

# **PETITION TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

## **RE: Alleged Human Rights Violations by the United States Government**

*To the Distinguished Members of the United Nations Human Rights Council:*

### **I. INTRODUCTION**

This Petition is presented to the United Nations Human Rights Council in accordance with its directive under the General Assembly Resolution 60/251 to deal with gross and systematic violation of human rights, wherever they be. The Petition relates to one of the tendencies of human rights abuse by the Government of the United States under the leadership of President Donald J. Trump, in relation to millions of persons under the jurisdiction of the United States, including citizens, legal residents, asylum seekers, and undocumented migrants.

During 2017-2021, the United States exercised a sequence of executive orders, enforcement directives, and administrative practices, which led to massive infringements of internationally protected rights. These involved arbitrary detention, religious and racial discrimination, stifling of political expression, overuse of force, family separation, denial of due process and inhuman conditions of detention.

Notably, these infractions were not caused by some unilateral misconduct of individual officials. Instead, they were products of overt policy decisions, which were publicly justified by top government officials, carried out throughout the federal agencies and maintained even after being rebuked by the courts many times, congressional investigations, inspector general alerts and worldwide criticism.

As a signatory to the ICCPR, CAT and ICERD, the US has the legal obligation to make sure that any individual in its jurisdiction is upheld to the rights established in these treaties. The actions described below prove the fact that there was a systematic failure to comply with those commitments, which should be examined and penalized by the international community.

### **II. LEGAL BASIS**

This petition is submitted pursuant to:

- The Universal Declaration of Human Rights (UDHR)

While not a treaty, the UDHR reflects customary international law principles. The documented conduct violates, *inter alia*:

- Article 2 (non-discrimination)
- Article 5 (freedom from cruel, inhuman, or degrading treatment)
- Article 9 (freedom from arbitrary arrest or detention)
- Article 12 (privacy)
- Articles 18–21 (freedom of thought, expression, and assembly)

- Article 16 (protection of the family)
- The International Covenant on Civil and Political Rights (ICCPR), to which the U.S. is a party
  - This is because the United States ratified ICCPR in 1992 and is bound by the provisions. The Human Rights Committee has made it clear on the fact that the Covenant concerns all individuals on the territory of state and under its authority, whether a citizen or an immigrant.
  - The policies mentioned herein involve a breach of Articles 2, 7, 9, 10, 13, 17, 19, 21, 23, 24, and 26.
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
  - In 1994, the United States ratified CAT. Articles 2 and 16 stipulate that the State should not tolerate instances of torture and cruel, inhuman, or degrading treatment in any of the territories within its jurisdiction, including the immigration detention facilities.
  - The facts and operations reported in the U.S. detention facilities under the Trump administration fall into the criteria of ill-treatment that is prohibited under the CAT jurisprudence.
- The International Convention on the Elimination of All Forms of Racial Discrimination
  - In the year 1994, the United States ratified ICERD. The treaty does not only forbid the intentional discrimination but also the policies that have discriminatory impact. The strategies used by the Trump administration in terms of immigration enforcement disproportionately targeted people of different races, ethnic origins, and national origins.
- Resolution 5/1 of the Human Rights Council establishing the Universal Periodic Review mechanism

### **III. ALLEGED VIOLATIONS**

#### **A. Targeting Citizens Based on Social Media Activity and Protected Speech**

##### **1. Surveillance and Monitoring of Political Speech (Articles 17, 19, ICCPR)**

###### *Documented Incidents:*

Federal agencies, especially CBP and ICE, implemented regular surveillance of political speech, especially the speech that criticized the immigration policy in the Trump administration.<sup>1</sup> This surveillance was within the context of larger national security and border integrity efforts that increased the jurisdiction of the agencies to examine persons outside of the normal parameters of law enforcement. According to the advocacy organizations, this type of surveillance was disproportionately targeted at people involved in human rights activism, migrant support, or

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<sup>1</sup> Center for American Progress, *The Trump Administration's ICE and CBP Have Become a Threat to Americans: Congress Must Ensure That DHS Follows the Law and Adopts Commonsense Reforms*, January 28, 2026, Center for American Progress. <https://www.americanprogress.org/article/the-trump-administrations-ice-and-cbp-have-become-a-threat-to-americans-congress-must-ensure-that-dhs-follows-the-law-and-adopts-commonsense-reforms>

investigative journalism. Extent and continuation of these practices demonstrate that, even political expression got involved in the decision-making of enforcement.

This reporting undercover outcome has shown that CBP has kept databases of journalists, lawyers, and activists who covered or organized migrant caravans. Those found in such databases were put under secondary screening, interrogation, detention or denied entry. The reporters were asked to clarify their political beliefs, associations and the content they post on social media. In some instances, the people found themselves on these lists without any notice of this and they were forced to face border officials with no chance of contesting their presence.<sup>2</sup> The compilation of the databases was not done in a transparent, judiciary controlled or even clearly defined manner, and this brings up serious issues of arbitrariness and abuse of power. These practices had a disproportionate impact on the people who were involved in constitutionally and internationally guarded activities.

The CBP internal documents also confirmed that posts in social media were assessed and distributed within agencies and in some instances with foreign governments, just due to the political content of the post. The sharing of information did not even give notice to the individuals involved and it was not under any form of legal protection of intelligence cooperation. This kind of spread put the affected people under the risk of being harassed, retaliated, or denied entry by the foreign authorities. The practices are arbitrary intervention in privacy (Article 17 ICCPR) and unreasonable limitations in freedom of expression (Article 19 ICCPR), especially in the light of the lack of necessity, proportionality, and legitimate purpose of action under the international human rights law.<sup>3</sup>

## **2. Chilling Effect on Free Expression**

The ubiquitous chill effect was through the presence of government surveillance programs of political speech. Journalists minimized reporting operations, activists minimized protests organization, and lawyers minimized advocacy approaches because of the threat of retaliation. Several media and civil society investigations reported that people had evaded traveling, demonstrating publicly, or commenting on the Internet after hearing about federal surveillance measures. Immigration law firms and human rights groups claimed that they limited their activities with clients and international affairs to prevent more rigorous attention. This type of self-censorship proves that the effect of the surveillance was not only on those who were directly targeted, but also on exercise of the freedom of expression.

The Human Rights Committee has pointed out that indirect interference that deter expression also goes against Article 19.<sup>4</sup> The surveillance by the Trump administration is up to this standard. The lack of personalized suspicion, court approval, and open control made these measures inappropriate and ineffective according to the international law. Furthermore, the fact that the speech was targeted based on the immigration policy problem, which is an object of high

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<sup>2</sup> Reporters Without Borders (RSF), “US – Leaked Database Shows US Government Has Been Secretly Monitoring Journalists at US-Mexico Border,” *RSF*, March 7, 2019, <https://rsf.org/en/us-leaked-database-shows-us-government-has-been-secretly-monitoring-journalists-us-mexico-border>

<sup>3</sup> Centre for Civil and Political Rights (CCPR Centre), *Simple Guide on the International Covenant on Civil and Political Rights (ICCPR): An Overview of Articles 1 – 27*, prepared by Lázaree Eeckeloo and Daisuke Shirane (Geneva: CCPR Centre, 2025), [https://ccprcentre.org/files/media/ICCPR\\_easy\\_to\\_read\\_commentary\\_WEB.pdf](https://ccprcentre.org/files/media/ICCPR_easy_to_read_commentary_WEB.pdf)

<sup>4</sup> Ibid.

social concern, aggravated the violation. In this regard, the surveillance practices weakened the democratic participation and free exchange of information which is vital to pluralistic society.

