

3 September 2025

To:

Honorable Commissioner Rémy Ngoy Lumbu

Chairperson

The African Commission on Human and Peoples' Rights (ACHPR)

31 Bijilo Annex Layout,

P.O Box 673

Banjul

The Gambia

Honorable Commissioner Selma Sassi Safer

The Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa

African Commission on Human and Peoples' Rights (ACHPR)

31 Bijilo Annex Layout,

P.O Box 673

Banjul

The Gambia

Re: Request for Urgent Intervention on the Illegal Transfer of Migrants from the United States of America to Third Countries, in Particular to Countries in Africa

Dear Commissioners Ngoy Lumbu and Sassi Safer,

The Global Strategic Litigation Council for Refugee Rights, Human Rights First and their allied partners, jointly undersigned below, express deep concerns regarding the United States of America's ongoing expulsion of migrants, including asylum seekers, to states in which they are not citizens or nationals, nor habitual residents. The Commission should take urgent action and issue a resolution clarifying the application of African human rights law and standards to protect the rights of these migrants, to ensure that African Union (AU) member states who receive such migrants do not run afoul of their legal duties and to protect the rights of citizens of AU member states.

Recent expulsions have included asylum-seekers who were turned back from the United States' border with Mexico and sent to third countries without consideration of their refugee claims.¹

¹ See, e.g., Human Rights Watch, "Nobody Cared, Nobody Listened" The US Expulsion of Third-Country Nationals to Panama (24 April 2025); Human Rights First, "'This is an order from Trump': Abuse, Expulsions and Refoulement of

They have included persons, including asylum-seekers, who had entered the United States and were in the middle of legal proceedings to determine whether they would be allowed to remain there, as well as several who had been approved by the United States government for refugee status.² They have also included persons who were under orders of deportation from the United States but were sent to a country to which they had never been ordered deported.³ All these expulsions were done without adequate due process guarantees, in violation of international law. As noted below, these actions involve citizens or nationals of African states forcibly expelled to third countries outside of the continent, as well as expulsions of citizens or nationals of African states and of other migrants to AU member states. The latter are based on bilateral agreements between the United States and multiple African states, as acknowledged in the Commission's recent news release.⁴ These bilateral agreements are shrouded in secrecy, hindering accountability within both the expelling state and receiving states.

In February 2025, the United States forcibly expelled and transferred hundreds of migrants to Panama and Costa Rica via military transport. According to Human Rights Watch, this included migrants from Angola, Cameroon, Eritrea, Ethiopia, Ghana and Somalia who were trying to seek asylum in the USA.⁵ These migrants were subjected to arbitrary detention in the United States and denied due process and the right to seek asylum there and then subject to these and other abuses in Panama and Costa Rica.⁶ Following litigation, advocates were able to secure the release of these members of the diaspora and other migrants from detention.⁷

People Seeking Asylum (08 May 2025); Human Rights Watch, "The Strategy Is to Break Us" The US Expulsion of Third-Country Nationals to Costa Rica (22 May 2025).

² See, e.g., *Noem et al. v. Abrego Garcia et al.*, 605 U.S. ____ (2025)

³ See, e.g., Human Rights First, *D.V.D. v. DHS*, at <https://humanrightsfirst.org/dvd-v-dhs/>.

⁴ African Commission on Human and Peoples' Rights, Press Release on the Deportation of African and Non-African Migrants by the USA to Africa States' (5 August 2025 |) accessed on 5 August 2025 at <https://achpr.au.int/fr/news/communiqué-de-presse/2025-08-04/communiqué-de-presse-sur-lexpulsion-de-migrants-africains-et>

⁵ Human Rights Watch, "Nobody Cared, Nobody Listened" The US Expulsion of Third-Country National to Panama (24 April 2025) and Human Rights Watch, "The Strategy Is to Break Us" The US Expulsion of Third-Country Nationals to Costa Rica (22 May 2025)

⁶ Human Rights Watch, "Nobody Cared, Nobody Listened" The US Expulsion of Third-Country National to Panama (24 April 2025) and Human Rights Watch, "The Strategy Is to Break Us" The US Expulsion of Third-Country Nationals to Costa Rica (22 May 2025)

⁷ The Global Strategic Litigation Council, 'Significant Victory for the Rights of Displaced Persons in Costa Rica: Constitutional Court Orders their Immediate Release: (28th June 2025) accessed on 4 August 2025 and Genevieve Glatzky et al, 'Panama Says It Will Release Migrants from Detention Camp' (7 March 2025) accessed on 4 August 2025 at

<https://www.nytimes.com/2025/03/07/world/americas/panama-migrants-detention-camp-released-trump.html>

