

April 29, 2025

To António Guterres, Secretary-General of the United Nations;
To Jérôme Bonnafont, Honorable President of the United Nations Security Council;
To Volker Türk, United Nations High Commissioner for Human Rights;
To Ambassador Jürg Lauber, President of the UN Human Rights Council;
To Luis Almagro Lemes, Secretary General of the Organization of American States;
Delivered via email

RE: Civil Society Calls for Urgent UN Action on US/EI Salvador Detention Agreement

Your Excellencies,

The United States and the Republic of El Salvador have entered into an unprecedented agreement to transfer individuals across borders into the notoriously brutal Terrorism Confinement Center (CECOT) in blatant violation of international human rights obligations. The agreement and reported actions constitute serious violations of international law, including the prohibition against torture and non-refoulement, as well as basic principles of due process and humane treatment. These troubling actions recall the sordid history of the United States' extraordinary renditions to foreign torture sites and the Guantánamo Bay prison facility. There, in a similar attempt to evade judicial review and accountability, Muslim men and boys were held indefinitely without charge in harrowing conditions and subjected to torture and abuse.

We, the undersigned civil society organizations, together with international legal scholars and practitioners, write to request that you take immediate and meaningful action within your respective mandates by: publicly addressing the alarming international legal and human rights violations; investigating the terms of the agreement and conditions of confinement at CECOT through a Special Envoy or other investigatory mechanism with unimpeded access to CECOT; and taking any other measures to disrupt the further erosion of international law and this alarming threat to global peace and security.

BRIEF FACTUAL BACKGROUND (See Annex for additional information)

Since mid-March 2025, the U.S. government has been paying El Salvador to inhumanely imprison approximately 260 individuals - including 238 people from Venezuela - at CECOT.¹ Through a purported \$6 million contract with the Salvadoran government, the U.S. is currently warehousing hundreds of immigrants in a maximum security mega-prison in El Salvador for a renewable one-year term, "pending the United States' decision on their long-term disposition."²

¹ Nayib Bukele (@nayibbukele), X (Mar. 16, 2025, 7:13 AM), <https://x.com/nayibbukele/status/1901245427216978290>; Camilo Montoya-Galvez & Annabelle Hanflig, Here are the Names of the Venezuelans Deported by the U.S. to El Salvador, CBS News (Mar. 20, 2025), <https://www.cbsnews.com/news/venezuelans-deported-el-salvador-names>.

² Matthew Lee & Regina Garcia Cano, US prepares to deport about 300 alleged gang members to El Salvador, Associated Press (Mar. 16, 2025), <https://apnews.com/article/trump-deportations-salvador-tren-aragua64e72142a171ea57c869c3b35eeecce7>; see also

The precise terms of this agreement are unknown, because the agreement itself has not been made public, nor has it been formally reported or registered in accordance with domestic law in either country.³ U.S. State Department documents suggest that upwards of \$15 million in International Narcotics Control and Law Enforcement (INCLE) funds have been set aside to pay El Salvador to confine additional people on the United States' behalf, indicating the potential expansion of this agreement.⁴ On April 14, 2025, the leaders of El Salvador and the U.S. met and discussed a potential expansion of their joint venture to include transfers of other migrants and even U.S. citizens ("homegrown" in the words of U.S. President Donald Trump) to the El Salvadoran prison.

These countries' actions are a direct affront to the post-WWII human rights framework, which the current United States administration further seeks to undermine. Here, the countries boast about the harsh conditions of confinement and the ill-treatment of people they hold incommunicado in legal limbo, and explicitly codify into bilateral contractual agreements grave violations of *jus cogens* international legal norms that give rise to *erga omnes* obligations. The agreement and subsequent statements represent a dangerous paradigm in which states can negotiate over the fate of people's bodies without any process, potentially subjecting them to crimes against humanity⁵ - including persecution, deportation, enforced disappearances, trafficking, deprivation of physical liberty and torture - while each government disclaims its ability to provide legal recourse to individuals to challenge their transfer and continued detention, as evidence in the Kilmar Abrego Garcia case.⁶ Such agreements should be held as patently illegal, and the U.S. and El Salvador's actions must be met with swift and material consequences, lest they embolden other countries to enter into similar arrangements or otherwise pursue such policies.

