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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 6/2026**

Precautionary Measure No. 1583-25

Elmer Antonio Escobar González regarding El Salvador

January 19, 2026

Original: Spanish

## **I. INTRODUCTION**

1. On October 27, 2025, the Inter-American Commission on Human Rights ("the Inter-American Commission," "the Commission" or "the IACHR") received a request for precautionary measures filed by *Migration In Action*<sup>1</sup> ("the requesting party") urging the Commission to require that the Republic of El Salvador (the "State" or "El Salvador") adopt the necessary measures to protect the rights to life and personal integrity of Elmer Antonio Escobar González ("the proposed beneficiary"). According to the request, the proposed beneficiary is a Salvadoran citizen who was deported from the United States. After entering El Salvador, he was deprived of liberty and, at present, he remains incommunicado; without his relatives or his lawyers being aware of his detention conditions, his legal situation, and his state of health, despite the actions activated internally.

2. The Commission requested additional information from the applicants on October 30, 2025. Pursuant to Article 25(5) of the Rules of Procedure, it requested information from the State on November 18<sup>2</sup> and December 5, 2025,<sup>3</sup> and received its reports on November 26 and December 11, 2025. The IACHR forwarded them to the applicants on December 5, 2025. The applicants submitted their response on December 17, 2025.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Therefore, pursuant to Article 25 of the Rules of Procedure, the Commission requests that El Salvador: a) adopt the necessary measures to protect the rights to life and personal integrity of Elmer Antonio Escobar González; b) clarify the legal situation of the beneficiary. In particular, formally indicate whether the beneficiary has been charged with any crime and/or whether he has been brought before the appropriate judicial authority; c) implement the necessary measures to ensure that the conditions of detention of the beneficiary comply with international standards. Specifically, that the situation of prolonged incommunicado detention be ended; that regular contact with and access to his relatives, lawyers, and representatives be guaranteed as a means of safeguarding his rights; d) consult and agree upon

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<sup>1</sup> The requesting party presented documentation that proves the consent and mandate granted by relatives of the proposed beneficiary to carry out all the necessary actions before international organizations for the protection of human rights, including the request and processing of precautionary measures before the IACHR.

<sup>2</sup> In the following terms: a) Its observations on this request for precautionary measures; b) Indicate the official whereabouts of the proposed beneficiary and whether he is in the custody of the State; c) If he is deprived of his liberty, detail: i) In which detention center he is detained; ii) His current state of health and what are the conditions of detention of the proposed beneficiary, as well as the possibilities of them having visits from family members and trusted lawyers; iii. What is the legal situation of the proposed beneficiary, report whether he has had access to the available domestic remedies and indicate the status of the judicial processes opened against him; d) its observations on the allegations presented by the requesting party regarding the lack of response from the State regarding the activation of domestic remedies; e) if his current whereabouts are not known, report on the search actions that have been carried out to find the location of the proposed beneficiary. Provide, if possible, the corresponding documentary support.

<sup>3</sup> In the following terms: a) Indicate what are the conditions of detention of the proposed beneficiary, as well as the possibilities of him having visits from family members and trusted lawyers; b) provide details on the legal situation of the proposed beneficiary, report whether he has had access to the available domestic remedies and indicate the status of the judicial processes opened against him; c) his observations on the allegations presented by the requesting party regarding the lack of response from the State regarding the activation of domestic remedies.

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the measures to be adopted with the beneficiary and his representatives; and e) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

## II. SUMMARY OF FACTS AND ARGUMENTS

### A. Information provided by the requesting party

4. According to the request, the proposed beneficiary is a Salvadoran citizen who resided in the United States. At the end of February 2025, after a criminal proceeding in which he was reportedly sentenced to five years of probation under supervision for a complaint related to "lewd acts," the proposed beneficiary was detained by agents of the United States Immigration and Customs Enforcement (ICE). The requesting party alleges that the detention of the proposed beneficiary was carried out without a court order, since the penalty imposed in no case implied deprivation of liberty, and that it was executed without allowing him adequate communication with his defense or his family.

