Legislation (2011-2015)*, IMMIGR. & REFUGEE BD. OF CAN. (Sep. 2, 2015), <https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=456090&pls=1>.

<sup>7</sup> See, e.g., *El Salvador says murders fell 70% in 2023 as it cracked down on gangs*, REUTERS (Jan. 3, 2024), [www.reuters.com/world/americas/el-salvador-says-murders-fell-70-2023-it-cracked-down-gangs-2024-01-03/](https://www.reuters.com/world/americas/el-salvador-says-murders-fell-70-2023-it-cracked-down-gangs-2024-01-03/); Sarah C. Bishop, Thomas J. Boerman and Tommie Sue Montgomery, *Behind the Glowing Headlines: Social Science Analysis of the State of Exception in El Salvador*, 9 Colum. Univ. Ctr. for Mexico & Cent. Am. Regional Expert Paper Series (July 2023).

<sup>8</sup> Nelson Renteria, *In El Salvador's gang crackdown, quotas drive 'arbitrary' arrests of innocents*, REUTERS (May 16, 2022), [www.reuters.com/world/americas/el-salvadors-gang-crackdown-quotas-drive-arbitrary-arrests-innocents-2022-05-16/](https://www.reuters.com/world/americas/el-salvadors-gang-crackdown-quotas-drive-arbitrary-arrests-innocents-2022-05-16/); Marcelo Rochabrun, *El Salvador Is Imprisoning People at Triple the Rate of the U S*, BLOOMBERG (Sep. 12, 2023), [www.bloomberg.com/news/articles/2023-09-12/el-salvador-jails-1-6-of-population-in-crime-crackdown](https://www.bloomberg.com/news/articles/2023-09-12/el-salvador-jails-1-6-of-population-in-crime-crackdown).

support to continue with his seemingly indefinite state of emergency and his “strong man” tactics of governing (historically common within Latin America). Under the “state of exception,” law enforcement has unfettered power to act extrajudicially, arrest without warrants or probable cause, use excessive force, and “show effectiveness” through violence and the torture of individuals from low-income neighborhoods and with adversarial political opinions, like Mr. Bonilla-Espinoza.

**B. El Salvador Has a Well-Established Practice of Targeting Citizens Based on Characteristics Relevant to Mr. Bonilla-Espinoza.**

Salvadoran government officials—police, prosecutors, and judges in particular—frequently assume individuals targeted by gangs, “owned” by gangs, or from gang-controlled areas have voluntary and criminal connections with gangs; they often discriminate against them, refuse to accept their reports, or publicly question their credibility. At other times, Salvadoran law enforcement attempt to “do something” about the gang issues, but do not want to risk conflict with a real gang member and instead scapegoat those without clear gang membership. Meanwhile, those falsely labeled as “gang members” are easy targets, guilty by virtue of alleged association, poverty level, or geographic location. And arresting these falsely labeled “gang members” comes without any of the danger that would accompany an arrest of actual gang members. This same mindset and perspective on culpability of

victims drives issues of double victimization—i.e., victimization by gangs *and* the justice system.

This further explains why victims of gang violence do not seek government protection because they know it would be futile. Even when victims do seek help, they are at risk of corruption and escalation of violence, and they live in fear of being targeted. Rampant dual victimization is a sign of a systemic failure in criminal justice systems to recognize gang coercion and trafficking and to understand the complexities of its criminality. This mistake is common because “recognizing an individual engaging in criminal activity as a victim of crime rather than as a perpetrator of crime is counterintuitive to the criminal-justice system.”<sup>9</sup> In other instances, police specifically target victims of gang violence, as nearly one-third of law enforcement officers have gang affiliations, are gang members, are on gang payrolls, or accept gang bribes to “sell out” individuals seeking law enforcement assistance. Worse yet, many law enforcement officers are willing gang collaborators. They are informants, they “go easy” on active gang members who get arrested, and they provide superior care in jails to gang members. All this leaves law enforcement with little choice except to arrest innocents in order to spare the real gang members, with whom they have active collaborations or relations. The arrests are thus in

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<sup>9</sup> Allison L. Cross, *Slipping Through the Cracks: The Dual Victimization of Human-Trafficking Survivors*, 44 MCGEORGE L. REV. 395 (2013).

large part “shams” to show a strong front, while real gang members remain free.

One factor leading to double victimization rather than appropriate protection protocols is perspective bias. Often, public officials view gang targets as disreputable based on the commonly held belief that these victims must have had connections to these illegal institutions in order to have been made a target. Besides failing to identify victimization, law enforcement, judges, and prosecutors are notorious for failing to establish even basic protections against gang victimization and exploitation; in some cases, individuals fleeing gang-related violence are not allowed access to government services or shelters.<sup>10</sup> In many cases, average people in gang-controlled territories are targeted by law enforcement for simply “looking the part”—having baggy clothes, tattoos, or jewelry. Under Salvadoran law, police may detain “suspicious” persons indefinitely, and the use of extra-judicial force against such persons is also on the rise.