In the weeks that followed, the United States then identified other third countries who were willing to host African and other migrants and signed agreements with them. It has been reported that additional agreements are still being negotiated. In early July, the United States forcibly expelled and transferred approximately eight men to South Sudan after holding them for over a month in detention in Djibouti⁸. Only one of these men held South Sudanese nationality; the others were all from countries outside the African continent who had no ties anywhere in the region. The United States sent another group of five migrants to Eswatini. These expulsions were conducted without due process and violated established international law norms, as codified in the 2023 African Guiding Principles, including the principle of non-refoulement. The governments of Eswatini and South Sudan have both publicly acknowledged receiving the migrants. Public reports and government statements indicate that, following their arrival to South Sudan and Eswatini, the migrants have been deprived of their liberty.⁹

Reporting by the New York Times, based on a review of diplomatic communications and government documents secured through United States freedom of information law requests, demonstrates that the United States is in negotiations with or is currently planning on further forcible expulsions and transfers of migrants to at least two dozen countries in Africa, including Rwanda, Benin, Angola, Libya, Uganda and Equatorial Guinea.¹⁰ In August, the government of Rwanda announced its intention to accept 250 migrants expelled from the United States; Uganda recently made a similar announcement, as acknowledged in a recent press statement by the Commission.¹¹

⁸ Adam Gabbatt, 'Group stranded with Ice in Djibouti shipping container after removal from US' (US 6 June 2025)

⁹ Eswatini Government post X on 16 July 2025 - <https://x.com/EswatiniGovern1/status/1945482350567055605> - accessed on 4 August 2024 and Ministry of Foreign Affairs & International Cooperation Republic of South Sudan 'Official Statement on the Arrival of Third-Country Nationals and South Sudanese Deported from the United States of America to South Sudan' - <https://mofaic.gov.ss/official-statement-on-the-arrival-of-third-country-nationals-and-south-sudanese-deported-from-the-united-states-of-america-to-south-sudan/> - accessed on 8 July 2025

¹⁰ Edward Wong et al, 'The Administration is pushing nations around the World, including Ones at War, to Take People Expelled by the U.S. Government who are not Citizens of those Countries' (25 June 2025) accessed on 4 August 2025 at https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html?unlocked_article_code=1.b08.2trJ.TJ45AUVTslqz&smid=url-share.

¹¹ Eve Sampson, 'Rwanda Agrees to Accept 250 Migrants as Part of Trump Deportation Plan' - (5 August 2025) https://www.nytimes.com/2025/08/05/world/africa/rwanda-trump-deportees.html?unlocked_article_code=1.cU8.IAMJ.O9F8SQ1-KwZt&smid=url-share accessed on 14th August 2025 and Elias Biryabarema, 'Uganda says it has agreed with US to take people who may not qualify for asylum' (21 August 2025) accessed on 21 August at

Forcible expulsions from the United States and transfer of migrants to countries in which they are not citizens or nationals, nor habitual residents, particularly without adequate due process or consideration of international protection claims, and including in circumstances in which they are transferred to situations of prolonged detention on unclear legal bases and in poor conditions, all constitute serious violations of international and African law and standards. Actions by AU member states that aid and assist the USA in violating international law also implicate questions of international responsibility for AU member states for the unlawful conduct of the United States.

In view of the above, and while applauding the Commission's recent press statement on this topic, we request the Commission to issue a resolution that,

- a. Calls upon parties to the African Charter on Human and Peoples' Rights not to enter into illegal forcible transfer agreements or otherwise facilitate the unlawful expulsion of migrants from the United States to Africa.
- b. Calls upon parties to the African Charter on Human and Peoples' Rights to decline to receive migrants forcibly expelled and transferred from the United States without appropriate evidence that the removals complied with international law and standards.
- c. Calls upon the governments of South Sudan and Eswatini to release from detention and guarantee access to fundamental legal protections, including but not limited to access to fair and efficient status determination proceedings, of those migrants forcibly expelled and transferred from the United States.
- d. Calls upon the governments of South Sudan and Eswatini to take all appropriate measures to facilitate the return of those migrants forcibly expelled and transferred from the USA back to the United States, to their countries of citizenship, nationality or habitual residence or to another country of their choice.
- e. Calls upon states in other regions which are considering receiving citizens or nationals of African states who are forcibly expelled and transferred from the United States to a

<https://www.reuters.com/world/africa/uganda-says-it-has-agreed-with-us-take-people-who-may-not-qualify-asylum-2025-08-21/>. Communiqué de presse sur la poursuite des accords migratoires entre certaines pays africaines, (1 September 2025)

<https://achpr.au.int/en/news/press-releases/2025-09-01/accords-migratoires-entre-certains-etats-africains-et-les-etats-unis>.


country in which they are not a citizen or national, nor a habitual resident, to decline to receive such migrants without appropriate evidence that the removals complied with international law and standards, and to take all appropriate measures to facilitate the return of those migrants forcibly expelled and transferred from the United States back to the United States, to their countries of citizenship, nationality or habitual residence or to another country of their choice.