5. Information provided unofficially to his relatives allegedly indicated that, after his detention, the proposed beneficiary was transferred to a detention center located in Guantánamo. Similarly, based on other testimonies and indirect verifications to which his relatives allegedly had access, he was reportedly deported to El Salvador on an approximate date of March 20, 2025, on a joint flight with Venezuelan citizens.

6. The requesting party alleged that, based on the informal communications about his deportation, the proposed beneficiary would be in a situation of "forced disappearance," as he was deprived of his liberty without information about his whereabouts. In this regard, it was reported that, since his deportation, the relatives have not been able to establish any type of communication with him or have received official information from the Salvadoran authorities about his whereabouts, legal status or health.

7. The applicants attached documentary support of the procedures carried out by family members before the State authorities:

- On July 9, 2025, they went to the General Directorate of Penal Centers (DGCP) requesting to know if the proposed beneficiary was being held in any of the country's prisons and what his procedural situation was. In the absence of a response, on August 19, 2025, they submitted a ratification of the initial request, reiterating the request for information and highlighting the urgency of the case. On September 25, 2025, the DGCP responded by requesting supplementary information to continue with the verifications. His family consigned the requested documentation on September 26, 2025, providing copies of the proposed beneficiary's identification, photographs, and personal references. By means of a communication dated September 29, 2025, the DGCP reported: "[...] in the SIPE penitentiary information system, the aforementioned person does not have penitentiary records [...]."
- On May 29, 2025, a legal representative of the proposed beneficiary filed a writ of *habeas corpus* before the Constitutional Chamber of the Supreme Court of Justice of El Salvador, with the aim of obtaining information about his location, legal status and the reasons for his detention. On August 22, 2025, the proposed beneficiary's family reiterated the writ of *habeas corpus* before the Constitutional Chamber. This judicial instance responded on October 1, 2025, requesting the party representing the proposed beneficiary to submit additional documentation and information.<sup>4</sup> The representation allegedly

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<sup>4</sup> Answer of the Constitutional Chamber: [...] it is noted that the claims presented by the lawyer (...) are insufficient to carry out an analysis of the merits of what is argued, which inhibits this court from ruling on what is proposed, because although it mentions facts about the sending to the country of the person it intends to favor, it does so from imprecise statements, that is, without specifying information that is necessary to know to correctly carry out the examination of its request and decide the processing of the *habeas corpus* process. In this sense, in order not to limit the claimed constitutional protection, it is considered appropriate —in accordance with Article 18 of the Law of Constitutional Procedures— to grant the applicant the opportunity to accurately express the data necessary for this court to pronounce on the merits of what is proposed [...].

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delivered that information immediately. However, to date, the Constitutional Chamber has not issued any resolution regarding that appeal.

8. The relatives are also reportedly carrying out other search actions, such as: personal consultations in prisons near their home; checks with local police officers to confirm if there was any informal or unreported registration; approaches to morgues and records of the Institute of Forensic Medicine; contact with local human rights organizations and community networks to determine if there was information on unregistered detentions. There has been no response on the whereabouts of the proposed beneficiary in any of these actions.

9. The request details that there is no knowledge of a criminal proceeding instituted against the proposed beneficiary in El Salvador. They recall that the only documented criminal proceeding against the proposed beneficiary took place in the United States, for the aforementioned accusation of “lewd acts” filed against him in September 2024, and in which the aforementioned sentence of five years of probation was issued. According to the requesting party, in this process it was proven that the proposed beneficiary had not committed the imputed crime and that the complaint responded to a “personal revenge” by a person whom he had previously denounced for a crime of fraud.

10. Following the response of the State that reported on the current whereabouts of the proposed beneficiary, the applicants maintained that this does not imply that the situation presenting a risk has ceased, since the proposed beneficiary remains under a regime of incomunicado detention. In this sense, it is noted that this condition keeps him in a situation of extreme vulnerability, in which there is still a risk that he will be subjected to acts of torture, cruel, degrading inhuman treatment, or even a new forced disappearance, given the circumstances of his detentions and the lack of effective guarantees of judicial control or access to communication with his representatives and family members. In the same vein, it is noteworthy that the State has not explained the reasons or the legal basis under which the proposed beneficiary is held incomunicado.