Mr. Bonilla-Espinoza’s experiences reflected in the record underscore the grim reality of systemic abuse in El Salvador. Beginning in 2017, Mr. Bonilla-Espinoza faced relentless harassment from the

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<sup>10</sup> *Neither Security Nor Justice: Sexual and Gender-Based Violence and Gang Violence in El Salvador, Honduras, and Guatemala*, KIDS IN NEED OF DEFENSE (2018), [https://supportkind.org/wp-content/uploads/2017/05/Neither-Security-nor-Justice\\_SGBV-Gang-Report-FINAL.pdf](https://supportkind.org/wp-content/uploads/2017/05/Neither-Security-nor-Justice_SGBV-Gang-Report-FINAL.pdf).

Salvadoran police, who repeatedly stopped, interrogated, and physically abused him. Evidence in the record suggests that the police likely began targeting Mr. Bonilla-Espinoza because he was a young man living in in a low-income neighborhood and because of his and his mother's involvement in FESPAD. Specifically, the record shows that National Police officers arrested Mr. Bonilla-Espinoza without a warrant, charged him for associating with "illicit groups," and held him "incommunicado" for nine months—without access to an attorney or the outside world. (AR-125-127, 210.) Prison guards took away his clothing and forced him to wear nothing but his underwear. (AR-129-133, 210.) He was deprived of adequate food and water, denied access to basic sanitation supplies, and was forced to share a single cell and rations with over 50 other inmates. (AR-213, 591.) For the entire period, Mr. Bonilla-Espinoza was required to sleep on a metal bed that was stripped of a mattress that left him with permanent scars on his hip. (AR-131-133.)

Rather than pursue actual gang members, police target young men in low-income areas, like Mr. Bonilla-Espinoza, to give off the appearance that they are enforcing the law while avoiding the ire of actual gang members. This conduct is a stark example of how profiling fuels state violence. Despite his visible efforts to support his family and contribute to his community, Mr. Bonilla-Espinoza was treated as a criminal, a label that ostensibly justified his unwarranted detentions

and physical brutality. And once labeled a “criminal”—if a completely baseless charge—Mr. Bonilla-Espinoza will continue to be branded as such. In an analysis of nearly 700 arrests that were identified as dubious and entirely arbitrary, one overwhelmingly common characteristic of those arrested was “any previous arrest, irrespective of the disposition.”<sup>11</sup>

The record indicates that the 2022 “state of exception” further exacerbated the violence and abuse Mr. Bonilla-Espinoza endured. Under this policy, security forces gained unchecked arrest and detention authority. For Mr. Bonilla-Espinoza, this meant intensified harassment, an arbitrary home raid, and detention in conditions intentionally designed to be degrading. In December 2022, security forces forcibly entered his home without a warrant, destroyed his personal property and “threw away the belongings” of his five-month-old infant. (AR-148.) The police then arrested and detained Mr. Bonilla-Espinoza a third time. (AR-147-148.) During the ensuing detention, he was handcuffed to a chair and beaten on both sides of his head—leading to diagnosed ear trauma—and forced to exercise while nearly nude. (AR-151.) Officers “mocked,” “kicked,” and “beat” him when he reached

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<sup>11</sup> Bishop, *supra* note 7; see also, e.g., *Deported to Danger: United States Deportation Policies Expose Salvadorans to Death and Abuse*, HUM. RTS. WATCH (2020) [www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and](http://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and) (“HRW 2020 Report”).

the point of physical exhaustion and could no longer exert himself. (AR-151, 214, 452.) After about 15 days, Mr. Bonilla-Espinoza was released—again without formal documentation or a dismissal of pending charges. (AR-151.) Mr. Bonilla-Espinoza received antibiotic injections, pain medication, and intravenous medication for five days. (AR-214.) This is emblematic of the government’s heavy-handed approach, which disproportionately affects those in marginalized communities. The deliberate targeting of individuals like Mr. Bonilla-Espinoza demonstrates how state policies contribute to a culture of impunity, leaving vulnerable populations with no recourse to justice or protection.

Compounding Mr. Bonilla-Espinoza’s challenges is his participation in FESPAD.<sup>12</sup> As a legal and advocacy organization, FESPAD plays a critical role in addressing police violence. It focuses on empowering marginalized communities, offering legal support, and pushing for reforms to ensure state accountability. This advocacy has made FESPAD a prominent voice against state violence but has also exposed its members and their families to heightened targeting and harassment by both the state and non-state actors like gangs.