The U.S.-El Salvador agreement consolidates a political and legal orientation that is dramatically eroding rights-based migration and asylum policies, exemplified by such troubling global developments as the U.S.' abuse of the immigration systems to abduct and attempt to deport Palestinian rights activists,⁷ and the European Commission's proposed European System of Returns.⁸ Countries are openly rejecting long-established international legal obligations to

What to know about the El Salvador mega-prison where Trump sent deported Venezuelans, The Guardian (Mar. 19, 2025), <https://www.theguardian.com/world/2025/mar/20/cecot-elsalvador-venezuela-prison-trump-deportations>.

³ Gregory Meeks & Joaquin Castro, Letter of April 17, 2025 (Apr. 17, 2025), https://democrats-foreignaffairs.house.gov/_cache/files/8/c/8c2b5858-807b-494b-bd0b-87a879b1f0b4/883B2FE7D03DF644919EC5E7B15F01CB3039E4C0BBF2E0D5224C50FDC398DBA8.april-17-2025-rm-meeks-and-castro-letter-to-secretary-rubio-on-el-salvador.pdf.

⁴ Senator Jeanne Shaheen, Letter to Secretary of State Marco Rubio (April 14, 2025), https://www.foreign.senate.gov/imo/media/doc/shaheen_case_act_letter_to_rubio.pdf

⁵ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, July 2002. Art. 7 (which El Salvador has ratified)

⁶ See, e.g., Seung Min Kim and Marcos Aleman, El Salvador President Bukele says he won't be releasing a Maryland man back to the US, AP News (April 14, 2025),

<https://apnews.com/article/donald-trump-white-house-el-salvador-kilmar-abrego-garcia-ad338d6b4558a6aba80e8290fd3eece9>

⁷ Khalil v. Trump, Ctr. Constitutional Rts. (Apr. 3, 2025),

<https://ccrjustice.org/home/what-we-do/our-cases/khalil-v-trump>; Jake Offenhartz, Immigration agents arrest Palestinian activist who helped lead Columbia University protests, AP News, (Mar. 9, 2025),

<https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcbb921f21a9f704d5acdcae7a8>

⁸ European Commission, Commission proposes a new Common European System for Returns (March 10, 2025), https://ec.europa.eu/commission/presscorner/detail/en/ip_25_724; EuroMedRights, New EU common approach on

refugees and asylum seekers⁹ and seeking to entrench policies of “externalization”¹⁰ that violate the principle of non-refoulement and subject migrants and other vulnerable people to inhumane conditions in prisons, secret military bases or police stations without access to legal counsel or the asylum process, leading to endless suffering, violations and deaths.¹¹

REQUEST FOR INTERNATIONAL INTERVENTION

We request that the **Secretary General** act urgently to use all tools within the scope of his mandate to address this situation, including appointment of a Special Envoy and the facilitation of a country visit to El Salvador, to make visible both the details of the agreement between the United States and El Salvador, as well as the conditions of confinement at the CECOT facility to clarify the potential issues of trafficking, forced labor, torture and other human rights abuses.

We also urge the President of the **UN Security Council** to urgently call an emergency meeting (whether ARRIA Formula or special session) on the matter before the end of his term on April 30; support the investigation of a Special Envoy or fact-finding mission to El Salvador to report on the conditions of detention at CECOT and secure a public release of the agreement between the U.S. and El Salvador; and enforce or facilitate the immediate cessation of the transfer of persons from the U.S. to El Salvador and the return of those already unlawfully transferred, with a timeline for compliance and sanctions for non-compliance.

We call on the **High Commissioner for Human Rights** to speak out on these violations and to provide the necessary support to relevant UN human rights mechanisms, including Special Procedures Mandate Holders, to take every effective measure to denounce, investigate the terms of any existing agreement and the conditions of confinement at CECOT or other locations, and urge the immediate cessation of the transfer of persons from the U.S. to El Salvador and the return of those already transferred.

