

Mandates of the Special Rapporteur on the human rights of migrants; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Independent Expert on human rights and international solidarity; the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on violence against women and girls, its causes and consequences

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19 January 2026

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the human rights of migrants; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Independent Expert on human rights and international solidarity; Special Rapporteur on trafficking in persons, especially women and children and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 52/20, 60/8, 54/14, 53/4, 52/9, 59/4, 52/4, 53/5, 53/9 and 59/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received about **the detention and risk of deportation of six Nicaraguan nationals, including individuals with pending asylum claims, human rights defenders, political dissidents, Indigenous leaders as well as persons with health conditions, requiring specific care and support, from the United States to Nicaragua, or third countries. Their imminent removal from the United States to their country of origin or to a third country, which may place them at risk of serious human rights violations. The information also concerns the bilateral agreements the United States is pursuing with different countries to facilitate the removal of migrants and asylum-seekers from their territory.**

According to the information received:

Between January and October 2025, the United States carried out 1,701 deportation flights of migrants and asylum seekers to 77 countries, representing a 79% increase in the global reach of expulsions compared to the same period in 2024. In this period, 4,600 Nicaraguans were returned on 48 flights, some with a stopover at the Guantanamo Bay Naval Base. Countries in the Americas that allegedly received a high number of return flights include Guatemala (419), Honduras (353), Mexico (243), El Salvador (148), Ecuador (77), and Venezuela (65).

The United States has been actively pursuing diplomatic arrangements with third countries, including Honduras, to facilitate removals for individuals with final removal orders. Notably, in such cases, assessments on a case-by-case basis are not being conducted to evaluate whether or not Honduras serves as a safe third country option for the individuals under question.

On 8 July 2025, the United States ended the Temporary Protection Status (TPS) for Nicaraguans in the United States with effect as of 8 September 2025. The Department of Homeland Security determined that conditions in Nicaragua had improved sufficiently so that individuals being assessed no longer meet the criteria for TPS, which is intended to offer temporary protection in the US during unsafe conditions in their country of nationality.

Since 2018, approximately 800,000 Nicaraguans have allegedly left their country, the majority have done so due to fear of persecution and are in need of international protection in other States. Incidents of attacks and physical violence including assassinations and attempted killings as a part of transnational persecution allegedly attributed to Nicaraguan intelligence have been reported in neighboring countries, particularly Costa Rica and Honduras.

In this context, the cases of **Ms. Yadira del Socorro Córdoba Obando, Mr. [REDACTED], Mr. Arlan José Matus Hernández, Mr. Corby Dave Hodgson Garcia, Mr. Dimas Sevilla and Mr. Yupanke López López**, all six Nicaraguan nationals in detention and with imminent risk of deportation, are of extreme concern.

Case of Ms. Yadira del Socorro Córdoba Obando

Ms. Yadira del Socorro Córdoba Obando, a 58-year-old Nicaraguan national, is a human rights defender and co-founder of the Mothers of April movement (“Madres de Abril”), a collective of relatives of victims seeking truth, justice, and accountability for the killings that occurred during the 2018 protests in Nicaragua. Her activism began after the killing of her son. Ms. Córdoba Obando is a visible figure within the Mothers of April, participating in the documentation of human rights violations and in advocacy efforts both nationally and internationally. As a result of her activities, Ms. Córdoba Obando has reportedly been subjected to threats and intimidation in Nicaragua, including warnings delivered through her church and community urging her to stop carrying her son’s photograph and the national flag during demonstrations. She and her family were reportedly under Government surveillance. In May 2019, due to escalating persecution, Ms. Córdoba Obando sought refuge in Costa Rica.

While residing in Costa Rica, Ms. Córdoba Obando continued her engagement with the Mothers of April and with other Nicaraguan civil society organizations in exile. Due to acts of intimidation against Nicaraguan activists close to Ms. Córdoba Obando, she decided to leave Costa Rica. Nicaraguan exiles in Costa Rica, particularly those involved in political or human rights activities, have reportedly been subjected to threats, intimidation, and incidents of violence allegedly linked to Nicaraguan intelligence services. These incidents

contributed to a heightened perception of insecurity and underscored concerns regarding the persistence of transnational risks faced by Nicaraguan human rights defenders in Costa Rica.