We kindly request the Commission to provide an urgent resolution on this matter to address the ongoing violations of international law and prevent their recurrence.

We thank you for your attention to this important matter.

Yours sincerely,

Organisational Signatories:


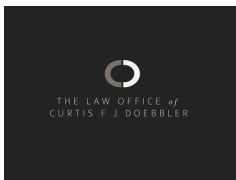



<p>1. Global Strategic Litigation Council</p> 	<p>2. Human Rights First</p> 	<p>3. Centre for Human Rights, University of Pretoria (South Africa)</p> 
<p>4. East African Centre for Forced Migration and Displacement</p> 	<p>5. Zambian Civil Liberties Union (ZCLU) (Zambia)</p> 	<p>6. Greater Love Sustainable Initiative (Nigeria)</p> 

<p>7. Climate Impact Initiative Uganda</p> 	<p>8. RefuSHE (Kenya)</p> 	<p>9. DIGNITY Kwanza (Tanzania)</p> 
<p>10. Refugee Law Project (Uganda)</p> 	<p>11. Haki Na Sheria (Kenya)</p> 	<p>12. Youth for Green Communities (YGC) (Uganda)</p> 
<p>13. NEDUCHUKS CONCEPT</p> 	<p>14. KITUO CHA SHERIA LEGAL ADVICE CENTER (Kenya)</p> 	<p>15. The African Centre for Governance (South Africa)</p> 
<p>16. Coop-Cameroon</p> 	<p>17. Katiba Institute (Kenya)</p> 	<p>18. Catalysts for Change</p> 



<p>19. Lawyers for Human Rights</p> 	<p>20. Kopanang Africa Against Xenophobia</p> 	<p>21. Angels Refugee Support Foundation (Uganda)</p> 
<p>22. JUSCLIMA Climate Collective</p> 	<p>23. MAP (Migrant Assistance Program) Foundation</p> 	<p>24. Americans for Immigrant Justice (AIJ)</p> 
<p>25. Voices of Venezuela</p> 	<p>26. Human Rights Research League</p> 	<p>27. Fundación Refugiados Unidos</p> 
<p>28. AsyLex</p> 	<p>29. Front-LEX</p> 	<p>30. SCRA Immigrant Justice Group</p> 

<p>31. Robert F. Kennedy Human Rights</p> 	<p>32. Asylum Access</p> 	<p>33. Physicians for Human Rights</p>  <p>Physicians for Human Rights</p>
<p>34. Clouton Hamp Ventures Sustainability Group</p> 	<p>35. Centro de Estudios Legales y Sociales (CELS)</p> 	<p>36. Joint Action Committee for Refugees, Pakistan</p> 
<p>37. Institute for the sustainable development of indigenous Women of Honduras IDESMULH (SANDRA CERRATO)</p> 	<p>38. Center for Gender & Refugee Studies (CGRS)</p>  <p>Center for Gender & Refugee Studies</p>	<p>39. Equal Freedom Institute (EFI)</p> 
<p>40. International Refugee Assistance Project (IRAP)</p> 	<p>41. HIAS</p>  <p>Welcome the stranger. Protect the refugee.</p>	<p>42. Law and Policy Forum for Social Justice</p> 

<p>43. International-Lawyers.org</p> 	<p>44. DoeblblerLaw - The Law Office of Dr Curtis FJ Doeblbler</p> 	<p>45. Global Rights Advocacy</p> 
<p>46. Network of Honduran Women Against Violence (REDMUHCV)</p> 	<p>47. Rohingya Justice Initiative (RJI)</p> 	

Individual Signatories (affiliations for identification purposes only):

48. Christine Savino , University of Oxford	49. Samundra Acharya , Researcher
50. Jasmine Simperingham , Lawyer	51. Gosaitse Rapelang (Botswana)
52. Tareq Slauddin , SOAS University of London (UK)	53. Audrey Macklin , Professor of Law and Chair in Human Rights, University of Toronto, (Canada)
54. Carolina Moreno , Associate Professor, Los Andes University (Colombia)	55. Moshood Olanrewaju , Assistant Professor, Adler University. Chicago, (USA)
56. David Cantor , Professor, University of London	57. E. Tendayi Achiume , Professor of Law, Stanford Law School, Former United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance
58. Fabian Oriori , Lawyer- Oriori Law (Kenya)	59. Renato Sebastiani Leon Mazza , Lawyer (Perú)
60. Denise Gilman , Co-Director, Immigration Clinic, University of Texas School of Law (Austin, Texas)	61. Joseph Wandega Delano , Legal Officer Angels Refugee Support Foundation (Uganda)
62. Kate Ogg , Professor of Law, Australian National University	63. Adeodata Kanyamihanda , PhD Researcher and Teaching Assistant, University of Antwerp