## **B. Racial Profiling and Discrimination**

### **1. Immigration Enforcement (Articles 2, 26, ICCPR; ICERD)**

The immigration enforcement during the Trump era was based on geographical targeting, which led to the unequal enforcement of its measures in the Latino-majority areas. Workplaces, courts, and bus stations as well as homes were raided by ICE without any individualized suspicion. These actions were frequently conducted in very pronounced and militarized ways that increased the terror amongst whole communities and not the individual suspected of the immigration offense. Civil rights groups reported that places of enforcement were chosen on basis of demographical make up but not the basis of sound intelligence. This led to a daily atmosphere of surveillance and intimidation in whole neighborhoods, whether or not the inhabitants were legal.

Many recorded instances were of the U.S citizens of Latino origins being detained, handcuffed, or even interrogated on their immigration status. Civil rights investigations and federal courts were able to establish that appearance, accent, and perceived ethnic status was commonly used as a proxy measure of immigration status. In a number of instances, citizens had to be kept longer before their status was confirmed even after showing identification or claiming citizenship.<sup>5</sup> These meetings were usually in society wherein they were humiliated and psychologically affected. These customs strengthened the racial stereotypes and legitimized the discriminatory assumptions in decision making in law enforcement.

The practices are in breach of the ICCPR (Articles 2 and 26)<sup>6</sup> and ICERD (Articles 2 and 5).<sup>7</sup> The fact that people are treated differently by their race or ethnicity does not have objective and reasonable reasons which, according to the international human rights law, are evident. Furthermore, the fact that these enforcement strategies have been applied in a different manner shows that there is an indirect discrimination which too is not permitted by the ICERD. The fact that these practices continue even after the judiciary and civil society caution about them is compelling in terms of its systemic nature.

### **2. "Show Me Your Papers" Incidents**

In response to instructions of the Trump administration to expand interior enforcement, the local law enforcement began to cooperate with federal immigration agencies. The result of this was regular stops, in which a person was requested to provide evidence of citizenship without reasonable suspicion. Policies like extended 287(g) agreements erased the line between local and

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<sup>5</sup> Gabriel R. Sanchez & Edward D. Vargas, "Racial Profiling by ICE Will Have a Marked Impact on Latino Communities," *Brookings* (October 16, 2025), <https://www.brookings.edu/articles/racial-profiling-by-ice-will-have-a-marked-impact-on-latino-communities/>

<sup>6</sup> International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, United Nations, Treaty Series, vol. 999, p. 171 (entered into force Mar. 23, 1976), [https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch\\_iv\\_04.pdf](https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf)

<sup>7</sup> International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature Mar. 7, 1966, 660 U.N.T.S. I-9464 (entered into force Jan. 4, 1969), <https://treaties.un.org/doc/Publication/UNTS/Volume%20660/volume-660-I-9464-English.pdf>

federal policing and immigration.<sup>8</sup> Due to this, even the so-called routine stops, like during traffic or in the street, were factually immigration checks. Such climate encouraged police to use their personal pointers, such as race and language instead of legal criteria.

Several U.S. citizens had to spend a long time in custody because they could not demonstrate citizenship immediately. These people could be detained in county jails or handed over to ICE custody and their status verified beforehand. Some detainees were detained for a matter of days which resulted in loss of jobs, and disruption of families, and psychological damage. This was practically passed to individuals to assertively demonstrate their entitlement to liberty. These cases are arbitrary detention as provided in Article 9 ICCPR and discriminatory enforcement provided in ICERD.<sup>9</sup>

### **3. Muslim Ban and Religious Profiling**

In its turn, Proclamation 9645 (which followed the Executive Orders 13769 and 13780), limited the entry into the country of countries that are largely Muslim.<sup>10</sup> Although it was officially declared that it is neutral, words of senior officials proved that they want to be discriminatory. Presidential comments and those made by senior advisors made it very clear that the policy was connected to a wish to keep down the immigration of Muslims. This background was observed by the courts that considered the purpose and impact of the policy. The policy cannot therefore be considered out of context of the rhetoric that came with its adoption.

The policy led to massive separation of families, extended detention of lawful permanent residents and even barring entry of persons with valid visas. The U.S. citizens were not allowed to see their spouses, parents, and children over a period of years, and they were not even justified in most cases individually. They were denied access to students, medical professionals and refugees who had been previously vetted and approved. The experts at UN had made a conclusion that the ban amounted to religious discrimination and could not be compatible with the international law. The extensive and discriminatory nature of the policy made it disproportionate and unlawful in the provisions of non-discrimination at the ICCPR.

## **C. Instances of Violence and Excessive Force**

### **1. Violence During Immigration Enforcement**

The physical force was often employed by ICE enforcement during the Trump administration when it comes to non-resisting people. Cases reported of the officers smashing windows, breaking into houses forcefully and arresting people in the presence of children.<sup>11</sup> These operations were mostly performed in early morning or late nights leading to more fear and

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<sup>8</sup> Micaela McConnell, “287(g) Agreements With ICE Threaten Welcoming Communities,” *American Immigration Council*, September 26, 2025, <https://www.americanimmigrationcouncil.org/blog/287g-agreements-ice-threaten-communities/>

<sup>9</sup> U.S. Senate Committee on Homeland Security and Governmental Affairs, *2025.12.8 ICE Report (Revised Final)* (Dec. 8, 2025), [https://www.hsgac.senate.gov/wp-content/uploads/2025.12.8 ICE-Report-revised-FINAL.pdf](https://www.hsgac.senate.gov/wp-content/uploads/2025.12.8%20ICE-Report-revised-FINAL.pdf)

<sup>10</sup> Donald J. Trump, *Proclamation on Improving Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry* (Jan. 31, 2020), National Security & Defense, The White House (archived), <https://trumpwhitehouse.archives.gov/presidential-actions/proclamation-improving-enhanced-vetting-capabilities-processes-detecting-attempted-entry/>

<sup>11</sup> Human Rights Watch, “US: ICE Abuses in Los Angeles Set Stage for Other Cities,” *Human Rights Watch* (November 4, 2025), <https://www.hrw.org/news/2025/11/04/us-ice-abuses-in-los-angeles-set-stage-for-other-cities>

confusion among the families and making people less capable of comprehending the rights and demanding the same. Officers in most instances did not provide warrants or used administrative warrants that did not empower them to enter the homes of the individuals. Such practices also led to arbitrary coercive enforcement practices which were not in tandem with fundamental ideas of legality and necessity.

Civil society groups and investigative reporters recorded several cases where people who posed no high-risk were becoming restrained physically, such as being thrown on the floor, being handcuffed, or being forcibly taken out of their houses. Family members and bystanders, children and elderly family members were at times cleared off or threatened when they wanted to intervene or clarify. The application of force under such conditions was out of proportion to any reasonable law enforcement purpose and was not taken in accordance with the international principles of the use of force by the state actors. The use of force should be strictly necessary and proportional, which often is not the case with regard to these operations as per the international law of human rights.<sup>12</sup>

Articles 7 and 24 of the ICCPR incurred by psychological experts against violence on children witnessing violent arrests of their parents. Symptoms such as anxiety, depression, sleep disturbances, and regression of development in the affected children were reported by medical and mental health professionals. The Human Rights Committee has pointed out that exposing children to violence by the state authorities is an inhuman treatment especially when it is a premeditated enforcement mechanism instead of an inevitable situation. In the act of carrying out aggressive arrests in the presence of children without taking any precautionary measures, the United States did not afford children the special protection accorded in international law.