On 5 January 2022, fleeing persecution in Nicaragua and Costa Rica, Ms. Cordoba Obando entered the United States via the southern border and later submitted her asylum application.

On 20 August 2025, Ms. Cordoba Obando was detained by the United States Immigration and Customs Enforcement (ICE) agents in San Antonio, Texas, after voluntarily attending a routine administrative appearance for asylum seekers.

On 7 November 2025, a judge ordered her deportation to Honduras under the bilateral agreement between the United States and Honduras for cooperation in the examination of protection requests.¹ This deportation order was issued in spite of Ms. Cordoba Obando's argument that Honduras does not constitute a safe country, given the context of transnational persecution against dissenting human rights defenders from Nicaragua.

Ms. Córdoba Obando's deportation to Honduras was scheduled for 5 January 2026. She was transferred by Immigration and Customs Enforcement (ICE) to the airport for removal. However, due to the failure of the transportation arranged by ICE to arrive at the airport in a timely manner, she was unable to board the scheduled flight. She was subsequently returned to detention and is currently held at the El Paso Camp East Montana Detention Center, pending further action, with no information provided regarding the rescheduling of her deportation, resulting in further uncertainty and leading to her revictimization.

As stated in the report by the Group of Human Rights Experts on Nicaragua "Nicaragua: Persecution Beyond Borders", Nicaraguans who have fled to other countries, including Honduras, remain vulnerable to persecution by agents of the Nicaraguan State or non-State actors operating on its behalf.² Due to geographical proximity and the movement of people between the two countries, Honduras is a likely location where transnational persecution could occur. Moreover, OHCHR has documented that human rights defenders in Honduras continue to face threats, harassment, and violence, with limited guarantees of effective protection (A/HRC/58/23, paras. 49-60). In this context and given Ms. Córdoba's profile as a Nicaraguan national and human rights defender, there are reasonable grounds to believe that deportation to Honduras would not ensure her safety and could expose her to continued risks to life and personal integrity.

¹ <https://www.federalregister.gov/documents/2025/07/08/2025-12631/agreement-between-the-government-of-the-united-states-of-america-and-the-government-of-the-republic>

² GHREN report, Nicaragua: Persecution beyond borders, available at: [2025-09-23-ghren-transnational-violations-en.pdf](https://www.ghren.org/2025-09-23-ghren-transnational-violations-en.pdf), p.19

Case of Mr. [REDACTED]

Mr. [REDACTED], a 50-year-old Nicaraguan national, is a rural entrepreneur, social communicator, and member of the *Movimiento Campesino*, one of Nicaragua's most influential grassroots movements opposing the proposed Interoceanic Canal.

In early 2022, in Managua, Mr. [REDACTED] was arbitrarily detained and taken to a police station in district 5 in Managua, where he was reportedly subjected to ill-treatment and forcibly disappeared for a period before his family located him. He was released in March 2022 and ultimately left Nicaragua due to fear of further persecution.

He entered the United States through El Paso on 8 November 2022 and filed an online asylum application with U.S. Citizenship and Immigration Services (USCIS).

On 3 June 2025, he was summoned to an ICE office in Indianapolis for a routine administrative appointment for asylum seekers where he was detained upon arrival. He attended an immigration hearing on 23 September 2025 and was issued a deportation order. He was then held at Pine Prairie ICE Processing Center.

There are reasonable grounds to believe that Mr. [REDACTED] was deported from the United States to Nicaragua on 13 December 2025. There are reasonable grounds to believe that he faces risks of detention and persecution in Nicaragua.

Case of Mr. Arlan José Matus Hernández

Mr. Arlan José Matus Hernández, a 48-year-old Nicaraguan national, owned a small store in Jinotepe at the onset of the 2018 protests. Although he did not participate in the demonstrations, he and his relatives were reportedly perceived as political opponents by the authorities, given the store's proximity to the protest epicenter in Jinotepe, and that protestors frequented the establishment.