11. On the questions raised by the State regarding the alleged lack of activation of domestic remedies to challenge arbitrary detention or the deportation process in the United States, the applicants understand that it is not acceptable,<sup>5</sup> since what is at issue in this request is not the legality of these procedures, but the absence of effective mechanisms in El Salvador to preserve and guarantee the enjoyment and exercise of fundamental rights.

## **B. Response from the State**

12. El Salvador considers that the request does not meet the evidentiary and specificity standards required by the Rules of Procedure of the IACtHR for the granting of precautionary measures. In this sense, it argues that it lacks solid argumentation, and does not prove the seriousness, urgency, and risk of irreparable harm. It upholds that the representation’s argumentation incurs a deviation of purpose, by concentrating on demonstrating the alleged substantive violation of an alleged enforced disappearance, an issue that would correspond to the examination of an individual petition and would exceed the preventive and temporary nature of the precautionary mechanism.

13. In its response, the State reaffirmed its commitment to respect and protect the human rights of all persons under its jurisdiction, and reiterated its willingness to collaborate with the inter-American human

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<sup>5</sup> In this regard, it is alleged that the judicial decision issued in the United States determined that the proposed beneficiary was sentenced to a period of probation for an offense related to the consumption of alcohol, and not for the commission of crimes of a sexual nature, as the State erroneously maintains in its report. In this regard, it was expressed a “deep concern” about the fact that the proposed beneficiary continues to be deprived of liberty without the State having carried out an effective judicial review of the legality of the detention, nor has it presented the proposed beneficiary before a natural, independent and impartial judge, in order for them to evaluate whether the legal and conventional assumptions that justify the imposition of a measure of pretrial detention concur, in an exceptional manner.

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rights mechanisms. It expresses its recognition and respect for the precautionary power of the Commission, as it is an essential mechanism to prevent irreparable harm to fundamental rights.

14. However, it warns that the Commission must avoid being constituted as an instrumentalised mechanism for the management of cases of people with criminal records or linked to open criminal proceedings. It alerts that this position does not seek to exclude individuals with criminal records from the protection of the system, but to ensure procedural integrity and institutional balance within the inter-American system. In this sense, when the mechanism is invoked to interfere with open criminal investigations or to facilitate the evasion of justice by persons with ongoing judicial notices or proceedings, its purpose is distorted, towards the facilitation of a procedural advantage, exceeding the limits of its precautionary mandate. It adds that the State has a conventional obligation to protect human rights, but also a duty to maintain public order and administer justice effectively.

15. The State affirms that the proposed beneficiary's representation argues that the lack of knowledge of his whereabouts places him at a real and imminent risk of suffering irreparable harm, including the possibility of being subjected to torture, cruel, inhuman, or degrading treatment. However, it does not make an intellectual analysis of the reasons why it reaches that conclusion.

16. It also maintains that the request seeks to establish responsibility to El Salvador, despite the fact that the applicant himself confirms that the initial arrest occurred under the jurisdiction of another State, following the commission of a crime, and that there was a sentence of five years that, apparently, would be fulfilled in the modality of "conditional release under supervision." It is highlighted that this circumstance makes it impossible for the Salvadoran State to provide observations on the action of a foreign authority or document the resources available in said territory.

17. It notes that, in response to the Commission's request, a series of immediate and coordinated actions have been deployed to determine the proposed beneficiary's whereabouts. In this sense, it confirms that, according to the verification carried out in the official records of the State, he was transferred to El Salvador from the United States, and reports that the proposed beneficiary is detained at the Industrial Center for Sentence Compliance and Rehabilitation, located in Santa Ana.

