

Tom Lantos Human Rights Commission
The State of Exception in El Salvador: Year Five
Remarks by Isabel Carlota Roby from the Kennedy Human Rights Center
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Good afternoon,

Thank you, Chairman McGovern and Chairman Smith. My remarks will focus on the arbitrary detention, enforced disappearance, and torture at CECOT, and how these abuses reflect a broader pattern under El Salvador's state of exception.

Since the emergency decree in El Salvador in March 2022, more than 90,000 people have been detained and roughly 500 have died in state custody. Many are held in CECOT, the same prison the Trump administration paid to detain migrants who were illegally deported and disappeared.

On February 3, 2025, President Nayib Bukele announced that El Salvador would detain individuals sent from the United States in exchange for a fee. In the weeks that followed, both governments entered into a secret agreement under which deportees were held in El Salvador. In practice, this meant: indefinite, incommunicado detention at CECOT.

Critically, it is highly likely that US authorities knew, or reasonably should have known, of the serious risk of human rights abuses (including torture) in detention centers in El Salvador, before entering into this agreement.

Since then, El Salvador accepted and imprisoned approximately 288 individuals transferred by the United States at CECOT. This group includes approximately 252 Venezuelan nationals and 36 Salvadoran nationals, who were transferred by flights operated by the United States between March and April 2025. The exact number remains unknown, as El Salvador has refused to disclose it. While most Venezuelans were later released in a prisoner exchange, at least 36 Salvadorans remain detained.

During an on-site visit to El Salvador in April 2025, together with other representatives of the Kennedy Human Rights Center, we attempted to visit 10 of our clients who were held at CECOT to assess their physical and psychological well-being. Despite following all official channels our efforts were ultimately unsuccessful.

Moreover, families challenged the detentions through habeas petitions and information requests in El Salvador, but authorities failed to respond, leaving them without recourse. Meanwhile, El

Salvador denied responsibility before UN human rights bodies, claiming it neither arrested nor transferred the detainees, and asserting that jurisdiction rested exclusively with the United States.

On March 26, 2026, a coalition of human rights organizations, including the Kennedy Human Rights Center, filed a petition before the Inter-American Commission on Human Rights on behalf of 18 Venezuelan victims. This builds on earlier requests for precautionary measures and complements submissions to UN mechanisms. These efforts underscore the essential role of coordinated civil society action and international accountability mechanisms when domestic remedies fail.

Following the July 18, 2025 transfer of more than 250 Venezuelan detainees from CECOT to Venezuela, we interviewed survivors and conducted expert psychological assessments. Their accounts reveal a clear pattern of abuse and torture; for security reasons, victims' identities remain confidential.

The victims were transferred without being told they were being taken to CECOT, or even that they were being taken to El Salvador. From the moment they arrived in El Salvador and throughout their detention at CECOT, the victims were subjected to systematic and brutal physical abuse.

Quote: [...] *when we arrived, there was only one Salvadoran present, and he told us, "Welcome to Bukele's regime."*

Victims were beaten for minor infractions, including speaking or looking at guards. Many were shot with rubber bullets in collective punishments. Injuries included broken ribs, dislocated joints, head wounds, and lasting nerve damage that went untreated.

Other victims also suffered extreme physical abuse in the isolation cell known as "La Isla" (The Island)

C.U., recounted, quote: *"They took me several times to 'La Isla,' where they handcuffed and beat us until we fainted. The last time, I had a fever and begged for a doctor. Instead, five guards beat me, knelt me down, hit my stomach, and kicked me on the ground before leaving me in isolation until the evening."* end of quote.

At least one victim recounted sexual abuse in isolation:

A.H., a gay makeup artist, recounted: *"Officers dragged me to 'La Isla,' a dark isolation cell. Three of them stayed, forced me to my knees, and one of the officers grabbed my head and forced me to give him oral sex. My hands were handcuffed behind my back. I cried and begged him to stop. It lasted what felt like two hours before they took me back to my cell."* end of quote.

Victims endured systematic psychological torture. They were told they had “arrived in hell,” would never leave, and that the only way out was in a “black bag.” Guards threatened to kill or disappear them, denied their humanity, and humiliated them until they broke, at times even urging them to take their own lives.

R.M. recounted, in his own words, quote: *“They told us that the only way we were going to get out [of CECOT] was in a black bag, that they were going to give us a life sentence. A cellmate was told that they had barrels of acid where they put gang members when they died, and that no one was going to find the bodies. Several times, the guards told us that human rights did not exist in CECOT.”* end of quote.

What happened to Venezuelan detainees at CECOT is not isolated: it reflects ongoing abuses under El Salvador’s state of exception. Enabled by secrecy, denial, and impunity, these violations demand accountability from both the United States and El Salvador, as well as justice, reparations, and urgent measures to prevent recurrence.

These include: 1) adopting concrete guarantees of non-repetition, such as prohibiting third-country transfers; 2) publishing the bilateral agreement between El Salvador and the United States; 3) supporting the creation of an independent national commission to review detention cases under the state of exception in El Salvador; 4) and ensuring sustained support for independent media, without which there can be no accountability.

BIO

Isabel Carlota Roby is a Senior Staff Attorney for Latin America at the Robert & Ethel Kennedy Human Rights Center, where she leads strategic litigation and advocacy initiatives across the region, including in El Salvador, Venezuela, Guatemala, Brazil, and Cuba.

She holds a law degree from the Universidad Católica Andrés Bello in Caracas, Venezuela, her hometown, and has completed graduate studies at Harvard Law School, the University of Amsterdam, and Vrije Universiteit Amsterdam. Her research has focused on international criminal responsibility for core international crimes, as well as the instrumentalization of legal frameworks and human rights discourse by emerging authoritarian regimes.