We finally call on Members of the **Human Rights Council** and the **Organization of American States** to dedicate a portion of their upcoming June session, host urgent debates, issue resolutions, investigate private and other state complicity in this scheme.

Respectfully,

returns: Risks and human rights violations (March 11, 2025),
<https://euromedrights.org/publication/new-eu-common-approach-on-returns-risks-and-human-rights-violations/>

⁹ Convention relating to the Status of Refugees, 189 UNTS 137, Art 33(1) (Note El Salvador state party to the Convention and Protocol; U.S. ratified protocol)

¹⁰ EuroMed Rights, World Refugee Day: for the defence of human rights in the Euro-Mediterranean region, stop with European externalisation policies. (June 20, 2024),
<https://euromedrights.org/publication/world-refugee-day-for-the-defence-of-human-rights-in-the-euro-mediterranean-region-stop-with-european-externalisation-policies/>

¹¹ Alessia Peretti and Nicoletta Ionta, Meloni tries to save Albania migration centres, again (March 31, 2025)
<https://www.euractiv.com/section/politics/news/meloni-tries-to-save-albania-migration-centres-again/>;

Civil Society Organizations

Alliance San Diego
American Civil Liberties Union (ACLU)
American Friends Service Committee
Amica Center for Immigrant Rights (formerly CAIR Coalition)
Asociación para la promoción y protección de los derechos humanos (XUM EK)
AZ Immigration Alliance
Brújula Metropolitana
Center for Constitutional Rights
Center for Gender & Refugee Studies
Center for Human Rights and Constitutional Law
Centro de Estudios Legales y Sociales (CELS)
Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH)
Colectivo de Abogados y Abogadas "José Alvear Restrepo" (CAJAR)
Colorado Immigrant Protection Teams
Colorado Indivisible Front Range Resistance
Comité de Solidaridad con los Presos Políticos (CSPP) - Colombia
Communities United for Restorative Youth Justice (CURYJ)
Community Justice Project
Community Resource Centre
Cornell Law School International Human Rights Clinic
Detention Watch Network
Dreamer Fund
Due Process of Law Foundation DPLF
Egyptian Initiative for Personal Rights (EIPR)
Estrella del Paso
FAIR Law Firm
First Congregational UCC
Franciscans International
GenDemocracy | Resisting Project 2025
Giuristi Democratici - Italy
Grassroots Global Justice Alliance

Grupo Interdisciplinario (GIDH)
Highlander Center
Indian Association of Lawyers
Institute for Justice and Democracy in Haiti
International Tribunal of Conscience of Peoples in Movement
Jewish Voice for Peace
League for the Defence of Human Rights in Iran (LDDHI)
Liga Argentina por los Derechos Humanos MADRE
Montrose Women March
Movement Law Lab
National Lawyers Guild
National Lawyers Guild International
National Religious Campaign Against Torture
Observatori DESCA
Physicians for Human Rights
Plataforma Colombiana de Derechos Humanos Democracia y Desarrollo
President Arab Lawyers Association (UK)
Refugee Council USA
Rising Majority
Robert F. Kennedy Human Rights
Scholars for Social Justice
Servicio Social Pasionista (SSPAS)
Solidaire Action
Solidarity Group for Peace and Justice
Tejiendo Redes Infancia en América Latina y el Caribe
The Advocates for Human Rights
The Circle
Together for Brothers (T4B)
US Solidarity Economy Network
USC Gould School of Law International Human Rights Clinic
Welcoming America
Western Slope Against Trafficking
Witness at the Border/Testigos en la Frontera
Zabalaza Pathways Institute, South Africa

Individuals

Amie Little

Brad Thacker, Nork Fork Indivisible

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Citlalli Ochoa, American University, Washington College of Law

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Dianne Post, International Human Rights Attorney

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Gloria Luna Rivilla, Red Departamental de Mujeres Chocoanas