In this context, Mr. Matus was reportedly subjected to police surveillance, intimidation, and threats. In April 2018, he was detained in the street by police officers and was reportedly severely beaten. The injuries sustained exacerbated a pre-existing kidney condition, resulting in surgery, including the removal of one kidney.

Fleeing persecution, Mr. Matus entered the United States on 31 December 2021 via the southern border to seek protection. Upon entry, he was briefly detained and subsequently released. His initial asylum claim was dismissed in April 2024 and he submitted a new claim in March 2025. On 30 September 2025, Mr. Matus was arrested after voluntarily reporting to ICE and has since been transferred to several detention facilities. He is currently being held at the Limestone County Detention Center in Texas, under identification number A 220895253. His first bond hearing in November 2025 did not proceed because ICE allegedly did not present him before the immigration judge.

Mr. Matus suffers from multiple chronic conditions, including hypertension. During his detention, he has been consistently denied access to prescribed hypertension medication, and his blood pressure has not been regularly monitored. His health has deteriorated significantly.

Mr. Matus remains in detention and faces imminent risk of deportation. Given the persecution he suffered in Nicaragua, he fears that his deportation would expose him to arbitrary detention, cruel, inhuman or degrading treatment, torture, or other serious human rights violations.

Case of Mr. Corby Dave Hodgson Garcia

Mr. Corby Dave Hodgson García is a 38-year-old Nicaraguan national and Indigenous leader of Miskitu origin from the South Caribbean Coast Autonomous Region. He previously served on the South Atlantic Autonomous Regional Council and was elected as a member of the Communal Government in Tasbapaony. Mr. Hodgson actively participated in the 2018 protests and was part of the 19 April student movement. During the 2018 protests, Indigenous Miskitu leaders were subjected to targeted persecution, including arbitrary detentions, intimidation, and violence by State agents and pro-government armed groups. Authorities reportedly accused them of supporting or sheltering protesters, leading to increased surveillance, raids in Indigenous territories, and the criminalization of community representatives. Several Miskitu leaders faced threats, harassment, and judicial proceedings lacking due process, while others were forced into exile.

Mr. Hodgson was detained on 14 July 2018 by pro-government armed groups after attempting to assist protesters during an attack on the National Autonomous University of Nicaragua (UNAN-Managua). He was subsequently captured by the National Police and transferred to the penitentiary center El Chipote, where he was allegedly detained arbitrarily for 10 days and subjected to torture and ill-treatment.

Fleeing persecution, on 20 December 2018, Mr. Hodgson surrendered to the United States immigration authorities at the southern border. After passing a credible-fear interview, he was granted temporary parole and later formally requested asylum. On 31 August 2025, he was detained by the United States Immigration and Customs Enforcement (ICE) and transferred to the El Paso East Montana Detention Center in El Paso, Texas.

Mr. Hodgson remains in detention and faces an imminent risk of deportation. [REDACTED] faces risks of detention and persecution in Nicaragua. In light of his profile as an Indigenous leader, former political prisoner, alleged victim of torture and history of persecution, he fears deportation would expose him to arbitrary detention, cruel, inhuman or degrading treatment, torture, or other serious human rights violations.

Case of Mr. Dimas Sevilla

Mr. Dimas Sevilla is a 44-year-old Nicaraguan national from Jinotega and a professional teacher by training. From 2001 to June 2017, he worked as a primary school teacher until he was allegedly forced to resign due to political pressure and harassment from local leaders of the ruling Sandinista National Liberation Front (FSLN), reportedly for opposing efforts to use public schools for political indoctrination.

Since 2001, Mr. Sevilla has been a well-known opposition political activist in Santa María de Pantasma, a municipality in the department of Jinotega, near the border with Honduras. Mr. Sevilla served with the Partido Liberal Constitucionalista (PLC), the Partido Liberal Independiente (PLI), and Ciudadanos por la Libertad (CxL) in various roles.

Mr. Sevilla was reportedly subjected to multiple attacks, including attempted assassinations. He also participated actively during the nationwide protests in Nicaragua in 2018. Fleeing persecution, he entered the United States on 6 February 2023 through the southern border, where he subsequently applied for asylum. On 20 November 2025, the United States Department for Homeland Security, filed a motion to pretermite Mr. Sevilla's protection applications. Unless an immigration judge intervenes, Mr. Sevilla is at imminent risk of deportation.

