

**Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the rights of persons with disabilities; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Independent expert on the promotion of a democratic and equitable international order; the Independent Expert on human rights and international solidarity and the Special Rapporteur on the human rights of migrants**

Ref.: UA USA 25/2025  
(Please use this reference in your reply)

6 August 2025

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the rights of persons with disabilities; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Independent expert on the promotion of a democratic and equitable international order; Independent Expert on human rights and international solidarity and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 58/14, 53/14, 54/14, 52/9, 52/4, 53/12, 57/7, 53/5 and 52/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning developments in relation to **Venezuelan nationals deported by U.S. authorities to the Centro de Confinamiento Contra el Terrorismo (Terrorism Confinement Center - CECOT) and other penitentiary facilities in El Salvador, followed by their subsequent transfer to Venezuela. These removals reportedly involved individuals with pending asylum claims, as well as persons with serious health conditions, psychosocial disabilities and mental health conditions, requiring specific care and support. We further express concern regarding the imminent removal of asylum seekers, including human rights defenders and political dissidents, 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.**

We have previously raised concerns regarding the deportations of Venezuelan and Salvadoran nationals from the U.S. to El Salvador since 15 March 2025, particularly those carried out under the Alien Enemies Act of 1798, in communications [USA 14/2025](#) and [SLV 1/2025](#). In those communications, we expressed serious concerns regarding the alleged unlawfulness of the deportations, the lack of due process and judicial safeguards, non-compliance with the obligation of non-refoulement, arbitrary detention, enforced disappearances before and during their deportation, and reports of their inhuman treatment and detention conditions at the CECOT facility in El Salvador. Special Procedures mandate-holders have subsequently issued two press

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releases on 30 April and 8 July 2025.<sup>1</sup> We regret that, to date, your Excellency's Government has not provided a response to the aforementioned communication.

According to the information received:

### *Background*

On 20 February 2025, the U.S. Department of State designated eight transnational criminal organisations, including drug cartels, as foreign terrorist organisations (FTOs) under section 219 of the Immigration and Nationality Act and as specially designated global terrorists under Executive order 13224.<sup>2</sup> Among the eight new designations was Tren de Aragua, among other organised crime groups.

On 14 March 2025, the U.S. President signed a proclamation invoking the Alien Enemies Act (50 U.S.C. §§ 21-24) in relation to Tren de Aragua.<sup>3</sup>

Following these legal measures against Tren de Aragua, at least 252 Venezuelan migrants were deported to El Salvador under a bilateral agreement between the U.S. and El Salvador on transfers of third-country nationals, whereby the Government of El Salvador would receive in kind support and funding in exchange for housing migrants in its detention facilities. This agreement raised serious human rights concerns due to the lack of procedural guarantees and effective judicial remedies, the absence of individual verification of criminal links, and the risk of arbitrary detention in conditions that could constitute cruel, inhuman or degrading treatment. Under the agreement, the Government of El Salvador, at the request of the United States, affirmed that the treatment of these individuals would be in accordance with Salvadoran domestic legislation and the country's international human rights obligations, including those under the Convention against Torture.

The U.S. Government publicly stated that it had no control over the detainees once they were on Salvadoran territory, and it is unknown whether the U.S. was involved in arranging their onward deportation from El Salvador to Venezuela. The Salvadoran Government maintained that it had only facilitated the use of its prison infrastructure for the reception and custody of persons detained by the U.S., despite the terms of the agreement specifying otherwise.

A U.S. federal court investigation revealed that the U.S. Government had presented limited evidence to establish a direct link between the deported Venezuelan migrants and the criminal organisation Tren de Aragua. In a decision issued on 24 March 2025 (*J.G.G. v. Trump*), a U.S. District Judge of the District of Columbia strongly criticized the deportation of hundreds of Venezuelans to CECOT without allowing them to challenge their removal or exercise basic legal rights. The Judge found that the Trump Administration had

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<sup>1</sup> <https://www.ohchr.org/en/press-releases/2025/04/un-experts-alarmed-illegal-deportations-united-states-el-salvador> and <https://www.ohchr.org/en/press-releases/2025/07/un-experts-alarmed-resumption-us-deportations-third-countries-warn>.

