

“How they keep people in those places is inhumane; they treat us as if we were animals.”

Testimony of deportee from the United States

**Input to the Special Rapporteur on
Torture and
Unsolicited Input to the Special
Rapporteur on the Rights of
Persons with Disabilities and the
U.N. Working Group on Arbitrary
Detention**

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Unsolicited Input to the Special Rapporteur on Torture, the Special Rapporteur on the Rights of Persons with Disabilities, and the U.N. Working Group on Arbitrary Detention by Kino Border Initiative and the Holistic Immigration Hub, Loyola University Chicago School of Law, July 1, 2026.

Executive Summary	2
I. Introduction	2
II. Methodology	4
VI. Case Studies: Cruel, Inhuman, and Degrading Treatment and Punishment in U.S. Immigration Detention Facilities Reported by Deportees in Nogales, Sonora, Mexico	6
a. Poor Physical Conditions: Ricardo	6
b. Discrimination: Diego.....	7
c. Denial of Medical Care: Oscar	7
d. Denial of Medical Care: Ivan.....	7
e. Poor Physical Conditions & Denial of Medical Care: Carlos.....	7
f. Third-Country Deportation: Pablo	8
g. Pattern across cases: “Voluntary Departure” as Coercion.....	8
VII. Practices Inside U.S. Immigrant Detention Facilities Violate the Convention Against Torture	9
a. Severe Pain or Suffering	9
b. U.S. Government Immigration Officials Intentionally Inflicting Pain and Suffering	12
c. Purpose.....	13
d. Inflicted by and with Consent of U.S. Official Acting in an Official Capacity.....	14
VIII. The U.S. Fails Its Duty to Prevent Torture as a State Party to the Convention Against Torture	14
IX. Practices Inside U.S. Immigration Detention also Constitute Arbitrary Detention under the U.N. Working Group on Arbitrary Detention Framework.....	16
X. Survivors of Torture in U.S. Immigration Detention have Few Options for Remedies or Restitution	18
XI. Recommendations	19

Unsolicited input to the Special Rapporteur on Torture, the Special Rapporteur on the Rights of Persons with Disabilities, and the U.N. Working Group on Arbitrary Detention by Kino Border Initiative and the Holistic Immigration Hub, Loyola University Chicago School of Law, July 1, 2026

This input is a joint product the Holistic Immigration Hub Pilot at Loyola University Chicago School of Law, Migration & Human Rights at the Border Practicum¹, and the Kino Border Initiative. Loyola University Chicago is a Jesuit, Catholic university, whose mission is a diverse community seeking God in all things and working to expand knowledge in the service of humanity through learning, justice, and faith. Kino is a binational non-profit organization that provides humanitarian services to migrants. The mission of the School of Law is to prepare graduates who will be ethical advocates for justice and equity. The mission of the Kino Border Initiative is to promote humane, just and workable migration through direct humanitarian assistance and holistic accompaniment of migrants, education and encounter between migrants and others that transforms people and communities towards solidarity with migrants, and policy advocacy in Mexico and the United States. We thank our collaborators and signatories' organizations for their support and commitment to upholding the dignity and human rights of all human beings.

Executive Summary

This unsolicited Input, co-authored by the Holistic Immigration Hub Pilot at Loyola University Chicago School of Law and the Kino Border Initiative (Kino), documents systematic violations of the U.N. Convention Against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR), and the U.N. Working Group on Arbitrary Detention (WGAD) framework occurring inside U.S. immigration detention facilities, on the basis of 131 first-person testimonies and accompanying survey data collected by Kino from individuals deported through Nogales, Sonora, Mexico between May 2025 and February 13, 2026.

I. Introduction

During President Trump's second term, immigration enforcement has seen an astronomical increase in militarized tactics, including deprivation of liberty via secured detention facilities.² Even though immigration violations are civil misdemeanors under U.S. law, individuals are being arrested, detained, and deported at unprecedented numbers, without regard to the facts of their cases.³ In a significant restriction on due process, a new federal law mandates no-bond detention for noncitizens in immigration proceedings on the basis of arrest or charge alone.⁴ While in detention, individuals are experiencing heinous violations of their civil liberties and

¹ Dr. Anna L. Patton, PhD, law student and recent graduate ('26) of Loyola University Chicago School of Law.

² Aaron Reichlin-Melnick, *New Report Details ICE's Expanding and Increasingly Unaccountable Detention System*, AMERICAN IMMIGRATION COUNCIL: BLOG (23 Jan. 2026), <https://www.americanimmigrationcouncil.org/blog/ice-expanding-detention-system/>.

³ *Id.*

⁴ Public Law No: 119-1. (29 Jan. 2025), *Laken Riley Act*. The Act extended no-bond detention to people who have only been *charged* or *arrested*, not necessarily convicted.

human rights through the hostile built environment, degrading detention practices, and disabling physical and emotional conditions.⁵ Simultaneously, the federal administration has decimated the U.S.'s oversight and accountability structure monitoring immigration detention facilities and procedures.⁶ Legislators are being barred from making oversight and monitoring visits in their jurisdictions.⁷

Although immigration detention is civil in nature, the current practices of immigration detention under the U.S. are more reflective of criminal, carceral confinement because of the lack of options to leave, the inhumane treatment of individuals in detention facilities, and the resulting disabilities acquired while detained. The combination of degrading, disabling detention experiences and lack of domestic oversight mechanisms directly violates the U.S.'s obligations as a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"). Further, conditions, policies, and practices within immigrant detention facilities exacerbate existing disabilities and, in some cases, produce new forms of harm consistent with "intentional disabling."⁸ While the United States has signed but not ratified the Convention on the Rights of Persons with Disabilities (CRPD), it remains obligated under Vienna Convention on the Law of Treaties (VCLT) Article 18 to refrain from acts that would defeat the treaty's object and purpose. In this regard, current detention practices raise serious concerns under CRPD Articles 14 (liberty and security of person), 15 (freedom from torture or cruel, inhuman, or degrading treatment), 17 (protection of the integrity of the person), and 25 (right to health), which together provide authoritative international standards for assessing state conduct.

These concerns are reinforced by binding obligations under the International Covenant on Civil and Political Rights (ICCPR) (Articles 7, 9, and 10), CAT (Articles 1, 2, and 16), and customary international law protecting the rights of persons with disabilities. Testimonies from individuals who have experienced immigration detention, as well as their legal representatives, consistently describe pervasive confusion and unpredictability regarding who is detained, on what basis, and for how long—core due process and humane treatment concerns that warrant close scrutiny by the U.N. Working Group on Arbitrary Detention (WGAD).

With the pathways for monitoring and accountability closed in the U.S., this unsolicited input urges the above Special Rapporteurs and the WGAD to investigate through in-country fact-

⁵ Kino Border Initiative, *"They Didn't Let Me Say Bye:" Revealing the Human Toll of Deportations*, KINO BORDER INITIATIVE, September 2025, <https://www.kinoborderinitiative.org/wp-content/uploads/2025/09/Deportation-Report-2025.pdf>.

