

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ref.: AL OTH 136/2025
(Please use this reference in your reply)

3 November 2025

Dear Ms. McHenry,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 60/8, 52/9 and 59/4.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning **the issuance of an Interpol red alert against human rights defenders Ms. Ivania Cruz and Mr. Rudy Joya, the respective Director and lawyer for the non-governmental organization UNIDEHC (Unidad por la Defensa de los Derechos Humanos y Comunitarios de El Salvador).**

UNIDEHC, or the “Unit for the Defense of Human and Community Rights in El Salvador”, is a non-governmental organization that promotes respect for human rights in the context of the state of emergency, declared in March 2022, and the displacement of communities, amongst other issues.

Interpol

Ms. **Ivania Cruz** is a woman human rights defender, a lawyer, and the director of UNIDEHC.

Mr. **Rudy Joya** is a human rights defender and a lawyer for UNIDEHC.

A communication was sent to the government of El Salvador by various Special Procedures mandate holders on 15 May 2025 ([AL SLV 2/2025](#)) regarding the charges against Ms. Ivania Cruz and Mr. Rudy. As detailed in that communication, the charges against them were brought in connection with the indictment and arrest of their colleague at UNIDEHC and a group of community leaders from a community that UNIDEHC had been supporting as attempts were made to displace them. The communication also details that in June 2024, UNIDEHC submitted information to the Public Prosecutor's Office to initiate criminal proceedings against the Deputy Minister of Public Security and Director General of Prisons, as well as the directors of the Mariona and Cutumay Camones prisons, accusing them of torture, corruption, arbitrary acts and breaching their duty.

According to the information received:

Since May 2024, UNIDEHC has been supporting the La Floresta community, formed more than 15 years ago by people displaced by the war in the 1990s, located in the San Juan Opico district in the department of La Libertad. The community has faced eviction attempts by a person who claimed to be the owner of the land, without presenting any documentation or judicial order.

On 25 February 2025, at 4.00 p.m., the office of UNIDEHC in San Salvador was raided by the National Civil Police (PNC), accompanied by members of the Public Prosecutor's Office. During the raid, the spokesperson of UNIDEHC was allegedly arbitrarily detained and accused of three charges: unlawful associations, illegal marking of plots or subdivisions, and illegal practice of a profession. During the raid of the office, which lasted 24 hours, the officers reportedly stated that they had a search warrant for the UNIDEHC office, issued by a Magistrate's Court in Santa Tecla, in relation to a land dispute that the organization had been supporting a community with. Despite this, the officers also took documents related to other cases, such as allegations against officials in the context of the state of emergency, as well as documents from other organizations in the same building as UNIDEHC.

On the same day at the same time, a separate group of officers carried out a raid on the home of Ms. Ivania Cruz. At this time, Ms. Ivania Cruz was in Spain with Mr. Rudy Joya for an advocacy trip – organized since November 2024 – with public officials and organizations.

On 13 March 2025, the Office of the Public Prosecutor announced that it had issued an arrest warrant for Ms. Cruz and Mr. Joya for the crimes of “unlawful associations and commercialization of land subdivisions”, as the alleged “leaders of the criminal structure”.

On 18 March 2025, the first hearing for the case against Ms. Ivania Cruz and Mr. Rudy Joya took place in absentia before the Tribunal Quinto Contra el

Crimen Organizado. The judge ordered that the case proceed to the investigation stage for a period of six months, with the second hearing scheduled for 5 May 2025.

On 5 May 2025, a special hearing for the case against Ms. Ivania Cruz and Mr. Rudy Joy took place at the Tribunal Quinto Contra el Crimen Organizado. Due to their absence at the hearing, the two were reportedly declared in contempt of court and the judge reportedly ordered for an Interpol red alert to be requested.

On 6 May 2025, the Interpol National Central Bureau of El Salvador reportedly filed a request with the General Secretariat of Interpol to issue red alerts for Mr. Rudy Joya and Ms. Ivania Cruz.

In May 2025, Mr. Rudy Joya and Ms. Ivania Cruz made an official request to seek asylum in Spain, where they had remained since the raids on UNIDEHC's office, Ms. Cruz' home and the arrest of their colleague in February 2025, due to fears that they would be arbitrarily arrested upon return to El Salvador, in connection with the charges brought against them in March. They were both issued with a letter of protection whilst awaiting the outcome of their asylum applications.

On 1 July 2025, the Interpol National Central Bureau of El Salvador reportedly confirmed to the Tribunal Quinto Contra el Crimen Organizado that the General Secretariat of Interpol, in response to the request dated 6 May 2025, had issued Interpol red alerts against Mr. Rudy Joya (No. A-9523/7-2025) and Ms. Ivania Cruz (No. A-9515/7-2025). At the time of writing, neither Mr. Rudy Joya, Ms. Ivania Cruz or their lawyers received any official communication or information from Interpol in relation to the red alerts issued against them. In August 2025, they were made aware of the red alerts against them – though not by Interpol.

On 26 August 2025, Ms. Ivania Cruz received a phone call from a police station in the Spanish city where they were located, reportedly stating that the police needed to locate Mr. Rudy Joya in order to give him an appointment for his asylum application.

On 27 August 2025, two plainclothes officers arrived at the location where Mr. Rudy Joya and Ms. Ivania Cruz were staying. At that time, neither of them was there, however the police managed to contact them by phone through a neighbour. The police summoned Mr. Rudy Joya to appear at the police station on 2 September, reportedly stating that it was in relation to his asylum application. Ms. Ivania Cruz and Mr. Rudy Joya consulted with the lawyers supporting them in Spain, who advised them that such procedures were not normal for asylum cases.

On 2 September 2025, at approximately 10 a.m., Mr. Rudy Joya phoned his lawyer to inform him that he had been detained at the police station in accordance with the Interpol red alert.

On 3 September 2025, a hearing was held before the High Court in relation to Mr. Rudy Joya's detention. The Court granted his release and ordered the following measures: to sign in every 15 days at the court in the city in Spain where they are located; not to leave the country; to surrender his passport and to report any change of address. The measures were ordered for a period of 60 days. Once the 60-day period has lapsed, Ms. Ivania Cruz and Mr. Rudy Joya will have to attend another hearing in their case.

On 4 September 2025, Ms. Ivania Cruz voluntarily presented herself at a police station in Madrid, upon advice of her lawyer, in order to follow the same process as Mr. Rudy Joya. From there she was transferred to the High Court, where she was granted the same measures as Mr. Rudy Joya.

Later that day, the court in El Salvador overseeing the case of Mr. Rudy Joya and Ms. Ivania Cruz received an alert from Interpol, which had reported their arrest and requested a report from the court regarding the legal status of the case against them.

During September, they were also informed that the Tribunal Quinto Contra el Crimen Organizado had extended the investigation period for their case for another six months, meaning the next hearing is scheduled for March 2026.

On 23 September 2025, the lawyer for Mr. Rudy Joya and Ms. Ivania Cruz filed a request for the revocation of the red alert against the two human rights defenders.

Without wishing to prejudge the accuracy of the information received, we would like to express our concern in relation to the decision of INTERPOL to grant the request of the Interpol National Central Bureau of El Salvador to issue a red alert for Ms. Ivania Cruz and Mr. Rudy Joya, which we believe is in retaliation for their legitimate human rights advocacy and the activities of UNIDEHC to provide support to communities and denounce human rights violations in the context of the state of emergency in the country.

Given that the charges, arrest warrant and subsequent Interpol red alert would appear to have been issued in retaliation for their human rights advocacy, therefore constituting a case of transnational repression, it would appear that the Interpol red alert would therefore be in contravention of article 3 of Interpol's constitution, which states that it is strictly forbidden for the Organization to undertake any intervention or activities of a political nature. We also take the opportunity to note that article 2 states that the Organization's aims are to "ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and *in the spirit of the Universal Declaration on Human Rights*" (emphasis added).

Furthermore, according to Interpol's own three-part "predominance" test, the information received would indicate that the case is of a "predominantly political character", when considering that Ms. Ivania Cruz and Mr. Rudy Joya are recognized human rights defenders ("status of the person concerned"); they appear to have been indicted and an arrest warrant issued in response to UNIDEHC's support to the Floresta

community, and the organization's activities in denouncing serious human rights violations during the state of the emergency, declared in 2022 ("the general context of the case"); and that they have been accused of "unlawful association" and "commercialization of land subdivisions", both of which would appear to be directly linked to the work of UNIDEHC, and a potential attempt to undermine the organization's legitimate human rights activities ("the nature of the offense, namely the charges and underlying facts").

We recall that, in the past, several Special Procedures mandate holders have expressed concern about the persecution of human rights defenders in El Salvador through the filing of criminal charges against them and judicial harassment with the aim of impeding their activities or intimidating them (see, for example, AL SLV 2/2025, AL SLV 5/2025, AL SLV 7/2025 and AL SLV 1/2023).

We are particularly alarmed by the risk of torture or ill-treatment, enforced disappearance, arbitrary detention and/or unfair trial without due process, to which Mr. Joya and Ms. Cruz could be exposed if they were extradited to El Salvador.

We are also concerned that the existence of Interpol red alerts against Mr. Rudy Joya and Ms. Ivania Cruz may have a detrimental impact on their applications for asylum in Spain, which they have made as a result of the charges and arrest warrants issued against them in El Salvador, in connection with their peaceful and legitimate human rights activities.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information as to the basis for issuing an Interpol red alert against Ms. Ivania Cruz and Mr. Rudy Joya.
3. Please provide detailed information regarding the human rights-based assessment carried out on Interpol red alert requests, prior to issuing them, to ensure they are in accordance with article 3 of Interpol's Constitution and therefore do not unduly target human rights defenders for their legitimate work. If no such assessment exists, please provide information as to why.

This communication and any response received will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We would like to inform that after having transmitted the information contained in the present communication to the concerned Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The concerned Government is required to respond separately to the allegation letter and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Please be informed that a letter on this subject matter has been also sent to the Government of Spain, and a copy of this letter was sent to the Government of El Salvador.

Please accept, Ms. McHenry, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to articles 2, 3, 9, 13, 14, 19 and 22 of the Universal Declaration of Human Rights (UDHR) which provide for the right to non-discrimination, the right to life, liberty and security of person, the right not to be subjected to arbitrary arrest, detention or exile, the right to leave any country, including one's own, and return to one's country, the right to seek and enjoy in other countries asylum from persecution and the right to freedom of expression and association.

Furthermore, we wish to bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We further would like to draw particular attention to the following articles of the Declaration:

- Article 5(a), (b) and (c), which provide for the right, individually or in association with others, at the national and international levels, to meet or assemble peacefully; to form join and participate in non-governmental organizations, associations or groups; and to communicate with non-governmental or intergovernmental organizations.
- Article 6(b) and (c), which provides for the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters.
- Article 8(1) and (2), which provide for the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs; and the right to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.
- Article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, the

Declaration provides that “everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms”.