In particular, his mother’s work with FESPAD would have made her a visible target for law enforcement and based on the record, it

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<sup>12</sup> Cerbino, *supra* note 5; Holmboe Mortensen, *supra* note 5; Beltrán Girón, *supra* note 5.



seems they repeatedly threatened her and her family. According to the record, Mr. Bonilla-Espinoza regularly attended FESPAD meetings with his mother, who was pursuing a leadership role within the organization by assisting with organizing meetings, talking with young people and other community members about FESPAD's work, and distributing informational materials. Mr. Bonilla-Espinoza shared his mother's political views and was "against the [regime]" in El Salvador. The police would have treated this advocacy as oppositional to the government, further intensifying their targeting of Mr. Bonilla-Espinoza. This connection not only placed him under greater scrutiny but also exposed the intersection of political repression and state violence in El Salvador. While his mother sought to hold authorities accountable, her efforts inadvertently increased her family's risk of arbitrary detention and abuse, illustrating how the government's suppression of dissent affects even those indirectly connected to activism. The combination of Mr. Bonilla-Espinoza's socioeconomic status, geographic location, political opinion, and familial ties created a perfect storm of persecution.

**C. Detainees and Incarcerated Individuals in El Salvador Experience Brutal Mistreatment While Confined.**

Human rights organizations have documented the intentionally abusive and inhumane prison conditions in El Salvador for years. During the state of exception, such conditions have only worsened.

NGOs have documented decreased humanity in prison living conditions and the torture of detainees,<sup>13</sup> as well as thousands of cases of human rights violations since the state of emergency was declared.<sup>14</sup> The treatment of incarcerated individuals has fallen below international standards. Detainees face significant risk of death, inhuman and inhumane living conditions, increased risk of illness, physical pain, neglect, unlawfully long detentions, disappearances, beatings, and torture. Current homicide rates in Salvadoran prisons are 16 times higher than the global average and more than eight times as bad as prior rates in El Salvador.

This is particularly concerning because arrests are systematically based on age, socio-economic status, and vague or pretextual indicia of gang affiliation, not on any confirmed evidence of gang affiliation. Arrest metrics bear this out: The state has charged nearly 40,000 people with “unlawful association” and another 8,000 with “membership to a terrorist organization,” while only around 500 people were detained for violent crimes, actual evidence of illegal conduct, or established gang ties. There are approximately 11,000 active gang members across El Salvador, far fewer than the 100,000 detainees currently in

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<sup>13</sup> *El Salvador*, HUM. RTS. WATCH (2022), [www.hrw.org/world-report/2022/country-chapters/el-salvador](http://www.hrw.org/world-report/2022/country-chapters/el-salvador).

<sup>14</sup> Alejandra Sandoval, *El Salvador: Leaked Database Points to Large-Scale Abuses*, CRISTOSAL (Apr. 1, 2023), <https://cristosal.org/EN/2023/04/01/el-salvador-leaked-database-points-to-large-scale-abuses/>.

Salvadoran prisons (25 percent of whom are in pretrial detention), and the Bukele administration has even admitted that only one out of six people detained *might* be a gang member.<sup>15</sup> El Salvador has more than doubled its carceral capacity and, with almost two percent of its adult population in detention, has the highest incarceration rate in the world. Its largest prison currently holds 33,000 people despite having capacity for 10,000.<sup>16</sup>

The inhumane treatment Mr. Bonilla Espinoza endured during his detentions reflects the broader systemic issues within El Salvador's justice system. He was held incommunicado for nine months and subjected to conditions that clearly violate international human rights standards. (AR-125-27, 210.) He endured repeated incidents of physical violence at the hands of Salvadoran state actors, was deprived of adequate food, water, clothing, and hygiene supplies, was forced to sleep on iron beds without mattresses, and was denied access to legal representation or family contact. (AR-125-127, 131-133, 151, 210, 213-14, 452, 591.) Such conditions are consistent with reports of mistreatment and torture in Salvadoran detention facilities.

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<sup>15</sup> Renteria, *supra* note 8; Rochabrun, *supra* note 8.

<sup>16</sup> *El Salvador opens 40,000-person prison as arrests soar in gang crackdown*, REUTERS (Feb. 1, 2023), [www.reuters.com/world/americas/el-salvador-opens-40000-person-prison-arrests-soar-gang-crackdown-2023-02-01/](https://www.reuters.com/world/americas/el-salvador-opens-40000-person-prison-arrests-soar-gang-crackdown-2023-02-01/).