⁶ Adam Isacson, Juan Cuéllar Torres, Sr., & Tracey Horan, *Denouncing Into the Void: The Dismantling of Internal Oversight and Accountability at DHS*, WASHINGTON OFFICE ON LATIN AMERICA (WOLA): Research (19 Mar 2026), <https://www.wola.org/analysis/denouncing-into-the-void-the-dismantling-of-internal-oversight-and-accountability-at-dhs/>.

⁷ Deborah Brennan, *California Lawmakers Blocked from Entering Otay Mesa Detention Center Despite Prior Clearance*, CALMATTERS: POLITICS (20 Feb. 2026), <https://calmatters.org/politics/2026/02/otay-mesa-inspection-lawmakers-denied/>.

⁸ The authors employ the term "intentional disabling" as a novel term to integrate multiple legal concepts together, including "causing serious bodily or mental harm" (Rome Statute, Article 6) and "grievous bodily harm" or "permanent disability" as used in CAT-related jurisprudence.

finding and intercede on behalf of those in immigration detention in the U.S. experiencing torture through intentional disabling. The harms inflicted on people in U.S. immigration detention facilities raise overlapping concerns under the mandates for the Special Rapporteur on Torture, the Special Rapporteur on the Rights of Persons with Disabilities, and the WGAD. As allowed by mandate, these parties must undertake a joint mission to understand the scope and scale of human rights violations occurring in U.S. Immigration Detention.

This input is being submitted by the Holistic Immigration Hub at Loyola University Chicago School of Law, as a work product of the Migration and Human Rights of Migrants at the Border Practicum. The input was coauthored with its partner, the Kino Border Initiative (“Kino”), a binational, nonprofit humanitarian organization working at the U.S.-Mexico border to promote humane, just, and workable migration. This report includes data, reporting, and evidence from Kino’s research and a dataset of over 130 detained deported immigrants from the U.S. arriving in Nogales, Mexico, as a primary source of data. The input also relies on research reports, media, governmental reports, memos, and other publicly available data to augment its findings.

II. Methodology

Kino is a binational non-profit organization that provides humanitarian services to migrants. Increasingly, Kino serves individuals sent to Nogales, Mexico, after detention and deportation under the U.S. Immigration system.⁹ As part of their holistic accompaniment mission, Kino began collecting human rights testimonies in May 2025 from individuals deported from the U.S.. Kino staff visited the Mexican Government’s “Mexico Te Abraza” reception shelter in Nogales, Sonora, five days a week (Tuesday–Saturday) beginning in May 2025. Two streams of data inform this submission: (1) in-depth testimonies of the abuses experienced during arrest, detention in the U.S., and deportation, gathered with two to three individuals per visit beginning in May 2025; and (2) a structured survey administered to approximately five individuals per day beginning in December 2025, capturing length of U.S. residence, occupation, family ties (including U.S.-citizen relatives), community engagement, the arresting authority, length of detention, and abuses experienced. The data presented in this submission reflect both streams through February 13, 2026, at which point the Kino had collected 131 testimonies. Kino continues to collect testimonies and surveys at the shelter. That ongoing data is not included in this submission. Students from the Holistic Immigration Hub at Loyola University Chicago visited Kino as part of their experiential learning in the Migration & Human Rights at the Border Practicum and analyzed Kino’s survey data and testimonies and performed desk research. Additional sources include publicly available research, government reports, non-governmental reports, and media reports.

III. Evidence base

The survey data refute any characterization of the sample as transient border-crossers or public-safety threats: 87.8% were detained while already living in the United States; the median length of U.S. residence was 9 years (mean 13.1 years), with 49.6% having lived in the United States

⁹ Kino Border Initiative, Humanitarian Aid and Holistic Accompaniment, (2023), <https://www.kinoborderinitiative.org/humanitarian-aid-and-holistic-accompaniment/>.

for 10 years or more and 38.9% for 20 years or more, including individuals who had lived in the country for 30, 35, and 44 years; 78.6% had no immigration status at the time of detention, but the sample also included a Lawful Permanent Resident, Deferred Action for Childhood Arrivals (DACA) and U-visa applicants, and individuals with pending asylum or other immigration proceedings; 80.2% were the primary economic provider in their household; 51.9% were the primary caregiver for children or elderly relatives; 13.0% were business owners. Their reported occupations were overwhelmingly (80%) essential blue-collar work: 59.5% in construction or related trades; 7.6% in agriculture; 6.9% in food service; 3.8% in cleaning or hospitality; 3.1% in manufacturing or warehouse work. Of those who described their community engagement, 35.9% reported active church or community involvement, 24.4% participated in sports leagues, 13.7% volunteered (including for their children's school activities), and 10.7% made charitable donations.

Circumstances of arrest: 44.3% were detained while driving, 10.7% while walking in a public place, 8.4% in a home raid, 7.6% in a workplace raid, and 6.9% during an incident unrelated to their immigration status. The arresting authority was ICE in 40.5% of cases, county/sheriff police acting in coordination with federal authorities in 19.1%, Border Patrol in 16.0%, and municipal police in 9.9%. None of the survey respondents indicated detention based on a criminal prosecution; the sample was not the criminally dangerous population that U.S. immigration enforcement claims to be targeting.

Abuses in detention: 82.4% of respondents reported at least one form of abuse during detention or deportation: 45.0% were forced to sleep on the floor, 43.5% had personal property withheld and never returned, 27.5% were denied food or water, and 22.9% were denied medical care. The narrative testimonies reproduced below (including beating, racial taunts, denial of insulin and other prescription medications, prolonged isolation, and coerced “voluntary departure”) disclose the additional types of abuse that fall outside the survey's pre-listed categories.

Family separation: 58.0% of respondents reported being separated from family as a result of their detention and deportation; 38.9% reported being separated from at least one U.S.-citizen family member.

IV. Legal frameworks included

1. CAT Article 1 (torture) and Article 16 (cruel, inhuman or degrading treatment), reflected in both systemic patterns across the sample and the most extreme individual cases (violent arrests resulting in hospitalization; coerced “voluntary departure”; suicide in detention; “intentional disabling” through denial of medical care, prolonged isolation, and degrading conditions).
2. ICCPR Articles 7, 9, and 10, which the United States has ratified.
3. The CRPD as the authoritative international standard on rights of persons with disabilities; while the United States is a CRPD signatory only and not a state party, it is bound under the Vienna Convention on the Law of Treaties (VCLT), Article 18 not to defeat the treaty's object and purpose. CRPD Articles 14, 15, 17, and 25 are most directly implicated.

4. The WGAD framework, with arbitrary-detention violations falling within Categories I, III, IV, and V on this evidence.

V. Requests to the Mandate-holders

1. An in-country fact-finding mission with site visits to Florence and Eloy detention centers (Arizona), Camp East Montana / Fort Bliss (El Paso, Texas), the Glades County Detention Center (Florida), and a representative sample of CoreCivic-, GEO Group-, LaSalle-, and MTC-operated facilities.
2. A WGAD Opinion on the systemic patterns documented herein.
3. Consider formal recognition by the Special Rapporteur on Torture of “intentional disabling” as a distinct violation under CAT Articles 1 and 16.
4. Concrete oversight, accountability, and remedy recommendations to the United States, including binding compliance with CAT, ICCPR, and the CRPD's object and purpose; closure of the most abusive facilities; and reparations to survivors.

