

What is Persecution?

Persecution is a crime that is defined as severe discrimination that results in the denial or infringement of fundamental rights.

The “fundamental rights” referred to in the definition of persecution are generally understood to be those found in the **Universal Declaration of Human Rights** and the **International Covenant on Civil and Political Rights** including the rights to life, liberty, security of person, equality and non-discrimination, freedom of expression and assembly and religion and to be free from arbitrary arrest, detention and cruel, inhuman and degrading treatment.

When persecution is committed on a widespread or systematic basis it is a crime against humanity.

Crimes against humanity are a set of crimes that are considered to be among the most serious violations in international law, along with genocide and certain war crimes. In addition to persecution, acts like murder, enslavement, deportation or forcible transfer of populations, imprisonment in violation of basic rules of international law, torture, sexual violence, and other inhumane acts are crimes against humanity when committed on a widespread or systematic basis. They are not isolated or sporadic acts but are part of a larger policy or practice of targeting. As the international law scholar Antonio Cassese explains, crimes against humanity are treated this way because they “offend against and injure a transcendent good, the value of the human being in the moral code, a value that cannot be compromised.”

A brief history of persecution under international law:

The Nuremberg Charter was written to establish laws and procedures for the trials against high-level officials of Germany's Nazi regime after World War II. It established that crimes against humanity encompassed “persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.” In addition to the unprecedented violence unleashed against Jews after the start of the war, the **Nuremberg Tribunal** also viewed as forms of persecution laws which stipulated, for example, that all Jews should be treated as foreigners, banned from holding public office, denied further immigration into Germany and prohibited from publishing German newspapers.

Since the trials at Nuremberg, other international bodies set up to administer criminal justice after massive atrocities, for example regarding the genocides in Rwanda and the former Yugoslavia, have found that discrimination intended to and resulting in an impairment of an individual's fundamental rights constitutes persecution, and when committed in a widespread or systematic manner, constitutes a crime against humanity. **For example, the International Criminal Tribunal for the Former Yugoslavia, a United Nations court which oversees trials of war crimes committed in the Balkans during the 1990's,** observed that the prohibition of persecution is intended to prevent the intentional “exclusion of a person from society on discriminatory grounds” and encompasses: acts of varying severity, “from killing to a limitation on the type of professions open to the targeted group”; and “not only bodily and mental harm and infringement upon individual freedom but acts which appear less serious such, as those targeting property.”

Similar protections under U.S. law:

- Some of the legal victories won by the civil rights movement, such as the **Civil Rights Act**, continue to protect the rights to equality and non-discrimination set out in the U.S. Constitution, similar to how international law protects against persecution. The Act includes a provision which allows civil suits against private actors involved in conspiracies to violate civil rights.
- U.S. recognition of the harms committed by such conspiracies dates back to the 19th century. The **1860s** witnessed the Ku Klux Klan and other white supremacist groups often acting in concert with state and local governments to terrorize and murder newly freed slaves and those who supported them. The original purpose of the **Ku Klux Klan Act** was to protect newly emancipated slaves from attacks by white supremacist groups.
- The modern version of the Ku Klux Klan Act is found in **Section 3 of 42 U.S.C. § 1985**, entitled “**Conspiracy to interfere with civil rights.**” It provides that it is unlawful “in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States.” If an individual violates this section, “the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.”
- The **civil rights era** witnessed several cases brought against persecutors under Section 1985(3). In the landmark decision in **Griffin v. Breckenridge in 1971**, a group of white men terrorized and attacked the occupants of a car they believed to include a civil rights worker belonging to a group known as Civil Rights for Negroes. Holding that 1985(3) covered purely private conspiracies (in addition to conspiracies involving public officials), the Supreme Court affirmed the validity of Mr. Griffin’s claim under section 1985(3), alleging a conspiracy to deprive the vehicle’s occupants of equal protection of the law and the privileges and immunities of citizenship, as well as the right to be free of the “badges and incidents of slavery”, the right to life and liberty, and the right to travel public highways.

U.S. extremist Scott Lively has worked closely with church and government leaders around the world to persecute LGBT people and strip away their fundamental human rights.

Scott Lively in Russia, 2006-2007:

"[H]omosexuality is destructive to individuals and to society and it should never [be] publicly promoted. The easiest way to discourage 'gay pride' parades and other homosexual advocacy is to make such activity illegal..."

2006: Russia begins criminalizing gay rights advocacy, gay pride celebrations are banned and met with violence and police repression.



Scott Lively in Uganda, 2009:

"...our campaign was like a nuclear bomb against the 'gay' agenda in Uganda" "I'm proud of that, and I hope the nuclear bomb spreads across the whole world..."

Later that year, Uganda's infamous "kill the gays" bill was introduced to Parliament, which initially proposed punishing homosexuality with death, and advocacy with prison sentences.



2012: CCR and Sexual Minorities of Uganda file a federal lawsuit against Scott Lively for persecution.

THEY'RE TRYING TO TAKE AWAY MY RIGHT TO TAKE AWAY PEOPLE'S RIGHTS!!!



by Jesse Harold