18. According to the State, this establishment is classified as an "Open Penitentiary Center," which implies that the center has ample spaces for agriculture, livestock and for occupational practice in various industrial penitentiary workshops, such as textiles, paint, metal, mechanics and wood, among others. Since entering there, the proposed beneficiary has received psychological support, as well as supplies necessary for his hygiene, personal well-being, clothing and adequate food, under standards of hygiene and quality. He has also maintained a harmonious coexistence within the establishment.

19. In relation to his current state of health, he emphasizes that the proposed beneficiary participates in mental health, gardening and healthy living programs taught and supervised by the Technical Criminological Team of the Industrial Center. He also maintains that he is a healthy patient, does not present signs or symptoms that indicate a condition that compromises his physical well-being, and is hemodynamically stable. It adds that he receives periodic medical attention from the staff of the prison clinic. In this institutional framework, the State maintains absolute control over his environment, which significantly reduces any possibility of external risk and ensures that the proposed beneficiary remains in a safe, monitored environment and subject to established protection and care protocols.

20. The State highlights the diligent action in the search, deploying all the legal, institutional, and operational mechanisms at its disposal to determine the whereabouts of the proposed beneficiary. Additionally, it alleges that, in the exercise of his constitutional and international responsibilities, it has defined the strengthening and modernization of the Penitentiary System as a strategic priority of the Government. This

commitment focuses in particular on ensuring the protection of the life and physical integrity of all persons deprived of liberty, in strict compliance with the applicable national and international regulatory framework and inter-American standards on this subject. In accordance with the provisions of Article 3 of the Penitentiary Law, the State guarantees that the conditions of stay of the persons in its custody are compatible with the principles of human dignity and unrestricted respect for their fundamental rights.

21. Finally, regarding his legal situation, it clarifies that the proposed beneficiary has a record of sexual harassment in the United States. Likewise, El Salvador has requested complementary information on the judicial procedures that he maintains in that country, while he remains in custody in the Salvadoran Penitentiary System, pending what said State provides regarding his migratory and legal situation, under the applicable Bilateral Cooperation Agreement.

### III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

22. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IAC. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

23. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>6</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>7</sup> To do this, the IAC will assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.<sup>8</sup> As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IAC. Their precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits, and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>9</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

<sup>6</sup> Inter-American Court of Human Rights (I/A Court H.R.), [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

<sup>7</sup> I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional Measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish).

<sup>8</sup> I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

<sup>9</sup> I/A Court H.R., [Matter of the Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; [Matter of "El Nacional" and "Así es la Noticia" newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19.

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

24. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists<sup>10</sup>.

25. As a *preliminary matter*, the Commission recalls that, by its own mandate, it is not called upon to determine individual liabilities of the persons involved in the factual context of this request. In this proceeding, it is also not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>11</sup> This is better suited to be addressed by the Petition and Case system. The Commission clarifies that, by its own mandate, it is not called upon to determining criminal liabilities for the facts alleged. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without making any determination on the merits.<sup>12</sup>

26. Since the request was filed with respect to El Salvador, the Commission will analyze the situations presented in light of the conditions of detention in which they currently find themselves in that country, taking into account the relevant background. The Commission recalls that Article 25, paragraph 8, of its Rules of Procedure establishes that “the granting of such measures and their adoption by the State shall not constitute a prejudgment on the violation of any right protected by the American Convention on Human Rights or other applicable instruments.”

27. Pursuant to Article 25(6) of its Rules of Procedure, the Commission takes into account the context and the monitoring that it has been carrying out in El Salvador.

28. In its *2024 State of Emergency and Human Rights in El Salvador Report*, with regard to persons detained in the country, the IACHR condemned the extraordinary or “emergency” security measures implemented, as well as the obstacles observed in ensuring due process, including access to legal defense, prolonged and indefinite isolation under inhumane conditions, adverse health effects, and the suspension of visits.<sup>13</sup> The IACHR highlighted that one of the main problems was the enforced disappearance of persons, sometimes for short periods, resulting from the lack of timely documentation and limited availability of information for detainees’ families, preventing them from knowing the location of their relatives’ detention.<sup>14</sup> According to the press, the Prison Information System (Sipe), which centralized information on the prison

<sup>10</sup> I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

<sup>11</sup> IACHR, [Resolution No. 2/2015](#), Precautionary Measures No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution No. 37/2021](#), Precautionary Measure No. 96/21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

<sup>12</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2.