64. Uwera Chance , Lawyer, Immigration consultant Muyenga and Associates (Zambia)	65. Guy S. Goodwin-Gill , Emeritus Fellow, All Souls College, Oxford; Emeritus Professor of International Refugee Law, University of Oxford; Honorary Professor, Kaldor Centre for International Refugee Law, Faculty of Law & Justice, University of New South Wales, Sydney
66. Jennifer Moore , Regents' Professor, University of New Mexico School of Law	67. Bibe Kalalu , Activist refugee LGBTIQ (Uganda)
68. Eva Nudd , Human Rights Lawyer (Kenya/USA)	69. Samar Abbas , Human Rights Lawyer (Pakistan)
70. Martin MANDE , Secretary General, South Africa Refugee Led Network (South Africa)	71. Hannah R. Garry , Clinical Professor of Law, Faculty Director, Justice & Accountability Initiative, International Human Rights Clinic, USC Gould School of Law
72. Brian Gorlick , International Lawyer, Senior Associate, Refugee Law Initiative, University of London	73. Helen Kerwin , Supervising Attorney, Human Rights Clinic, University of California–Berkeley School of Law
74. Esther Michael Sawa , Human Rights Officer	75. Daniel Naujoks , Lecturer & Coordinator, Committee on Forced Migration, Columbia University
76. Sayedul Karim , Rohingya Human Rights Defender	77. Helen Benedict , Professor, Columbia University's Graduate School of Journalism
78. Nery Santaella , Voices of Venezuela Director and UN SDG Changemaker Awardee	79. Susan L. Burke , Burke PLLC
80. Sara Casey , Associate Professor, Columbia University Mailman School of Public Health	81. Alejandro Gómez Restrepo , Coordinator of the Strategic Litigation and Advocacy Department at the United Refugees Foundation
82. 35. Maja Grundler , Lecturer in Law, Northumbria University	83. 36. Racheal Wahome , RefuSHE (Kenya)
84. Pius D. Ojara, PhD , Director, Refugee Law Project, School of Law, Makerere University, Kampala (Uganda)	85. Sarah H. Paoletti , Practice Professor of Law and Director of the Transnational Legal Clinic, University of Pennsylvania Carey Law School
86. Cindy G. Buys , Professor of Law, Southern Illinois University Simmons Law School	87. Ramy Moustafa Abdelhady , Chief Judge, PhD Candidate & Graduate Teacher at University of Bristol

88. Coline Schupfer Galia , Human Rights Lawyer	89. Philip Collins , US Immigration Attorney, PhD Candidate – University of Galway
90. Abiy Ashenafi , Manager, Migrants' Rights Unit, Centre for Human Rights, University of Pretoria	91. Thandeka Chauke , Lawyer, Catalysts for Change (South Africa)
92. Daniel J. Van Lehman , Visiting Scholar, Middle East Studies Center, Portland State University	93. Dina Lupin , Associate Professor, University of Southampton, Distinguished Research Fellow Centre for Environmental Law, Macquarie University
94. Amit Anand , Assistant Professor of Law, School of Legal Studies, REVA University, Bengaluru (India)	95. Susana Borràs-Pentinat , Associate Professor, Rovira i Virgili University, Center for Environmental Law Studies, Tarragona, (Spain)
96. Corina Heri , Assistant Professor of Constitutional and Administrative Law, Tilburg University (Netherlands)	97. Professor Diana Jeater , Professor of African History, University of Liverpool (UK)
98. Giorgia Pane , Postdoc Research Fellow in International Law, Università di Milano (Italy)	99. Stepan Wood , Professor and Canada Research Chair in Law, Society & Sustainability, University of British Columbia (Canada)
100. Aryampa Brighton , Environment and Human Rights Lawyer (Uganda)	101. Olalekan A Bello , School of Law, Lecturer in Law (Teaching and Research), University of Leicester (UK)
102. Carolyn Patty Blum , Clinical Professor of Law, Emerita, Berkeley Law	103. Eileen Imbosa A. , Public Interest Litigation Lawyer, (Kenya)
104. Wambua Kituku, PhD , Executive Director, Kituo Cha Sheria (Kenya)	105. Tumelo Mokoena , Regional Executive Director, The African Centre for Governance
106. Ludo Lone Sekga , Human Rights Lawyer	107. Nicolas Boeglin , Professor of International Law, Law Faculty, University of Costa Rica
108. Masako Ichihara, Program-Specific Assistant Professor , The Center for Interdisciplinary Studies of Law and Policy, Kyoto University School of Law	109. Mariana Olaizola Rosenblat , NYU Stern Center for Business and Human Rights
110. Palesa Maloisane , Attorney, Lawyers for Human Rights	