

May 13, 2025

**Re: Vote YES on S. Res. 195, Privileged Resolution on El Salvador:  
“Requesting information on El Salvador’s human rights practices pursuant  
to section 502B(c) of the Foreign Assistance Act of 1961”**

Dear Senator:

The ACLU urges you to vote “yes” on S. Res. 195, a privileged resolution, “Requesting information on El Salvador’s human rights practices pursuant to section 502B(c) of the Foreign Assistance Act of 1961” introduced by Senators Kaine, Van Hollen, Schumer, and Padilla.



**National Political  
Advocacy Department**  
915 15<sup>th</sup> Street, NW, 6<sup>th</sup> Floor  
Washington, DC 20005-2112  
[aclu.org](https://www.aclu.org)

**Deirdre Schifeling**  
Chief Political &  
Advocacy Officer

**Anthony D. Romero**  
Executive Director

**Deborah N. Archer**  
President

Over the last two months, the Trump administration has worked to disappear our neighbors to a brutal prison in El Salvador—and with no due process and despite the mounting court orders restricting these unlawful removals. The Trump administration has refused to provide basic information about the El Salvador agreement to the American public and even to courts, while speculating that it may send U.S. citizens to be imprisoned there as well.

S. Res. 195 requires the U.S. government to report on alleged human rights violations committed by the government of El Salvador and on what our government is doing to ensure the release and address any mistreatment or torture of those detained in El Salvador—including U.S. citizens and other residents.

At a moment when the Trump administration is reportedly considering other operations to disappear our neighbors to countries like Libya, S. Res. 195 is a welcome and necessary step to bring transparency and accountability to the administration’s offshore prison scheme, and to ensure that this administration complies with federal law and binding human rights obligations.

***This Resolution Is A Vital Congressional Check on the Executive’s Lawless  
Drive to Send People into the Hands of a Human Rights Abuser***

Since March 15, 2025, the Trump administration has been attempting to send people from the United States to an infamous prison in El Salvador known as the Terrorism Confinement Center (Centro de Confinamiento del Terrorismo or “CECOT”). To date, the administration has sent multiple flights and now around 300 people from the U.S. to CECOT, at taxpayer expense, and has attempted to send many more sometimes secretly in an apparent attempt to evade judicial oversight. Over the last several weeks, we have heard extremely troubling stories of teenagers and other U.S. residents who were picked up by immigration

officers, secreted away to detention facilities, and then rapidly sent to this brutal prison.<sup>1</sup> The administration is still trying to send people to El Salvador but, for now, has been prevented from doing so by federal courts around the country.

President Bukele of El Salvador opened the CECOT prison two years ago to serve his state of emergency—a suspension of due process, access to the courts, freedom of association and other human rights. He has attacked the country’s court system, threatening members of the judiciary.<sup>2</sup> As documented by Congress’ Tom Lantos Human Rights Commission, in El Salvador, there is a systematic, widespread pattern of abuse that includes tens of thousands of people being detained without due process, in detention sites where they are physically abused.<sup>3</sup> Their abusers get away with it—and there is no accountability for violating human rights including wrongly detaining people in horrific conditions, making a mockery of the rule of law. It is appalling that the U.S. government, given its traditional leadership role in human rights, would turn the other way or fail to condemn this abusive regime – let alone fund it with U.S. taxpayer dollars.

By sending people to CECOT, the U.S. government is delivering people to the torturer’s doorstep. The Salvadoran-based human rights organization Cristosal has documented at least 368 deaths at CECOT due to physical abuse and the denial of basic needs.<sup>4</sup> Cristosal has also documented shocking reports of abuse — individuals being given electric shocks, exposed to untreated epidemics of skin fungus, and strangled or beaten to death by guards.<sup>5</sup> Other human rights groups and journalists report appalling conditions of daily life—people held 23.5 hours a