<sup>13</sup> IACHR, [Report on the State of Emergency and Human Rights in El Salvador](#), OEA/Ser.L/V/II Doc. 97/24, June 28, 2024, para. 266.

<sup>14</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 267.

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population, was deactivated for access from court headquarters in December 2021.<sup>15</sup> The Commission was informed of cases in which the whereabouts of the detained person remained unknown for days or weeks after being transferred to various prisons as the information was not provided to their families in a timely manner.<sup>16</sup>

29. Similarly, the Commission recognized and positively assessed the measures adopted by the State, in order to improve hygiene conditions, identify people with differentiated medical care or medication needs, and treat them according to their particular conditions.<sup>17</sup> However, the IACHR noted that persons deprived of liberty in El Salvador continue to face inhumane conditions of detention.<sup>18</sup> Despite the measures indicated, both the information received from civil society organizations and the testimonies collected underline the aggravation of precariousness in various detention centers, as well as the serious risks to the rights to health, personal integrity and life of these people.<sup>19</sup> In this regard, the IACHR regrets the lack of consent from the State for an *on-site* observation on this matter.<sup>20</sup>

30. In the aforementioned report, the Commission considered it important to highlight the seriousness of the detainees' continued incommunicado detention, especially when this is added to complaints about failures to register and access information on detainees.<sup>21</sup> Civil society organizations noted the absence of a centralized and efficient system of information on detainees, and that institutions that should keep updated records, such as the DGCP and the Department of Information on Detained Persons of the CSJ, did not have the updated information or did not provide it.<sup>22</sup> The IACHR referred to the importance of ensuring direct contact and maintaining links between detainees and their families, recommending that visits be guaranteed in all penal establishments on a regular basis.<sup>23</sup>

31. Within the framework of the precautionary measures mechanism, the IACHR has analyzed individualized matters of risk regarding persons deprived of liberty subject to solitary confinement in the country. In this regard, on September 22, 2025, the Commission issued precautionary measures in favor of *Ruth Eleonora López Alfaro*<sup>24</sup> and *Salvador Enrique Anaya Barraza*<sup>25</sup> in El Salvador. After analyzing the specific situations of such persons, the IACHR requested that the State, among other measures, immediately end the prolonged incommunicado detention, and guarantee regular contact with and access to their families, attorneys, and representatives as a means of safeguarding their rights<sup>26</sup>.

32. Taking into account the regional context regarding human mobility, including El Salvador, on May 15, 2025, the Commission expressed concern about the increase in practices of forced return, deportations, and expulsions of migrants and refugees, both to their countries of origin and to third countries, without the due process guarantees or respect for their human rights.<sup>27</sup> The IACHR has also received numerous complaints about the indiscriminate use of immigration detention, the incommunicado detention of migrants, and the occurrence of short-term forced disappearances in the context of involuntary or compulsory departure procedures.<sup>28</sup> Regarding this point, the IACHR has emphasized that the irregular migratory situation, by itself,

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<sup>15</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 267.

<sup>16</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 267.

<sup>17</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 264.

<sup>18</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 264.

<sup>19</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 264.

<sup>20</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 264.

<sup>21</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 266.

<sup>22</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 267.

<sup>23</sup> IACHR, Report on the State of Emergency and Human Rights in El Salvador, previously cited, para. 272.

<sup>24</sup> IACHR, [Resolution No. 66/25](#), PM No. 667-25, Ruth Eleonora López Alfaro regarding El Salvador, September 22, 2025.

<sup>25</sup> IACHR, [Resolution No. 67/25](#), PM No. 929-25, Salvador Enrique Anaya Barraza regarding El Salvador, September 22, 2025.

<sup>26</sup> IACHR, [Resolution No. 66/25](#), previously cited, para. 46(b); [Resolution No. 67/25](#), previously cited, para. 53(b).

<sup>27</sup> IACHR, Press Release No. 102/25, [IACHR urges States to guarantee the rights of returned, deported, or expelled people](#), May 15, 2025.

<sup>28</sup> IACHR, Press Release No. 102/25, previously cited.

should not be a basis for the deprivation of liberty.<sup>29</sup> In essence, it constitutes a violation of an administrative rule, which should not be understood as a criminal offense, so that detention should not constitute the State's first response.<sup>30</sup> Similarly, in cases where detention is applicable, full respect for procedural guarantees must be guaranteed.<sup>31</sup> Detained migrants must be informed about the grounds for their detention, their rights, as well as the mechanisms available to challenge this measure.<sup>32</sup>

33. On November 17, 2025, the IACHR granted precautionary measures in favor of *William Alexander Martínez Ruano, José Osmin Santos Robles, and Brandon Bladimir Sigarán Cruz*<sup>33</sup>; who, after being deported from the United States and having entered El Salvador, were deprived of liberty and, initially, their whereabouts were unknown. At the time the IACHR adopted its decision, they remained incommunicado without their relatives or their lawyers being aware of their detention conditions, their legal situations or their state of health, despite the actions activated internally.<sup>34</sup>

34. This context is relevant insofar as it lends consistency to the individualized arguments presented in this request and gives particular weight to the situation that places the proposed beneficiary at risk under the conditions of detention in El Salvador.

35. As for the requirement of *seriousness*, the Commission considers that it has been met, given that, since his deportation from the United States and entry into El Salvador, his relatives initially did not know the proposed beneficiary's whereabouts and there was no information about his conditions after his arrival in the country. In addition, and by way of background, the Commission observes that, to date, there is no clarity on the deportation process that would have led to the proposed beneficiary's entry into his country, and the legal conditions under which he entered it. The foregoing is particularly relevant given that the requesting party indicates that he used unofficial information that indicated that he was transferred to a detention center in Guantánamo prior to his entry into El Salvador. In this regard, the Commission recalls that, through Resolution No. 4/19 on the "Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking," has urged States of origin and destination to articulate resources to establish more efficient coordination mechanisms so that family members know the exact place and time when their family member will be deported, as well as the necessary means to guarantee communication with their relatives and inform them of the place and time of their arrival<sup>35</sup>.

36. The Commission notes that the absence of information on the legal situation of the proposed beneficiary, his conditions of detention and health situation persisted, despite the search actions carried out, administrative actions, and the constitutional remedy of *habeas corpus* activated; the latter reportedly continues without a substantive decision on the complaints of the requesting party. The Commission notes, based on the information available, that the relatives have continued to promote, at least since May 2025, various actions to obtain information on his current situation in El Salvador. For example, after several requests to the DGCP, on September 29, 2025, the entity replied that the proposed beneficiary "does not have prison records."

37. However, later, during the processing of this request for precautionary measures, the State confirmed before the IACHR that the proposed beneficiary is detained and in custody in the Salvadoran Penitentiary System. In this regard, the State specified the judicial background of the proposed beneficiary in

<sup>29</sup> IACHR, Press Release No. 102/25, previously cited.

<sup>30</sup> IACHR, Press Release No. 102/25, previously cited.

<sup>31</sup> IACHR, Press Release No. 102/25, previously cited.

<sup>32</sup> IACHR, Press Release No. 102/25, previously cited.

<sup>33</sup> IACHR, [Resolution No. 82/25](#), PMs No. 1150-25, 1152-25 and 1153-25, William Alexander Martínez Ruano, José Osmin Santos Robles and Brandon Bladimir Sigarán Cruz regarding El Salvador, November 17, 2025.

<sup>34</sup> IACHR, [Resolution No. 82/25](#), previously cited, para. 1.

<sup>35</sup> IACHR, [Resolution No. 04/19](#) Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking, December 7, 2019, principle 75.

the United States, having requested complementary information within the framework of the applicable Bilateral Cooperation Agreement. However, for the purposes of these proceedings, the Commission has no elements to know the corresponding motivations that lead to the proposed beneficiary being deprived of his liberty in the Salvadoran Penitentiary System. This information has not been provided, for example, after the activation of the constitutional remedy of *habeas corpus* at the domestic level that sought to obtain information about his location, legal status and reasons for detention in El Salvador. To date, the Commission has no record of any determination by the Constitutional Chamber regarding the questions raised regarding the legal situation of the proposed beneficiary.

38. In addition to the foregoing, this Commission understands that it has been more than ten months since the proposed beneficiary allegedly had no contact with his relatives and/or lawyers, without the possibility of knowing his detention conditions or state of health. The State did not disprove the incommunicado detention of the proposed beneficiary, despite the express request of the IACtHR to rule on the possibility of visits by his relatives and trusted lawyers. In fact, there is no evidence that the proposed beneficiary has contact with the outside world, or that there are chances to process a visit through procedures established in the country. The foregoing is relevant because it would allow the family and lawyers to verify the detention and health conditions reported by the State in this procedure.

39. In addition, it is unknown when and how that incommunicado regime would end with respect to the individualized situation of the proposed beneficiary. The Commission does not have elements or documentary support that reflect that an assessment of the individualized circumstances of the proposed beneficiary has been carried out in order to guarantee his rights. In this regard, this Commission recalls that the Inter-American Court has indicated the following:

"Incommunicado detention is an exceptional measure the purpose of which is to prevent any interference with the investigation of the facts. Such isolation must be limited to the period expressly established by the law. Even in that case, the State is obliged to ensure that the detainee enjoys the minimum and non-derogable guarantees established in the Convention and, specifically, the right to question the lawfulness of the detention and the guarantee of access to effective defense during his incarceration."<sup>36</sup>

40. In addition, the same Court has established that the isolation of a detained person could constitute an act contrary to human dignity, given that it can cause extreme psychological and moral suffering for the person deprived of their liberty.<sup>37</sup> It has also considered that prolonged isolation and incommunicado detention constitute, in themselves, forms of cruel and inhuman treatment.<sup>38</sup> The Court has also highlighted that States must ensure that persons deprived of their liberty are able to contact their relatives.<sup>39</sup> As the Court held in the matter of *Guanipa Villalobos regarding Venezuela*, it is important to take into account that:

[...]In effect, the detention without communication not only makes it impossible to verify the current situation of the proposed beneficiaries, but also implies a curtailment of the procedural guarantees of all detainees [...]<sup>40</sup>.

41. Under these considerations, and based on the information available, the Commission understands that, to date, the only source of information regarding the situation of the proposed beneficiary is the response provided by the State. There is no known scenario in which his legal representatives or family members can have direct contact with him, thereby preventing any verification of how the State is guaranteeing his rights. The reported lack of communication makes the situation particularly serious, since the Commission

<sup>36</sup> I/A Court H.R., Case of Suárez Rosero v. Ecuador, Merits, Judgment of November 12, 1997, Series C No. 35, para. 51.

<sup>37</sup> I/A Court H.R., Case of Espinoza González v. Peru, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 20, 2014, para. 186; Case of J. v. Peru, Judgment of November 27, 2013, considerandum 376; Case of Cantoral Benavides v. Peru, Merits, Series C No. 69, para. 82; and Case of Suárez Rosero v. Ecuador, previously cited, considerandum 90.

<sup>38</sup> I/A Court H.R., Case of Maritza Urrutia v. Guatemala, Merits, Reparations, and Costs, Series C No. 103, para. 376.

<sup>39</sup> I/A Court H.R., Case of J. v. Peru, previously cited; and Case of Espinoza Gonzales v. Peru, previously cited.

<sup>40</sup> I/A Court H.R., Matter of Guanipa Villalobos regarding Venezuela, Provisional Measures, Order of October 15, 2025, considerandum 41.

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understands that this circumstance also limits the possibility for his family members and attorneys to monitor respect for the proposed beneficiary's rights, learn about his situation in the prison, and take the necessary actions to guarantee his protection. The above is even more worrying, considering that the internal actions activated have not allowed the family to have official information, for example, on the legal and health situation of the proposed beneficiary.