<sup>2</sup> <https://www.state.gov/designation-of-international-cartels/>

<sup>3</sup> <https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-act-regarding-the-invasion-of-the-united-states-by-tren-de-aragua/>.

improperly invoked the Alien Enemies Act of 1798, a wartime statute, to justify expedited deportations without due process. He noted that many migrants were placed on flights before they could access legal counsel or file protection claims, potentially constituting a flagrant violation of due process and the obligation of non-refoulement. The Court further warned that the deported individuals faced a “high likelihood of immediate and intentional harm endangering their lives at the hands of state agents” at CECOT, where abusive practices have been widely documented.

In April 2025, the U.S. Supreme Court ruled in *Trump v. J.G.G.* that individuals selected for deportation must be given the opportunity to challenge their detention under a *habeas corpus* application in the district where they are physically detained, not necessarily where the removal order originated. The Court also ruled that detained individuals selected for deportation could not challenge their detention under the Administrative Procedure Act (APA), affirming that such challenges must be brought exclusively through *habeas corpus* proceedings.

On 18 July 2025, the group of 252 Venezuelan migrants, previously transferred from the U.S. to El Salvador in March, was deported to Caracas, Venezuela, after spending 125 days in detention at the CECOT. During this time, there was no official confirmation from the U.S. or El Salvador, about their exact location. This transfer on 18 July reportedly formed part of an agreement under which Venezuela released ten U.S. nationals detained on alleged national security charges, along with 80 Venezuelan nationals detained in the context of the electoral process, in exchange for the return to Venezuela of the 252 Venezuelan nationals. The U.S. Secretary of State later confirmed the exchange and publicly thanked the President of El Salvador for his cooperation.<sup>4</sup> The Salvadoran President also confirmed the handover of all Venezuelan nationals, indicating that they were detained under accusations of affiliation with the Tren de Aragua.<sup>5</sup> However, it has been reported that only 30 individuals among the 252 had any criminal record in the U.S., and that none were charged with violent crimes.

Hundreds of migrants are currently being held in detention centers in the U.S., reportedly facing imminent risk of deportation to a third country. Many of these detentions could amount to enforced disappearances given the lack of information on their fate or whereabouts. Among them are people with no proven links to the Tren de Aragua or any other designated organisation, individuals in need of protection, including asylum seekers with refugee claims and ongoing asylum proceedings in the U.S., as well as human rights defenders and political dissidents.

In this context, concerns are being raised that the individuals listed below may be at risk of *refoulement* to Venezuela or to a third country, in violation of the

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<sup>4</sup> <https://x.com/secrubio/status/1946299325803352323?s=46&t=ii1IZqOZbP8uSS8NuQrOrg>

<sup>5</sup> <https://x.com/nayibbukele/status/1946296384035918284?s=46&t=ii1IZqOZbP8uSS8NuQrOrg>

obligation of non-refoulement, the prohibition on arbitrary expulsion (including the requirement of due process in expulsion decisions), and other binding international human rights obligations. These risks are particularly alarming given the reported absence of individual assessments, including of any protection and *refoulement* concerns, due process and prompt, accessible judicial review, and the lack of guarantees that their rights will be protected upon return or onward transfer.

*Case of Mr. Gregory José Sanabria Tarazona*

Mr. Gregory José Sanabria Tarazona is a Venezuelan human rights defender who was arrested on 7 October 2014 in the context of anti-government protests in Venezuela, while he was a university student studying computer engineering in the state of Táchira. He was allegedly charged with criminal association, terrorism and treason under the Organic Law against Organised Crime and Terrorism Financing and the Criminal Code. His case in Venezuela is reportedly still ongoing.

He was detained in pre-trial detention for more than four years in the El Helicoide detention center, headquarters of the Bolivarian National Intelligence Service (*Servicio Bolivariano de Inteligencia Nacional*- SEBIN), where in May 2018, he was allegedly brutally beaten, resulting in a skull fracture and a broken nose. He was released afterwards. This incident was publicly condemned by the Office of the United Nations High Commissioner for Human Rights.<sup>6</sup> He was reportedly released as part of a political agreement that included the release of 50 political prisoners. He resumed his activism within the opposition party *Voluntad Popular*, where he remains an active member.

On 6 April 2019, Mr. Sanabria Tarazona was arrested again for participating in a peaceful protest against blackouts and water shortages, alongside members of the National Assembly and other activists. While the other congresspersons were released the same day, Mr. Sanabria was reportedly apprehended by the Bolivarian National Guard (GNB), transported in an armored police vehicle, and brought before a court the following day, where precautionary measures were imposed, including a prohibition on leaving the country.

On 19 January 2022, he entered the U.S. via the southern border, where he applied for asylum and was provisionally detained and released on parole after passing the “credible fear” interview. He then submitted his asylum application in accordance with the regulations in force. Since then, he has been living and working in the U.S., mainly in the construction sector.

On 12 June 2025, Mr. Sanabria Tarazona was detained by U.S. Immigration and Customs Enforcement (ICE) agents in Conroe, Texas, after voluntarily attending a routine administrative appearance for asylum seekers. Upon leaving, he was allegedly detained by an ICE agent.

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<sup>6</sup> See <https://x.com/UNHumanRights/status/997107017549574144>.

While in ICE custody, Mr. Sanabria Tarazona was pressured by officials to sign a voluntary deportation order, while ICE agents alleged he had links to a terrorist group. This situation was deeply traumatic, especially considering his history of arbitrary detention and the acts of torture he suffered in Venezuela.

Mr. Sanabria Tarazona faces a well-founded fear of persecution and serious harm if returned to Venezuela, where he is currently subject to criminal proceedings on charges related to national security and terrorism, apparently in retaliation for his public expression of dissent. He has previously endured grave human rights violations, including arbitrary detention and torture in Venezuela. There is also significant concern that Mr. Sanabria Tarazona may be deported to a third country.

He is currently detained at the Montgomery Processing Center in Texas (number A: A220922142), with an asylum application pending. His first hearing was held on 1 July 2025, and he was informed of a second hearing scheduled for 8 July 2025, which was postponed.

His legal counsel has expressed a well-founded fear that, if his application is denied, he may be expeditiously deported to Venezuela or a third country under the Alien Enemies Act.

Given his profile as a former political prisoner, a documented victim of torture and his ongoing activism, there are reasonable grounds to believe that his return to Venezuela would expose him to a real risk of cruel, inhuman or degrading treatment, and even torture, or other serious violations of human rights.

#### *Case of Mr. Teobaldo Antonio León*

Mr. Teobaldo Antonio León is a Venezuelan political activist and leader of the opposition party *Voluntad Popular*, originally from the state of Carabobo.

In 2017, he was subjected to threats and persecution by armed groups linked to the ruling party because of his political activism. As a result, he was forced to leave Venezuela and seek international protection.

Mr. León left Venezuela in mid-2020 and settled in Medellín, Colombia, where he resided until 2023. He then decided to resettle in the U.S., citing continued harassment and persecution by Venezuelan authorities while in Colombia. Mr. León reportedly entered the U.S. via the southern border, after spending six months in Mexico. His entry and request for asylum was facilitated through the CBP One program.<sup>7</sup> Upon entry to the U.S., he was temporarily detained and released on parole after passing the credible fear interview. He then filed his asylum application in accordance with the regulations in force.

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<sup>7</sup> CBP One (CBP1) was an official mobile application developed by the U.S. Government through U.S. Customs and Border Protection (CBP). <sup>7</sup> CBP One (CBP1) was an official mobile application developed by the U.S. Government through U.S. Customs and Border Protection (CBP). It allows migrants to schedule appointments to present themselves at a land port of entry and request humanitarian protection, such as asylum.

On 20 March 2025, Mr. León was arrested at his residence in Chicago, Illinois, by ICE agents, without a warrant or formal criminal charges. He is currently being held at the Bluebonnet Detention Center in Texas and faces imminent risk of deportation, either to Venezuela or a third country, under the Alien Enemies Act.

ICE has alleged that Mr. León has links to Tren de Aragua, although no public evidence has been presented and no criminal proceedings have been initiated against him. His name has been widely reported by Venezuelan State media, raising concerns about possible political instrumentalisation of his case.

Given his profile as an opposition political activist and asylum seeker, his return to Venezuela would expose him to a real risk of arbitrary detention, cruel, inhuman or degrading treatment, and even torture, or other serious violations of human rights. Furthermore, his eventual transfer to a third country, without adequate procedural guarantees, could aggravate his vulnerable situation, especially considering that he has not been convicted of any crime and has a history of political persecution in his country of origin.

#### *Case of Mr. Dehivis David Olivo Hernández*

Mr. Dehivis David Olivo Hernández, a Venezuelan national, is a former official of the Scientific, Penal and Criminal Investigation Corps (CICPC), identified with ID No. 41,978 and activists of the so-called “Venezuela resistance”. During his service, he allegedly refused to align himself with the ideology of the ruling party, which made him a target of internal reprisals.

Between 10 June 2018 and 13 October 2020, he was arbitrarily detained at the SEBIN headquarters in El Helicoide, Caracas, for his alleged links to the opposition movement. During his detention, he was subjected to physical and psychological torture, including beatings, after publicly declaring his support for the Venezuelan opposition leader in exile. His case is part of a documented pattern of persecution against officials who distance themselves from the ruling party.

Mr. Olivo Hernández has reportedly been charged in Venezuela with criminal association, terrorism and treason under the Organic Law against Organised Crime and Terrorism Financing, as well as under the Venezuelan Criminal Code. These accusations are part of a broader context of criminalisation of dissent and repression against human rights defenders and opposition, documented by various national and international organisations.

Following his release, Mr. Hernández reportedly fled Venezuela in November 2020 and sought refuge in Brazil. In 2024, he traveled to Mexico, where he was allegedly kidnapped by a drug cartel. He reportedly escaped on 23 October 2023 and subsequently surrendered to U.S. immigration authorities at the southern border, who granted him temporary parole to enter the country. After entering the U.S., he formally requested asylum.

On 1 March 2025, he was reportedly arrested in Nashville, Tennessee, by local authorities, without a warrant or formal criminal charges. The arrest took place during a routine vehicle check on his brother-in-law's vehicle, near a university. He was initially informed that he would be released on bail and that he should wait 48 hours to be processed. During this initial phase of detention, he reportedly had no access to legal representation. Once bail was paid, he was transferred to ICE custody.

He is currently being held at the ICE Processing Center La Salle, in Louisiana, and faces an imminent risk of deportation, allegedly under the Alien Enemies Act. Given his profile as a former dissident official, former political prisoner and alleged victim of torture, his return to Venezuela — or eventual transfer to a third country — could expose him to a real risk of arbitrary detention, cruel, inhuman or degrading treatment or even torture, or other serious violations of human rights.

#### *Case of Wilmer Alexander García Vallenilla*

Mr. Wilmer Alexander García Vallenilla is a Venezuelan national and political activist affiliated with the opposition party *Primero Justicia* since 2012.

Mr. García Vallenilla fled Venezuela on 3 June 2020 after SEBIN agents attempted to arrest him at his workplace for political reasons. He relocated to Colombia on 3 June 2020, where he became an active volunteer with the human rights organisation *Venezuela Sin Fronteras*, supporting asylum seekers and advocating for human rights.

In July 2023, due to a fear of forced rendition, similar to those experienced by other Venezuelan activists, Mr. García left Colombia and entered the U.S. via the southern border on 20 December 2023, seeking protection. Notably, the Colombian Ombudsperson's Office formally acknowledged the risk faced by Mr. García and other Venezuelan human rights defenders in Colombia. In an official communication dated 7 July 2025 (ref. No. 202510100103470741), the Ombudsman recommended that his case be referred to the appropriate authorities, highlighting the ongoing threats to the safety of Venezuelan activists residing in Colombia.

Despite these documented risks, Mr. García was arbitrarily detained on 25 June 2025, without due process, after appearing for a scheduled appointment with ICE. He is currently held at the Northwest Detention Center in Tacoma, Washington, under identification number A245651453, and faces imminent risk of deportation to either a third country or Venezuela.

#### ***Deported persons with serious health conditions and with disabilities***

Information has also been received concerning at least three individuals among those deported in March from the U.S. to the CETOT who have reportedly had a serious health condition or were persons with disabilities, requiring specific care and support. Their deportations proceeded despite their reported health needs, raising serious concerns regarding the adequacy of medical assessments

and safeguards prior to deportation, and the protection of their right to health under international law. On 18 July 2025, they were among the 252 individuals transferred to Venezuela.

Without prejudging the accuracy of the information received, we reiterate our serious concerns that the deportation of Venezuelan nationals under the Alien Enemies Act to El Salvador—and their subsequent transfer to Venezuela—may have involved serious violations of international law by the U.S. In particular, these actions appear to contravene the prohibition of arbitrary expulsion and the right to due process in the expulsion of non-nationals under customary international law and article 13 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the U.S. on 8 June 1992, read in conjunction with its article 14; the right to liberty and security of person and the prohibition of arbitrary detention under article 9 of the ICCPR; the obligations of *non-refoulement* (including the prohibition on “chain *refoulement*”) under treaty and customary international law; the prohibition of torture and cruel, inhuman or degrading treatment or punishment under article 7 of the ICCPR and the Convention against Torture; the obligation to ensure human conditions of detention under article 10 of the ICCPR; and the prohibition on enforced disappearances under treaty and customary international law.

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).

#### *Arbitrary Detention and Expulsion of Migrants*

We express deep concern regarding the cases referenced in UA USA 14/2025 and the present communication, which indicate that almost all the individuals involved appear to have been subjected to detention in the U.S. 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 or court appointments, and in the absence of compelling evidence justifying such measures.

Under international law, 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 at the unjustified and punitive securitization and stigmatization of migrants.

We further reiterate the concerns raised in UA USA 14/2025 regarding deportation decisions issued under the Alien Enemies Act. These decisions appear not to have been made in accordance with the legal criteria required for the application of

the Act, thereby violating the prohibition of arbitrary expulsion under international law. Moreover, the arrest and detention of individuals for the purpose of deportation—where no lawful basis for deportation exists—constitute unlawful and arbitrary deprivation of liberty, in contravention of article 9 of the ICCPR.

Additionally, we note with concern the apparent expansion of deportation practices from the U.S., 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.

### Due process

We are alarmed at what appears to be a total disregard for due process and judicial safeguards throughout the deportation of some of these individuals to El Salvador. We are concerned that these individuals appear to have been unable to challenge the legal or factual grounds of their removal or submit reasons against their expulsion to effectively challenge any allegation or evidence of their alleged link to Tren de Aragua, to make *non-refoulement* claims, or to access prompt and effective judicial review or effective remedies. We are also concerned that a significant number of the deportees have claimed that they were not afforded meaningful notice regarding the implementation of the executive proclamation signed by the President of the U.S. on 14 March 2025, invoking the Alien Enemies Act in relation to Tren de Aragua. Some of them have indicated that they were neither given the opportunity to be heard nor granted access to legal representation.<sup>8</sup>

Once again, we refer your Excellency's Government to the detailed analysis and legal standards provided in UA USA 14/2025 in relation to due process standards applicable to the expulsion of migrants and asylum seekers and as enshrined in article 13 of the ICCPR, read in conjunction with article 14 (general comment No. 32). We reiterate that while States have the sovereign authority to deport individuals who pose a genuine threat to national security, including on national security or terrorism-related risks, such measures must strictly adhere to international legal standards. Deportations must not be arbitrary and must be carried out in accordance with the law, ensuring full respect for due process and judicial safeguards, in line with established international law.

### Obligation of non-refoulement

We are alarmed that the deportations to El Salvador and Venezuela appear contrary to the prohibition on *non-refoulement* under U.S. and international law, particularly in light of the well-documented conditions of detention at the CECOT or other detention facilities in El Salvador and the risks to some individuals in Venezuela. 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,

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<sup>8</sup> See *Doe v. DHS*, No. 25-1519 (4th Cir., 2025); *J.G.G. v. Trump*, No. 24-1987 (D.D.C., 2025); *Francois v. Garland*, No. 20-61134 (5th Cir., Oct. 24, 2024) and *Abrego Garcia v. DHS*, No. 25-1404 (4th Cir., 2025).

and other serious violations of human rights. We recall that this obligation is absolute and without any exception. The prohibition applies to all persons, irrespective of their citizenship, nationality, statelessness, or migration status, and it 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 international refugee law. We refer your Excellency’s Government to the analysis and legal standards in UA USA 14/2025 in relation to the U.S.’s *non-refoulement* obligations.

In this context, the U.S. is required to individually assess the risks to each person in El Salvador or any other third country. No assessment appears to have been undertaken regarding the conditions in the CECOT facility in El Salvador to which individuals were transferred, including the availability of adequate care and support services, including specialized healthcare and mental health services, for individuals with serious health conditions and persons with disabilities. Furthermore, the U.S. Government did not seek or obtain effective, monitored assurances from the Salvadoran authorities that such services would be provided in CECOT or other detention facilities.

The U.S. was also required to assess the risk of onward transfer (“chain *refoulement*”) to Venezuela. Several of the individuals mentioned in this communication and some individuals already transferred to Venezuela, have ongoing asylum applications in the U.S., particularly in connection with their roles as political activists and human rights defenders in Venezuela. In this regard, UN Special Procedures mandate-holders have documented numerous cases of persecution against Venezuelan dissidents and human rights defenders, including the misuse of counter-terrorism legislation to criminalise peaceful dissent. Mandate-holders have consistently urged the Venezuelan Government to narrowly define terrorism in accordance with the principles of legality, necessity, proportionality, and non-discrimination, and to refrain from using such frameworks to suppress civic space and fundamental freedoms (see for example, AL [VEN 7/2024](#); AL [VEN 4/2024](#); AL [VEN 4/2022](#); AL [VEN 9/2021](#), AL [VEN 7/2021](#); AL [VEN 5/2020](#)). The United Nations High Commissioner for Refugees (UNHCR) has explicitly called on States to refrain from forcibly returning Venezuelan nationals, given the prevailing risks of serious human rights violations in the country.

It was also reported that some individuals who signed voluntary removal agreements—some reportedly under duress—were deported to El Salvador and subsequently transferred to Venezuela. In all these cases, removals were carried out without an individual assessment of the persons’ vulnerabilities and protection needs, including the impacts on their right to health and family life.

#### *Prohibition on enforced disappearances*

We are concerned that the deportation and related detention of the individuals mentioned above may have been carried out in a manner inconsistent with the international prohibition of enforced disappearance, particularly where neither legal representatives nor family members were notified of their whereabouts. The majority of the individuals appear to have been unable to contact a lawyer or inform family members during their transfer, upon arrival, or during their detention at the CECOT facility in El Salvador.

In addition to referring your Excellency's Government to the analysis and legal standards raised in UA USA 14/2025, we emphasize that the prohibition of enforced disappearances has attained the status of *jus cogens* and that enforced disappearances constitute a violation of articles 2(3), 6, 7, 9, 10 and 16 of the ICCPR regarding the disappeared person and article 7 of the ICCPR in relation to their family, in both cases read alone and in conjunction with article 2(3).

We remind your Excellency's Government that where an expulsion, a transfer or a deportation is found to be unlawful by a competent authority, an individual has the right to be readmitted, save where his or her return constitutes a (genuine) threat to national security or public order, or where the non-citizen otherwise no longer fulfils the conditions for admission under the law of the expelling State (International Law Commission Draft Articles on the Expulsion of Aliens, article 29(1)). An unlawful expulsion also entails the international responsibility of the State (article 30) and thus the obligation to make reparations, including restitution, compensation and satisfaction (such as an apology). Furthermore, there is an obligation to cease further unlawful conduct and to guarantee non-repetition.

In its report to the UN Human Rights Council on enforced disappearances in the context of transnational transfers, the Working Group on Enforced or Involuntary Disappearances noted the increasing practice of forced returns by States in violation of *non-refoulement* and article 8 of the Declaration. However, it is qualified, the practice of States resorting to detention and refusing to acknowledge it or to disclose the fate or whereabouts of the individual, for whatever purpose or duration and in whatever context, constitutes an enforced disappearance, in violation of a *jus cogens* norm of international human rights law. Furthermore, *non-refoulement* prohibits all forms of removal and transfer of any individual, regardless of their status.

The reported transfers to third countries also appear to contravene rules 59 and 68 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), by relocating detainees far from their homes or rehabilitation networks without prior notice or the transfer of their personal files, thereby undermining their rights to family contact, procedural transparency, and continuity of care.

#### Broader deportation framework

Information received also indicates that your Excellency's Government has been actively pursuing diplomatic arrangements with third countries, including Rwanda, Eswatini and South Sudan, to facilitate removals for individuals with final removal orders under the Immigration and Nationality Act (INA) and the Department of Homeland Security Guidance regarding third-country removals issued on 30 March 2025.<sup>9</sup> Notably, on 5 July 2025, eight individuals were reportedly deported to South Sudan under the INA. While individuals in such cases may have final removal orders, they reportedly do not receive notice of the specific third country to which they will be deported, and thus lack the ability to raise *refoulement* or other concerns in a fair hearing and obtain effective remedies against deportation to that country. These developments raise serious questions regarding the U.S.' compliance with its *non-refoulement* obligations under international and U.S. law as well articles 2, 13 and 14 of the ICCPR.

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<sup>9</sup> [DHS Guidance regarding third-country removals](#)

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) 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 be grateful for your observations on the following matters:

1. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please detail the factual and legal basis for the arrest, detention and deportation of all individuals listed above, as well as the due process guarantees and judicial safeguards that were afforded to them throughout. Please explain how this was compatible with international human rights standards, including the prohibitions on arbitrary expulsion, arbitrary detention, enforced disappearances, *refoulement* (including chain *refoulement*), and the requirements of due process, judicial review, effective remedies, and humane and dignified conditions of detention.
3. Please detail whether any individual *non-refoulement* assessments were carried out to determine whether these individuals were at risk 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, prior to their deportations to El Salvador and Venezuela. If no such assessment has been carried out, please explain why and how this is compatible with the obligations of the U.S. under domestic and international law.
4. Please explain what measures were taken to notify the relatives and lawyers of the individuals above of their transfer to El Salvador or any third country and the authority responsible for overseeing their deprivation of liberty. If no such measures have been taken, please detail why and how this is compatible with the obligations of the U.S., particularly with regard to the prohibition of enforced disappearances.
5. Please indicate whether if prior to their transfer to the CECOT in El Salvador, your Excellency's Government evaluated the availability and adequacy of specific care and support services, including specialized healthcare and mental health services, for individuals with a serious health condition and disabilities.
6. Please explain what steps will be taken by your Excellency's Government to review the legality of the deportations outlined above to El Salvador and, in the event that such deportation is found to be unlawful or arbitrary, to ensure the return of these individuals to the U.S.

7. Please explain what steps the U.S. authorities will take to prevent further unlawful or arbitrary expulsions and *refoulement* contrary to international law, in line with U.S. law and court decisions on this matter.
8. Please indicate whether the bilateral agreement between the U.S. and El Salvador for the detention in El Salvador of persons deported from the U.S. will be repealed to prevent further violations of international law.
9. Please disclose the terms the bilateral agreements conducted between the U.S. and third countries, including on financial arrangements, conditions of transfer, and any other detail, and outline how the agreements comply with the prohibitions on arbitrary expulsion, arbitrary detention and enforced disappearance, *non-refoulement*, affords due process, judicial review and effective remedies, and ensures human 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.

We would also like to inform your Excellency's Government that given the allegations of enforced disappearance, the Working Group on Enforced or Involuntary Disappearances may decide to transmit new cases through its humanitarian procedure. The Government is required to respond separately for the present communication and the humanitarian 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 responsible of 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 to clarify the issue/s in question.

Please be informed that a related communication has been sent to the Government of El Salvador and the Government of Venezuela (Bolivarian Republic of). A copy of this communication has also been sent to the Kingdom of Eswatini, the Republic of Rwanda and the Republic of South Sudan.

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

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Heba Hagrass

Special Rapporteur on the rights of persons with disabilities

Gabriella Citroni

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

Irene Khan

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

George Katrougalos

Independent expert on the promotion of a democratic and equitable international order

Cecilia M. Bailliet

Independent Expert on human rights and international solidarity

Gehad Madi

Special Rapporteur on the human rights of migrants