**D. Deportees Returned to El Salvador Face Risks That Cannot Be Mitigated By Relocating Within The Country.**

Returning deportees are targeted both by gangs and the Salvadoran government upon return.<sup>17</sup> Individuals returning to El Salvador often face a continuation (or escalation) of the same violence or persecution they originally fled, having now gained the reputation as a “known flier.” Gangs view asylees as attempting to circumvent gang power, while the state views asylees as disloyal and undeserving of protection. And while returning deportees are often “dropped” back into El Salvador without a proper job, housing, or plan, they may be viewed as lucrative extortion targets since they have lived in the United States. Those who fit the demographic markers of those most at risk of being seized, detained, and arrested by the state in the first place, including male deportees, can be at even higher risk of being a government target.

Returnees face a variety of issues, including “immediate arrest upon reentry or soon thereafter [and] indefinite imprisonment.”<sup>18</sup> Moreover, the U.S. Criminal History Information Sharing (CHIS) program coupled with El Salvador’s Decree 717 have systematized abuse of returnees. The CHIS provides a “full criminal dossier of the deportee” which can be used by the Salvadoran government “to help

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<sup>17</sup> HRW 2020 Report, *supra* note 11.

<sup>18</sup> Bishop, *supra* note 7.

monitor, control and detain deportees” “in the name of public safety.”<sup>19</sup> Decree 717 “requires that confirmed gang members register with the government their address and report bi-weekly on their activities” and “[f]ailure to do so results in arrest.”<sup>20</sup> Decree 717 “provide[s] a legal framework for excessive use of force and human rights abuses, including arbitrary detention; physical abuse on the part of immigration, police and military personnel; disappearance and torture; and extrajudicial execution committed by state security personnel and groups that operate under the blind eye of the state.”<sup>21</sup> Salvadoran officials often assume deportees “are both active gang members and were convicted of violent crimes” within the United States.<sup>22</sup> As a ranking Salvadoran police officer explained, “We think that if a person wasn’t wanted in the United States, it must be because the deported person is bad.”<sup>23</sup>

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<sup>19</sup> Robert Kirkland and Duncan Breda, *The U.S. Criminal History Information Sharing Program and El Salvador’s Decree 717* (June 30, 2018), <https://discuss.ilw.com/articles/articles/388564-article-the-u-s-criminal-history-information-sharing-program-and-el-salvador%C3%A2%C2%80%C2%99s-decree-717-by-robert-kirkland-and-duncan-breda>.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> HRW 2020 Report, *supra* note 11.

<sup>23</sup> *Id.*

Asylees often lose community and family when they leave El Salvador and return without those connections. Community acceptance for returning deportees can be exceptionally challenging, particularly for individuals with perceived gang affiliations. Community members view deportees as criminals or gang members due to assumptions that U.S. deportation practices are focused on gang-affiliated individuals. This stigma can lead to mistrust and discrimination, particularly in gang-controlled neighborhoods or at the hands of the state.

Individuals cannot mitigate these risks by relocating within El Salvador. Gang networks are pervasive and operate with extensive community surveillance, limiting relocation options even within rural or distant communities. The country maintains a national police force, enabling communication across geographical areas. Reporting abuse to the authorities is not an option, as doing so often results in retaliation from both police and gangs, who commonly work in tandem and share information about complainants.

Between 2013 and 2020, nearly 140 deportees were killed (81 within one year of return), 70 were subjected to sexual violence or torture, and a handful are missing following failed asylum attempts in the United States and a subsequent return to El Salvador. However, neither country keeps records of deportee outcomes, so the real totals are likely much higher.

If deported to El Salvador, Mr. Bonilla-Espinoza faces near-certain abuse, violence, arrest, and imprisonment and is at risk from both state and non-state actors. His history of being targeted by the police for alleged gang affiliation ensures he will remain a marked man in their eyes, regardless of his actual innocence, and due to the national police force his return may be communicated across the country. Moreover, his personal and familial connections to FESPAD and his own political opinions make him a prime target for violence from both groups. The transnational reach of Salvadoran gangs, combined with their intricate communication networks, ensures there would be no safe haven for him anywhere in the country. The Salvadoran state's lack of accountability further compounds this risk, as it offers no mechanisms for protecting targeted individuals. In such a context, deportation would almost certainly result in further abuse, if not death.

## **CONCLUSION**

Mr. Bonilla-Espinoza's harrowing experiences at the hands of Salvadoran police are, unfortunately, all too commonplace. El Salvador's mistreatment of citizens based on political activity and perceived gang association has continued and escalated under the current "state of exception." If deported, Mr. Bonilla-Espinoza is all but certain to suffer the same fate, or worse, again. This case should be returned to the Immigration Court for further proceedings.

March 5, 2025

Respectfully submitted,

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