VI. Case Studies: Cruel, Inhuman, and Degrading Treatment and Punishment in U.S. Immigration Detention Facilities Reported by Deportees in Nogales, Sonora, Mexico

Kino is a binational non-profit organization that provides humanitarian services to migrants. Increasingly, Kino serves individuals sent to Nogales, Mexico, after detention and deportation under the U.S. Immigration system.¹⁰ As part of their holistic accompaniment mission, Kino began collecting human rights testimonies in May 2025 from individuals deported to Nogales after immigration detention. Of the 131 submitted testimonies:

- 22% reported denial of access to services while held in detention,
- 37% reported physical or verbal abuse of some kind,
- 45% reported forced family separation,
- 47% reported poor living conditions while held in detention, and
- 50% reported discrimination.

The selected testimonies below illustrate the ongoing, degrading treatment and punishment during U.S. immigration detention, often resulting in permanent disabilities. These survivors' testimonies also reveal the arbitrary nature of their arrest and detention, as these individuals are immigrants “subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy.”¹¹ Unable to leave of their own will and fearing retaliation, names have been changed to protect the survivors' identities.

a. Poor Physical Conditions: Ricardo

¹⁰ Kino Border Initiative, Humanitarian Aid and Holistic Accompaniment, (2023), <https://www.kinoborderinitiative.org/humanitarian-aid-and-holistic-accompaniment/>.

¹¹ Office of the High Commissioner for Human Rights, *About Arbitrary Detention*, UN WORKING GROUP ON ARBITRARY DETENTION, <https://www.ohchr.org/en/about-arbitrary-detention>.

“Ricardo” is a 47-year-old man who was arrested after being stopped for having tinted windows. Ricardo was detained in Phoenix, where he reported a lack of access to clean water or to edible food. Ricardo was so thirsty that he and fellow detainees resorted to drinking from the bathroom because they received no drinking water. Ricardo said the food was of such poor quality that he became physically sick after eating. Ricardo asked for medicine for his stomachache, but the guards ignored his requests. Without access to healthcare and no other way to leave, Ricardo signed a voluntary departure to escape the poor conditions of the detention center.

b. Discrimination: Diego

“Diego,” a legal U.S. resident with no criminal record, is married to a U.S. citizen with a U.S. citizen child. Diego was violently arrested by ICE agents despite telling the agents his residency status. Diego spent seven days in the hospital due to the violence he experienced during his arrest before he was taken to detention in Phoenix, Arizona. In detention, white officers taunted Diego, stating his legal resident status did not matter because they were going to deport him no matter what. Given Diego’s legal status, there was no legal basis justifying his detention. The officers continued to pressure Diego, claiming that he would face staying locked in detention for a long time unless he signed a voluntary departure release form. Diego still does not have answers about what happened to him.

c. Denial of Medical Care: Oscar

Oscar is a 61-year-old man with diabetes who was arrested and detained in Las Vegas, for overstaying his visa. While he was detained, Oscar was bitten by a spider. The bite became inflamed, painful, and purulent. Oscar received an X-ray and some pills without an explanation of his diagnosis or prescription. While detained, Oscar was completely powerless to advocate for himself and was unable to receive follow-up medical assessment or treatment. The pills caused Oscar to develop blurred vision and dizziness without relieving the pain from the bite. Oscar did not receive further medical attention, despite the persistent pain and his preexisting diagnosis of diabetes. Oscar feared continued detention and lack of medical care would complicate his spider bite and diabetes. Oscar opted for voluntary deportation in order to access medical care for his wound and his diabetes.

d. Denial of Medical Care: Ivan

Ivan is a diabetic man with high blood pressure. While held in detention in Las Vegas, he was not allowed access to his medications. Due to the lack of medication, Ivan lost vision in his left eye.

e. Poor Physical Conditions & Denial of Medical Care: Carlos

Carlos is a 22-year-old who was brought to the U.S. at two months old and had applied to the DACA program, which provides temporary protection from deportation and work

authorization. While DACA does not confer lawful permanent residence or U.S. citizenship, it grants recognized lawful presence in the United States, of which ICE had notice. Considering that Carlos was in process to receive DACA status, ICE had no legal basis for detaining him. Yet, he was arrested while driving with a friend and detained in Florence, Arizona. Carlos's immigration detention cell was heavily air-conditioned despite the cold temperatures of the impending winter. Carlos was not provided with sufficient cover for the cold temperatures. Carlos developed the flu.

Subsequently, Carlos developed severe stomach pains and asked the guards to take him to a hospital. The guards cruelly responded that they would "not do anything until we see you faint." Carlos was left in pain, vomiting, and feverish. Other detainees began asking guards to help Carlos. Carlos began losing feeling in his arms and legs. After hours of asking for help, the guards finally took Carlos to the hospital. Carlos was diagnosed with acute appendicitis at risk of rupture due to a lack of timely treatment. Carlos required emergency surgery to prevent his appendix from rupturing.

f. Third-Country Deportation: Pablo

Pablo is a 22-year-old man from Chiapas, Mexico. ICE enforcement arrested Pablo on his way to work in Oregon. Pablo told immigration officials he was a Mexican citizen, but he was deported to Guatemala City, Guatemala. Upon arrival in Guatemala, Pablo informed enforcement officials there that he was Mexican and could not stay in Guatemala. Pablo was sent back to Phoenix, AZ, where he was subsequently deported to Nogales, Sonora.

g. Pattern across cases: "Voluntary Departure" as Coercion

Across the testimonies, a recurring pattern emerges in which detainees were pressured into signing "voluntary departure" agreements after being subjected to conditions of confinement that themselves rise to the level of cruel, inhuman, or degrading treatment under CAT Article 16. Ricardo signed a voluntary departure agreement to escape conditions in which he had no access to drinkable water or edible food. Oscar opted for voluntary deportation in order to access medical care for a worsening spider bite and his pre-existing diabetes. Diego was repeatedly told by ICE/ERO and private-contractor personnel that he would "face staying locked in detention for a long time" unless he signed a voluntary release, even though, as a lawful permanent resident, there was no lawful basis to detain him. Other detainees in our dataset describe being forced to sign voluntary departure agreements after being denied potable water, denied access to counsel, or held in solitary confinement without judicial review. Under CAT Article 1, conduct designed to coerce (including coercion of a waiver of legal rights) is a recognized purpose element. The pattern documented here also engages the WGAD framework under Categories III (denial of due process) and, where applicable, IV (denial of substantive review for asylum-seekers and lawful residents). Considering the pattern of coerced "voluntary departures," the Special Rapporteur and WGAD should examine "voluntary departure" agreements obtained under conditions of detention amounting to cruel, inhumane, and degrading treatment as *per se* violations of CAT and the ICCPR.