## **2. Detention Facility Abuse (Article 10, ICCPR; CAT)**

Several reports of the Office of Inspector General of the DHS reported systematic abuse of the immigration detention facilities under the Trump administration. According to these reports, there were widespread deficits in even minimum standards of detention, although federal authorities were repeatedly warned about the matter. Monitoring measures were not effective, since the gaps that were found were frequently reiterated in the facilities and even over time. The continuation of these circumstances testifies to the neglect of the institution, but not individual malpractice.<sup>13</sup>

Reported mistreatments encompassed sexual assault by guards, restriction of proper medical care, long term solitary confinement and placement in unsanitary and overcrowded conditions. The reports of detainees were that they are being confined in cells without shower, clean clothes or even enough food; sometimes several weeks. Not only was solitary confinement employed as a disciplinary measure, but it was also used as a default measure in response to mental illness

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<sup>12</sup> Human Rights Watch, “You Feel Like Your Life Is Over”: Abusive Practices at Three Florida Immigration Detention Centers Since January 2025 (July 21, 2025), <https://www.hrw.org/report/2025/07/21/you-feel-like-your-life-is-over/abusive-practices-at-three-florida-immigration>

<sup>13</sup> Aaron Reichlin-Melnick, “New Report Details ICE’s Expanding and Increasingly Unaccountable Detention System,” *American Immigration Council* (January 23, 2026), <https://www.americanimmigrationcouncil.org/blog/ice-expanding-detention-system>

which is directly contrary to the international medical advice. These circumstances led to serious physical and psychological damage, especially to people who were vulnerable.

Government investigations and independent medical reviews have found that at least six of the deaths in ICE custody in 2017 to 2020 were directly attributed to poor medical care. In multiple incidents, detainees had pleaded again and again to be given medical help, but were disregarded or given very meager treatment.<sup>14</sup> The Human Rights Committee has believed that not providing necessary medical care to the persons who are in detention could be considered cruel, inhuman or degrading treatment. Basing on this, these conditions are in intercession of Articles 7 and 10 of the ICCPR and Articles 2 and 16 of the Convention Against Torture in which States are supposed to eliminate ill-treatment everywhere they detain the accused.<sup>15</sup>

### **3. Use of Force Against Protesters (Articles 19, 21, ICCPR)**

Federal agents were used in 2020 during national demonstrations of racial justice. The police applied tear gas, rubber bullets, pepper spray and batons to peaceful assembly participants, such as journalists and legal observers. Agents were working in various cities without going through identifiable identification, and individuals could not easily establish the authority by which force was being applied.<sup>16</sup> These strategies instilled fear, disorientation, and an impression of unaccountable state violence.

Many of the journalists were injured as they made it clear that they worked in the press, and this raised questions about whether they were being targeted as such. The protestors would be dispersed without sufficient notice and violence was employed even in situations where the protests were peaceful. The international standards state that the use of force must be strictly proportionate and the release of assemblies must be a last resort. The massive use of military equipment and strategies against civilian activists did not apply to these norms.

Courts in the federal level that were scrutinizing these cases discovered that likely constitutional rights were breached such as the freedom of expression and peaceful assemblies. According to the international law, such acts contravened the Articles 19 and 21 of the ICCPR which guarantee the right to give information and the right to assemble together without any unnecessary interference. The press was also targeted and protest activity suppressed further eroding democratic accountability and participation in the political process. All these measures become a grave violation of civic space that is not in line with the international human rights commitments of the United States.

### **D. Family Separations and Child Welfare**

The Trump administration in its Zero Tolerance policy made it a conscious choice to separate children with their parents in an effort to deter them. More than 5,400 children were separated,

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<sup>14</sup> American Civil Liberties Union, *Report Links Poor Medical Care to Deaths in ICE Detention*, June 20, 2018, <https://www.aclu.org/press-releases/report-links-poor-medical-care-deaths-ice-detention>

<sup>15</sup> United Nations Office on Drugs and Crime, “*International Covenant on Civil and Political Rights*,” in *Counter-Terrorism Module 9: Key Issues*, Education for Justice (UNODC), <https://www.unodc.org/e4j/fr/terrorism/module-9/key-issues/international-covenant-on-civil-and-political-rights.html>

<sup>16</sup> FBI Fires Agents Pictured Kneeling During Racial Justice Protest in 2020,” *TRT World*, September 27, 2025, <https://www.trtworld.com/article/a089a9a3e959>

most of whom were below five years of age. Later official government reports and oaths have verified that the top officials knew that the division of family would have a devastating effect on their mental well-being but did it anyway as a way to deter migration.<sup>17</sup> At the U.S.-Mexico border, the policy was applied in a systematic way, without individual cases of family situation evaluation and consideration of child welfare. In this sense, family division was not one of the by-products of enforcement but a key factor in official policy.

Children were detained in crowded facilities without proper hygiene, medical facilities and psychological support. Others were housed in areas that passed as warehouses or chain-fenced cages where there was constant lighting and little access to washrooms, clean clothes or even nutritious meals of the right age. Even upon medical and child welfare inspection of these facilities, the conditions were reported as not in line with the basic standards of care of minors. The extended stay of children in such settings added to the damage that was brought about by separation and did not explain their high vulnerability.<sup>18</sup>

The long-term trauma in separated children was reported by medical associations and experts in child development such as anxiety, depression, post-traumatic stress disorders, and developmental regressions. Pediatricians noticed the changes in behavior including withdrawal, disturbance of sleep and language skills especially in very young children. Mental health professionals underscored the fact that early childhood forced separation by primary caregivers may have long-term neurological and emotional damage. These results highlight the fact that the damage that was done was not short-lived but had long-term effects on children who were affected.

The inability to have an effective tracking and reunification system led to permanent or prolonged separation of several families. The government agencies did not have a centralized database to match the parents with their children and in cases when parents were deported, without their children, as well as when records of family connections were lost. Hundreds of families were not able to be reunited immediately following orders of courts because of failures in the administrative system. This breakdown is an indication of ignorance on the right to family unity and the best interests of the child.

Such practices contravene the Articles 23 and 24 of the ICCPR which state that the family is the basic unit of the society and that the State must provide the children with special protective measures.<sup>19</sup> The Human rights committee has always highlighted that children should not be taken out of the parental care unless it has to be done in the best interest of the child. Separation was applied in this instance as part of punishment and deterrence rather than as an intervention in the protection of children. This policy also goes against the main principles of the Convention on the Rights of the Child, which, though not ratified in the United States, represents generally

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<sup>17</sup> William A. Kandel, *The Trump Administration's "Zero Tolerance" Immigration Enforcement Policy*, CRS Report No. R45266 (July 20, 2018), <https://www.congress.gov/crs-product/R45266>

<sup>18</sup> Human Rights Watch, *"We Need to Take Away Children": Zero Accountability Six Years After "Zero Tolerance"* (December 16, 2024), <https://www.hrw.org/report/2024/12/16/we-need-to-take-away-children/zero-accountability-six-years-after-zero-tolerance>

<sup>19</sup> United Nations, *International Covenant on Civil and Political Rights*, adopted Dec. 16, 1966, entered into force Mar. 23, 1976, United Nations Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

accepted standards of the existing customary international law concerning the welfare of children.

## **E. Denial of Due Process**

### **1. Expedited Removals Without Hearings**

Expedited removal procedures were greatly increased during the Trump administration, meaning that asylum seekers could be removed by the close of hours or days of their detention and lack meaningful access to legal counsel and asylum hearing. Immigration officers used to process individuals at a fast rate without proper interpretation services or proper explanation of their rights.<sup>20</sup> A real chance to express a fear of persecution was not provided to many, even though there was sound evidence behind it that would have initiated an official asylum process. Such practices compromised procedural protection measures that were meant to guard people against wrongful removal.

Numerous reported incidents included the fact that people were sent back to their home countries where they were at a high risk of being persecuted, tortured, or even killed. Cases of deportation of asylum seekers who had claimed fear including gang violence survivors, political persecution survivors, gender-based persecution survivors among others have been reported by human rights organizations. In other situations, there were instances where people were being deported even before they could present their cases or even before an upcoming hearing and the implication was that the system had broken down in terms of following the cases and ensuring that legal standards were met. These removals do not respect the principle of non-refoulement, which is a fundamental element in the international refugee and human rights law.