42. In addition, the Commission has no evidence that the proposed beneficiary was brought before the competent courts of El Salvador, nor is there any information regarding the imposition of charges or the initiation of legal proceedings against him. In this sense, the Commission emphasizes that his friends and family are unable to activate the corresponding resources for his protection, as the competent court for his criminal trial, if it exists, has not been identified. In this sense, the State has not given a concrete response to different internal requirements, through constitutional remedies, nor to the requests by the IACtHR —as well as their reiterations—. As previously noted, the Commission observes that the State indicated that it was waiting for complementary information on the immigration and legal situation in the United States in accordance with the applicable Bilateral Cooperation Agreement, and added that the proposed beneficiary has a record of sexual harassment in the United States. However, this response does not allow family members and legal representatives to know, or have the possibility of knowing, about the legal situation of the proposed beneficiary after his detention, nor does it prove that there are Salvadoran judicial authorities controlling the cause and conditions of detention of the proposed beneficiary.

43. The Commission recalls the special position of guarantor that the State acquires in relation to detained persons, as a result of the particular relationship of subjection that exists between the inmate and the State. The role of guarantor also requires that, in requests such as the one under review, the State show that there are no serious and urgent conditions that could result in irreparable harm to the proposed beneficiary.<sup>41</sup> This demands not only the existence of statements tending to contest the allegations, but also to show the absence of risk.<sup>42</sup>

44. In short, the Commission understands that, at present, the proposed beneficiary is being held incommunicado by his relatives and legal representatives, who are unable to receive direct information about his legal situation, detention conditions, and state of health. And that this situation has persisted, despite the internal actions initiated in the country before various judicial and administrative institutions. In light of what has been developed, the Commission concludes that, according to the applicable *prima facie* standard, the current situation of the proposed beneficiary is particularly serious and there is a serious risk to his rights to life and personal integrity in El Salvador.

45. With regard to the requirement of *urgency*, the Commission deems that it has been met given that, should the proposed beneficiary continue to face the situation described, he is likely to be imminently exposed to a greater impact on his rights. The Commission therefore notes that, given his status as a person deprived of liberty, the lack of communication with his family members and legal representatives, and the absence of possibilities to contrast his detention and health conditions, there is an imminent possibility that the risk will materialize. In addition, the Commission does not have information from the State that would be sufficient to assess the actions being taken to address or mitigate the identified situations. Therefore, it is necessary to immediately adopt measures to safeguard his rights to life and personal integrity.

46. Regarding the requirement of *irreparable harm*, the Commission concludes that it has been met, given that the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

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<sup>41</sup> I/A Court H.R., Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, Provisional Measures, Order of June 24, 2021, para. 38.

<sup>42</sup> I/A Court H.R., Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, previously cited.

**IV. BENEFICIARY**

47. The Commission declares Elmer Antonio Escobar González, who is duly identified in this proceeding, beneficiary of the precautionary measures.

**V. DECISION**

48. The Commission understands that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that El Salvador:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Elmer Antonio Escobar González;
- b) clarify the legal situation of the beneficiary. In particular, formally indicate whether the beneficiary has been charged with any crime and/or whether he has been brought before the appropriate judicial authority;
- c) implement the necessary measures to ensure that the conditions of detention of the beneficiary comply with international standards. Specifically, that the situation of prolonged incommunicado detention be ended; that regular contact with and access to his relatives, lawyers, and representatives be guaranteed as a means of safeguarding his rights;
- d) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- e) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

49. The Commission requests that El Salvador report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

50. The Commission emphasizes that, pursuant to Article 25(8) of its Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

51. The Commission instructs its Executive Secretariat to notify this resolution to the State of El Salvador and the requesting party.

52. Approved on January 19, 2026, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Gloria Monique de Mees; Riyad Insanally; and Marion Bethel, members of the IACtHR.

Tania Reneaum Panszi  
Executive Secretary