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<sup>1</sup> See Sonia Rincon, ABC News, “Father fighting to get son returned from CECOT after immigration raid,” April 29, 2025, <https://abc7ny.com/post/father-fighting-get-son-returned-cecot-prison-immigration-raid-deportation/16276963/>; Tom Phillips & Clavel Rangel, *The Guardian*, “‘Deported because of his tattoos’: has the US targeted Venezuelans for their body art?” Mar. 20, 2025, <https://www.theguardian.com/us-news/2025/mar/20/deported-because-of-his-tattoos-has-the-us-targeted-venezuelans-for-their-body-art>; Robert Tait, *The Guardian*, “Identity of second man illegally deported to El Salvador prison revealed,” May 6, 2025, <https://www.theguardian.com/us-news/2025/may/06/trump-el-salvador-deportation-lozano-camargo>; CBS News, “Trump administration deports gay makeup artist to prison in El Salvador,” April 6, 2025, <https://www.cbsnews.com/news/venezuelan-migrants-deportations-el-salvador-prison-60-minutes/>; ABC News, “Trump-appointed judge orders return of 2nd migrant deported to El Salvador,” April 23, 2025, <https://abcnews.go.com/US/judge-orders-return-2nd-migrant-deported-el-salvador/story?id=121110233>.

<sup>2</sup> See Due Process of Law Foundation, *Muzzled Justice: The capture of El Salvador’s Justice System*, August 2024, [https://dplf.org/wp-content/uploads/2024/08/executive\\_summary\\_-\\_muzzled\\_justice\\_-\\_capture\\_justice\\_el\\_salvador.pdf](https://dplf.org/wp-content/uploads/2024/08/executive_summary_-_muzzled_justice_-_capture_justice_el_salvador.pdf).

<sup>3</sup> Tom Lantos Human Rights Commission, “The State of Exception in El Salvador: Taking Stock,” Dec. 12, 2024, <https://humanrightscommission.house.gov/events/hearings/state-exception-el-salvador-taking-stock>.

<sup>4</sup> PBS News Hour, “The conditions inside the infamous El Salvador prison where deported migrants are held,” April 8, 2025, <https://www.pbs.org/newshour/show/the-conditions-inside-the-infamous-el-salvador-prison-where-deported-migrants-are-held>.

<sup>5</sup> Bryan Avelar, *El Pais*, “Inmates in El Salvador tortured and strangled: A report denounces hellish conditions in Bukele’s prisons,” May 29, 2023, <https://english.elpais.com/international/2023-05-29/inmates-in-el-salvador-tortured-and-strangled-a-report-denounces-hellish-conditions-in-bukeles-prisons.html>.

day in overcrowded cells on metal bunks with no sheets, no mattresses and no recreation and with no access to families or lawyers, and limited food.<sup>6</sup> These conditions have been extensively documented by human rights groups and there are no credible reports to the contrary.

The U.S. State Department has previously raised concerns with the Salvadoran government's human rights record, including credible reports of torture, "harsh and life-threatening prison conditions," arbitrary detention, and "serious problems with the independence of the judiciary,"<sup>7</sup> all of which makes the Trump administration's willingness to send our residents to be detained there alarming. Just as disturbing—the administration is arguing in court that it has *no authority* to return people, including lawful U.S. residents, whom it is paying the Salvadoran government to detain.<sup>8</sup>

In light of the administration's decision to use this cruel and dangerous overseas prison, S. Res. 195 is a necessary tool to bring oversight and transparency to the condition in which our neighbors are detained, at our expense. The resolution will require the U.S. government to report on the conditions to which people transferred from the United States will be held; provide an assessment of whether they will be exposed to torture; and describe steps the U.S. government is taking to ensure that U.S. residents and citizens will not be erroneously removed to CECOT, as in the case of Mr. Kilmar Abrego Garcia.<sup>9</sup>

This accounting and transparency are essential because we know the administration is still attempting to ship people off to CECOT based on nominal evidence and allegations against them,<sup>10</sup> and in violation of our laws prohibiting

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<sup>6</sup> Annie Correal, *The New York Times*, "A U.S. senator was allowed to meet with Kilmar Armando," April 18, 2025, <https://www.nytimes.com/2025/04/18/world/americas/bukele-abrego-garcia-elsalvador-prison.html>; Declaration of Juanita Goebertus, Human Rights Watch, *J.G.G. v. Trump*, May 19, 2025, <https://www.hrw.org/news/2025/03/20/human-rights-watch-declaration-prison-conditions-el-salvador-jgg-v-trump-case>; Amnesty International, "The human cost of the repressive cooperation between the US and El Salvador," April 15, 2025, <https://www.amnesty.org/en/latest/news/2025/04/la-cooperacion-represiva-entre-eeuu-y-el-salvador/>.

<sup>7</sup> U.S. Department of State, 2023 Country Reports on Human Rights Practices: El Salvador, (2023), <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/>.

<sup>8</sup> Kyle Cheney & Josh Gerstein, *Politico*, "Judge Boasberg grills DOJ on Trump's comments about El Salvador deportations," May 7, 2025, <https://www.politico.com/news/2025/05/07/boasberg-trump-deportations-00334840>.

<sup>9</sup> Kilmar Abrego Garcia v. Kristi Noem et al., Civil Action No. 8:25-cv-00951-PX, Memorandum Opinion, (D. Md. April 6, 2025), <https://storage.courtlistener.com/recap/gov.uscourts.mdd.578815/gov.uscourts.mdd.578815.31.03.pdf>.

<sup>10</sup> See Julia Cesar Sanchez Puentes & Luddis Norelia Sanchez Garcia v. Garite et al, EP-25-CIV-00127-DB, Memorandum and Order, (W.D. Tex. April 25, 2025), <https://storage.courtlistener.com/recap/gov.uscourts.txwd.1172835379/gov.uscourts.txwd.1172835379.27.0.pdf>; CBS News, "U.S. sent 238 migrants to Salvadoran mega-prison; documents indicate most have no apparent criminal records," April 6, 2025, <https://www.cbsnews.com/news/what->

the transfer of anyone to a place where they face persecution, torture or other cruel and inhuman treatment.

***This Reporting Is Essential To Ensure the US is Respecting Its Legal Obligations***

The United States prohibits torture and the transfer or removal of someone to a place where they would face torture or persecution.<sup>11</sup> The Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment states, “No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”<sup>12</sup> This core human rights treaty was signed by President Ronald Reagan in 1988, ratified under President George H.W. Bush, with implementing legislation signed into law by President Bill Clinton in 1994. The bipartisan support for this treaty represented a consensus against torture and abuse by and in the United States. The U.S. also codified this non-refoulement obligation in the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), which states, “It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.”<sup>13</sup>

Transferring or deporting individuals to an overseas prison where they are substantial grounds they will be subject to horrific abuse violates these legal obligations. Our legal and moral mandate is clear: the U.S. cannot be a country that tortures people or sends people to be tortured at our expense, if not our behest. As this administration is apparently contemplating other agreements with countries like Libya, where guards are known to electrocute individuals and sexually assault children in their custody,<sup>14</sup> we urge Senators to push for more oversight, transparency, and accountability to ensure that our government is not sending people to places where they will face torture—and then disclaiming any responsibility for their care or return. This Resolution is a first and necessary step.

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[records-show-about-migrants-sent-to-salvadoran-prison-60-minutes-transcript/](#) (finding that 75% of those sent to CECOT by the Trump administration had no known criminal convictions).

<sup>11</sup> Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980).

<sup>12</sup> U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3, Dec. 10, 1984, S. Treaty Doc. No. 100-20, at 20 (1988).

<sup>13</sup> Foreign Affairs Reform and Restructuring Act of 1998 § 2242(a), Pub. L. No. 105-277, Div. G. Title XXI, 112 Stat. 2681 (1998) (codified at 8 U.S.C. § 1231 notes) (implementing CAT); C.F.R. §§ 208.16 to 208.18 (FARRA procedure).

<sup>14</sup> Human Rights Watch, Press Release, “US: Don’t Forcibly Transfer Migrants to Libya Deportations Would be Unlawful, Subject Detainees to Horrific Conditions.” May 9, 2025, <https://www.hrw.org/news/2025/05/09/us-dont-forcibly-transfer-migrants-libya>.

We urge you to vote YES on S. Res. 195 to protect our citizens and our neighbors from being sent to torture, and to ensure our nation respects and complies with our legal and moral obligations. If you have any further questions, please contact Sarah Mehta, deputy director, ([smehta1@aclu.org](mailto:smehta1@aclu.org)) or Naureen Shah, director of policy and government affairs on immigration ([nshah@aclu.org](mailto:nshah@aclu.org)).

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Zamore", with a stylized flourish at the end.

Mike Zamore  
National Director of Policy & Government Affairs