The Human Rights Committee has declared that when the issues of danger of serious harms are involved in the process of deportation, the procedure should be substantially safeguarded. Article 13 of the ICCPR provides that persons whose expulsion is being sought are entitled to reasons against expulsion and that their cases are heard by an effective authority. The Trump administration and its system of fastened processes, including the insufficiency of screening systems, did not correspond to these standards. Consequently, removals became arbitrary and irreversible this led to people being subjected to irreparable damage.<sup>21</sup>

### **2. Violation of Right to Counsel**

This occurs when a person either refuses to admit guilt or provides false statements about the case to the court, thereby obstructing the court process.

During the Trump administration, the legal aid to the detainees was obstructed in a systematic fashion, and the administrative methods of interfering with the communication between the attorneys and clients largely disturbed the interaction of these parties. Prisoners often changed custody without being notified to lawyers, and at times the change is done across state

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<sup>20</sup> Muzaffar Chishti & Kathleen Bush-Joseph, “Trump Administration’s Expansion of Fast-Track Deportation Powers Is Transforming Immigration Enforcement,” *Migration Policy Institute*, September 25, 2025, <https://www.migrationpolicy.org/article/trump-expedited-removal>

<sup>21</sup> Redson Edward Kapindu, “No Return to Persecution or Danger: Judicial Application of the Principle of Non-Refoulement in Refugee Law in South Africa and Malawi,” *Constitutional Court Review* 2020, no. 5 (2020): 107–27, <https://www.saflii.org/za/journals/CCR/2020/5.pdf>

boundaries, so that the lawyers never know where to find, or contact, their clients. Such transfers were common just before the planned hearings or legal deadlines and the effect is that they denied detainees the opportunity to have representation during critical periods of their cases.<sup>22</sup> These practices destroyed the possibility of the detainees preparing legal arguments or presenting evidence to the court to support their claims.

The hearings on immigration were also held more and more through video teleconference which may or may not have been using poor or faulty technology. The detainees complained of low sound quality, video images freezing, and lack of privacy to communicate with their counsels during trials. These technical inadequacies hindered the understanding, restricted the responding to the questions and the overall fairness of the adjudicative process. Research showed that asylum seekers having video appearances had very low chances of receiving relief as compared to those who attended physically.

These violate the right to a fair hearing enshrined in Article 14 of ICCPR, that is applicable in proceedings that require the establishment of the fundamental rights, such as the right against removal to harm. Human Rights Committee has highlighted that equal arms and an effective participation are the crucial elements of due process. The Trump administration did not manage to provide minimum standards of fairness by impeding access to counsel and making use of procedurally inadequate hearings. The overall impact of these measures made the immigration process virtually unattainable to several detainees.

## IV. SYSTEMATIC PATTERNS OF ABUSE

The incidents cited above are not isolated occurrences but represent systematic patterns:

### A. Statistical Evidence

Number of populations in detention: In 2025 and early 2026, the population of the U.S. immigration detention experienced historical highs, with some 73,000 people in the custody of Immigration and Customs Enforcement (ICE)- the highest population on record.<sup>23</sup> About 73.6% of them had never been convicted of any crime, and only approximately 5% were convicted of violent offenses, which shows widespread implementation not just on a risk-based basis.

Record High Deaths in Custody: Starting with at least 30 detainee deaths in ICE custody in 2025, the highest number of deaths per year since 2004 with several deaths clustering (e.g. 4 in 4 days in December 2025).<sup>24</sup>

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<sup>22</sup> Eunice Hyunhye Cho, Tara Tidwell Cullen, and Clara Long, *Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration* (American Civil Liberties Union, Human Rights Watch & National Immigrant Justice Center, 2020), <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1002&context=dhspapers>

<sup>23</sup> Aaron Reichlin-Melnick, "New Report Details ICE's Expanding and Increasingly Unaccountable Detention System," *American Immigration Council* (January 23, 2026), <https://www.americanimmigrationcouncil.org/blog/ice-expanding-detention-system/>. ([americanimmigrationcouncil.org](https://www.americanimmigrationcouncil.org))

<sup>24</sup> Ximena Bustillo and Rahul Mukherjee, "It's the Deadliest Year for People in ICE Custody in Decades; Next Year Could Be Worse," *NPR*, October 23, 2025, <https://www.npr.org/2025/10/23/nx-s1-5538090/ice-detention-custody-immigration-arrest-enforcement-dhs-trump>

Historical Death Patterns: According to independent reviews, 52 deaths in detention of ICE in 2017-2021 were reviewed in detail, and 95% cannot be said to have been preventable had they received proper medical attention.<sup>25</sup>

Recurring Sustained poor reporting: A review by the Government Accountability Office revealed that ICE does not fully report on its detention numbers and its internal reporting procedures and that it avers those overall numbers of its detainees to the public.<sup>26</sup>

Deaths and Serious Injuries in Custody Documentation.

Deaths at Modern Facilities: In addition to deaths in general, certain facilities have reported deaths with at least three deaths of detainees in 44 days at a single facility, one of which was a homicide by asphyxia.<sup>27</sup>

Restraint and Force: According to investigative reporting (AP News), ICE is still using full-body restraint devices that have been associated with extreme psychological and physical injuries, as well as any death, through the process of so-called restraint asphyxia.<sup>28</sup>

## **B. Corroborating Sources**

American Civil Liberties Union (ACLU): Published *Deadly Failures*, that examined 52 deaths in ICE custody (2017-2021) and found that systemic issues with medical care and supervision resulted in preventable deaths.

Human Rights Watch (HRW): The organization provides reports of the rampant apathy, unsafe and unqualified healthcare, and malevolent treatment at more than a few detention centers in which considerable numbers of individuals detained without criminal backgrounds.

Amnesty International: Reports inhumane, degrading treatment and living conditions in places such as Alligator Alcatraz and Krome where several deaths and extreme human rights abuse, equaling torture and negligence, occurred.

Large news organizations (Washington Post, Reuters) reported groups of deaths in custody in 2025, the largest counted number of deaths in twenty years, prompting a congressional interest and legal problems regarding access to oversight.

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<sup>25</sup> American Civil Liberties Union, “95 Percent of Deaths in ICE Detention Could Likely Have Been Prevented With Adequate Medical Care: Report” (June 25, 2024), <https://www.aclu.org/press-releases/95-percent-of-deaths-in-ice-detention-could-likely-have-been-prevented-with-adequate-medical-care-report>

<sup>26</sup> Raul Pinto, “ICE’s Faulty Detention Data Undercounts the Number of People in Its Custody,” *American Immigration Council*, August 1, 2024, <https://www.americanimmigrationcouncil.org/blog/ice-detention-data-undercounts-number-of-people-in-its-custody>

<sup>27</sup> Adam Isacson, “U.S.-Mexico Border Update: Detention Deaths, DHS Appropriations, ICE Warrants, December Data,” *Washington Office on Latin America (WOLA)* (January 25, 2026), <https://www.wola.org/2026/01/u-s-mexico-border-update-detention-deaths-dhs-appropriations-ice-warrants-december-data/>

<sup>28</sup> Jason Dearen, Jim Mustian & Dorany Pineda, “ICE’s Use of Full-Body Restraints During Deportations Raises Concerns Over Inhumane Treatment,” *AP News*, October 14, 2025, <https://www.apnews.com/article/immigration-deportations-trump-administration-civil-rights-84309f534c601bfa6e9fae78bcff5>

Databases of investigation involving immigration enforcement report on the detailed demographic trends, such as the majority detainees who are not criminals and the highest number of detainees in records, highlighting the expansion of the system.