The stories collected by Kino volunteers are far from isolated events. Reporting from across the U.S. has found similarly horrifying violations, including suicide betting (guards placing monetary bets on which detainee would next attempt or die by suicide);¹² denial of food and water;¹³ sexual abuse;¹⁴ extensive use of psychological punishment, such as solitary isolation;¹⁵ and deaths.¹⁶ All of these tactics have one common outcome: the permanent disabling of people as a result of U.S. immigration detention in violation of their human rights.

VII. Practices Inside U.S. Immigrant Detention Facilities Violate the Convention Against Torture

As illustrated above, the extreme harm that U.S. immigration detention conditions create has been reported by multiple kinds of sources, including non-governmental organizations, sitting legislators, public figures, and private journalists. A salient theme in all the reports and testimonies is the absolute stripping of bodily autonomy for those in detention. Detainees' stories illustrate deep violations of bodily integrity through actions like physical abuse, sexual abuse, psychological intimidation, discrimination, and denial of basic, biological necessities like food, water, and life-saving medications. Although the CAT and subsequent cases interpreting it have not provided a fixed list of acts that amount to torture, the intentional disabling of people in U.S. immigration detention fulfills the core components of the definition, including severe pain or suffering, intentional infliction, a purpose to intimidate or coerce, and infliction by and with consent of public officials in an official capacity.

a. Severe Pain or Suffering

International court decisions provide a framework for identifying experiences that meet the CAT definitions of torture. From existing decisions, the degree of pain or suffering

¹² Katie Herchenroeder, *At Largest ICE Detention Camp, Staff Bet on Detainee Suicides*, AP REPORTS, POLITICS: MOTHER JONES (7 March 2026), <https://www.motherjones.com/politics/2026/03/at-largest-ice-detention-camp-staff-bet-on-detainee-suicides-ap-reports/>.

¹³ Sergio Martínez-Beltrán, *ICE Detention Deaths Are on a Record Pace. One Texas Facility Bears the Brunt*, NATIONAL PUBLIC RADIO (3 April 2026), <https://www.npr.org/2026/04/03/nx-s1-5754749/ice-detention-deaths-are-on-a-record-pace-one-texas-facility-bears-the-brunt>.

¹⁴ Victoria Lopez & Sandra Park, *ICE Detention Center Says It's Not Responsible for Staff's Sexual Abuse of Detainees*, ACLU NEWS & COMMENTARY (6 Nov. 2018), <https://www.aclu.org/news/immigrants-rights/ice-detention-center-says-its-not-responsible>; Nicole Acevedo, *Hundreds of alleged human rights abuses in immigrant detention, report finds*, NBC NEWS (5 Aug. 2025), https://www.osssoff.senate.gov/wp-content/uploads/2026/01/260114_Report_Patterns_v5.pdf; Nicole Lue, Joseph Nwadiuko, Parveen Parmar, & Amy Zeidan, *Trends in Sexual Assault Against Detainees in US Immigration Detention Centers*, 329 J. of the Am. Medical Assoc. 4(2023), doi: 10.1001/jama.2022.22938.

¹⁵ Physicians for Human Rights, *"Endless Nightmare": Torture and Inhuman Treatment in Solitary Confinement in U.S. Immigration Detention*, PHR RESOURCES (6 Feb. 2024), <https://phr.org/our-work/resources/endless-nightmare-solitary-confinement-in-us-immigration-detention/>.

¹⁶ Haddy Gassama, *Detained Immigrants Detail Physical Abuse and Inhumane Conditions at Largest Immigration Detention Center in the U.S.*, ACLU NEWS & COMMENTARY (8 Dec. 2025), <https://www.aclu.org/news/immigrants-rights/detained-immigrants-detail-physical-abuse-and-inhumane-conditions-at-largest-immigration-detention-center-in-the-u-s>; United Nations, *UN rights chief decries US treatment of migrants, as deaths in ICE custody rise*, UN NEWS: HUMAN RIGHTS (23 Jan. 2026), <https://news.un.org/en/story/2026/01/1166816>.

incurred is a key consideration for allegations of torture or other cruel, inhuman, or degrading treatment, including its duration.¹⁷ For example, police officers inflicting multiple kicks to the vital organs of a person in detention is sufficient to rise to the threshold of degrading treatment.¹⁸ Deprivation of food and water is a form of sensory deprivation within the meaning of inhuman punishment.¹⁹ Holding a person *incommunicado* while puncturing their body with needles and alternating threats of death with offers of freedom amounts to torture.²⁰

The conditions reported by people in U.S. immigration detention facilities span a similar spectrum of harm as the existing court decisions, from degradation to torture. Detainees are powerless to defend themselves or attempt to address their needs, as they are completely dependent on the custody of officials and private-contractor personnel running the detention facilities. Eighteen percent of Kino's collected testimonies included physical abuse of some kind. Ricardo's story illustrates that those in detention experience deprivation of food and water. Ricardo and those detained with him had to drink from the bathroom because drinking water was not provided. Further, Ricardo describes the food as being of such poor quality that it made him physically ill. Public reporting underscores the lack of access to food and water in facilities across the country.²¹

Reporters interviewed detainees across the country who describe additional sensory deprivation tactics, such as sleep deprivation through lack of beds, continual bright lights regardless of time of day or night, and frequent wakings by officers throughout the night.²² Twelve percent of Kino's testimonies similarly report lack of beds, sleeping on floors, or sleeping sitting upright. In an April National Public Radio report, Sergio Martínez-Beltrán described the psychological abuse detainees experience in Camp East Montana. Survivor Owen Ramsingh told Martínez-Beltrán that he "heard guards betting

¹⁷ *Caesar V. Trinidad and Tobago*, Judgment of March 11, 2005, Inter-Am Ct. H.R., (Ser. C) No. 123 (2005) at 50.

¹⁸ *Mr. Kostadin Nikolov Keremedchiev v. Bulgaria*, Communication No. 257/2004, U.N. Doc. CAT/C/41/D/257/2004 (2008) at 9.3.

¹⁹ *Republic of Ireland v. United Kingdom*, 2 Eur. Ct. H.R. (ser. A)(1978) at 167.

²⁰ *Giri v. Nepal*, CCPR/C/101/D/1761/2008 at 7.5.

²¹ Jasmine Garsd, *In Recorded Calls, Reports of Overcrowding And Lack Of Food At ICE Detention Centers*, NATIONAL PUBLIC RADIO: IMMIGRATION (6 June 2025), <https://www.npr.org/2025/06/05/nx-s1-5413364/concerns-over-conditions-in-u-s-immigration-detention-were-hearing-the-word-starving>; Sen. Jon Ossoff, *Medical Neglect & Denial of Adequate Food or Water in U.S. Immigration Detention* (Oct. 2025), https://www.ossoff.senate.gov/wp-content/uploads/2025/10/25.10.24_Sen.-Ossoff-Medical-Neglect-Denial-of-Adequate-Food-or-Water-in-U.S.-Immigration-Detention.pdf; Matt Masterson, *Broadview ICE Facility Lacks Beds, Showers, Adequate Food as Federal Judge Indicates Temporary Restraining Order Likely*, WTTW NEWS: CRIME & Law (3 Nov. 2025), <https://news.wttw.com/2025/11/03/federal-judge-hear-evidence-after-claims-inhumane-and-unlawful-conditions-broadview-ice>; American Immigration Council, *Former Detainees Describe Horrific Conditions in CBP Detention* (Jan. 2025), www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/Former%20Detainees%20Describe%20Horrific%20Conditions%20in%20CBP%20Detention.pdf.

²² American Immigration Council *supra* at note 18.

on which detainee was going to die by suicide.”²³ Detainees also have experienced actions that amount to torture, including rapes, sexual assault, and even death.²⁴

In its 2025 Detention Report, Kino conveyed the long-lasting impacts of detention on mental health through survivors’ own words. One survivor shared that they “decided to request deportation because they felt their mental health was at risk due to the terrible conditions,”²⁵ while another reported that their “16-year-old son fell into depression and attempted suicide a few months ago because of the situation.”²⁶ From 2018-2025, researchers found that 17% of deaths in immigration detention were deaths by suicide, with delays in response of up to 15 minutes.²⁷ On March 16, 2026, Royer Perez-Jimenez died from apparent suicide at only 19 years old at the Glades County Detention Center in Moore Haven, Florida.

Royer is the youngest person to die in U.S. immigration detention during the second Trump administration,²⁸ but not the only young person to experience the horrors of immigration detention. After almost a month in detention, Juan Nicholas turned two *months* old inside the detention facility in Dilley, Texas.²⁹ Juan is one of 6,200 children held in immigration detention since 2025.³⁰ These children are held without substantial legal justification but as part of the practice of family separation inflicted upon adults in immigration detention.³¹ Roughly 45% of Kino testimonies included reports of family

²³ Martínez-Beltrán *supra* at note 11.

²⁴ Wendy Fry & Nigel Duara, *Why a Private Company Is Investigating Rapes at an ICE Detention Center Instead of the Sheriff*, CALMATTERS: JUSTICE (24 March 2026), <https://calmatters.org/justice/2026/03/otay-mesa-san-diego-sheriff/>; see Lopez *supra* at note 11; Robert Stewart, *Complaints Allege Sexual, Physical Abuse at Louisiana ICE facility*, LOUISIANA ILLUMINATOR (19 Sept. 2025), <https://lailluminator.com/2025/09/19/ice-abuse-louisiana/>; Laura Strickler, Colleen Long, & Daniella Silva, *14 ICE Detainees Have Died So Far in 2026*, NBC NEWS: IMMIGRATION (30 March 2026), <https://www.nbcnews.com/politics/immigration/14-ice-detainees-died-far-2026-rcna265843>; Akash Pillai, Drishti Pillai, & Samantha Artiga, *Deaths and Health Care Issues in ICE Detention Centers Under the Second Trump Administration*, KFF RACIAL EQUITY & HEALTH POLICY (25 March 2026), <https://www.kff.org/racial-equity-and-health-policy/deaths-and-health-care-issues-in-ice-detention-centers-under-the-second-trump-administration/>.

²⁵ See Kino Border Initiative *supra* note 3 at 11.

²⁶ *Id.* at 8.

²⁷ Alicia Rolin et al., *Suicide in U.S. Immigration and Customs Enforcement Detention: Retrospective Analysis of Deaths in Custody*, 77 PSYCHIATRIC SERVICES 3 (March 2026), 271-74, <https://doi.org/10.1176/appi.ps.20250342>.

²⁸ Coral Murphy Marcos, *Teenager Becomes Youngest Person to Die in ICE Detention in Trump’s Second Term*, THE GUARDIAN: US NEWS (19 Mar 2026), <https://www.theguardian.com/us-news/2026/mar/19/teenager-ice-detention-florida-dies>.

²⁹ Pablo Manriquez, *ICE’s Youngest Prisoner*, MIGRANT INSIDER (17 Feb. 2026), <https://migrantinsider.com/p/ices-youngest-prisoner>.

³⁰ Anna Flagg & Shannon Heffernan, *ICE Has Detained 6,200+ Kids in Trump’s Second Term, Up 10x Since Biden Left Office*, THE MARSHALL PROJECT: ANALYSIS (4 June 2026), <https://www.themarshallproject.org/2026/04/06/ice-kids-detention-over-6200-trump#:~:text=Advocates%20warn%20trauma%20from%20detentions%20will%20cause%20kids%20lifelong%20damage.&text=Immigration%20and%20Customs%20Enforcement%20has,analyzed%20by%20the%20Marshall%20Project>.

³¹ Mica Rosenberg, *The Children of Dilley*, PROPUBLICA (9 Feb. 2026), <https://www.propublica.org/article/life-inside-ice-dilley-children>.

separation. Fifty-nine individuals testified to having endured separation from spouses or children as a result of their detention. In May 2025, Trump's Department of Justice filed a motion to vacate the *Flores* settlement agreement that requires safe and sanitary conditions, access to legal representation, and swift release from detention for children in immigration detention.³² Alarming, Trump signed a bill shortly after the *Flores* filing that massively expands funding for future family detention centers through a \$45 billion increase in detention facility development.³³

The conditions of detention create severe pain and suffering both during and after detention in the form of acquired physical and emotional disabilities. The testimonies included above show the acquisition of physical disabilities due to detention, including loss of sight due to unaddressed chronic illness, as well as exacerbation of preexisting conditions due to injury or illness in detention. Immigration detention leaves lasting emotional disabilities for survivors as well. Taken together, the extreme degree of powerlessness, the pervasiveness of degrading treatment and torture, and the severity of both immediate and long-term pain and suffering fulfill the degree of pain and suffering required to implicate the CAT.

b. U.S. Government Immigration Officials Intentionally Inflicting Pain and Suffering

In addition to the elements of severe pain and suffering, the CAT requires the harm to be intentionally inflicted through either an act or an omission. ICE detention staff actively and intentionally inflict degrading and inhumane treatment on detainees. For example, one survivor reports being beaten badly enough to require hospitalization for injuries, including a broken tooth, crushed testicles, and digital penetration of the ear canal so severe it caused hearing loss.³⁴ Sworn testimonies from survivors of Fort Bliss report guards delivering beatings to detainees at the U.S.-Mexico border wall to incite the same detainees to climb the wall.³⁵ Kino's testimonies include reports of intentional acts of degradation and inhumane treatment by guards. One woman shares that she was physically grabbed and subdued by four officers in the Florence Detention Center in Phoenix, AZ, because she asked to see her lawyer.

Detainees suffer degradation and humiliation through omissions as well. Physicians for Human Rights reports that since 2017, 95% of deaths in immigration detention would have been preventable with appropriate medical intervention.³⁶ Georgia Senator Jon Ossoff submitted credible reports of 80 instances of medical neglect, including days-long

³² *Jenny L Flores v. Edwin Meese*, 2:85-cv-04544, (C.D. Cal. May 22, 2025) ECF No. 1567.

³³ Public Law No: 119-21, H.R. 1 (4 July 2025), One Big Beautiful Bill Act (OBBBA).

³⁴ See Gassama *supra* at note 13.

³⁵ Lorena Figueroa, *Officers at Texas Immigration Detention Facility Accused of Beatings and Sexual Abuse*, THE GUARDIAN (9 Dec. 2025), <https://www.theguardian.com/us-news/2025/dec/09/texas-ice-camp-abuse-immigration>.

³⁶ Physicians for Human Rights, *Deadly Failures: Preventable Deaths in U.S. Immigration Detention*, RESOURCES (25 June 2024), <https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/>.

delays for treatment of a heart attack, denial of inhalers for asthma, and weeks-long delays for prescription medication access.³⁷

On March 2, 2026, Emmanuel Damas died in ICE custody in the Florence Detention Center in Arizona because facility staff failed to respond to his reports of tooth pain.³⁸ Damas had reported his tooth pain to the Florence staff weeks earlier. He did not receive medical care until he was taken to a hospital on February 19 for shortness of breath, which required a ventilator. Damas died from sepsis that developed from his untreated tooth infection.

Damas's story shows the dire consequences and suffering that result from omissions of care for detainees in U.S. Immigration detention facilities. Carlos's testimony is dangerously similar to Damas's. Carlos was denied medical treatment for his stomach pains; guards claimed he would not be treated until he lost consciousness. After hours of physical suffering, Carlos was finally taken to a hospital, where he required emergency surgery to prevent the lethal rupture of his appendix.

c. Purpose

CAT stipulates that the actions or omissions must further a purpose of punishment, intimidation, coercion, or discrimination to implicate the treaty. Detainees in U.S. immigration facilities recall instances of behaviors in each of these categories. Jesus, a 31-year-old man who spoke to Kino, spent two days without food in solitary isolation at Eloy Detention Center as a punishment for speaking out about the quality of the facility's food. Diego's testimony to Kino includes threats from the guards at the Phoenix detention center that he would be deported no matter what, despite his legal resident status. Diego recounts that guards taunted him with threats that he would stay locked up for a long period of time unless he signed a voluntary departure agreement.

Forty-year-old Santiago tells Kino that the Florence Detention Center's poor conditions, like drinking water coming only from the bathroom tap, forced him to sign a voluntary departure agreement because he could not continue living in such a terrible state. Ricardo's story echoes Santiago's struggles in Florence. As referenced above, survivors of Camp East Montana provide testimony that detainees received beatings to coerce them into jumping the wall between the U.S.-Mexican border—even when the detainees were

³⁷ Claudia Lauer, *Senate Report Details Dozens of Cases of Medical Neglect in Federal Immigration Detention Centers*, PBS NEWS (31 Oct. 2025), <https://www.pbs.org/newshour/politics/senate-report-details-dozens-of-cases-of-medical-neglect-in-federal-immigration-detention-centers>.

³⁸ Jacques Billeaud, *Haitian Man Dies in US Immigration Custody with Untreated Toothache, Brother Says*, AP NEWS (5 March 2026), <https://apnews.com/article/immigrant-detention-center-death-arizona-toothache-387db517f4f408df01365801cd7761a3>; Coral Murphy Marcos, *ICE Detainee in Arizona Dies After Not Receiving Medical Attention for Severe Tooth Pain*, THE GUARDIAN (5 March 2026), <https://www.theguardian.com/us-news/2026/mar/05/ice-detainee-arizona-death>; Mike Toole & Penny Kmitt, *Haitian Man From Boston Dies in ICE Custody in Arizona. Family Says Untreated Toothache Became Deadly Infection*, CBS NEWS BOSTON (9 March 2026), <https://www.cbsnews.com/boston/news/emOscar-damas-ice-death-toothache-boston-arizona/>.

not Mexican.³⁹ Survivors in the same report also recount threats of deportation to third-country locations like “Africa or El Salvador” if they did not climb the wall to cross into Mexico.

Throughout all the testimonies collected by Kino, individuals consistently describe negative treatment for the purpose of discrimination against individuals who either speak Spanish or appear to originate from Mexico. Carlos’s testimony to Kino underscores his belief that the treatment in detention occurred because he has, as he put it, the “face of Mexicans.”

d. Inflicted by and with Consent of U.S. Official Acting in an Official Capacity

Guards at immigration detention facilities are public officials or private contractors acting with the consent of public officials. The U.S. Immigration and Customs Enforcement division of the U.S. Department of Homeland Security has ultimate oversight over how detention facilities are staffed and administered through its Enforcement and Removal Operations.⁴⁰ Guards working at ICE-run facilities are Enforcement and Removal (ERO) employees, which makes them U.S. officials acting in their official capacity. Some immigration detention facilities are run via contracts with private management groups. However, these private contracts only operate with the consent of ICE, which awards the contracts.

VIII. The U.S. Fails Its Duty to Prevent Torture as a State Party to the Convention Against Torture

Despite federal codification of CAT, the current U.S. federal administration has doubled down on the use of practices amounting to torture in immigration detention.⁴¹ President Trump has declared that the current immigration enforcement and detention practices are necessary because illegal immigration is a threat to national security.⁴² However, Article 2 clearly states that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”⁴³ The U.S. federal administration, under the direction of President Trump, impermissibly relies on the rhetoric of instability and emergency to justify the use of practices documented in immigration detention.

³⁹ See Figueroa *supra* at note 30.

⁴⁰ US Immigration & Customs Enforcement, *Facility Inspections* (23 March 2026), <https://www.ice.gov/detain/facility-inspections#:~:text=As%20part%20of%20its%20critical,all%20aliens%20in%20its%20custody.>

⁴¹ 8 CFR 1208.18, 18 USCS § 2340.

⁴² Presidential Statement on Protecting the American People Against Invasion, THE WHITE HOUSE (20 Jan. 2025) <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>; Presidential Statement on Declaring a National Emergency at the Southern Border of the United States, THE WHITE HOUSE (20 Jan. 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-emergency-at-the-southern-border-of-the-united-states/>.

⁴³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85, 113; S. Treaty Doc. No. 100-20 (1988); 23 I.L.M. 1027 (1984) at Art 2.

Further, the Trump administration hails detention practices as necessary and logical consequences of immigration infractions. Yet, according to CAT, state parties “shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”⁴⁴ Rather than taking steps to prevent torture and degrading treatment, the federal administration justifies both cruel actions such as physical abuse and omissions such as denials of medical care as just and right.

State parties’ prevention obligations extend to training requirements for law enforcement officers and parole officers.⁴⁵ In the U.S. Immigration and Customs Enforcement Revised 2025 National Detention Standards, the list of required staff trainings does not include any particular content related to the CAT except for a single line passage that states, “Staff will be made aware of prohibited use-of-force acts and techniques.”⁴⁶ Even if the training that single line references does address torture, the training is ineffective, as detention staff are still engaging in techniques that are degrading, inhumane, and torturous.⁴⁷ Research also confirms that immigration detention facilities fail to meet their own internally established standards for the provision of healthcare services.⁴⁸

In May 2025, the Government Accountability Office (“GAO”) issued three recommendations for the Department of Homeland Security (“DHS”) in order to ensure the safety, security, and humanity of detention for noncitizens.⁴⁹ The GAO’s first recommendation is to develop goals and measures to assess immigration detention facility inspection processes under the Office of Detention Oversight. The GAO’s second recommendation is to develop goals and measures to assess immigration detention facility inspection processes under the ICE Health Service Corps. At this time, both recommendations have an “open” status, with the GAO denoting, “When we confirm what actions the agency has taken in response to this recommendation, we will provide

⁴⁴ *Id.* at Art. 16.1.

⁴⁵ *Id.* at Art 10.1-2.

⁴⁶ US Immigration & Customs Enforcement, NATIONAL DETENTION STANDARDS (Revised 2025), <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf> at 203.

⁴⁷ Jason Dearen, Jim Mustian, & Dorany Pineda, *ICE’s use of full-body restraints during deportations raises concerns over inhumane treatment*, AP SPOTLIGHTS (14 Oct. 2025), <https://www.ap.org/news-highlights/spotlights/2025/ices-use-of-full-body-restraints-during-deportations-raises-concerns-over-inhumane-treatment/>; Hibah Ansari, *Inside an ICE Detention Center: Detained People Describe Severe Medical Neglect, Harrowing Conditions*, ACLU NEWS & REPORTS (17 Dec. 2025), <https://www.aclu.org/news/immigrants-rights/inside-an-ice-detention-center-detained-people-describe-severe-medical-neglect-harrowing-conditions>.

⁴⁸ Annette M. Dekker et al., *A Call for Increased Transparency and Accountability of Health Care Outcomes in U.S. Immigration And Customs Enforcement Detention Centers*, 36 THE LANCET REGIONAL HEALTH-AMERICAS (August 2024), <https://doi.org/10.1016/j.lana.2024.100825>.

⁴⁹ Government Accountability Office, *Immigration Detention: DHS Should Define Goals and Measures to Assess Facility Inspection Programs*, GAO-25-107580 (21 May 2025), https://www.gao.gov/products/gao-25-107580#summary_recommend.

updated information.”⁵⁰ DHS declined the GAO’s third recommendation, which is related to the Immigration Detention Ombudsman and discussed further in the next section.

IX. Practices Inside U.S. Immigration Detention also Constitute Arbitrary Detention under the U.N. Working Group on Arbitrary Detention Framework

Beyond the violations of the CAT documented above, the testimonies and survey data collected by Kino disclose a parallel pattern of arbitrary deprivations of liberty falling within the framework of the WGAD. The WGAD considers a deprivation of liberty to be arbitrary when it falls within one or more of five established categories.⁵¹ On this evidence, the practices documented inside U.S. immigration detention facilities engage Categories I, III, IV, and V, and frequently engage more than one simultaneously, compounding the underlying arbitrariness of these practices. The WGAD is the appropriate mandate-holder to examine these patterns because they describe systemic features of the U.S. detention system, not isolated procedural lapses.

Category I: Detention Without Legal Basis

According to the CAT, Category I applies where it is “clearly impossible to invoke any legal basis justifying the deprivation of liberty.”⁵² The sample interviewed by Kino includes individuals whose detention had no lawful reasoning. Diego, a lawful permanent resident, was detained and pressured toward deportation despite his lawful status. He said that guards at the Phoenix facility taunted him that he “would be deported no matter what, despite his legal resident status.” Carlos, a DACA applicant, was likewise detained notwithstanding his federally recognized lawful presence in the United States. Detaining individuals who hold a recognized immigration status—whether lawful permanent resident, DACA, U-visa, or pending asylum—and channeling them toward removal cannot be reconciled with any legal basis under U.S. law and falls squarely within Category I.

Category III: Grave Failure to Observe Due Process

Category III applies where “the total or partial non-observance of the international norms relating to the right to a fair trial . . . is of such gravity as to give the deprivation of liberty an arbitrary character.”⁵³ The pattern documented in Section II reflects exactly that gravity: prolonged administrative custody without timely judicial review; denial of access to counsel; and coerced “voluntary departure” agreements signed without informed consent and, in several cases, without an interpreter, after detainees were subjected to conditions designed to break their will. In Ricardo’s testimony, he describes signing a voluntary departure agreement after enduring conditions at Florence so degrading that he “could not continue living in such a terrible state.” Forty-year-old Santiago describes the same dynamic. Diego’s signature was extracted under explicit guard threats of indefinite detention. These are not procedural irregularities at the

⁵⁰ *Id.*

⁵¹ U.N. Working Group on Arbitrary Detention, *Methods of Work*, U.N. Doc. A/HRC/36/38 (13 July 2017), para 8.

⁵² *Methods of Work*, para 8(a).

⁵³ *Methods of Work*, para 8(c).

margins; they are the tactics that move people from custody to removal, and they engage Category III on a systemic basis.

Category IV: Asylum-Seekers Denied Substantive Review

Category IV applies to “asylum seekers, immigrants or refugees” subjected to “prolonged administrative custody without the possibility of administrative or judicial review or remedy.”⁵⁴ The survey sample includes individuals with pending asylum proceedings whose cases were short-circuited by deportation rather than adjudicated on the merits. The pattern further includes de facto refoulement to Mexico of individuals who voiced credible fear, in tension with the United States’ non-refoulement obligations under CAT Article 3 and the 1951 Refugee Convention as incorporated through the 1967 Protocol. The case of Pablo (removed to a third country with which he had no meaningful connection) represents the extreme end of this pattern: removal not merely without substantive review but to a destination that itself raises independent protection concerns. Each of these dynamics independently engages Category IV.

Category V: Discrimination, Including on the Basis of Disability, Race, and National Origin

Category V applies where deprivation of liberty “constitutes a violation of international law on the grounds of discrimination based on . . . national or social origin . . . disability or other status.”⁵⁵ Three discriminatory patterns surface across the testimonies and survey. First, racialized and national-origin-based treatment: Diego recounts that white officers “treated him like an animal” and that detainees were targeted because they have “the face of Mexicans,” echoing Carlos’s testimony to the same effect; 50% of survey respondents reported discrimination, and the sample itself reflects the systematic targeting of long-tenured Latino residents (median nine years of U.S. residence; 49.6% with 10+ years; 38.9% with 20+ years). Second, disability-based discrimination: the “intentional disabling” cluster (denial of insulin and other prescription medications, denial of medical care to detainees with serious conditions, prolonged isolation, and degrading physical conditions inflicted on people whose health status was known to staff) violates the protections recognized under the CRPD, which the United States is bound under VCLT Article 18 not to defeat in object and purpose. Third, intersectional discrimination: detainees whose disability status was compounded by race or national origin (Oscar, Ivan) experienced both forms of mistreatment in tandem. Detention and removal organized along these lines satisfy Category V.

Cumulative and Cross-Cutting Character of the Violations

Several of the cases above engage more than one category simultaneously. Diego’s detention raises Category I (no legal basis), Category III (coerced waiver), and Category V (national origin). Pablo’s removal raises Category III (denial of substantive review) and Category IV (asylum-seeker non-review and de facto refoulement). Carlos’s detention raises Category I (DACA request process disregarded) and Category V (national origin). The WGAD has previously emphasized that overlapping categories deepen the arbitrariness of a deprivation of

⁵⁴ *Methods of Work*, para 8(d).

⁵⁵ *Methods of Work*, para 8(e).

liberty.⁵⁶ The pattern documented in this submission is not a series of isolated procedural failures but a systemic mode of detention whose arbitrariness is manifest on the face of the cases and confirmed by the underlying survey data.

For these reasons, the WGAD is respectfully urged to address these violations through the joint country visit and opinions requested in the Concluding Recommendations below.

X. Survivors of Torture in U.S. Immigration Detention have Few Options for Remedies or Restitution

Immigration detention survivors of human rights abuses under the CAT and CRPD have few pathways for redress due to recent changes in federal U.S. administrative policy. In 2025, the federal administration took dramatic steps to all but obliterate three of the offices providing oversight and accountability to the U.S. immigration and detention system.⁵⁷ Over the course of the last year, the Trump administration cut the Civil Rights and Civil Liberties (CRCL) office by 80% and the Office of the Immigration Detention Ombudsman's (OIDO) by 96%.⁵⁸

The DHS Office for Civil Rights and Civil Liberties “supports the Department’s mission to secure the nation while preserving individual liberty, fairness, and equality under the law.”⁵⁹ Intended to be the watchdog office for abuses of immigrants’ legal rights, CRCL froze 600 abuse investigations in the wake of the reduction in force.⁶⁰ According to the OIDO website, the OIDO’s mission is “to independently examine immigration detention to promote safe, humane conditions.”⁶¹ Prior to reduction, OIDO would complete monthly unannounced site visits and facility inspections of detention facilities, allowing redress of both individual and systemic concerns.⁶² After the reduction in force, the five remaining OIDO staff members have been tasked with responsibility for all 220 active immigration detention facilities.⁶³ Compounding the closure of critical oversight infrastructure, the Citizenship and Immigration Services

⁵⁶ U.N. Doc. A/HRC/WGAD/2024/23, para 96 (finding the deprivation of liberty of a migrant in indefinite immigration detention arbitrary under Categories I, II, IV, and V simultaneously, in violation of UDHR Articles 2, 3, 7, 8, 9, and 14 and ICCPR Articles 2, 9, and 26).

⁵⁷ See Isacson *supra* at note 4.

⁵⁸ *Id.*

⁵⁹ Homeland Security, *Office for Civil Rights and Civil Liberties* (3 Sept. 2025), <https://www.dhs.gov/office-civil-rights-and-civil-liberties>.

⁶⁰ J. David McSwane & Hannah Allam, “*They Don’t Care About Civil Rights*”: Trump’s Shuttering of DHS Oversight Arm Freezes 600 Cases, Imperils Human Rights, PROPUBLICA (8 Apr. 2025), <https://www.propublica.org/article/homeland-security-crcl-civil-rights-immigration-border-patrol-trump-kristi-noem>.

⁶¹ Homeland Security, *The Office of the Immigration Detention Ombudsman* (18 Aug. 2025), <https://www.dhs.gov/office-immigration-detention-ombudsman>.

⁶² Office of the Illinois Attorney General Kwame Raoul, *Attorney General Raoul Urges Federal Court to Keep Open U.S. Department of Homeland Security’s Civil Rights Offices*, NEWS (19 May 2025), <https://illinoisattorneygeneral.gov/news/story/attorney-general-raoul-urges-federal-court-to-keep-open-us-department-of-homeland-securitys-civil-rights-offices>.

⁶³ See Isacson *supra* at note 4.

Ombudsman filed a new policy that investigations will not occur for complaining individuals who are no longer in ICE custody.⁶⁴

Taken together, survivors of abuse in U.S. immigration detention facilities are left with limited to no means of legal recourse and remedy unless a survivor can secure private representation to pursue claims under domestic law. The CAT does not create a private right of action within the U.S., so survivors must secure private legal representation to exhaust relevant federal or state laws.⁶⁵ The foreclosure of legal remedies for survivors of torture and degrading treatment in immigration detention further violates the U.S. obligations as a state party to the CAT, which requires a response and remedy to violations within six months.⁶⁶

XI. Recommendations

Given the scope, scale, and severity of human rights violations occurring in U.S. immigration detention facilities, we respectfully request that the named rapporteurs and WGAD exercise their mandates to protect vulnerable people in detention.

1. Mandate-Aligned Country Visit

Conduct a country visit to the U.S. in fulfillment of the recipients' mandates. Complete a national fact-finding investigation to fully understand the degree to which those in immigration detention experience torture, inhuman treatment, and degrading punishments, acquire new disabilities, and endure unjust deprivation of liberty. With the closure of U.S. oversight offices, survivors must rely on private legal representation or public journalism to chronicle the details of their experiences. Joint rapporteur and WGAD investigation ensure that all survivors' stories are heard, their rights are enforced, and their harms remedied.

2. Mandate-Required Communications

Report findings of country visits to mandate-required receiving bodies, including the Human Rights Council and the General Assembly. Further, the Rapporteurs and WGAD must send timely joint appeals to the U.S. regarding past cases as well as risks of future torture. Finally, the WGAD should use its communications procedure to adopt an opinion on the arbitrariness of detention in the U.S. Immigration detention.

3. Comprehensive Oversight Recommendations

Further, immigration detention in the U.S. is in dire need of thorough oversight that preserves the dignity, integrity, and rights of those in detention. Given the few remaining staff in domestic oversight capacities, external review and recommendations are desperately needed to protect all

⁶⁴ *Id.*

⁶⁵ *Renkel v. United States*, 456 F.3d 640 (6th Cir. 2006).

⁶⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85, 113; S. Treaty Doc. No. 100-20 (1988); 23 I.L.M. 1027 (1984) at Art. 22.3.

those in immigration detention from further abuse. The mandates for the named recipients of this input empower these bodies to provide the human rights-based oversight that the U.S. federal administration has intentionally gutted.

4. Consider “Intentional Disabling” as Violation of CAT

The international human rights community should formally consider recognizing “intentional disabling” as a distinct violation of human rights under the CAT. Existing instruments rely on language like “grievous bodily harm” to define tortious conduct. However, intentional disabling encompasses the creation of both physical and mental disabilities that last long after a particular incidence of detention ends.

5. Create a Joint Call for Input Addressing the Impact of Immigration Enforcement Policies on Migrants with Disabilities

Given the intersectional impact of immigration enforcement tactics, including detention, the Special Rapporteurs on torture and on the rights of persons with disabilities, together with the Working Group on Arbitrary Detention (WGAD) the Special Rapporteur on the Human Rights of Migrants should consider issuing a joint call for input to better understand how migrants with disabilities are affected under each mandate as a result of pushback policies and intensified enforcement and policing of migrants, particularly as pursued by countries in the Global North

6.Support Accountability and Remedies for Survivors

Finally, the survivors of U.S. immigration detention require a clear and complete process for remedying the violations of their human rights. In the wake of systemic oversight erasure, survivors also lose the ability to access a straightforward path of recourse. This input calls on the international human rights community to support survivors’ pursuit of meaningful remedies.