Jacques Hebreux Joseph, Neges Maron

Jan Edwards, Citizen of Montrose, CO

Jeena Shah, Associate Professor of Law, CUNY School of Law

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Kim Spangrude, Western Colorado Peace Team

Margaret Young, Quaker

Mneesha Gellman, Emerson College

Monica Iyer, Law Professor and former OHCHR Human Rights Officer

Nicole Phillips, Human Rights Lawyer and Law Professor

Pablo A. de la vega M., Centro de Documentación en Derechos Humanos "Segundo Montes Mozo SJ" (CSMM)

Pamela Brown, Retired Human Rights Attorney

Pedro Sepulveda, Jr., International Refugee Assistance Project

Dr. Richard Hyland, Grand Junction Interfaith Immigrant Protection Team

Sarah Paoletti

Sharon Hoffman, Montrose County Democrat

Tara J. Melish, Professor of Law & Co-Director of Buffalo Human Rights Center, University at Buffalo School of Law, The State University of New York

ANNEX - ADDITIONAL FACTUAL AND LEGAL ANALYSIS

In violation of international law, as well as domestic Constitutional and legal protections, the U.S. and El Salvador are collectively punishing, detaining and deporting individuals to a place where they risk torture and abuse without due process or the opportunity to challenge their removal to a third country.¹² Some of those deported from the U.S. and imprisoned in El Salvador had final orders of removal to countries other than El Salvador, and many others, including those with pending asylum applications, were rounded up based on a designation as “alien enemies” and summarily deported under the 1798 Alien Enemies Act due to purported ties to the Venezuelan gang Tren de Aragua (with some affiliations alleged based on tattoos, which are, in fact, not reliable indicia of Tren de Aragua involvement) and the Trump administration’s declaration of an “invasion” at the Southern border.^{13, 14} The *International Covenant on Civil and Political Rights* protects individuals from the range of human rights abuses described above, including Article 9, outlining the right to liberty and security of person, as well as the primacy of due process. The arbitrary arrests, deportations and detentions in brutal conditions implicate Articles 10 and 14, which guarantee humane treatment and equality before the law. Migrants are afforded the right not be removed, and all people have the right to privacy as well as freedom of expression, including in the form of art (tattoos).¹⁵

As a signatory to the *Convention Against Torture*, which is implemented through domestic legislation and regulations, the U.S. is bound by the principle of non-refoulement and cannot send people to a country where there is a significant risk they will be tortured.¹⁶ Deported migrants are being held in indefinite detention in a prison notorious for abuse that a former member of the U.N. Subcommittee on the Prevention of Torture described as a “concrete and steel pit” used “to dispose of people without formally applying the death penalty.”¹⁷ Across

¹² J.G.G. v. Trump, No. 1:25-cv-00766-JEB (D.D.C. Apr. 16, 2025), ECF No. 81, at 4 (“As the planes sat on the tarmac, officials refused to answer the deportees’ questions about where they would be taken.”).

¹³ See Noah Lanard and Isabela Dias, “You’re Here Because of Your Tattoos” The Trump administration sent Venezuelans to El Salvador’s most infamous prison. Their families are looking for answers, Mother Jones, Mar. 26, 2025,

<https://www.motherjones.com/politics/2025/03/trump-el-salvador-venezuela-deportation-prisoncecot-bukel-e/> (reporting on Venezuelans summarily deported to El Salvador due to unfounded, presumed gang membership based solely on innocuous tattoos including “a palm tree” and a “hummingbird”).

¹⁴ Proclamation No. 10903, Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua, 90 Fed. Reg. 13033, Mar. 15, 2025, <https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-actregarding-the-invasion-of-the-united-states-by-tren-de-aragua/>; Katherine Yon Ebright, The Alien Enemies Act, Explained, Brennan Ctr., Oct. 9, 2024, <https://www.brennancenter.org/ourwork/research-reports/alien-enemies-act-explained>.

¹⁵ International Covenant on Civil and Political Rights art.9, 10, 13, 14, 17, 19, Dec. 16, 1966, 999 U.N.T.S. 171.

¹⁶ Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, , 1465 U.N.T.S. 85, [1989] ATS 21, UN Doc. A/RES/39/46. CAT; 8 C.F.R. §§ 208.17(b)(2), 1208.17(b)(2)

¹⁷ Leire Ventas, Coming face-to-face with inmates in El Salvador’s mega jail, BBC News, Feb. 14, 2024, <https://www.bbc.com/news/world-latin-america-68244963>; see also *Human Rights Watch declaration on prison conditions in El Salvador for the J.G.G. v. Trump case*, Hum. Rts. Watch, Mar. 20, 2025, https://www.hrw.org/news/2025/03/20/human-rights-watch-declarationprison-conditions-el-salvador-jgg-v-trumpcase?gad_source=1&gbraid=0AAAAADrFXcjuf1d50lhSv7IVLciJuoY7A&gclid=CjwKCAjwz

prisons in El Salvador, Human Rights Watch has similarly received and “verified accounts of dismal detention conditions, torture and death” highlighting state parties’ blatant disregard for right of all people to life and dignity.¹⁸ Significantly, El Salvador is not a signatory to the *International Convention for the Protection of All Persons from Enforced Disappearance*, which only elevates the serious risks of individuals deported and currently detained.

In defiance of international law and despite domestic court orders,¹⁹ both Presidents of the United States and El Salvador are claiming an inability to review the deportation and detention of individuals, and instead asserting an interest in expanding their contract. President Trump has stated that he would also like to send U.S. citizens convicted of crimes to CECOT, if El Salvador can “house” them “for a lot less money than it costs us.”²⁰ This intention was reiterated during President Bukele’s visit to the White House on April 14, 2025 where President Trump asked President Bukele to build more prisons, telling President Bukele that “homegrown are next You gotta build about five more places.”^{21, 22}

The scale and speed of detentions and also the explicitly inhumane conditions to which the U.S. and El Salvador intend to subject detained people are astonishingly brazen and unconscionably cruel. These practices and the agreement upon which they are based must be understood as severe violations of international norms and binding human rights obligations, and must be met with a proportional response from this body and the international community at large.

CODIFYING HUMAN RIGHTS VIOLATIONS IN BILATERAL CONTRACTS

On February 3, 2025, U.S. Secretary of State Marco Rubio visited El Salvador and met with the President of El Salvador, Nayib Bukele. At that meeting, President Bukele “offered the United States of America the opportunity to outsource part of its prison system,” including by offering “his jails” to house people sent from the United States.²³ Reflecting on the agreement, Secretary

Mi_BhACEiwAX4YZUETSvO3iGyyZkLJ3WtaBqYILup8ciiduEVFY_GDtOH2nDSc_CHifRoCURYQAvD_BwE.

¹⁸ See Juanita Goebertus Estrada, “El Salvador’s Prisons Are No Place for US Deportees,” (March 13, 2025), <https://www.hrw.org/news/2025/03/13/el-salvadors-prisons-are-no-place-us-deportees>; ICCPR Art 6.

¹⁹ See Camilo Montoya-Galvez, Here are the names of the Venezuelans deported by the U.S. to El Salvador, CBS News, Mar. 20, 2025, <https://www.cbsnews.com/news/venezuelans-deported-el-salvador-names/>; Luc Cohen et al., Nazis were treated better than Venezuelans deported by Trump, judge says at hearing, Reuters, Mar. 24, 2025

²⁰ Billal Rahman, Donald Trump Says He Loves Idea of Sending Americans to El Salvador Prison, Newsweek (updated Apr. 8, 2025), <https://www.newsweek.com/donald-trump-sending-americans-el-salvador-prison-2056122>.

²¹ Zolan Kanno-Youngs, El Salvador’s Leader Says He Won’t Return Wrongly Deported Maryland Man, N.Y. Times (updated Apr. 15, 2025), <https://www.nytimes.com/2025/04/14/us/politics/trump-bukele-prison-deportedmigrants.html>.

²² Michelle Stoddart, “Homegrown are next”: Trump doubles down on sending American “criminals” to foreign prisons, ABC News (Apr. 14, 2025), <https://abcnews.go.com/Politics/homegrown-trump-doubles-sendingconvicted-us-citizens-foreign/story?id=120802863>.

²³ Nayib Bukele (@nayibbukele), X (Feb. 3, 2025, 9:44 PM), <https://x.com/nayibbukele/status/1886606794614587573> (“We are willing to take in only convicted

Rubio stated that the state partners had “agreed to the most unprecedented, extraordinary migratory agreement anywhere in the world...We can send them, and he will put them in his jails...And, he’s also offered to do the same for dangerous criminals currently in custody and serving their sentences in the United States even though they’re U.S. citizens or legal residents.”²⁴ During or after this February meeting, the United States government entered into an agreement by which the Salvadoran government would hold noncitizens in U.S. immigration detention in El Salvador in “very good jails at a fair price that will also save [U.S.] taxpayer dollars.”²⁵

On March 16, 2025, President Bukele again referenced the United States’ payment in exchange for the detention of 238 Venezuelan individuals at CECOT, stating that “[t]he United States will pay a very low fee for them, but a high one for us.”²⁶

On or around March 26, 2025, Secretary of Homeland Security Kristi Noem toured CECOT.²⁷ She posted a video of herself on X taken inside CECOT, standing in front of a prison cell containing dozens of imprisoned people. The video’s caption states: “President Trump and I have a clear message to criminal illegal aliens: LEAVE NOW. If you do not leave, we will hunt you down, arrest you, and you could end up in this El Salvadorian prison.” In the video, Noem stated:

First of all, I want to thank El Salvador and their president for their partnership with the United States of America to bring our terrorists here and to incarcerate them and have consequences for the violence that they have perpetuated in our communities. I also want everybody to know if you come to our country illegally, this is one of the consequences you could face. First of all, do not come to our country illegally. You will be removed and you will be prosecuted. But know that this facility is one of the tools in our toolkit that we will use if you commit crimes against the American people.²⁸

On April 16, 2025, U.S. Senator Chris Van Hollen who had traveled to El Salvador to inquire about the status of Kilmar Abrego Garcia, one of his constituents imprisoned at CECOT, stated:

criminals (including convicted U.S. citizens) into our mega-prison (CECOT) in exchange for a fee.”); Simon Lewis, El Salvador offers to house criminals deported from the US in its jails, Reuters (Feb. 3, 2025),

<https://www.reuters.com/world/americas/rubio-meet-el-salvadors-bukele-amidmigration-push-2025-02-03>.

²⁴ Matthew Lee “Rubio says El Salvador offers to accept deportees from US of any nationality, including Americans”, AP (February 4, 2025),

<https://apnews.com/article/migration-rubio-panama-colombia-venezuela-237f06b7d4bdd9ff1396baf9c45a2c0b>

²⁵ Marco Rubio (@SecRubio), X (Mar. 16, 2025, 7:59 AM),

<https://x.com/SecRubio/status/1901241933302825470>; see also Nayib Bukele (@nayibbukele), X (Mar. 16, 2025, 8:13 AM), <https://x.com/nayibbukele/status/1901245427216978290>.

²⁶ Nayib Bukele (@NayibBukele), X (Mar. 16, 2025, 8:13 AM),

<https://x.com/nayibbukele/status/1901245427216978290>.

²⁷ U.S. Dep’t of Homeland Sec., Inside the Action: Secretary Noem’s visit to El Salvador,

[https://www.dhs.gov/medialibrary/assets/video/59109\(last visited Apr. 16, 2025\)](https://www.dhs.gov/medialibrary/assets/video/59109(last%20visited%20Apr.%2016,%202025)).

²⁸ Secretary Kristi Noem (@Sec_Noem), X (Mar. 26, 2025, 7:08 PM),

https://x.com/Sec_Noem/status/1905034256826408982?ref_src=twsrc%5Etfw%7Ctwcamp%5Et.

“I asked the vice president [of El Salvador] . . . Why is El Salvador continuing to hold him in CECOT? His answer was that the Trump administration is paying El Salvador, the government of El Salvador, to keep him at CECOT.”²⁹

INHUMAN CONDITIONS AT CECOT

CECOT opened in January 2023.³⁰ According to a declaration by Juanita Goebertus of Human Rights Watch filed in the *J.G.G. v. Trump* litigation, the Salvadoran government first announced its capacity as 20,000, but later doubled its reported capacity to 40,000.³¹

The Salvadoran government has described people held in CECOT as “terrorists,” and has said that they “will never leave.”³² El Salvador’s justice minister has said the only way out of CECOT is a coffin.³³ Human Rights Watch, an organization that investigates human rights abuses globally, is unaware of any detained people who have been released from CECOT. People held in CECOT are denied communication with their lawyers and family members, and only appear before courts in online hearings, often in groups of several hundred detained persons at a time.

Prison conditions in CECOT are understood to be consistent with what Human Rights Watch has documented in other Salvadoran prisons. Such conditions include torture, ill-treatment, incommunicado detention, severe due process violations, and inhumane conditions, such as a lack of access to adequate healthcare and food. At CECOT, detained individuals share communal cells that can hold up to 100 people and contain no furniture other than rows of stacked metal bunks without mattresses or pillows, and the lights are always on.³⁴

Since the Salvadoran government instituted a state of emergency in March 2022, it has suspended constitutional due process rights. Moreover, since March 2022, over 350 people have died in El Salvador’s prisons, and over 85,000 people have been detained, including 3,300 children.

²⁹ Senator Chris Van Hollen, Van Hollen speaks to press after meeting with El Salvador VP about return of Kilmar Abrego Garcia, YouTube (Apr. 16, 2025), <https://www.youtube.com/live/pYZPzHyCtt0> (starting at 6:13).

³⁰ <https://www.npr.org/2025/03/17/g-s1-54206/el-salvador-mega-prison-cecot>

³¹ See Juanita Goebertus Declaration, 2, Human Rights Watch (Mar. 20, 2025), <https://www.hrw.org/news/2025/03/20/human-rights-watch-declaration-prison-conditions-el-salvador-jgg-v-trump-case>

³² *Id.* 3

³³ Ahilan Arulanantham, “Deportation to CECOT: The Constitutional Prohibition on Punishment Without Charge or Trial,” *Just Security* (April 23, 2025), <https://www.justsecurity.org/110679/deportation-cecot-punishment/>

³⁴ See, e.g., David Culver et al., In notorious Salvadoran prison, US deportees live in identical cells to convicted gangsters, CNN (April 8, 2025), <https://www.cnn.com/2025/04/08/americas/el-salvador-cecot-prison-deportees>; William Brangham et al., The conditions inside the infamous El Salvador prison where deported migrants are held, PBS (April 8, 2025), <https://www.pbs.org/newshour/show/the-conditions-inside-the-infamous-el-salvadorprisonwhere-deported-migrants-are-held>.

COLLATERAL CONSEQUENCES

The present reality is a logical consequence of an international legal, political, and economic system that has for decades tolerated U.S. impunity for its serious breaches of international law. The continued existence of the Guantánamo Bay prison, the ever-expanding counter-terrorism framework to strip people and institutions of their basic rights, and the unchecked ability to justify derogations of international law by manufacturing “states of emergency” have laid the foundation for authoritarian regimes to advance draconian policies that target their foes and scapegoats with ostensible legal cover. We also fear that the structural failures of the international system to halt Israel’s ongoing genocide of Palestinians in Gaza have illustrated the extent to which *jus cogens* international legal norms have been eroded, and this is yet another example of how the present system, and in particular, the existence of the Security Council veto power, puts certain actors outside the accountability frameworks available under international law. That is to say, even where there may be wide global consensus about breaches of the collective peace and security frameworks, countries like the United States can openly flout their obligations with impunity.