In some cases, closed and in others still open, government agencies and oversight groups have documented issues regarding detention conditions and adherence to standards before. Internal watchdog shutdowns themselves are also documented and subject to debate in congressional hearings.

### **C. Government Accountability**

Deletion of critical inner control organs of the Department of Homeland Security, including the Office of Civil Rights and Civil Liberties and the Office of the Immigration Detention Ombudsman, hindered the ability to investigate violations on its own and created a lack of transparency. The administration has challenged congressional attempts to visit detention facilities in court and judicial decisions in favor of lawmakers taking impromptu visits due to fears of conditions and non-cooperation. Internal warnings regarding misuse of restraint practices and poor-quality care are reported publicly and through human rights investigation, but little has changed in terms of policy or protection of those who blow the whistle against abuse, with critics citing lack of accountability in those who report abuse.

## **V. SPECIFIC CASE EXAMPLES**

### **Case 1: Deaths in ICE Custody During 2025**

Four Haitian, Nicaraguan, Eritrean, and Bulgarian nationals died in U.S. Immigration and Customs Enforcement (ICE) custody within a one-week period in December 2025, which added to the count of at least 30 deaths in ICE custody during the year, the highest number in agency history since 2004, according to agency notices and investigative journalism by Reuters. The deaths were criticized by opponents, such as U.S. Representative Pramila Jayapal, as proof of the outrageous neglect in how detainees were treated, and a federal judge upheld the rights of congress to make unscheduled visits to detention centers amid the fear of what happens behind prison walls.<sup>29</sup>

### **Case 2: Human Rights Violations at “Alligator Alcatraz” and Miami’s Krome Center**

In December 2025, an Amnesty International investigation reported gross violations at a so-called Alligator Alcatraz in Florida and the Krome immigration processing center in Miami. The detainees complained of being kept in small outdoor cages and being subjected to the hot weather without enough water, poor sanitation such as overflowing toilets and pests, absence of medical attention, and harsh punitive measures. In their report, Amnesty outlined the systematic mistreatment and degrading conditions that were against the basic human rights standards.<sup>30</sup>

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<sup>29</sup> Jason Dearen, “Four Died in ICE Custody This Week as 2025 Deaths Reach 20-Year High,” *Reuters* (December 19, 2025),

<https://www.reuters.com/world/us/four-died-ice-custody-this-week-2025-deaths-reach-20-year-high-2025-12-19/>

<sup>30</sup> Richard Luscombe, “Detainees at ‘Alligator Alcatraz’ Facing ‘Harrowing Human Right Violations’, New Report Alleges,” *The Guardian*, December 4, 2025, <https://www.theguardian.com/us-news/2025/dec/04/alligator-alcatraz-human-right-violations-amnesty-report>

### **Case 3: Traumatic Child Detentions — Elizabeth Zuna Caisaguano**

In early 2026, Elizabeth Zuna Caisaguano, a 10 years old elementary school student of Columbia Heights, Minnesota, was stopped by federal immigration officers with her mother going to school, and taken to the Dilley, Texas detention center even though a claim was pending asylum. The family spent approximately a month in custody of a measles outbreak in the facility and was then released to reunite with her father back in Minnesota. Its abrupt withdrawal of a school-age child, who was at her classroom and in her community attracted national fury and was reported in *The Guardian* and others as reflecting a strain in the general system of family detention and child welfare in immigration detention.<sup>31</sup>

### **Case 4: Brutal Use of Force During Immigration Arrest — Alberto Castañeda Mondragón**

Alberto Castañeda Mondragona, 31, sustained eight skull fractures and numerous brain hemorrhages in January 2026, following a bloody encounter with ICE agents at the time of his arrest outside a shopping center in St. Paul, Minnesota. Video footage and medical specialists refuted the original suggestion by ICE that he had banged his head on a wall, rather, there was a sudden beating by law enforcement. Castañeda had been arrested by federal authorities because he had overstayed his visa even though he had no criminal record; a judge ruled that the arrest was illegal. The case of the excessive use of force and the absence of accountability in enforcement activities is highlighted by the reporting of the Associated Press.<sup>32</sup>

### **Case 5: Deportation of Journalist Mario Guevara**

In October 2025, one of the most notable Spanish-language media outlets in Georgia, Salvadoran-born journalist Mario Guevara, was deported to El Salvador, after over 100 days in ICE custody, following his arrest at a protest in Atlanta. Even though the charges against him regarding the protest were turned down, ICE detained and eventually deported him, even after he stood to receive immigration relief and a bond order by an immigration judge. The detention was publicly criticized by human rights and press-freedom groups such as the Committee to Protect Journalists and PEN America, among other critics, as a form of retaliation against his coverage, and violated right of freedom of expression. Associated Press, *The Washington Post* and the press advocacy groups have extensively reported this incident.<sup>33</sup>

### **Case 6: Family Separation — Fei Zheng and Young Son**

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<sup>31</sup> Richard Luscombe, “Minnesota Girl, 10, Released From ICE Custody After a Month in Detention,” *The Guardian*, February 4, 2026, <https://www.theguardian.com/us-news/2026/feb/04/minnesota-ice-immigration-elizabeth-caisaguano>

<sup>32</sup> Jack Brook, Michael Biesecker, Jim Mustian & Cedar Attanasio, “Immigrant Whose Skull Was Broken in Eight Places During ICE Arrest Says Beating Was Unprovoked,” *AP News*, February [Date], 2026, <https://www.apnews.com/article/immigration-enforcement-minneapolis-hospital-ice-beating-assault-4e77742e0629fc7f127c0aa38b3d2a70>

<sup>33</sup> Kate Brumback, “Spanish-Language Journalist Arrested Near Atlanta, Held by ICE, Deported to El Salvador,” *AP News*, October 3, 2025, <https://www.apnews.com/article/journalist-detained-immigration-ice-mario-guevara-atlanta-dace73271b02d6e41890ba0554859b12>

Fei Zheng, a Chinese-origin asylum-seeking father, was divided without his six-year old son Yuanxin in a regular ICE check-in at the New York City office of the agency in November 2025. Although Fei Zheng was detained in an adult prison, his son was sent to the Office of Refugee Resettlement as an unaccompanied minor and his whereabouts were initially not disclosed, eliciting a hue and cry and action by lawmakers such as Senator Chuck Schumer. The continuing policies which lead to the division of families have been pointed out in the media coverage of this case although they claim to have broader administrative reforms.<sup>34</sup>

## **VI. VIOLATIONS OF SPECIFIC TREATY OBLIGATIONS**

### **A. International Covenant on Civil and Political Rights (ICCPR)**

#### **Articles 2 and 26: Non-Discrimination and Equality Before the Law**

Article 2 of the ICCPR has an obligation of respecting and guaranteeing the Covenant rights without discrimination to the State parties whereas Article 26 entails equality before the law and the equal protection. It has been proven that the U.S. immigration enforcement has been disproportionately affecting Latino, Black, and Muslim communities due to racial profiling and the use of nationality-based enforcement measures.<sup>35</sup> The American Civil Liberties Union has reported a wide range of cases where citizens and legal residents of the U.S. have been detained or even interrogated by the immigration authorities basing entirely on race, tongue or even perceived ethnicity. The research of reporters has also proved that the communities of color are disproportionately involved in the immigration checkpoints and enforcement activities, which lead to the wrongful detention of the U.S. citizens. These are practices that contravene the ICCPR injunction against discrimination and unequal treatment before the law.

Article 7: Prohibition of Torture and Cruel, Inhuman or Degrading Treatment.<sup>36</sup>

Article 7- it prohibits torture and cruel, inhuman or degrading treatment or punishment. Decades of records show that U.S. immigration detention conditions, especially the extended incarceration in hazardous settings, lack of access to appropriate medical assistance, and solitary imprisonment, all surpass internationally accepted standards of inhuman treatment.<sup>37</sup> The analysis of ICE deaths by ACLU revealed that an overwhelming majority of them were avoidable and could be caused by medical negligence. Human Rights Watch and Amnesty international have reported on extreme overcrowding, long periods of isolation, exposure to extreme temperatures, and deprivation of necessary healthcare, which the UN Special Rapporteur on Torture has termed as cruel, inhuman, or degrading treatment.

#### **Article 9: Liberty and Security of Person and Freedom from Arbitrary Detention**

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<sup>34</sup> Charna Flam, "Father and 6-Year-Old Son Separated After Being Detained by ICE at Routine Check-In," *People*, December 5, 2025,

<https://people.com/father-and-6-year-old-son-separated-after-being-detained-by-ice-at-routine-check-in-11862662>

<sup>35</sup> American Civil Liberties Union, *ICE and Border Patrol Abuses*, American Civil Liberties Union,

<https://www.aclu.org/issues/immigrants-rights/ice-and-border-patrol-abuses>

<sup>36</sup> American Civil Liberties Union, *Immigrants' Rights*, American Civil Liberties Union,

<https://www.aclu.org/issues/immigrants-rights>

<sup>37</sup> UN Human Rights Committee, *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, Adopted March 10, 1992, Refworld,

<https://www.refworld.org/legal/general/hrc/1992/en/11086>

Article 9 forbids unreasonable arrest and detention and states that it needs a quick judicial examination. It has been established that people even asylum seekers and U.S citizens have been in situations where they are detained without personalized evaluations, remain in detention without trials or are moved around detention centers in manners that do not help them access attorneys. Government records and judicial decisions indicate that a significant number of detainees have been incarcerated although they are not a threat to flight or security and in many cases, months or years. The UN Human Rights Committee has underlined that immigration detention should be the last resort, which should be necessary and proportional, which have consistently failed to meet the test in U.S. practice.<sup>38</sup>

### **Article 10: Humane Treatment of Persons Deprived of Liberty**

In Article 10, it is stipulated that everyone being denied liberty must be treated with humanity and dignity being respected. A number of reports by the Department of Homeland Security Office of Inspector General and independent medical assessments have reported unsafe conditions of living, poor hygiene, lack of medical care, and abuse in the immigration detention centers.<sup>39</sup> The repetition of all these conditions even after warnings and court orders indicate that there is a systemic failure to provide minimum humane treatment standards that should be applied according to the international law.

### **Articles 17 and 19: Right to Privacy and Freedom of Expression**

Articles 17 and 19 guard people against random intrusion into privacy as well as guard the freedom of expression. Research has found that the U.S. government has been spying on, interrogating, and holding data of journalists, lawyers, and activists due to the usage of social media networks and political beliefs. DHS database leaks and congressional testified that people were flagged and interrogated due to constitutionally-protected speech, which had a chilling effect on people and their speech. This group of practices amounts to illegal invasion of privacy and unacceptable limitations to freedom of expression as stipulated in the ICCPR.<sup>40</sup>

### **Articles 23 and 24: Protection of the Family and Rights of the Child**

Articles 23 and 24 demand that states to safeguard the family cohesion and provide special protection to children. According to documented federal court reports and government reports, U.S. family separation policies led to the separation of thousands of children by their parents,

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<sup>38</sup> Alfred de Zayas, "Human Rights and Indefinite Detention," *International Review of the Red Cross*, Vol. 87, No. 857 (March 2005), [https://international-review.icrc.org/sites/default/files/irrc\\_857\\_2.pdf](https://international-review.icrc.org/sites/default/files/irrc_857_2.pdf)

<sup>39</sup> United Nations, *International Covenant on Civil and Political Rights* (adopted Dec. 16, 1966; entered into force Mar. 23, 1976), United Nations Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>40</sup> United Nations, *International Covenant on Civil and Political Rights* (adopted Dec. 16, 1966; entered into force Mar. 23, 1976), United Nations Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

without in most cases a tracking system to reunite such children with their parents.<sup>41</sup> Doctors and psychologists hired by the court recorded serious irreversible psychological damage to children who suffered. The continued incarceration of children in insecure situations continues to be in breach of the requirement to consider the best interests of the child as a major factor.

## **B. Convention Against Torture**

Article 16 of the Convention Against Torture compels the States to suppress the occurrences of cruel, inhuman or degrading treatment or punishment in any territory within their jurisdiction. The vast literature shows that the situation in the U.S. immigration detention facilities is worse than that. The U.S. Department of Justice Office of Inspector General (DOJ OIG) has discovered on numerous occasions that detainees are receiving severe medical care, long exposure to extreme temperatures, poor living conditions, and prolonged solitary confinement. There have been medical reports and human rights investigators who have reported cases of detainees being refused life-saving treatment, not given chronic or acute conditions, or being isolated despite the known mental health susceptibilities. The United Nations Special Rapporteur on Torture has indicated that severe solitary confinement especially of persons with mental illness can be considered a kind of torture or cruel, inhuman or degrading treatment under the international law.<sup>42</sup>

## **C. Convention on the Elimination of Racial Discrimination**

### **Physical and Psychological Abuse in Detention**

Articles 1 and 16 of CAT prohibit acts causing severe physical or mental suffering inflicted by or with the acquiescence of public officials. Investigative reporting and NGO documentation have revealed repeated instances of sexual assault, physical violence, and psychological abuse in immigration detention facilities. Government records obtained through litigation show hundreds of sexual abuse complaints filed by detainees over the past decade, many involving staff perpetrators. Human Rights Watch and Amnesty International have documented patterns of physical mistreatment, use of force, and coercive practices that cause lasting psychological trauma, particularly among asylum seekers and survivors of prior torture. These findings demonstrate a pattern of abuse inconsistent with CAT obligations.<sup>43</sup>

### **Failure to Investigate, Prevent, and Punish Abuse**

In Articles 12 and 13 of CAT, States have the obligation to investigate the claims of torture with due seriality and impartiality, as well as hold leaders accountable. It has been shown that the U.S. authorities have not done sufficient investigations into deaths and abuse in the custody of

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<sup>41</sup> United Nations, *International Covenant on Civil and Political Rights*, adopted December 16, 1966, entered into force March 23, 1976, United Nations Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>42</sup> REDRESS, *A Summary of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (London: REDRESS, October 2018), <https://redress.org/storage/2018/10/REDRESS-Summary-of-UNCAT-2018.pdf>

<sup>43</sup> REDRESS, *Guide to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (London: REDRESS, October 2018), <https://redress.org/wp-content/uploads/2018/10/REDRESS-Guide-to-UNCAT-2018.pdf>

immigration. DOJ OIG investigations and ACLU-based reviews reveal that the deaths that happened in custody are regularly discussed in-house with a lack of transparency, slowness, and low disciplinary actions. Even after several warnings, there are systemic weaknesses and the responsibility of concerned officials is hard to find. This lack of enquiry and prevention of recurring abuse amounts to a violation of CAT obligations.<sup>44</sup>

## **VII. FAILURE OF DOMESTIC REMEDIES**

### **Racial Profiling in Immigration Enforcement**

States are required by law under the treaty known as the Convention on the Elimination of All Forms of Racial Discrimination to prohibit and eliminate all forms of racial discrimination. In support of this requirement, there is considerable evidence that U.S. Immigration enforcement uses racial profiling, which means using a person's appearance or race as the basis for determining who is subject to enforcement action. This means that people of Latino or Black descent are disproportionately targeted by U.S. Immigration enforcement than other groups. The ACLU (American Civil Liberties Union) and other civil rights groups have compiled numerous examples of individuals being stopped, questioned, or detained based on their skin color, accent, religion or perceived national origin. The UN treaty bodies have repeated this conclusion, denoting that racial profiling by law enforcement officers constitutes a violation of ICERD in every instance.<sup>45</sup>

### **Disparate Impact of National-Origin–Based Policies**

The enforcement of U.S. immigration policy, which is based on national origin, has had a particularly disproportionate effect on certain ethnic and racial groups. National-origin-based immigration enforcement practices against largely Muslim-majority nations are an example of how these national-origin-based immigration enforcement policies and practices have produced discriminatory outcomes that have been substantiated and documented by courts, news reporters, and human rights organizations. ICERD prohibits not just discriminatory acts, but also policies and procedures that have a detrimental impact, regardless of whether there was an intentional element or not.

### **Failure to Provide Effective Protection and Remedies**

According to Article 6 of ICERD, States are obliged to offer adequate protection and compensation to people harmed by racial discrimination. A lot of evidence has shown that people who have been subjected to racial profiling and/or being discriminated against while detained have more difficulties redressing the situation. They face many obstacles such as, they do not have access to a lawyer, they fear getting retaliation from law enforcement, and limited

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<sup>44</sup> REDRESS, *Guide to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (London: REDRESS, Oct. 2018), <https://redress.org/wp-content/uploads/2018/10/REDRESS-Guide-to-UNCAT-2018.pdf>

<sup>45</sup> **International Convention on the Elimination of All Forms of Racial Discrimination**, adopted March 7, 1966, entered into force January 4, 1969, United Nations, Treaty Series, vol. 660, p. 195, UN Doc. No. IV-2 (treaties.un.org), [https://treaties.un.org/pages/viewdetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&clang=en](https://treaties.un.org/pages/viewdetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=en)

ways holding law enforcement accountable.<sup>46</sup> Racial injustice civil rights lawsuits result in a few systemic reforms and filing complaints internally do not provide independent and transparent processes. In failing to provide effective remedies to the victims of racial discrimination or injustice is violating ICERD obligations.

## **VIII. REQUESTED ACTIONS**

Considering the overwhelming evidence provided, we respectfully request that the United Nations Human Rights Council fulfill its duty as outlined by the General Assembly resolution 60/251 and Human Rights Council Resolution 5/1 to respond to the human rights violations detailed herein.

### **Immediate Investigation**

We request that the Council begin an urgent inquiry into these violations, including by requesting immediate, unrestricted access to U.S. immigration detention facilities. U.S. immigration detention facilities should be able to provide access for confidential interviews to detainees, facility staff, medical staff, and impartial observers. The Council has previously authorized fact-finding missions and urgent inquiries into the credibility of allegations involving systemic violations of human rights, particularly those against people deprived of liberty and At imminent risk of harm.

### **Engagement of Special Procedures**

We ask that the Council activate its relevant Special Procedures. This includes the special rapporteurs for torture and other cruel, inhuman or degrading treatment or punishment; the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the special rapporteur on the human rights of migrants and the special rapporteur on the promotion and protection of the right to freedom of opinion and expression. The special rapporteurs should be invited to conduct a visit to the United States, request information from the U.S. government and issue urgent appeals to the government concerning individuals who are at risk of being subjected to human rights abuses.

### **Formal Human Rights Council Mechanisms**

We ask that the Council require the United States to provide a detailed written response to each separate allegation described in this petition. We also ask that these findings be incorporated into the United States' next Universal Periodic Review (UPR) through advance questions and recommendations from member states. The UPR mechanism was developed to address patterns of human rights-related violations that need to be addressed domestically.

### **Recommendations and Remedial Measures**

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<sup>46</sup> UN Committee on the Elimination of Racial Discrimination (CERD), *General Recommendation No. 37 (2024) on equality and freedom from racial discrimination in the enjoyment of the right to health*, CERD/C/GC/37 (adopted Aug. 23, 2024; issued Feb. 21, 2025), United Nations, <https://docs.un.org/en/CERD/C/GC/37>

Petitioners request that the Council issue clear and public recommendations calling for the immediate cessation of harmful practices identified in this petition, including arbitrary detention, family separation, racial profiling, and abusive detention conditions. Petitioners further request recommendations requiring independent monitoring of immigration detention facilities, meaningful accountability mechanisms for abuses, and full compliance with international human rights standards under the ICCPR, CAT, and ICERD.

#### **Public Reporting and Transparency**

We urge the Council to publish all findings, as well as any response received from the United States, and then present the report to the entire Human Rights Council in a publicly accessible session. Public reporting will help achieve transparency, accountability and meaningful involvement of civil society and affected communities.

#### **Follow-Up and Ongoing Monitoring**

Finally, we request that the Council set out a clear timeline for implementing its recommendations; require that the U.S. Government provide ongoing public reports on remedial measures adopted; and continue to monitor compliance with established Council follow-up procedures, which are designed to achieve tangible outcomes as a result of implementing the Council's recommendations rather than leaving them unimplemented.

## **IX. URGENCY**

Immediate action by the United Nations Human Rights Council is required because the violations described in this petition are ongoing, systemic, and continue to cause serious and irreversible harm.

Firstly, evidence shows that there are still violations in place in the Immigration Detention Centers. There are presently record-high levels for immigration detention in the U.S. and there have been recent reports of deaths, examples of medical neglect, and individuals who are being held under harsh conditions being documented regularly. An investigative report by Reuters and the Washington Post has shown that there were an unprecedented number of detainee deaths recorded over the past few years in the U.S., demonstrating that individuals currently being held have a clear and imminent risk to their life and health.

Secondly, children and other vulnerable populations continue to be exposed to significant risk every day; human rights groups and federal court filings are evidencing the ongoing detention of children as well as the continued practice of separating families and providing inadequate medical/mental health care for minors in detention. Medical experts and pediatricians have previously warned that even short periods in an immigration detention center can result in enduring psychological harm to children, particularly children who have experienced separation from a parent or have a history of trauma.

The impact of documented surveillance, questioning and targeting of journalists, activists and supporters for their political speech has had a strong chilling effect on freedom of expression and civic participation. The New York Times has produced articles on the issue as has ACLU and as a result, individuals have changed their speech, no longer participate in protests, will not travel

because of concern about government enforcement (e.g. controls their ability to travel.) According to the UN Human Rights Committee, these chilling effects are independent reasons to consider violations of Article 19 of the ICCPR.

Also, deportation and prolonged detention may inflict permanent harm that cannot be cured or alleviated by later remediation. Individuals deported to countries where they will be subjected to violence, persecutions or lack of medical care are subjected to losing their lives or suffering permanent harm. Families who are separated through detention and/or deportation are traumatized; the trauma extends beyond the duration of separation and even extends beyond reunification (if a reunification occurs), as courts and UN bodies acknowledge that deportation and prolonged deprivation of liberty are an injury that cannot be remediated through subsequent legal remedies.

The sustained and ongoing nature of the violations presents a unique opportunity to address issues associated with affected populations who are vulnerable; the increasingly severe suppression of fundamental freedoms, and the permanent consequences of those violations associated with detention and deprivation will only result in future remedies being of far less value than would be available if immediate action were taken by the Human Rights Council to avoid additional loss of life, additional trauma and/or the further erosion of essential human rights.

## **X. CONCLUSION**

This Petition includes substantial supporting documentation from international and national mainstream media outlets, UN treaty bodies, U.S. government oversight reports, human rights organizations, medical and mental health professionals, legal advocates as well as firsthand testimonies of victims; together, they establish a consistent and overwhelmingly substantiated pattern(s) of severe violations of human rights. Each of the sources cited confirm the abuses described in this Petition and indicate that they are not isolated occurrences, but rather part of an established systemic practice warranting immediate international intervention.

These violations cannot simply be categorized as policy disputes within the domestic legal system. Rather, these abuses are clear violations of legally binding international obligations or treaty obligations under international human rights law to which the United States is a signatory, specifically the International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on the Elimination of All Forms of Racial Discrimination. Therefore, as a founding Member State of the UN and longtime supporter of the UN's international human rights system, the U.S. government has an enhanced obligation to adhere to these instruments, both in law and in actions.

The Human Rights Council was formed to help deal with these types of situations—those where the domestic court system has not been able to provide a remedy, where people are at risk of ongoing harm due to being in a vulnerable state and where there is a lack of fundamental human rights through systematic, large-scale practices. Therefore, petitioners are requesting that the Council explore allegeable violations and provide a voice for the victims as well hold all states to

a universal standard of human rights regardless of the state's level of global political power or influence.

The fundamental dignity, safety and rights of hundreds of people including children, family members, journalists, activists, asylum-seekers and American citizens; depend upon the Council taking immediate and decisive action. Continued inaction on the part of the council risk causing irreparable harm to many people, undermine international legal standards and diminish the belief in the universality of human rights protections.

Respectfully submitted,

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02/11/2026

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## ANNEXES:

### ANNEX A: DOCUMENTED CASE FILES WITH SUPPORTING EVIDENCE

This annex contains representative, well-documented case files illustrating systemic violations, including wrongful detention, deaths in custody, family separation, excessive force, and retaliation for protected speech.

Included case documentation may consist of sworn declarations, agency records, and investigative findings relating to:

- Deaths in ICE custody, including multiple deaths recorded in 2024–2025 and reviewed by federal agencies and journalists  
*Reuters, Deaths in ICE custody reach highest levels in decades:*  
<https://www.reuters.com/world/us/>
- Wrongful detention of U.S. citizens and lawful residents based on race or appearance  
*ACLU, Border Patrol Abuse of U.S. Citizens:*  
<https://www.aclu.org/issues/immigrants-rights/ice-and-border-patrol-abuses>
- Family separation cases arising from immigration enforcement actions  
*Ms. L. v. ICE* litigation materials:  
<https://www.aclu.org/cases/ms-l-v-ice>

Each case file includes identifying details (where consent has been provided), dates, locations, responsible agencies, and corroborating documentation.

### ANNEX B: STATISTICAL DATA AND ANALYSIS

This annex compiles statistical evidence demonstrating systemic patterns rather than isolated incidents. Data sources include U.S. government records, independent datasets, and peer-reviewed analyses.

Included materials:

- Immigration detention population statistics and trends  
*Transactional Records Access Clearinghouse (TRAC), Syracuse University:*  
<https://trac.syr.edu/immigration/>
- ICE detainee death statistics and mortality reviews  
*ICE Detainee Death Reports:*  
<https://www.ice.gov/detain/detainee-death-reporting>
- Analysis of preventable deaths in detention  
*ACLU, Deadly Failures: Preventable Deaths in Immigration Detention:*  
<https://www.aclu.org/publications/deadly-failures-preventable-deaths-us-immigrant-detention>
- Disparate racial and national-origin impacts of enforcement practices  
*Human Rights Watch, U.S. immigration enforcement data:*  
<https://www.hrw.org/united-states/immigration>

### ANNEX C: MEDICAL AND PSYCHOLOGICAL REPORTS

This annex contains medical and psychological evaluations prepared by licensed professionals documenting harm suffered by detainees, children, and families.

Included documentation:

- Psychiatric and psychological evaluations of children separated from parents  
American Academy of Pediatrics, *Detention of Immigrant Children*:  
<https://www.aap.org/en/advocacy/immigrant-child-health/>
- Medical expert findings linking detention conditions to preventable deaths  
ACLU, medical analysis included in *Deadly Failures*:  
<https://www.aclu.org/publications/deadly-failures-preventable-deaths-us-immigrant-detention>
- Clinical assessments of the impact of solitary confinement  
UN Special Rapporteur on Torture, medical standards:  
<https://www.ohchr.org/en/special-procedures/sr-torture>

## **ANNEX D: MEDIA REPORTS AND INVESTIGATIVE JOURNALISM**

This annex includes investigative journalism by major national and international media outlets corroborating systemic abuses.

Representative sources include:

- Reuters investigations into deaths, detention conditions, and oversight failures  
<https://www.reuters.com/world/us/>
- Associated Press investigations into medical neglect, sexual abuse, and excessive force  
<https://apnews.com/article/immigration-enforcement-minneapolis-hospital-ice-beating-assault-4e77742e0629fc7f127c0aa38b3d2a70>
- <https://apnews.com/article/migrant-children-abuse-lawsuit-southwest-key-a075a4fb9c8f2898c7c0dd01b6928d31>
- The Guardian investigations into family detention and child harm  
<https://www.theguardian.com/us-news/2026/feb/04/minnesota-ice-immigration-elizabeth-caisaguano>
- <https://www.theguardian.com/us-news/2026/feb/07/liam-conejo-ramos-deportation-trump-administration>

## **ANNEX E: NGO REPORTS AND DOCUMENTATION**

This annex compiles reports from internationally recognized human rights organizations.

Included reports:

- Human Rights Watch, *Systemic Indifference: Dangerous & Substandard Medical Care*:  
<https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention>
- Amnesty International, U.S. immigration detention reports:  
<https://www.amnesty.org/en/location/americas/north-america/united-states-of-america/>

- Southern Poverty Law Center, immigration detention and abuse documentation:  
<https://www.splcenter.org/resources/reports/shadow-prisons-immigrant-detention-south>
- ACLU national immigration detention documentation:  
<https://www.aclu.org/issues/immigrants-rights>

## **ANNEX F: LEGAL FILINGS AND COURT DOCUMENTS**

This annex contains judicial decisions, pleadings, and official filings demonstrating domestic remedies pursued and their limitations.

Included materials:

- Federal court rulings on family separation (*Ms. L. v. ICE*):  
<https://www.aclu.org/cases/ms-l-v-ice>
- Civil rights lawsuits alleging excessive force and wrongful detention  
PACER summaries and publicly filed complaints
- DHS and DOJ Office of Inspector General reports submitted to Congress  
DOJ OIG immigration-related reports:  
<https://www.oig.dhs.gov/sites/default/files/assets/SAR/2024/oig-sar-apr23-sept23.pdf>

## **ANNEX G: PHOTOGRAPHIC AND VIDEO EVIDENCE**

This annex includes visual documentation corroborating detention conditions, enforcement actions, and resulting harm.

Representative sources include:

- Photographs and video footage obtained through FOIA requests
- Media-published images of detention facilities and enforcement actions  
Associated Press photo archives:  
<https://apnews.com/photo-gallery/trump-everglades-immigrant-detention-facility-visit-a26bdb01e010ac480502d0b7059e32a9>
- [https://www.dhs.gov/sites/default/files/2025-07/25\\_0731\\_PRIV\\_Chief\\_FOIA\\_Officers\\_Weekly\\_Report\\_March\\_31\\_25\\_to\\_June\\_30\\_25.pdf](https://www.dhs.gov/sites/default/files/2025-07/25_0731_PRIV_Chief_FOIA_Officers_Weekly_Report_March_31_25_to_June_30_25.pdf)

## **ANNEX H: WITNESS STATEMENTS AND TESTIMONIES**

- Sworn declarations submitted in federal court proceedings  
<https://e1.nmcdn.io/assets/irap/wp-content/uploads/2022/07/Plaintiff-declarations.pdf>
- Congressional testimony regarding detention conditions  
U.S. Congress hearing records: