



GLOBAL STRATEGIC
LITIGATION COUNCIL



Cornell Law School
Transnational Disputes Clinic



Boston University School of Law

EL SALVADOR: SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE

THE DETENTION AND DEPORTATION OF THIRD COUNTRY NATIONALS EXPELLED FROM THE UNITED STATES

SUBMITTED: AUGUST 2026

ABOUT THE SUBMITTING ORGANISATIONS

GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to: increase public knowledge and awareness of immigration detention policies; expand coverage of immigration detention by human rights monitoring bodies and other international agencies; expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices; and strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

GLOBAL STRATEGIC LITIGATION COUNCIL

The Global Strategic Litigation Council (GSLC) brings together civil society actors to advance the rights of displaced communities through strategic litigation and advocacy. Our coalition of over 700 refugee and migrant leaders, lawyers, NGOs, advocates, and academics works across regions to challenge laws, policies, and practices that undermine the rights of forcibly displaced people. We seek to contribute to a world where all forcibly displaced people can rebuild their lives in safety and dignity.

CGRS

The Center for Gender & Refugee Studies defends the human rights of courageous refugees seeking asylum in the United States. With strategic focus and unparalleled legal expertise, CGRS champions the most challenging cases, fights for due process, and promotes policies that deliver safety and justice for refugees.

INTERNATIONAL HUMAN RIGHTS CLINIC AT BOSTON UNIVERSITY

The International Human Rights Clinic at Boston University School of Law works with civil society organizations and institutional clients around the world to advance and protect human rights. Students engage in legal and factual research, strategic advocacy, and the preparation of submissions and briefs before international and regional human rights bodies, including the UN and Inter-American human rights systems. The Clinic has particular experience working on issues affecting refugees, migrants, forced migrants, and stateless persons, partnering with organizations to develop legal strategies and pursue accountability for human rights violations.

ROBERT AND ETHEL KENNEDY HUMAN RIGHTS CENTER

The Robert & Ethel Kennedy Human Rights Center advances human rights through strategic litigation, advocacy, education, and partnerships with frontline activists and organizations around the world. Its legal teams work alongside grassroots partners to challenge systemic human rights violations, hold governments accountable, and pursue structural change. Inspired by the legacy of Robert and Ethel Kennedy, the Center works to protect fundamental rights, strengthen civic activism, and support human rights defenders globally.

TRANSNATIONAL DISPUTES CLINIC AT CORNELL UNIVERSITY

The Transnational Disputes Clinic at Cornell University trains students in the use of strategic litigation to contribute to the progressive development of the law. Clinic clients and partners include those appearing before international investor-state arbitral tribunals, national courts, including U.S. federal courts, and other fora. Students develop key skills by acting as counsel for parties and amici curiae in disputes that implicate the protection of fundamental rights.

EL SALVADOR: THE DETENTION AND DEPORTATION OF THIRD COUNTRY NATIONALS EXPELLED FROM THE UNITED STATES

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE (CCPR)

AUGUST 2026

1. INTRODUCTION

- 1.1 The **Global Detention Project**, **Global Strategic Litigation Council**, **Cristosal**, the **Center for Gender and Refugee Studies**, the **Transnational Disputes Clinic at Cornell University**, the **International Human Rights Clinic at Boston University**, and **Robert & Ethel Kennedy Human Right Center** welcome the opportunity to provide information on El Salvador's compliance with the ICCPR ahead of the Human Rights Committee's adoption of its List of Issues Prior to Reporting (LOIPR), in advance of the State Party's forthcoming periodic report.
- 1.2 The analysis and information presented in this submission are grounded in both direct evidence and international legal expertise. Several of the submitting organisations (Global Strategic Litigation Council, the Center for Gender and Refugee Studies, the International Human Rights Clinic at Boston University and Robert & Ethel Kennedy Human Right Center, the Transnational Disputes Clinic at Cornell Law School) represent 18 individuals in their Petition against El Salvador before the IACHR, and have conducted in-depth interviews with them and their family members; and reviewed photographic and forensic medical evidence. Collectively, the submitting organisations bring decades of experience working on refugee and asylum rights and documenting violations of the rights of migrants, refugees, and asylum seekers.
- 1.3 This submission focuses on El Salvador's agreement with the United States to accept expelled nationals and third-country nationals—and the subsequent detention, abuse, and deportation (chain refoulement) of many of these individuals. The concerns addressed in this submission relate to the legal obligations El Salvador is violating in accepting third country deportations under the International Covenant on Civil and Political Rights (ICCPR), in particular Articles 6 (right to life), 7 (prohibition of torture or cruel, inhuman or degrading treatment or punishment), 9 (right to liberty), 10 (humane conditions of detention), and 16 (recognition of legal personality).
- 1.4 This submission is informed by the Committee's longstanding engagement with issues concerning the treatment of non-nationals. In

particular, we draw attention to the following relevant General Comments:

- [General Comment No. 35 \(2014\): Article 9 \(Liberty and Security of Person\)](#)
- [General Comment No. 20 \(1992\): Article 7 \(Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment\)](#)
- [General Comment No. 36 \(2019\): Article 6 \(Right to Life\)](#)

1.5 We also recall paragraph 10 of [General Comment No. 31](#) where the Committee affirms that:

“[T]he enjoyment of Covenant rights is 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.”

1.6 In addition, we draw the Committee’s attention to the UN Special Rapporteur on the Human Rights of Migrants’ reports on the externalisation of migration governance ([2025](#), [2026](#)) which urge states to:

“Abide at all times with the principles of non-refoulement and prohibition of collective expulsion, including at borders and on the high seas” and “Refrain from any measure that would amount to or lead to arbitrary detention, torture and ill-treatment, arbitrary deprivation of life, enforced disappearance and racial discrimination, and ensure that people are able to enjoy socioeconomic rights and the right to leave any country, including one’s own”¹ and “Ensure transparency in migration cooperation, including by making agreements and their implementation frameworks publicly available and subject to appropriate parliamentary and public oversight.”²

1.7 The Committee may also wish to consider the African Commission on Human and Peoples’ Rights’ [2025 Resolution on the Externalisation of Migration Governance](#), which reflects growing international recognition of the human rights risks associated with the externalisation of migration control.

¹ Special Rapporteur on the Human Rights of Migrants, “Externalization of Migration Governance and its Effect on the Human Rights of Migrants,” A/80/302, 4 August 2025, <https://www.refworld.org/reference/themreport/unga/2025/en/151182>

² Special Rapporteur on the Human Rights of Migrants, “Externalization of Migration Governance: New Trends and Specific Aspects,” A/HRC/62/35, 14 May 2026, <https://digitallibrary.un.org/record/4116163?v=pdf>

2. CONTEXT

Expelled from the United States

- 2.1** On 15 March 2025, three planes departed from the United States bound for El Salvador. On board were 261 individuals, of whom 238 were Venezuelans and 23 Salvadorans. On 30 March and 10 April 2025, another 27 Venezuelans and Salvadorans were expelled to El Salvador.
- 2.2** Previously, on 3 February 2025, President Nayib Bukele had publicly announced on X (formerly Twitter) that El Salvador had offered to detain “criminals” sent from the United States, in exchange for a fee.³
- 2.3** Approximately 137 Venezuelans were accused of being members of the Venezuela-based gang *Tren de Aragua* (TdA) and expelled from the United States under the Alien Enemies Act (1798). The Act allows U.S. authorities to arrest and deport citizens of a foreign nation during a declared war with that nation or in the event of an invasion or predatory incursion by that nation. It provides no right to the foreign citizen to challenge their arrest or deportation before a judge, though the U.S. Constitution separately provides that right as a matter of due process. In a proclamation released on 15 March, U.S. President Donald Trump stated:
- “I find and declare that TdA is perpetrating, attempting, and threatening an invasion or predatory incursion against the territory of the United States. TdA is undertaking hostile actions and conducting irregular warfare against the territory of the United States both directly and at the direction, clandestine or otherwise, of the Maduro regime in Venezuela.”*⁴
- 2.4** The remaining 101 Venezuelans were purportedly deported under U.S. immigration law.⁵ However, many of them were in fact in the middle of U.S. immigration court proceedings while others had been approved for refugee resettlement in the U.S.⁶ Their expulsion was thus unlawful under U.S. immigration law. Further, research revealed that 75 percent

³ Nayib Bukele (@nayibbukele), “Post on X,” 4 February 2024, <https://perma.cc/9TV2-YGE5>

⁴ The White House, “Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua,” 15 March 2025, <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/>

⁵ Working Group on Enforced or Involuntary Disappearances et al, “Communication to El Salvador,” UA SLV 1/2025, 17 April 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29902>

⁶ CATO Institute, “The Trump Administration Likely Sent Scores of Legal Immigrants to a Foreign Prison,” 20 May 2025, <https://www.cato.org/commentary/trump-administration-likely-sent-scores-legal-immigrants-foreign-prison>

had no known criminal record in the U.S or elsewhere.⁷ Of those with criminal records, none are reported to have been accused of violent crimes.⁸ Other individuals had removal orders for return to their home countries, but were instead expelled to El Salvador.

- 2.5** El Salvador accepted the Venezuelan individuals under a bilateral arrangement with the United States which was not publicly disclosed at the time of their removal. Information about the agreement only became public several months later in July 2025, when diplomatic notes were published by the U.S State Department.⁹ Litigation later revealed that the U.S had paid El Salvador 4.76 million USD on 22 March 2025, with conditions attached to these funds—such as a prohibition on El Salvador assisting asylum seekers in obtaining resources and counsel.¹⁰
- 2.6** According to the diplomatic notes, which are dated 14 March 2025, El Salvador agreed to accept up to 300 TdA members, and to “house” them for up to one year, “pending further decisions on their long-term disposition.” Further, the country’s Minister of Foreign Affairs stated that “we assure you that the reception of these individuals will be conducted in accordance with Salvadoran law and international obligations, including adherence to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of which we have been a signatory since 1994.”¹¹
- 2.7** Despite these assurances, however, the Venezuelans were immediately detained and held in the Centro de Confinamiento del Terrorismo/ Terrorism Confinement Centre (CECOT) in conditions that violate El Salvador’s obligations under the Covenant. Within CECOT, they were subjected to incommunicado detention, enforced disappearance, torture, beatings, sexual assault, and denial of food and water, amongst other abuses.

⁷ Vanity Fair, “Trump Administration Deported 238 Men to Hellish Prison in El Salvador. 75% Apparently Have No Criminal Record,” 7 April 2025, <https://www.vanityfair.com/news/story/60-minutes-venezuelans-el-salvador-prison>

⁸ Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism et al, “Communication to El Salvador,” AL SLV 6/2025, 6 August 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30235>

⁹ U.S Department of State, “Qualifying Non-Binding Instruments,” accessed 21 July 2026, <https://foia.state.gov/FOIALIBRARY/QNI2.aspx>

¹⁰ Democracy Forward, “Challenge Against the Trump Administration’s Black Site Agreement with El Salvador to Disappear People to a “Tropical Gulag,”” 5 June 2025, <https://democracyforward.org/work/legal/challenge-against-the-trump-administrations-black-site-agreement-with-el-salvador-to-disappear-people-to-a-tropical-gulag>

¹¹ Minister of Foreign Affairs, Republic of El Salvador, “Communication to the Embassy of the United States,” 14 March 2025, <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/>

- 2.8 Subsequently, on 18 July 2025, President Bukele announced that all Venezuelans detained at CECOT had been handed over to Venezuelan authorities in exchange for the release of prisoners—amongst them U.S nationals—in Venezuela. By returning these individuals to Venezuela without assessing their protection needs, the state breached its non-*refoulement* obligations.

State of Exception in El Salvador

- 2.9 El Salvador is undergoing a severe concentration of executive power, a collapse of judicial independence, and a steady erosion of democratic institutions.¹²
- 2.10 On March 27, 2022, at the request of President Nayib Bukele, the Salvadoran Legislature enacted a State of Exception that suspended key constitutional protections and granted sweeping authority to security forces.¹³ Although originally intended to last just thirty days, the measure has been extended monthly by the president’s legislative supermajority in parliament. Since its implementation, more than 92,700 people have been detained,¹⁴ swelling the prison population to over 118,000.¹⁵
- 2.11 Civil society organisations and international institutions have documented systemic human rights and due process violations under this State of Exception, ranging from arbitrary detention based on unreliable or superficial evidence—like the mere presence of tattoos or hearsay—to lack of legal representation and mass trials without individualised

¹² See, for example: Due Process of Law Foundation (DPLF) et al., “Arbitrary Detentions Under the State of Exception in El Salvador,” November 2024, <https://dplf.org/en/wp-content/uploads/2024/11/Arbitrary-Detentions-Under-the-State-of-Exception-in-El-Salvador-DPLF-2024-Report.pdf> (showing that El Salvador’s judicial system under President Bukele has been deliberately weakened through mass dismissals of judges, use of “faceless” courts, mandatory pretrial detention, group trials, and vague criminal laws, leading to widespread arbitrary arrests and denial of fair trials, and describing massive human rights abuses, including torture, deaths in custody, and the detention of innocent civilians without legal basis).

¹³ Decreto Legislativo 333 (El Sal.), <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/4214B3CA-A3AA-4435-8229-49C097CAB14D.pdf>; See also: Due Process of Law Foundation, “Lack of Judicial Protection: The Response of the Constitutional Chamber During the State of Exception in El Salvador,” November 2024, <https://dplf.org/en/wp-content/uploads/2024/11/Lack-of-Judicial-Protection-Response-of-the-Constitutional-Chamber-during-the-State-of-Exception-in-El-Salvador-DPLF-Report-2024.pdf>

¹⁴ See: Legislative Decree No. 626, issued on July 28, 2026, which contains the 53rd consecutive extension of the state of emergency in El Salvador. <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/8E9174EE-66BF-4EF9-8228-92FEE04541DF.pdf>

¹⁵ See: El Salvador Now, “State of Exception Extended Through January 2026,” 25 December 2025,, <https://www.elsalvadornow.org/2025/12/25/state-of-exception-extended-through-january-2026-regimen-de-excepcion-se-mantiene-hasta-enero-de-2026/>; see also: Human Rights Watch, “World Report 2026: El Salvador,” Human Rights Watch, 2026, <https://www.hrw.org/world-report/2026/country-chapters/el-salvador>

assessment.¹⁶ In three years, the emergency regime has effectively become a permanent policy of mass incarceration.¹⁷

- 2.12** The prolonged State of Exception has significantly weakened judicial independence in El Salvador, and undermined the ability of courts to provide effective oversight or remedies for human rights violations.

Domestic Legal Challenges

- 2.13** Since at least April 1, 2025, at least 77 relatives of Venezuelan (and Salvadoran) individuals who were expelled to El Salvador submitted *habeas corpus* petitions before the Constitutional Chamber of the country's Supreme Court.¹⁸ These petitions detail the due process violations the Venezuelans suffered, including: expulsion despite pending asylum claims or previously granted protection in the United States; lack of criminal records; or lack of information about the grounds for detention.

- 2.14** However, the *habeas corpus* mechanism has been rendered virtually inoperative following judicial reforms in 2021 (when five magistrates of the Constitutional Chamber of the Supreme Court of Justice were dismissed, and replaced by substitutes with party affinity) which severely weakened judicial independence in El Salvador. No other remedy or mode of protection for the victims has been available to them—particularly because no formal charges or accusations were made against victims. Additionally, only a handful of families received any response from the Constitutional Chamber to their *habeas corpus* claims—in most cases only after their loved ones had already been released through a prisoner swap between Venezuela and the United States—and none of them were granted access to an effective remedy, as the Chamber failed to adjudicate any of the cases on the merits. The Constitutional Chamber has declared the *habeas corpus* petitions filed by the victims' family members inadmissible, citing their release as a notorious fact; however, it has failed to investigate the conditions of detention, the absence of judicial proceedings against those affected, and the allegations of torture, thereby failing to comply with basic standards for the prevention of enforced disappearance.

¹⁶ See IACHR, “Report on the State of Emergency and Human Rights in El Salvador,” at ¶ 143, 187, 229–31, 290, 300, OEA/Ser.L/V/II Doc. 97/24 (June 28, 2024), [https://www.oas.org/en/iachr/reports/pdfs/2024/Report_StateEmergencyHumanRights_ElSalvador%20\(1\).pdf](https://www.oas.org/en/iachr/reports/pdfs/2024/Report_StateEmergencyHumanRights_ElSalvador%20(1).pdf)

¹⁷ Mass Incarceration and Democratic Deterioration: Three Years of the State of Exception in El Salvador, WOLA (Mar. 27, 2025), <https://www.wola.org/analysis/mass-incarceration-and-democratic-deterioration-three-years-of-the-state-of-exception-in-el-salvador/>

¹⁸ Human Rights Watch. “Estados Unidos/El Salvador: Deportados venezolanos fueron torturados,” 12 November, 2025, <https://www.hrw.org/es/news/2025/11/12/estados-unidos/el-salvador-deportados-venezolanos-fueron-torturados>

CONCERNS UNDER THE COVENANT

3. ENFORCED DISAPPEARANCE

- 3.1** At CECOT, Venezuelans were held incommunicado, with their whereabouts and fate concealed from relatives, lawyers, and independent observers, in circumstances that may amount to enforced disappearance.
- 3.2** Not only were Venezuelan detainees prevented from communicating with the outside world, but neither El Salvadoran nor U.S. authorities publicly disclosed the identities of who had been expelled and detained. In March and April 2025, for example, Cristosal formally requested access to an official list of the Venezuelans affected. The General Directorate of Prisons denied access to this information—stating that it would remain confidential for seven years.
- 3.3** Relatives of the Venezuelans were therefore unable to access any official information regarding their relatives’ whereabouts. Instead, some identified their relatives in a video shared by Bukele on the 16 March 2025,¹⁹ while others later found their relatives’ names on an unofficial list shared by CBS News on 20 March 2025.²⁰
- 3.4** In response to communications submitted by the UN Working Group on Enforced or Involuntary Disappearances (G/SO/217/1/SLV), El Salvador has sought to deny responsibility for its involvement in the alleged enforced disappearance of the Venezuelans, asserting that any lack of information concerning Venezuelan nationals resulted from deficiencies in U.S. failures to update the ICE Online Detention Locator. Further, El Salvador asserted that it:

“[F]acilitated the use of the Salvadoran prison infrastructure for the custody of persons detained within the scope of the justice system and law enforcement of that other State. In this context, the jurisdiction and legal responsibility for these persons lie exclusively with the competent foreign authorities.”²¹

- 3.5** Irrespective of its claims about U.S. responsibility, El Salvador has a legal obligation to acknowledge its own custodial responsibility over anyone deprived of liberty, and to provide information regarding the

¹⁹ Nayib Bukele (@nayibbukele), “Post on X,” 16 March 2025, <https://x.com/nayibbukele/status/1901245427216978290>

²⁰ CBS News, “Here are the Names of the Venezuelans Deported by the U.S. to El Salvador,” 20 March 2025, <https://www.cbsnews.com/news/venezuelans-deported-el-salvador-names/>

²¹ UN Working Group on Enforced or Involuntary Disappearances, “Communications Transmitted to the Government of El Salvador, and Written Replies,” <https://storage.courtlistener.com/recap/gov.uscourts.dcd.278436/gov.uscourts.dcd.278436.160.1.pdf>

Venezuelans' whereabouts, as well as to ensure that all detainees have access to legal and procedural rights.

3.6 Relevant Committee opinions: In its General Comment No. 36, the Committee recognises: *“The deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the disappeared person, in effect removes that person from the protection of the law and places his or her life at serious and constant risk, for which the State is accountable. It thus results in a violation of the right to life as well as other rights recognized in the Covenant.”*

3.7 In its General Comment No.20, the Committee notes that to guarantee the effective protection of detained persons, provisions should be made to ensure that *“their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerning, including relatives and friends.”*

3.8 Recommendations: We urge the Committee to investigate the following:

- 3.8.a** The steps taken to investigate allegations of enforced disappearance and incommunicado detention, as well as those taken to remedy such instances.
- 3.8.b** The measures authorities are taking to ensure that all migrants, refugees, and asylum seekers detained in the country are officially registered, and that detainees are guaranteed the right to communicate with their families and legal representatives.
- 3.8.c** The measures in place to promptly and effectively investigate allegations of abuse, cruel, inhuman, or degrading treatment, and other ill-treatment of individuals detained in CECOT; and to identify and hold accountable those responsible.
- 3.8.d** The remedies available for victims, including the reparations that the state has made—or will make—to them.
- 3.8.e** The safeguards in place to ensure non-repetition of these violations.

4. ARBITRARY DETENTION

- 4.1** The detention of Venezuelan individuals in CECOT lacked legal basis, and it is unclear if they were detained under immigration law or another legal framework.
- 4.2** Upon arrival, these individuals were transferred immediately to CECOT, despite not having been convicted of any offence in El Salvador or subjected to administrative or judicial proceedings. There is also no evidence to suggest that authorities assessed the necessity and

proportionality of each individual's detention, or whether less restrictive measures were available or appropriate. Instead, the Venezuelans were automatically and collectively detained. Additionally, they were unable to contest their detention and granted no access to judicial review.

4.3 In total, they spent 125 days confined in CECOT.²²

4.4 Relevant Committee opinion: In its General Comment No. 35 (2014) on Article 9, the Committee affirmed that “arrest or detention that lacks any legal basis is also arbitrary.”

4.5 Recommendations: We encourage the Committee to request the following information:

- 4.5.a** The legal basis under Salvadoran law for the detention of Venezuelans in CECOT.
- 4.5.b** The judicial remedies available to detainees to challenge the legality of their detention.
- 4.5.c** Details of the remedies that were made available in practice.

5. CONDITIONS IN DETENTION

5.1 CECOT (Centro de Confinamiento del Terrorismo/Terrorism Confinement Centre) is a maximum-security prison in Tecoluca, San Vicente Department, about 47 kilometres east of San Salvador. Built in 2022 and inaugurated in 2023, the facility was established by President Bukele as part of the government's “war against gangs” and was originally intended to hold up to 20,000 (this was later expanded to 40,000) people, making it one of the largest prisons in the world. Information regarding the prison is tightly controlled, but according to an investigation by the BBC it is made up of eight blocks with 32 cells each. The prison is surrounded by two sets of electrified mesh perimeter fence, two reinforced concrete walls, and 19 watchtowers.²³

5.2 The expelled Venezuelans were met upon arrival by officers in riot gear and taken to CECOT in a convoy of buses guarded by police and military vehicles, as well as a helicopter.²⁴ According to multiple testimonies, they were beaten during their transport to CECOT and again upon arrival. They were then forced to have their heads shaved, stripped naked, and

²² Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism et al, “Communication to El Salvador,” AL SLV 6/2025, 6 August 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30235>

²³ BBC Mundo, “El Salvador's Secretive Mega-Jail,” 14 July 2023, <https://www.bbc.co.uk/news/resources/1dt-81749d7c-d0a0-48d0-bb11-eaab6f1e6556>

²⁴ Time, “What the Venezuelans Deported to El Salvador Experienced,” 21 March 2025, <https://time.com/7269604/el-salvador-photos-venezuelan-detainees/>

changed into prison uniforms, before being shackled at the wrists and ankles.²⁵

- 5.3** Most have also described regular beatings, sometimes with sticks and batons—including in the wake of visits by officials such as Kristi Noem and ICRC representatives. On other occasions, they were beaten during cell searches—for violating prison rules such as taking a shower at the wrong time—or after requesting medical attention. Some also stated they experienced sexual torture.²⁶
- 5.4** Documented testimonies also recount the use of pepper spray against the detainees and the firing of rubber bullets at close range; regular verbal abuse, including threatening and degrading language; psychological abuse, in which detainees were told they would “never leave alive” and that “no one knew they were there”; painful handcuffing, including regularly forcing detainees to kneel in a line with their hands cuffed behind their heads (the so-called “search position”); the use of punishment cells; restrictions on access to food, water, and medicine; lack of access to the outdoors or recreational activities; and minimal time outside of cells—with detainees confined to their cells for 23 hours each day.²⁷
- 5.5** The Salvadoran government does not allow human rights groups access to CECOT, and prevents independent scrutiny of conditions inside the facility. Between 26-28 April 2025, attorneys with the Robert F. Kennedy Human Rights Centre attempted to visit their clients detained in the facility. Despite pursuing all available official channels, their requests to access the facility were unsuccessful. Instead, authorities have only permitted carefully choreographed visits by selected journalists, politicians, and social media influencers.
- 5.6** Testimonies shared by Venezuelan detainees are consistent with previous reports concerning the facility—as well as other prisons in El Salvador—many of which have highlighted serious human rights violations. Media reports have documented concerns such as the conduct

²⁵ Cristosal and Human Rights Watch, ““You Have Arrived in Hell”: Torture and Other Abuses Against Venezuelans in El Salvador’s Mega Prison,” 12 November 2025, <https://www.hrw.org/report/2025/11/12/you-have-arrived-in-hell/torture-and-other-abuses-against-venezuelans-in-el>

²⁶ Cristosal and Human Rights Watch, ““You Have Arrived in Hell”: Torture and Other Abuses Against Venezuelans in El Salvador’s Mega Prison,” 12 November 2025, <https://www.hrw.org/report/2025/11/12/you-have-arrived-in-hell/torture-and-other-abuses-against-venezuelans-in-el>

²⁷ Cristosal and Human Rights Watch, ““You Have Arrived in Hell”: Torture and Other Abuses Against Venezuelans in El Salvador’s Mega Prison,” 12 November 2025, <https://www.hrw.org/report/2025/11/12/you-have-arrived-in-hell/torture-and-other-abuses-against-venezuelans-in-el>

of mass trials,²⁸ punitive conditions inside cells—where, in CECOT, more than 100 hundred detainees are held, forced to sleep on metal bunk beds without mattresses—and the denial of access to the outdoors or family visits.²⁹ A U.S judge, meanwhile, described CECOT as “one of the most dangerous prisons in the Western hemisphere.”³⁰

5.7 Relevant Committee opinions: We recall the Committee’s conclusion that “*Any necessary detention [of migrants] should take place in appropriate, sanitary, non-punitive facilities and should not take place in prisons*” (General Comment No. 35), and its affirmation that Article 10 (1) imposes a positive obligation upon states towards persons deprived of their liberty—meaning that detainees cannot “*be subjected to any hardship or constraint other than that resulting from the deprivation of liberty*” and that “*respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons.*”

5.8 Recommendations: We encourage the Committee to request the following information:

- 5.8.a** The measures taken by the State Party to ensure compliance with Article 10(1) of the Covenant. In particular, the State Party should be encouraged to provide information on how it intends to guarantee that conditions of detention are compatible with human dignity.
- 5.8.b** The steps the country is taking to enable non-citizens to challenge the conditions of their detention.
- 5.8.c** The steps that the State Party is taking to permit independent monitoring of CECOT.
- 5.8.d** The remedies conferred to victims of torture or ill treatment.

7. CHAIN REFOULEMENT

7.1 On 18 July 2025, President Bukele announced that all Venezuelan nationals detained at CECOT had been handed over to Venezuelan authorities as part of a prisoner exchange involving the release of 10 U.S citizens/permanent residents held in Venezuelan custody, and several dozen Venezuelan political prisoners.

²⁸ The Guardian, “El Salvador Holds Mass Trial for 486 Alleged Members of Notorious MS-13 Gang,” 22 April 2026, <https://www.theguardian.com/world/2026/apr/22/el-salvador-mass-trial-alleged-members-ms-13-gang>

²⁹ BBC Mundo, “El Salvador’s Secretive Mega-Jail,” 14 July 2023, <https://www.bbc.co.uk/news/resources/idx-81749d7c-d0a0-48d0-bb11-eaab6f1e6556>

³⁰ Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism et al, “Communication to the United States,” UA USA 14/2025, 23 April 2025, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29899>

- 7.2 The deportation of the Venezuelan nationals, reportedly carried out pursuant to this diplomatic arrangement rather than through individualised procedures assessing their protection needs, raises serious concerns regarding El Salvador’s obligations under the Covenant, including the prohibition against sending individuals to places where they face a real risk of irreparable harm. As noted above, some of those deported to El Salvador had been approved for refugee resettlement in the U.S, or had pending protection claims.
- 7.3 **Relevant Committee opinions:** In its General Comment No. 20, the Committee states that “*States Parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.*”
- 7.4 Similarly, in its General Comment No.31, it notes: “*Moreover, the article 2 obligation requiring that States Parties respect and ensure the Covenant rights for all persons in their territory and all persons under their control entails an obligation not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant, either in the country to which removal is to be effected or in any country to which the person may subsequently be removed.*”
- 7.5 **Recommendations:** We urge the Committee to request the following information:
- 7.5.a What, if any, assessments were made prior to the deportation of Venezuelan nationals to Venezuela.
 - 7.5.b Whether Venezuelan detainees were informed of their deportations to Venezuela, and provided with any opportunity to challenge their removal or other procedural safeguards.

8. SHARED RESPONSIBILITY

- 8.1 As noted previously (in section 3 on “Enforced Disappearances”), El Salvador argues that the United States has the “*the jurisdiction and legal responsibility*” for the Venezuelans detained at CECOT, claiming that it merely enabled “*the use of the Salvadoran prison infrastructure for the custody of persons detained within the scope of the justice system and law enforcement of that other State.*”³¹

³¹ UN Working Group on Enforced or Involuntary Disappearances, “Communications Transmitted to the Government of El Salvador, and Written Replies,” <https://storage.courtlistener.com/recap/gov.uscourts.dcd.278436/gov.uscourts.dcd.278436.160.1.pdf>

- 8.2 El Salvador’s claim reflects similar cases going back more than two decades in which two or more countries were involved in detention operations, raising the question of which state’s responsibility was triggered. In some of these cases, including for example the Committee against Torture’s (CAT) *Marine 1* case (2007) involving Spain’s use of detention centres in Mauritania to confine migrants Spain intercepted at sea, UN experts have found that the state who ordered and controlled the detention maintained jurisdiction of detainees though they were held in the other country. In the *Marine I* case, CAT found that Spain had effective jurisdiction over the detainees but only because they exercised “constant de facto control over the alleged victims during their detention” in Mauritania.³²
- 8.3 El Salvador’s claims about U.S. involvement appear to reveal a situation of “shared” or “joint” responsibility, a subject which the UN Special Rapporteur on the human rights of migrants discusses in his recent report on the externalisation of migration governance. Citing the articles on responsibility of States for internationally wrongful acts, the Special Rapporteur notes that “joint responsibility” may arise “*where the act is attributable to two or more States or international organizations*” (paragraph 58). “Shared responsibility” arises when “*two or more States or international organizations share responsibility for the same violation or multiple violations if they contribute to a single indivisible injury suffered by another actor. The concept of shared responsibility is particularly relevant in multi-actor contexts where more than one State or international organization contributes to a single violation (such as loss of life, refoulement or other human rights violations) but it is not possible to determine each actor’s contribution*” (paragraph 59).³³
- 8.4 **Recommendations:** We urge the Committee to request the following information:
- 8.4.a Any information demonstrating U.S involvement or control over the people it expelled to El Salvador after their arrival in the country.
 - 8.4.b Any information linking official U.S agents to alleged abuses of the expelled individuals after their arrival in El Salvador.
 - 8.4.c Any information demonstrating direct involvement of U.S officials to the subsequent deportations (refoulement) of these detainees to Venezuela.
 - 8.4.d Any additional legal arguments or evidence to support its claim that the United States had the “the jurisdiction and legal

³² Committee against Torture, *J.H.A. v. Spain*, 21 Nov. 2008, no. 323/2007

³³ Special Rapporteur on the Human Rights of Migrants, “Externalization of Migration Governance and its Effect on the Human Rights of Migrants,” A/80/302, 4 August 2025, <https://www.refworld.org/reference/themreport/unga/2025/en/151182>

responsibility” over the individuals it expelled to El Salvador after their arrival to the country.

- 8.4.e** Any information demonstrating the existence or operation of an agreement between the United States and El Salvador for El Salvador to receive people that the U.S. deports for the purpose of imprisonment in Salvadoran territory.