Case of Mr. Yupanke Lopez Lopez (in some identification documents appears as Jorge Lopez Lopez)

Mr. Yupanke López is a 57-year-old Nicaraguan national from Tipitapa, Managua. Prior to leaving the country, he owned a small gym and liquor store. The persecution against him reportedly began in January 2018 after he opposed the Tipitapa municipal authorities' attempt to seize a community-built potable water well and transfer it to the Nicaraguan Water and Sewerage Company (ENACAL). As the 2018 human rights crisis unfolded, Mr. López reportedly participated in local demonstrations and supported protesting youth by providing food. He also allegedly refused a request from the mayor to join a paramilitary group organized to suppress the protests—a refusal that appears to have contributed to his subsequent targeting.

In this context, Mr. López was reportedly subjected to arbitrary detention in September 2018, ill-treatment, and the confiscation of his property. He was released in 2019. Following his release, he and his family continued to experience threats and intimidation from the Councils of Citizen Power (Consejos del Poder Ciudadano, CPC). As a result, the family fled Nicaragua and entered the United States on 13 June 2019.

Given that this was Mr. López's second irregular entry into the United States and he had previously been issued a removal order on 6 January 2006—which was executed that same year—he was legally barred from applying for asylum. While his family members applied for and were granted asylum in 2022 on grounds related to political persecution and reprisals against Mr. López and his

relatives, he could only seek withholding of removal, the sole form of protection available in his circumstances. He reportedly waited an extended period for his credible-fear interview, which was only conducted in 2023. No decision has been issued to date.

As part of his immigration control requirements, Mr. López regularly complied with routine check-ins with ICE. He was detained in October 2025 after a check-in visit and is currently being held at the Northeast Ohio Correctional Centre pending a decision on the process. He faces an imminent risk of deportation to Nicaragua, where, considering his history of political persecution, exposes him to the risk of persecution, ill-treatment or torture. In addition, potential removal would result in the separation of Mr. López from his immediate family, who hold lawful status in the United States as recognized asylum seekers.

Without prejudging the accuracy of the information received, we reiterate our serious concerns with regards to the arbitrary detention of Nicaraguan asylum seekers and their possible deportation to Nicaragua or third countries, in violation of the non-refoulement principle. Previous history of persecution for their political affiliation, work as human rights defenders and/or Indigenous leaders, exposes them to serious risk of human rights violations.

We are further concerned about the lack of consideration of the context of transnational persecution of Nicaraguan nationals after the 2018 protests. As noted by OHCHR and the Group of Human Rights Experts on Nicaragua (GHREN), arbitrary detention, torture and enforced disappearances are widely used by Nicaraguan authorities as tools of political persecution (A/HRC/58/23). Political opponents, real and perceived, within Nicaragua and in exile, have reportedly been subjected to arbitrary measures of property confiscation, social security benefits suspensions, and discriminatory barriers to education, employment and healthcare. In addition, the application of recent legal reforms has led to an arbitrary use of nationality revocation and undue restrictions on leaving or re-entering the country, applied in a punitive fashion, against individuals perceived as political opponents and their relatives. According to GHREN, exiled individuals are further exposed to physical violence abroad and to the instrumentalization of international mechanisms, including the abuse of INTERPOL's red notices, the circulation of false alerts on travel documents and the misuse of financial compliance frameworks to block access to banking.

We are further concerned about the agreement the United States has signed with Honduras and its implementation resulting in human rights violations and violations of international law. These developments raise serious questions regarding the United States' compliance with its obligations under international law, including the absolute prohibition of refoulement and arbitrary detention under article 9 of the ICCPR and the rights to due process, judicial review, and effective remedies under articles 2, 13, and 14 of the ICCPR.

In particular, these actions appear to contravene the prohibition of arbitrary expulsion and the right to due process in the removal of non-nationals under customary international law and article 13 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States on 8 June 1992, read in conjunction with article 14; as well as the right to liberty and security of person and the prohibition of

arbitrary detention under article 9 of the ICCPR, including the requirement of prompt and effective judicial review of detention under article 9(4). They also raise concerns in relation to the prohibition of refoulement, including the prohibition of “chain refoulement,” under both customary international law and treaty law, including article 3 of the Convention against Torture (CAT) and the 1967 Protocol relating to the Status of Refugees. We further recall the prohibition of torture and cruel, inhuman or degrading treatment or punishment under article 7 of the ICCPR and the CAT; the obligation to ensure humane conditions of detention under article 10 of the ICCPR; the obligation to guarantee an effective remedy for violations of Covenant rights under article 2(3); and the absolute prohibition of enforced disappearances, under customary international law, as reflected in the protections of the right to life, the prohibition of ill-treatment, and the right to liberty and security of person contained in the ICCPR.

We remind your Excellency’s Government that ICCPR rights are not limited to citizens of States parties but “must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party” (Human Rights Committee, general comment No. 31, para. 10). We additionally underline that the principle of non-refoulement is non-derogable and applies wherever a State exercises jurisdiction or effective control over an individual, irrespective of their migration status.

Arbitrary Detention

We express deep concern regarding the cases of **Ms. Yadira del Socorro Córdoba Obando, Mr. [REDACTED], Mr. Arlan José Matus Hernández, Mr. Corby Dave Hodgson Garcia, Mr. Dimas Sevilla, and Mr. Lopez** which indicate that almost all the individuals involved appear to have been subjected to detention in the United States without prior notice, regardless of their individual circumstances, including the existence of asylum applications. We further note with concern that several of these individuals were apprehended during routine ICE appointments, and in the absence of compelling evidence justifying such measures. We recall that the arrest and detention of individuals for the purpose of deportation, where no lawful basis for removal exists or where deportation cannot be executed within a reasonable period, may constitute unlawful and arbitrary deprivation of liberty, contrary to article 9 of the ICCPR.

Under international law, in order not to amount to an arbitrary deprivation of liberty, prohibited under article 9 of the ICCPR, immigration detention should be a measure of last resort—applied only when strictly necessary, for the shortest possible duration, and in full compliance with international human rights standards. States are obliged to consider and implement alternatives to detention wherever feasible. The legal grounds for detention must be clearly and exhaustively defined in law, subject to prompt and effective judicial review, and regularly reassessed within fixed time limits. These safeguards must be upheld even in exceptional circumstances, including mass arrivals of undocumented migrants (A/HRC/10/21, paragraphs 67–68) or where particular persons may present individual security or criminal risks. In this context, we are deeply concerned about the unjustified and punitive securitization and stigmatization of migrants.

As underlined by the former Special Rapporteur on torture in his report on migration-related torture and ill-treatment (A/HRC/37/50) and Special Rapporteur on the human rights of migrants (A/HRC/20/24), any detention of migrants must, in each individual case, be justified as lawful, necessary and proportionate in the circumstances and, in the case of administrative or preventive detention, be periodically re-assessed and subject to judicial review. In line with the Human Rights Committee's general comment No. 35, asylum seekers who enter irregularly may only be detained for a brief initial period strictly limited to documenting their entry, recording their claims and, where necessary, verifying their identity; any continued detention in the absence of specific, individualized reasons – such as a substantiated risk of absconding, a danger of crimes against others or a risk to national security – is arbitrary. Breaches of immigration law are essentially administrative in nature and do not, as such, constitute offences against persons, property or national security capable of justifying sanctions involving deprivation of liberty; criminal or administrative detention based solely on migration status therefore falls outside the narrow margin of permissible migration-related detention under international law and should be regarded as arbitrary.

In the case of children, the Committee on the Rights of the Child and the Committee on Migrant Workers have clarified that detention based solely on the child's or the parents' migration status is never in the child's best interests, exceeds the requirements of necessity and proportionality and may amount to ill-treatment, and that children should therefore never be detained for reasons related to migration status; instead, States must ensure appropriate non-custodial, community-based reception and care arrangements.

We are alarmed at what appears to be a systemic disregard for due process and judicial safeguards in relation to the prolonged detention of the individuals listed above. While legal representation appears to have been provided, the indefinite nature of the detention, combined with a lack of clear procedural timelines, raises serious concerns regarding the arbitrary deprivation of liberty. We are particularly concerned that detention has been prolonged without prompt judicial review or access to timely information about the legal process affecting the individuals' liberty.

We refer your Excellency's Government to the detailed analysis and legal standards provided in **UA USA 14/2025** regarding due process and detention under international law. In particular, we recall that, under article 9 of the ICCPR, the right to liberty and security of person requires that no one be subjected to arbitrary detention, and that any deprivation of liberty must be lawful, necessary, proportionate, and subject to prompt judicial review. Article 14 of the ICCPR guarantees the right to a fair and public hearing by a competent, independent, and impartial tribunal, which is applicable to any proceedings that may affect the liberty of a person. We reiterate that even when States exercise their sovereign authority to detain individuals for immigration or security reasons, such measures must strictly adhere to international legal standards, including respect for due process, proportionality, judicial oversight, and the right to effective remedies.

We are further concerned that migrants in an irregular situation include a particularly high proportion of survivors of torture and other serious violence. In his report on migration-related torture, the former Special Rapporteur noted that, depending on the context, confirmed torture prevalence among irregular migrants can

reach up to 76 per cent, with an overall average of 27 per cent, which raises serious concerns as to the compatibility of many current migration-control practices with the absolute prohibition of torture and ill-treatment. Under the Convention against Torture and the guidance of the Committee against Torture, in particular its general comment No. 3 on article 14, States have a heightened obligation to promptly identify victims of torture, ensure that they are not subjected to measures or conditions (including forms of detention) that may aggravate their physical or psychological suffering, and guarantee access to effective redress and as full rehabilitation as possible, including appropriate medical, psychological and social support. Placing torture survivors in migration detention – particularly in overcrowded, punitive or otherwise unsuitable facilities – entails a serious risk of re-traumatization and may in itself amount to cruel, inhuman or degrading treatment; any interview, assessment or medical examination must therefore follow a trauma-informed, gender- and age-sensitive approach, consistent with the Istanbul Protocol, in conditions that fully respect the individual’s dignity, safety and autonomy and are designed to avoid re-victimization.

Risk of refoulement, including chain (indirect) refoulement

We note with concern the apparent expansion of deportation practices from the United States, including removals to third countries or countries of origin, which may not offer adequate safeguards against *refoulement* or other human rights violations. Such practices raise serious questions about compliance with international obligations, including the non-refoulement and the right to due process, judicial review and effective remedies.

We are alarmed that the **deportations and transfers to Nicaragua and Honduras** appear contrary to the prohibition on non-refoulement under United States and international law, particularly in light of the well-documented risks that most individuals would face if returned to these countries. The international obligation of *non-refoulement* prohibits the transfer of a person to a place where there is a real risk of arbitrary deprivation of life, torture or cruel, inhuman or degrading treatment or punishment (including inhuman detention conditions), persecution, arbitrary detention, enforced disappearance, a flagrant denial of fair trial, and other serious violations of human rights. This obligation is absolute and without exception. It applies to all persons, irrespective of citizenship, nationality, statelessness, or migration status, and applies wherever a State exercises jurisdiction or effective control, including outside its own territory. The right to “seek and to enjoy in other countries asylum from persecution” is enshrined in article 14 of the Universal Declaration of Human Rights and in international refugee law. We refer your Excellency’s Government to the analysis and legal standards in UA USA 14/2025 regarding the United States’ non-refoulement obligations.

In addition to the obligations under customary international law, the ICCPR, and U.S. law, we wish to draw attention to article 3 of the Convention against Torture (CAT), acceded to by the United States on 21 October 1994, which provides that “[n]o State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” The Committee against Torture, in its general comment No. 4, emphasizes that each case should be examined individually, impartially, and independently by competent administrative or judicial authorities, in conformity with essential procedural

safeguards, notably the guarantee of a prompt and transparent process, the right to review the deportation decision, and the suspensive effect of appeals. The person concerned should be informed of the intended transfer or removal in a timely manner. Such individual risk assessments should also take into account whether the person may be subjected to unfair trials or judicial systems that do not guarantee the right to a fair trial.

We further note with concern indications that certain **deportation decisions** in the present cases may not have been made in accordance with the legal criteria and procedural safeguards required under international human rights law. Decisions to remove individuals—particularly where they are taken without adequate notice, individualized assessment, or the opportunity to present reasons against removal—may amount to arbitrary expulsion, in violation of article 13 of the ICCPR and customary international law.

We additionally note with concern that some individuals may be transferred to Honduras, pursuant to bilateral arrangements between the United States and that country. In such cases, the United States' obligations under international human rights law—including ICCPR articles 6, 7, 9, 13, the Convention against Torture (article 3), and customary international law—continue to apply. We are concerned that such transfers may occur without adequate individualized assessment, procedural safeguards, or access to effective remedies, which could place the individuals at serious risk and raise questions about compliance with U.S. obligations. Transfers must not expose individuals to a real risk of torture, cruel, inhuman, or degrading treatment, or other serious human rights violations. As regards transfer to third countries, the Special Rapporteur on the human rights of migrants urged states to abide at all times with, *inter alia*, the principle of non-refoulement and prohibition of torture and ill-treatment. Indeed, States cannot circumvent their international obligations by externalizing their migration governance, including return (A/80/302).

In this context, the United States is required to individually assess the risks to each person in Honduras, Nicaragua, or any other third country before any transfer or removal. No assessment appears to have been undertaken regarding the risks these individuals may face, which, as documented, can include arbitrary detention, cruel, inhuman, or degrading treatment, torture, enforced disappearances, threats, harassment, and judicial proceedings lacking due process. United States

We are particularly concerned about the heightened risks faced by human rights defenders among the individuals at risk of removal or transfer. Human rights defenders may be subject to reprisals, harassment, threats, arbitrary detention, or other forms of persecution for their legitimate activities. The United States is obliged to ensure that any removal or transfer does not expose HRDs to such risks, in accordance with the ICCPR, CAT, customary international law, and the United Nations Declaration on Human Rights Defenders. In this context, transfers or deportations must include individualized risk assessments that specifically consider the individuals' activities as human rights defenders, and must guarantee effective access to legal remedies, due process, and protection from reprisals or reprisals-related ill-treatment in the receiving State.

We further note that article 8 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance establishes that no State shall expel, return, or extradite a person to another State where there are substantial grounds to believe they would be at risk of enforced disappearance. While the United States is not a party to the Declaration, the absolute prohibition of enforced disappearance has attained *ius cogens* status under customary international law. Articles 9 and 10 of the Declaration further emphasize the right to judicial remedies and the requirement that any deprivation of liberty occurs in officially recognized places of detention with up-to-date registers of all persons deprived of their liberty.

Right to life in the context of refoulement

International human rights law prohibits the removal, deportation, expulsion or other transfer of any person where there are substantial grounds for believing that such action would expose them to a real and foreseeable risk of irreparable harm, including arbitrary deprivation of life. In this regard, the Human Rights Committee has affirmed that the obligations of States parties under article 6 of the ICCPR entail a non-refoulement duty where there is a real risk to life, and require an individualized and rigorous assessment of risk. These obligations are of particular relevance where individuals report having been subjected to prior assassination attempts, credible death threats, or where close family members have been killed in circumstances indicating targeted violence. They also encompass protection against “chain refoulement”, requiring that any transfer from the United States to Nicaragua or to Honduras be suspended where there are substantial grounds to believe that the persons concerned would face a real risk of being killed in the receiving country, including as a result of alleged transnational persecution, or a real risk of onward removal to another State where such risk would materialize.

Violence against women

We are concerned about the reported incidents against a woman human rights activist who is currently detained and the risk of exposure to violence that she might face while in detention. As the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), signed by your Excellency’s Government on 17 July 1980 establishes a binding framework obligating States to eliminate discrimination against women in all spheres of life. Articles 2 and 3 require States to adopt legislative and policy measures ensuring substantive equality, while articles 5, 11, 12, 14, 15, and 16 extend protections to areas such as health, employment, rural life, and family relations. These provisions are particularly relevant to women asylum seekers and migrant women, who often face compounded discrimination on the basis of both gender and migration status. In detention contexts, the obligation to guarantee equal protection under the law means States must ensure that women are not subjected to arbitrary or discriminatory treatment, and that their specific vulnerabilities are recognized.

CEDAW’s general recommendation No. 32 (2014) on gender-related dimensions of refugee status, asylum, nationality and statelessness of women explicitly addresses the gender-related dimensions of refugee status, asylum, nationality, and statelessness. It recognizes that women may face persecution in forms that are not always visible in traditional asylum frameworks, such as sexual violence, forced

marriage, or trafficking. The Committee emphasizes that asylum procedures must be gender-sensitive, incorporating an understanding of these specific risks. Importantly, general recommendation 32 stresses that detention of asylum-seeking women should be avoided wherever possible, as detention exacerbates vulnerabilities and may amount to discriminatory treatment. Alternatives to detention, such as community-based arrangements, are recommended to uphold women's dignity and rights.

Additionally, the Special Rapporteur on violence against women and girls, in her report to the Human Rights Council (A/HRC/59/47) noted that women and girls in refugee camps and detention centers are also at specific risk of violence, including sexual harassment and rape.

In its General Comment on women affected by enforced disappearances ([A/HRC/WGEID/98/2](#)), the Working Group reminds that women suffer particular types of harm based on their gender, including instances of sexual violence, and forced impregnation, and the resulting psychological damage and social stigma, as well as the disruption of family structures. (...) in addition, women from minority groups and women affected by poverty and social inequalities are particularly vulnerable and exposed to enforced disappearances.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

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 also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please detail the factual and legal basis for the arrest and detention of all individuals listed above, as well as any measures or proceedings that could lead to their deportation, including the due process guarantees and judicial safeguards that have been or would be afforded to them throughout. Please explain how these measures and procedures are compatible with international human rights norms, including the prohibitions on arbitrary expulsion, arbitrary detention, enforced disappearances, *refoulement*, and the requirements of due process, judicial review, effective remedies, and humane and dignified conditions of detention.
3. Please provide detailed information on whether any individual non-refoulement or risk assessments were carried out to determine whether the individuals listed above may be at risk, if transferred or deported to Honduras or any other third country, of arbitrary deprivation of life, enforced disappearance, torture or cruel, inhuman, or degrading

treatment or punishment, arbitrary detention, denial of justice, or other serious human rights violations. Where such assessments have been conducted, please explain the procedures followed and how they are compatible with the obligations of the United States under domestic and international law, including the requirements of article 3 of the UN Convention against Torture. If no such assessments have been carried out, please explain why.

4. Please explain what steps the United States authorities will take to prevent any unlawful or arbitrary expulsions or transfers, including those that could expose individuals to non-refoulement violations, in line with international law, United States law, and relevant court decisions.
5. Please indicate whether any bilateral or multilateral agreements between the United States and third countries, including Honduras, that allow for the transfer, detention, or deportation of individuals from the United States, will be revised or repealed to ensure compliance with the United States' obligations under international law.
6. Please disclose the terms of any bilateral or multilateral agreements concluded between the United States and third countries concerning the transfer, detention, or deportation of individuals, including financial arrangements, conditions of transfer, or other relevant provisions, and explain how these agreements are compatible with international law obligations, including the prohibitions on arbitrary expulsion, arbitrary detention, and enforced disappearance, the obligation of non-refoulement, and the guarantees of due process, judicial review, effective remedies, and humane and dignified conditions of detention.

This communication and any response received from your Excellency's Government 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.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of the individuals concerned. In particular, we call for the suspension of any deportation or transfer to another country until a thorough and individualized risk assessment has been carried out. We further urge that steps be taken to halt the alleged violations, prevent their recurrence, and, in the event that investigations support or indicate that the allegations are well-founded, to ensure the accountability of any person 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 your Excellency's Government's to clarify the issue/s in question.

Please be informed that a letter on this subject has been also sent to Honduras and a copy of the said letter to Costa Rica.

Please accept, Excellency, the assurances of our highest consideration.

Gehad Madi
Special Rapporteur on the human rights of migrants

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

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Cecilia M. Bailliet
Independent Expert on human rights and international solidarity

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences