

## **Entrenching Authoritarianism: Expanding the Terrorism Framework and the Infrastructure of Surveillance to Repress Expression and Stifle Dissent**

**Joint Submission to the United Nations Human Rights Council Reviewing the U.S. National Report under the Universal Periodic Review**

50th Session of the Universal Periodic Review - Fourth Cycle (November 3-14, 2025)

**April 7, 2025**

*This stakeholder report is being submitted by the following human rights and community organizations: Asian Law Caucus, Center for Constitutional Rights, Center on Privacy & Technology at Georgetown Law, Community Justice Project, International Justice Clinic at UC Irvine Law School, Muslim Advocates, Sierra Club - Georgia Chapter, University of Dayton Human Rights Center. The partners welcome the opportunity to contribute to the UN Human Rights Council's review of the United States' National Report under the Universal Periodic Review.*

## I. Introduction

The accelerated disintegration of democracy and the evaporation of fundamental rights in the United States (hereinafter U.S.) witnessed since the second inauguration of President Donald Trump is the culmination of decades of bi-partisan suspension of international human rights obligations. Increasing concentration of unchecked power in the executive branch, failure to address past harms, and noncompliance with international recommendations created the context currently being exploited and weaponized by a right-wing authoritarian regime. Motivated by racial and ethnic animus, operating without regard for the rule of law, and equipped with advanced technological tools, the new administration is positioned to supercharge the dissolution of human rights protections.

Since the U.S.'s last Universal Periodic Review, state actors across all levels of government have committed violations to stifle dissent and debate, criminalize protest, and threaten human rights defenders. A central feature of the repression is a metastasizing "terrorism" framework that escalated in the aftermath of September 11th. The methods deployed in the name of "counter-terrorism" and "national security" evolved from emergency measures to common practices, ensnaring new populations and cannibalizing a broader range of issues. Today, University students and professors that challenge support for Israel's genocide of Palestinians are being targeted. Environmental activists that oppose the plan to build a police training facility in a clear-cut forest outside of Atlanta, Georgia have been prosecuted as "domestic terrorists." And key to the administration advancing its anti-democratic and anti-rights agenda is the expansion of a vast surveillance infrastructure of law enforcement agencies with the aid of unaccountable tech magnates.

Chillingly, the government's repeated and rising attacks on civil society as well as lawyers seek to erode the infrastructure of support for the most marginalized communities and to neutralize the very mechanisms by which government power can be checked and constrained. These patterns are familiar to any reader of history or observer of comparative case studies in authoritarianism. The current submission documents evidence of human rights violations committed by the U.S. government in the areas of freedom of expression, due process, and privacy rights. Given the rapid deterioration of the human rights situation and the pronounced consolidation of power underway, the submission requests that member states of the Human Rights Council not only urgently consider raising these issues during the 2025 Universal Periodic Review of the U.S., but to use all available means to hold the present administration accountable to its obligations under international human rights law.

## II. The Metastasizing “Terrorism” Framework: Guantánamo and the Alien Enemies Act

In the first two months of the Trump administration, the U.S. government swiftly deployed the so-called “counter-terrorism” and “national security” frameworks to target marginalized communities. Through early executive actions the administration sought to recycle and expand the use of Guantánamo Bay as a detention site for migrants, and invoked the 1798 Alien Enemies Act – a sweeping war time authority – to deport hundreds of Venezuelans to El Salvador. That the administration was poised to take advantage of the infrastructure and ideology of an ever-expanding “terrorism” framework that is designed to avoid legal and judicial scrutiny, is both a logical consequence and damning indictment of an international legal system that has tolerated U.S. impunity for the complete suspension of Constitutional rights and international norms.

### ***1. The Metastasizing “Terrorism” Framework***

With its roots in anti-Palestinian racism,<sup>1</sup> the U.S. terrorism framework has long been an effective tool of the government to strip human rights and enlist its extensive military apparatus in the service of a regressive political, economic and ideological agenda.<sup>2</sup> The broad interpretations and sweeping measures of the anti-terror effort, with its emphasis on preventative policing, has brought lawful protest, religious practice and political speech within its ambit.<sup>3</sup>

To date, and by design, there is no singular definition of terrorism in U.S. Law, which is a subjective and political categorization.<sup>4</sup> For example, in 1992, Congress together with pharmaceutical and other industries passed the Animal Enterprise Protection Act and created the new crime of “animal enterprise terrorism,” as a way to criminalize protests targeting their sector. And while the U.S. government has long targeted and criminalized Muslims, particularly Black Muslims,<sup>5</sup> counter-terrorism efforts ramped up in the aftermath of 9/11 with the

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<sup>1</sup> *Anti-Palestinian at the Core: The Origins and Growing Dangers of U.S. Antiterrorism Law*, CTR.

CONSTITUTIONAL RTS. & PALESTINE LEGAL (Feb. 20, 2024),

[https://ccrjustice.org/sites/default/files/attach/2024/02/Anti-Palestinian%20at%20the%20Core\\_White%20Paper\\_0.pdf](https://ccrjustice.org/sites/default/files/attach/2024/02/Anti-Palestinian%20at%20the%20Core_White%20Paper_0.pdf)

<sup>2</sup> *Letter from global civil society organizations providing information for the UN Human Rights Committee’s upcoming review of the United States of America under the International Covenant on Civil and Political Rights*, AL-HAQ et al. (Sept. 12, 2023)

<https://ccrjustice.org/sites/default/files/attach/2023/09/Global%20Civil%20Society%20Letter%20-%20US%20ICCPR%20Review.pdf>

<sup>3</sup> *Illusion of Justice: Human Rights Abuses in US Terrorism Prosecutions*, HUMAN RTS. WATCH, (July 21, 2014) (Hereinafter “Illusion of Justice”)

<https://www.hrw.org/report/2014/07/21/illusion-justice/human-rights-abuses-us-terrorism-prosecutions>.

<sup>4</sup> See Sudha Setty, *Country Report on Counterterrorism: United States of America*, 62 AM. J. COMP. L. 643 (2014), <https://digitalcommons.law.wne.edu/facschol/285/>.

<sup>5</sup> See *Spying on the Margins: The History, Law, and Practice of U.S. Surveillance Against Muslim, Black, and Immigrant Communities and Contemporary Strategies of Resistance*, PROJECT SOUTH (Feb. 2021), [https://projectsouth.org/wp-content/uploads/2021/04/FINAL-Project-South\\_Spying-on-the-Margins\\_04.26.2021.pdf](https://projectsouth.org/wp-content/uploads/2021/04/FINAL-Project-South_Spying-on-the-Margins_04.26.2021.pdf).

government conducting dragnet surveillance and massive spying operations on Muslim and Black, African, Arab, Middle Eastern, Muslim, and South Asian communities, and individuals perceived to be Muslim.<sup>6</sup> Relatedly, “Material Support to Terrorism” laws have been broadly interpreted by legislators and the courts to include such efforts as advocacy and humanitarian assistance if it is deemed to be “in coordination” with designated terrorist organizations.<sup>7</sup> And in recent years, through state and federal legislation and policies, environmental justice movements,<sup>8</sup> racial justice activists,<sup>9</sup> and students protesting Israel’s genocide against Palestinians<sup>10</sup> have all been targeted and maligned under the terrorism framework. Recently, President Trump took to social media to denounce protestors targeting Tesla, the electric vehicle company founded by Elon Musk, as “sick terrorist thugs” who could perhaps “serve [their 20 year jail sentences] in the prisons of El Salvador, which have become so recently famous for such lovely conditions!”<sup>11</sup>

The Trump administration, like other authoritarian regimes, recognizes the value of an inherently nebulous and malleable “counter-terrorism” framework to advance its political objectives. Without meaningful action by the international community, the necessary work by social movements to combat abusive state power and to promote human rights, racial justice, Indigenous sovereignty, and ecological harmony will, to our collective peril, be stifled for generations.

## 2. *Guantánamo Bay*

One of the Trump administration’s earliest executive actions on January 29, 2025 sought to expand the Migrant Operations Center at Guantánamo Bay to full capacity “to provide additional detention space for high-priority criminal aliens unlawfully present in the U.S., and to address

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<sup>6</sup> See, e.g., *Hassan v. City of New York*, 804 F. 3d 277 (3<sup>d</sup> Cir. 2015); *Losing Liberty: the State of Freedom 10 Years After the Patriot Act*, MUSLIM ADVOCATES, [https://muslimadvocates.org/wp-content/uploads/2019/06/Losing\\_Liberty\\_The\\_State\\_of\\_Freedom\\_10\\_Years\\_After\\_the\\_PATRIOT\\_Act.pdf](https://muslimadvocates.org/wp-content/uploads/2019/06/Losing_Liberty_The_State_of_Freedom_10_Years_After_the_PATRIOT_Act.pdf); see also Nabihah Maqbool, *Defunding the Police Must Include Ending the Surveillance of Muslims*, THE INTERCEPT (June 25, 2020), <https://theintercept.com/2020/06/25/defund-police-dhs-cve-program/>.

<sup>7</sup> *Holder v. Humanitarian Law Project*, 130 S. Ct. 2705, 2712 (2010).

<sup>8</sup> Elsa Maria Mota, *An activist challenges her “Terrorism” sentence for civil disobedience in the fight against the Dakota Access Pipeline*, CTR. CONSTITUTIONAL RTS. (Nov. 15, 2021) [https://ccrjustice.org/home/blog/2021/11/15/activist-challenges-her-terrorism-sentence-civil-disobedience-fight-against-;](https://ccrjustice.org/home/blog/2021/11/15/activist-challenges-her-terrorism-sentence-civil-disobedience-fight-against-) West Virginia Legislature, House Bill 2916 (Introduced January 23, 2023), [http://www.wvlegislature.gov/Bill\\_Status/bills\\_text.cfm?billdoc=hb2916%20intr.htm&yr=2023&sesstype=RS&i=2916](http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb2916%20intr.htm&yr=2023&sesstype=RS&i=2916).

<sup>9</sup> William P. Barr, U.S. Dep’t of Justice, Statement on the Death of Mr. George Floyd (May 31, 2020), <https://www.justice.gov/opa/pr/attorney-general-william-p-barrs-statement-riots-and-domestic-terrorism>.

<sup>10</sup> *Palestinian Columbia Activist Detained by ICE, Sent to Louisiana Over Weekend Files Emergency Petition to Be Returned to New York*, CTR. CONSTITUTIONAL RTS. (Mar. 10, 2025), <https://ccrjustice.org/home/press-center/press-releases/palestinian-columbia-activist-detained-ice-sent-louisiana-over>.

<sup>11</sup> Perry Stein, *Trump Escalates Threats Against Those Who Destroy Tesla Vehicles*, WA. POST (Mar. 21, 2025) <https://www.washingtonpost.com/national-security/2025/03/21/trump-tesla-vehicles-elon-musk-bondi-vandalism/>.



attendant immigration enforcement needs identified by the Department of Defense and the Department of Homeland Security.”<sup>12</sup>

For decades, the U.S. government has exploited its unlawful military presence at Guantánamo Bay, on land stolen from Cuba, as a site to warehouse and abuse the dehumanized and criminalized “Other” or “terrorist” or “national security threat” - a broad and adaptable designation that has served the security theater of successive U.S. administrations. Since the 1990s, the U.S. has detained migrants (largely from Cuba and Haiti) who have been interdicted at sea at the Migrant Operations Center, a detention facility condemned for its lack of due process and oversight as well as poor conditions of confinement.<sup>13</sup> And following 9/11, the U.S. government established the Military Detention Center to indefinitely detain hundreds of Muslim men and boys, captured in the so-called “Global War on Terror.”

Rampant human rights abuses at Guantánamo, including indefinite detention without charge, abuse, and torture, have long been the subject of treaty bodies,<sup>14</sup> the Inter-American Commission on Human Rights<sup>15</sup> and UN Special Procedures,<sup>16</sup> including most recently in a 2023 report by the UN special rapporteur on counterterrorism and human rights.<sup>17</sup> Member states have used every Universal Periodic Review of the U.S. to call on the closure of Guantánamo,<sup>18</sup> but in the absence of meaningful U.S. accountability for grave violations of international law and the continued operation of the military prison, as well as the failure of the international community to

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<sup>12</sup> *Expanding Migrant Operations Center at Naval Station Guantanamo Bay to Full Capacity*, THE WHITE HOUSE (Jan. 29, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/expanding-migrant-operations-center-at-naval-station-guantanamo-bay-to-full-capacity/>.

<sup>13</sup> Fact Sheet: Detention Operations at Guantánamo, CTR. VICTIMS OF TORTURE (Feb. 14, 2025), <https://www.cvt.org/what-we-do/advocating-for-change/legacy-of-us-torture/detention-operations-at-guantanamo/>.

<sup>14</sup> See U.N. Comm. against Torture, *Concluding Observations on the Combined Third to Fifth Periodic Reports of the United States of America*, U.N. Doc. CAT/C/USA/CO/3-5 (Dec. 19, 2014), <https://www.ohchr.org/en/documents/concluding-observations/catcusaco3-5-concluding-observations-combined-third-fifth>; U.N. H.R.C., *Concluding Observations on the Fifth Periodic Review of the United States of America*, U.N. Doc. CCPR/C/USA/CO/5, (Dec. 4, 2023), <https://docs.un.org/en/CCPR/C/USA/CO/5>.

<sup>15</sup> The Inter-American Commission on Human Rights (IACHR), Report No. 29/20 case 12.865– Djamel Ameziane, concerning the United States of America (June 22, 2020).

<sup>16</sup> See Statement by Professor Martin Scheinin, Hearing before the LIBE Committee Inquiry on Electronic Mass Surveillance of EU Citizens, European Parliament, October, 14, 2013, <http://www.europarl.europa.eu/document/activities/cont/201310/20131017ATT72929/20131017ATT72929EN.pdf>; Clément Nyaletsossi Voule (Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association), *Protection of Human Rights in the Context of Peaceful Protests During Crisis Situations*, U.N. Doc. A/HRC/50/42 (May 16, 2022), <https://www.ohchr.org/en/documents/thematic-reports/ahrc5042-protection-human-rights-context-peaceful-protests-during-crisis>.

<sup>17</sup> See Fionnuala Ní Aoláin (Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms), *Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space* (June 2023), [https://unglobalstudy.wpengine.com/wp-content/uploads/2023/06/SRCT\\_GlobalStudy.pdf](https://unglobalstudy.wpengine.com/wp-content/uploads/2023/06/SRCT_GlobalStudy.pdf).

<sup>18</sup> Recommendations from the Third Cycle of US UPR (175, 176, 177), A/HRC/46/15/Add.1, paras. 15 and 16; Recommendations from the Second Cycle of US UPR (247, 248, 241, 243, 245, 250) A/HRC/30/12/Add.1, para. 15; Recommendations from the First Cycle of US UPR (88, 89, 136, 137, 141, 147, 155, 156, 157, 158, 159, 160), A/HRC/16/11.

effectively intervene, the Trump administration is intent on using Guantánamo and its logic to absorb the newest constructed “enemy.”

### 3. *The Alien Enemies Act*

On Saturday, March 15th, 2025, President Trump issued an Executive Order invoking the 1798 Alien Enemies Act<sup>19</sup> (hereinafter AEA). The AEA is a wartime authority that specifically permits the President to detain or deport the natives, citizens or ‘denizens’ of an ‘enemy nation’ without any hearing or standard process.<sup>20</sup> Since its passage, it has only been invoked three times - the War of 1812, World War I and World War II<sup>21</sup> - underscoring the extraordinary and wartime nature of the measures it authorizes. Significantly, these three declared wartime invocations of the AEA have been widely decried as abuses of executive power shaped by racist notions of who is and is not “American”, and who should be regarded as inherently suspect and a threat to “national security.”<sup>22</sup> During WWII, the AEA invocation presaged the mass relocation and internment of over 100,000 Japanese American immigrants and U.S. citizens.<sup>23</sup> The U.S. has since formally apologized for what it described as “a grave injustice . . . motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership.”<sup>24</sup>

Now, despite consistent advocacy to repeal the AEA given its ripeness for abuse,<sup>25</sup> the Trump Administration is not only invoking the law, but is doing so outside of the context of a declared state of war and without identifying a so-called “enemy nation.”<sup>26</sup> Instead, the U.S. government is falsely claiming that the country is being “invaded” by a South American criminal economic enterprise: the Tren de Aragua cartel,<sup>27</sup> which had been previously designated as a foreign

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<sup>19</sup> Alien Enemies Act of 1798, 50 U.S.C. § 21-24 (1918) [hereinafter AEA].

<sup>20</sup> Katherine Yon Ebright, *The Alien Enemies Act, Explained*, BRENNAN CTR. JUSTICE (Oct. 9, 2024), <https://www.brennancenter.org/our-work/research-reports/alien-enemies-act-explained>.

<sup>21</sup> *The Alien Enemy Act: History and Potential Use to Remove Members of International Criminal Cartels*, CONG. RSCH. SERV. LEGAL SIDEBAR (Updated Apr. 2, 2025), pg. 3, <https://www.congress.gov/crs-product/LSB11269>.

<sup>22</sup> Alice Yang, *Redress Movement*, DENSHO ENCYCLOPEDIA (Sep. 6, 2024), [https://encyclopedia.densho.org/Redress\\_movement/](https://encyclopedia.densho.org/Redress_movement/); *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 207 (2023) (confirming that *Korematsu v. United States*, 323 U.S. 214, 216 (1944) (upholding Japanese incarceration during WWII) was overruled by *Trump v. Hawaii*, 585 U.S. 667 (2018)); *Trump v. Hawaii*, 585 U.S. 667, 710 (2018) (“*Korematsu* was gravely wrong the day it was decided, has been overruled in the court of history, and—to be clear—has no place in law under the Constitution”) (internal citations omitted).

<sup>23</sup> Ben Fenwick, ‘*Stop Repeating History*’: *Plan to Keep Migrant Children at Former Internment Camp Draws Outrage*, N.Y. TIMES (June 22, 2019), <https://www.nytimes.com/2019/06/22/us/fort-sill-protests-japanese-internment.html>.

<sup>24</sup> 50 U.S.C. § 4202 (2022) (formerly classified to § 1989a of this title prior to editorial reclassification and renumbering) [hereinafter Civil Liberties Act].

<sup>25</sup> *The Neighbors Not Enemies Act*, JAPANESE AM. CITIZENS LEAGUE, <https://jacl.org/nnea> (providing overview of The Neighbors Not Enemies Act); Rep. Ilhan Omar Reintroduces the Neighbors Not Enemies Act to Repeal Alien Enemies Act, ILHAN OMAR (Jan. 22, 2025), <https://omar.house.gov/media/press-releases/rep-ilhan-omar-reintroduces-neighbors-not-enemies-act-repeal-alien-enemies-act> (describes the reintroduction of the Act in 2025).

<sup>26</sup> Exec. Order No. 10,903, 90 Fed. Reg. 13,033 (March 14, 2025).

<sup>27</sup> *Id.*

terrorist organization.<sup>28</sup> Over two decades of “War on Terror” propaganda have allowed the administration to exploit distorted views of warfare and “national security threats,” criminalizing entire communities as enemies in order to suspend human rights protections.

Using the AEA to target alleged gang affiliation<sup>29</sup> has made many in the U.S. vulnerable to summary detention and deportation without due process, based solely on government officials’ discretion, often influenced by racist and classist markers of gang-affiliation.<sup>30</sup> For example, immigration attorneys have raised the alarm that their clients are being targeted as gang members and deported solely on the basis of their tattoos.<sup>31</sup> Even more troubling are the reports that the individuals disappeared and detained under the AEA have been deported to Salvadoran prisons known for torture and otherwise inhuman and degrading treatment,<sup>32</sup> in violation of international human rights law (Article V of the Universal Declaration of Human Rights).<sup>33</sup>

### *Recommendations:*

The U.S.’ severely bloated counterterrorism and national security infrastructure, laws, policies and practices are used to criminalize racialized and marginalized communities and are being weaponized against human rights defenders and to suppress social movements. Member states should demand that the U.S.:

1. End military detention at Guantánamo Bay by safely transferring the remaining six uncharged men, including those who have been cleared for release, and allowing for the resolution of the cases of charged men through mutually acceptable plea deals; and cease using the Migrant Operations Center to detain individuals deported by the U.S.
2. Immediately engage in a whole-of-government review of War on Terror infrastructure, laws, policies and practices, specifically taking immediate steps toward ending the criminalization of communities by eliminating laws and policies that are ripe for abuse against activists as well as Black, Muslim, Arab, and South Asian, Indigenous, Latinx, and LGBTQIA+ communities.

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<sup>28</sup> *Id.*

<sup>29</sup> AEA, *supra* note 19.

<sup>30</sup> Beth Caldwell, *Reifying Injustice: Using Culturally Specific Tattoos as a Marker of Gang Membership*, 98 WASH. L. REV. 787 (2023) (describing how “the ‘gang’ label has been highly racialized and targets, in particular, Black and Latino individuals and communities”); Julianne Hing, *ICE Admits Gang Operations are Designed to Lock Up Immigrants*, THE NATION (Nov. 20, 2017), <https://www.thenation.com/article/archive/ice-admits-gang-operations-are-designed-to-lock-up-immigrants/> (describing how Immigration and Customs Enforcement inadvertently admitted to “leveraging the fearsome reputation of MS-13 [a gang] as political cover...to identify, criminalize, detain, and eventually deport large numbers of immigrants of color.”).

<sup>31</sup> Isa Farfan, *Venezuelan Migrants Allegedly Labeled as Gang Members Based on Tattoos*, HYPERALLERGIC (Mar. 24, 2025), <https://hyperallergic.com/998373/venezuelan-migrants-allegedly-labeled-as-gang-members-based-on-tattoos/>.

<sup>32</sup> Maanvi Singh, *US deportees face brutal conditions in El Salvador mega-prison: ‘Severe overcrowding, inadequate food,’* THE GUARDIAN (Mar. 20, 2025), <https://www.theguardian.com/us-news/2025/mar/20/trump-deportations-venezuela-prison>.

<sup>33</sup> Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/811 (Dec. 16 1948) [hereinafter UDHR].

3. Cease the weaponization of the terrorism framework and immediately repeal 18 U.S.C. §2339B of the material support statute, and oppose any new domestic terrorism crime legislation, the creation of a list of designated domestic terrorist organizations, or any other expansion of existing terrorism-related authorities.
4. Immediately revoke the ongoing invocation of the Alien Enemies Act and repeal its status as valid law, and define and commit to a plan to prevent future occurrences of the human rights violations inherent in the invocation of this law.

### III. Shrinking Space for Civil Society and the Targeting of Legal Infrastructure

The Trump administration, utilizing an unprecedented and likely unconstitutional level of authority, has issued executive orders and directives attacking the funding of nongovernmental organizations (NGOs) that do not align with the administration's regressive ideological stances. A January 2025 memo from the Office of Management and Budget, which ordered a funding freeze of federal spending on grants, loans and other initiatives to NGOs said, "[t]he use of Federal resources to advance Marxist equity, transgenderism, and green new deal social engineering policies is a waste of taxpayer dollars that does not improve the day-to-day lives of those we serve."<sup>34</sup> Even though a Federal District Court found that such a broad and sweeping freeze of federal funds was likely unconstitutional, the fight to force the administration to resume funding continues.<sup>35</sup> The loss of trillions of dollars in annual funding to NGOs across this country will have profound real-life implications on essential services to the most vulnerable in this country.

The Trump administration has also exerted pressure on NGOs to not raise public awareness on these attacks. Trump officials warned aid groups not to complain to the media about the freeze in aid, stoking fear at humanitarian organizations including Save the Children, Mercy Corps, and other nonprofit institutions about speaking out against the administration's actions.<sup>36</sup> By targeting NGOs that support and engage in work the Trump Administration deems to be progressive and out of line with Trump's stated anti-immigrant, anti-diversity, and anti-climate priorities, the U.S. is in violation of its human rights obligations, including ICCPR Article 19.

Alarming, President Trump is also utilizing the full force and weight of the U.S. government to target lawyers and law firms against whom he has a personal grievance. In the past month, President Trump has signed executive orders targeting powerful, multinational firms such as

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<sup>34</sup>Office of Management and Budget Memorandum M-25-13: Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs, January 27, 2025 (Office of Management and Budget), rescinded via OMB Memorandum M-25-14: Rescission of M-25-13 (Jan. 29, 2025).

<sup>35</sup>Kaei Li, *Judge Orders White House to Unblock Funding for NIH, Others*, DEMOCRACY DOCKET (Feb. 10, 2025), <https://www.democracymarket.com/news-alerts/federal-judge-issues-new-ruling-in-funding-freeze-case/>.

<sup>36</sup>John Hudson and Jeff Stein, *Senior USAID staff put on leave amid Trump's order halting foreign aid*, WA. POST (Jan. 27, 2025), <https://www.washingtonpost.com/national-security/2025/01/27/senior-usaid-staff-put-leave-amid-trumps-order-halting-foreign-aid/>.

Perkins Coie<sup>37</sup>, Paul Weiss<sup>38</sup> and Jenner & Block<sup>39</sup> by suspending security clearances for their lawyers, restricting their access to government buildings and officials and threatening to cancel federal contracts held by their clients, unless and until they agree to such terms as providing free legal services to advance the administration's agenda.<sup>40</sup> These firms have lawyers who previously worked on the investigation into Russian interference in the 2016 election, worked on behalf of presidential nominee Hillary Clinton, and some who have investigated Trump and his prior business practices.<sup>41</sup> Trump's attacks are not limited to these firms. In a memorandum dated March 22, 2025, Trump directed the U.S. Department of Justice to investigate firms that brought cases against the federal government over the past eight years and to "seek sanctions against attorneys and law firms who engage in frivolous, unreasonable, and vexatious litigation against the U.S."<sup>42</sup> His administration has further directed the Equal Employment Opportunity Commission (EEOC) to investigate 20 top law firms regarding their DEI programs.<sup>43</sup> Trump's conduct is a blatant attempt to harass, intimidate, and chill the conduct of this nation's most resourced legal advocates. In doing so, the administration attempts to send a clear signal to legal advocates nationwide that they are subject to its priorities and that the federal government will use all available force to impose its political objectives. Neama Rahmani, a former federal prosecutor and president of West Coast Trial Lawyers sums up these attacks as, "[a] kind of a constitutional crisis...our legal system is under attack, and it's a question of who's going to step up and defend it."<sup>44</sup>

#### *Recommendation:*

We suggest Member States make the following recommendations to the U.S.:

1. Repeal all executive orders and directives
  - a. reducing and/or eliminating funding for nongovernmental organizations that have received prior Congressional budgetary approval;
  - b. targeting lawyers and law firms that have represented parties or entities that have taken a position in opposition to President Trump;
  - c. targeting lawyers and law firms that have and/or continue to engage in diversity, equity and inclusion policies.

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<sup>37</sup> Exec Order No. 14230, 90 Fed. Reg. 46 (March 11, 2025).

<sup>38</sup> Exec Order No. 14237, 90 Fed. Reg. 53 (March 20, 2025).

<sup>39</sup> Exec Order No. 14246, 90 Fed. Reg. 59 (March 28, 2025).

<sup>40</sup> Mike Scarcella, *Why target these law firms? For Trump, it's personal*, REUTERS (Mar. 26, 2025), <https://www.reuters.com/world/us/why-target-these-law-firms-trump-its-personal-2025-03-26/>.

<sup>41</sup> *Id.*

<sup>42</sup> Memorandum Preventing Abuses of the Legal System and the Federal Court (Mar. 22, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/preventing-abuses-of-the-legal-system-and-the-federal-court/>

<sup>43</sup> Rebecca Beitsch, *Law firms divided over response to Trump orders*, THE HILL (Mar. 25, 2025), <https://thehill.com/regulation/court-battles/5211686-trump-administration-targets-law-firms/>.

<sup>44</sup> Katherine Tangelakis-Lippert, *Jenner & Block signals it will stand its ground after being targeted in Trump's war on Big Law*, BUS. INSIDER (Mar. 25, 2025), <https://www.businessinsider.com/donald-trump-war-big-law-targets-jenner-block-firm-resists-2025-3>.

#### IV. Freedom of Expression and Thought

##### ***1. The Targeting of Palestinian Rights Advocacy***

The U.S.’ ongoing campaign against advocates for Palestinian lives and liberation is an escalation of its longstanding<sup>45</sup> suppression of social movements that center Palestinian rights, Muslim and Arab communities, Black people, and intersectional communities of color. The latest iteration weaponizes criminal law,<sup>46</sup> immigration enforcement,<sup>47</sup> and general retaliation<sup>48</sup> to chill and punish dissent. Since October 2023, thousands of students, faculty, and community members have faced arrest, suspension, surveillance, and employment consequences for participating in nonviolent protests against U.S. complicity in Israel’s genocide of Palestinians in Gaza. Many universities summoned state, local, and campus police to brutally crack down on student activists at a scale not seen in decades; amounting to over 3,000 student, professor, and solidarity activist arrests on more than 80 campuses in the spring of 2024 alone.<sup>49</sup> At UNC-Chapel Hill, for example, students engaged in a nonviolent protest encampment in April 2024 were met with mass arrests and wrongful discipline.<sup>50</sup> Similarly, at Columbia University, over 100 students were arrested and suspended for participating in an encampment for Palestinian lives.<sup>51</sup> In an attempt to further silence dissent, universities have gone beyond individual

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<sup>45</sup> *How the “War on Terror” has Metastasized to Silence U.S. Social Movements and Shrink Civic Space*, Movement for Black Lives et al., submitted to U.N. H.R.C., 139th Sess., (Sept. 12, 2023), <https://ccrjustice.org/sites/default/files/attach/2023/09/ICCPR%20Terrorism%20Frame%20Shadow%20Report%209.12.23.pdf>.

<sup>46</sup> April Rubin et al., *Mapped: Where pro-Palestinian student protestors have been arrested*, AXIOS, (May 10, 2024), <https://www.axios.com/2024/04/27/palestinian-college-protest-arrest-encampment>.

<sup>47</sup> Chip Gibbons, *Crushing Dissent Through Immigration Law*, JACOBIN (Mar. 24, 2025), <https://jacobin.com/2025/03/khalil-dissent-immigration-law-deportation>.

<sup>48</sup> Sarah Lazare, *Bosses Are Retaliation Against Workers for Showing Solidarity With Palestinians*, THE NATION, (Nov. 22, 2024), <https://www.thenation.com/article/society/palestine-solidarity-workplace-retaliation/>; While employer retaliation originates from private actors, it is part of a broader pattern of repression encouraged and emboldened by U.S. government rhetoric and policies. The state’s labeling of Palestinian rights advocacy as dangerous or antisemitic has created cover for private institutions—including employers and private universities—to penalize individuals engaged in constitutionally protected expression. *See, e.g.,* Mahmoud Khalil, *Pro-Israel group says it has ‘deportation list’ and has sent ‘thousands’ of names to Trump officials*, THE GUARDIAN, (Mar. 14, 2025), <https://www.theguardian.com/us-news/2025/mar/14/israel-betar-deportation-list-trump>; *Three Palestinian students aged 20 shot in Vermont, US: What to know*, AL JAZEERA, (Nov. 27, 2023), <https://www.aljazeera.com/news/2023/11/27/three-palestinian-students-aged-20-shot-injured-in-vermont-what-to-know>.

<sup>49</sup> *Palestine Legal Condemns Wave of Campus Anti-Protest Policies Intended to Suppress Student Activism*, PALESTINE LEGAL (Sept. 12, 2024), <https://palestinelegal.org/news/2024/9/12/palestine-legal-condemns-wave-of-campus-anti-protest-policies-intended-to-suppress-student-activism>.

<sup>50</sup> *ACLU OF NC, EMANCIPATE NC, AND MUSLIM ADVOCATES FILE SUIT AGAINST UNC*, ACLU NORTH CAROLINA (Mar. 11, 2025), <https://www.acluofnorthcarolina.org/en/press-releases/suit-filed-against-unc>.

<sup>51</sup> Bill Hutchinson & Meredith Deliso, *Columbia University protest, Over 100 pro-Palestinian demonstrators, including Rep. Omar’s daughter, arrested*, ABC NEWS (Apr. 18, 2024), <https://abcnews.go.com/US/rep-omars-daughter-suspended-columbia-university-protests-break/story?id=109391129>.

sanctions and arrests to suspending and banning student organizations.<sup>52</sup> All of these actions violate the rights protected under Articles 19, 21, and 22 of the ICCPR, which guarantee the freedoms of expression, assembly, and association.<sup>53</sup>

History teaches, and the reality of the U.S.’ ongoing suppression of advocacy for Palestinian rights demonstrates, that attacks on free expression are too often intertwined with attacks on religious freedom.<sup>54</sup> Two recent examples include the removal of hijab from a protester’s head during her arrest at Arizona State University<sup>55</sup> and multiple Muslim women having their hijabs ripped off at the University of Texas at Austin.<sup>56</sup> These actions violate Article 18 of the ICCPR, in addition to violating Articles 19, 21, and 22.

More recently, President Trump’s 2025 executive orders—Executive Order to Combat Antisemitism<sup>57</sup> and Executive Order on Protecting the U.S.<sup>58</sup>—weaponize federal authority to investigate, surveil, and deport students under the guise of combating antisemitism<sup>59</sup> and protecting national security.<sup>60</sup> And on March 27, 2025, the U.S. House of Representatives Committee on Education and the Workforce sent letters to five colleges maligning student protest against Israel’s genocide and demanding information regarding the schools’ “lackluster response to the rise in antisemitism on their campuses.”<sup>61</sup> Together, these orders and Congressional investigations conflate criticism of Israeli government policy with hate speech and “material support for terrorism” and direct government action against individuals and institutions based on their political and cultural views, raising serious constitutional and human rights

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<sup>52</sup> Jonathan Friedman, *Suspensions of Students for Justice in Palestine Chapters Raise Questions and Concerns about Chilled Campus Environments*, PEN AMERICA (Dec. 8, 2024), <https://pen.org/suspensions-of-students-for-justice-in-palestine-chapters-raise-questions-and-concerns-about-chilled-campus-environments/>.

<sup>53</sup> International Covenant on Civil and Political Rights art. 19, 21, 22, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR]

<sup>54</sup> *Settlement Reached in NYPD Muslim Surveillance Lawsuit*, CTR. CONSTITUTIONAL RTS. (Apr. 9, 2018), <https://ccrjustice.org/home/press-center/press-releases/settlement-reached-nypd-muslim-surveillance-lawsuit>.

<sup>55</sup> Rachel Ramirez et al., *April 30, 2024 - US university protests*, CNN BUS. (May 1, 2024), <https://www.cnn.com/business/live-news/university-protests-palestine-04-30-24/index.html>.

<sup>56</sup> The Texan Recap, *Sheriff’s Office new guidelines for hijabs, new women-led club, UT soccer player injured*, DAILY TEXAN, (Oct. 2, 2024), <https://thedailytexan.com/2024/10/02/the-texan-recap-sheriffs-office-new-guidelines-for-hijabs-new-women-led-club-ut-soccer-player-injured/>.

<sup>57</sup> Exec. Order No. 13988, 84 Fed. Reg. 68779 (Dec. 16, 2019), <https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/>.

<sup>58</sup> Exec. Order No. 14161, 90 Fed. Reg. 8451 (Jan. 30, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-united-states-from-foreign-terrorists-and-othernational-security-and-public-safety-threats/>.

<sup>59</sup> *Palestine Legal: Trump’s Executive Order Aims to Punish Protests of Israel’s Genocide in Gaza, Promotes Anti-Palestinian Discrimination*, PALESTINE LEGAL (Jan. 30, 2025), <https://palestinelegal.org/news/trump-co-january-2025>.

<sup>60</sup> Faiza Patel, *Trump’s Executive Order on Foreign Terrorists: Implications for the Rights of Non-Citizens*, BRENNAN CTR. JUSTICE (Feb. 6, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/trumps-executive-order-foreign-terrorists-implications-rights-non>.

<sup>61</sup> House Committee on Education and Workforce. “Walberg, Owens Demand Answers from Five Colleges Following Their Lackluster Response to Antisemitism.” (March 27, 2025). <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=412306>

concerns. In parallel, state-level bills<sup>62</sup> and congressional hearings<sup>63</sup> have promoted a climate of censorship, subjecting Palestine advocacy to heightened scrutiny and criminalization.

The U.S. government is leveraging immigration law as a tool of political repression, violating ICCPR Articles 13 and 19, which protect non-citizens from arbitrary expulsion based on political expression. In violation of international law and the First Amendment of the U.S. Constitution, international students, many of them on F-1 visas, face threats of deportation for their participation in advocacy for Palestinian rights and against Israel's genocide in Gaza.<sup>64</sup> In March 2025, Columbia University student Mahmoud Khalil was abducted by federal agents from Columbia student housing and transferred to an immigration detention facility in Louisiana (1,400 miles away).<sup>65</sup> The abduction and detention followed months of disciplinary harassment by the university,<sup>66</sup> which had subjected him and others to draconian disciplinary measures and public targeting by pro-Israel groups (see Appendix 4). Similarly, DHS labeled Columbia graduate student Ranjani Srinivasan a "terrorist sympathizer" for her activism for Palestine and revoked her student visa.<sup>67</sup> Fearing that she would be detained, Ranjani Srinivasan fled the U.S.<sup>68</sup> These are just two examples of the immigration-based threats and removals creating a chilling effect on student activism, disproportionately silencing Black, African, Arab, Middle Eastern, Muslim, and/or South Asian (BAAMEMSA) students, and reinforcing a system of racist state retaliation against political dissent. As of the submission of this report, at least six more students have been targeted for immigration enforcement over their campus activism for Palestine.<sup>69</sup>

The U.S. government's suppression of pro-Palestinian expression and association constitutes a systematic attempt to delegitimize a global human rights movement, and it reflects a broader pattern of silencing dissent that has historically targeted Black activists, antiwar movements, and immigrant communities. Left unchecked, this repression threatens not only those advocating for

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<sup>62</sup> *US Protest Tracker*, International Center for Not-For-Profit Law, <https://icnl.org/usprotestlawtracker/index.php?location=&status=pending&issue=&date=&type=legislative>.

<sup>63</sup> *Senate Hearing on Antisemitism on College Campuses* (C-SPAN television broadcast Mar. 27, 2025), <https://www.c-span.org/event/senate-committee/hearing-on-antisemitism-on-college-campuses/432005>.

<sup>64</sup> Gloria Oladipo, 'A warning for students of color': Ice agents are targeting certain protesters, say experts, *THE GUARDIAN* (Mar. 26, 2025), <https://www.theguardian.com/us-news/2025/mar/26/us-universities-students-israel-palestine-protests>.

<sup>65</sup> *Khalil v. Trump*, CTR. CONSTITUTIONAL RTS. (Apr. 3, 2025), <https://ccrjustice.org/home/what-we-do/our-cases/khalil-v-trump>.

<sup>66</sup> Jake Offenhartz, *Immigration agents arrest Palestinian activist who helped lead Columbia University protests*, AP NEWS, (Mar. 9, 2025), <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcb921f21a9f704d5acdcae7a8>.

<sup>67</sup> Luis Ferré-Sadurní & Hamed Aleaziz, *How a Columbia Student Fled to Canada After ICE Came Looking for Her*, NY TIMES, (Mar. 15, 2025), <https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html>.

<sup>68</sup> *Grad student who fled U.S. says claims about her alleged support for Hamas are 'absurd'*, CBC (Mar. 19, 2025), <https://www.cbc.ca/news/world/ranjani-srinivasan-columbia-university-student-1.7488104>.

<sup>69</sup> Karina Tsui, *What we know about the federal detention of activists, students and scholars connected to universities*, CNN (April 2, 2025), <https://www.cnn.com/2025/03/31/us/what-we-know-college-activists-immigration-hnk/index.html>.



Palestinian rights but the fundamental freedoms of all who seek to decry injustices wherever they occur.

*Recommendations:*

As yet, Member States have not sufficiently addressed the U.S.' continued defiance of its obligations under the ICCPR, and in the escalating environment of repression and the targeting of political dissidents, should recommend that the U.S.:

1. Cease its policy and practice of arresting and detaining individuals, including noncitizens, who have exercised freedom of expression and engaged in First Amendment-protected activity in support of Palestinian rights;
2. Cease its policy and practice of targeting political dissenters, including noncitizens, on the basis of their support for Palestinian rights; and
3. Make efforts to repeal laws at state and local levels that criminalize or otherwise unduly restrict lawful assembly and advocacy for Palestine, such as domestic terrorism.

## ***2. The Killing and Criminalization of Environmental Human Rights Defenders***

Manuel Esteban Paez Terán, affectionately known as “Tortuguita,” is the first environmental human rights defender in U.S. history to be killed by law enforcement.<sup>70</sup> On January 18, 2023, Manuel was killed by Georgia State Patrol while sitting cross-legged, engaged in a peaceful protest of plans by City of Atlanta officials to raze an urban forest for construction of a militarized police training facility known as Cop City.

Manuel’s death occurs in the context of increasing police violence in the U.S. and assassinations of environmental defenders globally. In 2024, U.S. law enforcement killed 1,366 people, making it the deadliest year on record for killings by police.<sup>71</sup> Globally, almost 2,000 environmental activists were killed between 2012 and 2022.<sup>72</sup> Failure by governments around the world to properly investigate the murders encourages more attacks and impunity.<sup>73</sup>

Alarming, in the wake of Manuel’s death, government officials failed to properly investigate their death and instead opted to impose domestic terrorism charges against Cop City protestors. On September 5, 2023, Georgia Attorney General Chris Carr announced the prosecution of 61

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<sup>70</sup> Timothy Pratt, *Shot 14 Times, No Charges For Police: Family’s Grief Over Death Of Cop City Activist*, THE GUARDIAN (Oct. 8, 2023), <https://www.theguardian.com/us-news/2023/oct/08/cop-city-activist-tortuguita-georgia-manuel-paez-teran>.

<sup>71</sup> N’dea Yancey-Bragg, *US Sets Another Grim Record for Killings by Police in 2024*, USA TODAY (Feb. 26, 2025), <https://www.usatoday.com/story/news/nation/2025/02/26/police-killings-2024-data/80281722007/>.

<sup>72</sup> *Almost 2,000 Land and Environmental Defenders Killed Between 2012 and 2022 for Protecting the Planet*, GLOBAL WITNESS (Sept. 13, 2023), <https://www.globalwitness.org/en/press-releases/almost-2000-land-and-environmental-defenders-killed-between-2012-and-2022-protecting-planet/>.

<sup>73</sup> *Id.*

people in an indictment under Georgia’s Racketeer Influenced and Corrupt Organizations Act (commonly referred to as “RICO”).<sup>74</sup> This indictment, in unprecedented fashion, alleges that the belief systems of those opposed to the construction of Cop City constitute a criminal enterprise. The document begins by maligning organizing tactics such as mutual aid as nefarious. By doing this, the Georgia Attorney General lays the groundwork for criminalizing conduct as benign as purchasing camping supplies and passing out flyers as an overt act in furtherance of an ideological conspiracy.<sup>75</sup> The far-reaching implications of this indictment include chilling freedom of expression, freedom of assembly, and community organizing that centers the well-being of marginalized communities most impacted by state violence and mass incarceration. As a result of such bold overreach, state actors in the Georgia State Legislature have attempted to pass several laws that would criminalize protestors, and another that would make passing out flyers a criminal offense, as they try to silence the voices of dissidents and control the dissemination of information.

#### *Recommendations:*

Police brutality and state violence in the U.S. have long been concerns of Member States<sup>76</sup> and the international human rights community, including inspiring the establishment of the International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement (UNEMLER). Member States must reiterate previous calls and recommend that the U.S.:

1. Adequately account for the harms of discriminatory police violence, including by providing a remedy for the killing of Terán by Georgia State Patrol.
2. Recommit to the protection of human rights defenders, and provide information on the changes that will be made in policing practices to protect human rights defenders in the future.

#### V. Repression of Privacy: Dragnet Surveillance by U.S. Agencies

The U.S. government has engaged in illegitimate, overly intrusive, and disproportionate surveillance with no or insufficient transparency and oversight, in violation of the right to privacy (Article 17 of ICCPR). In a comprehensively surveilled environment, people may reasonably fear that any action they take will provoke, or be used to justify, intervention by

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<sup>74</sup> R.J. Rico, *61 Indicted in Georgia on RICO Charges*, ASSOC. PRESS (Sept. 5, 2023), <https://apnews.com/article/atlanta-cop-city-protests-rico-charges-3177a63ac1bd31a1594bed6584e9f330>. See the text of the indictment, which was secured before the government announced its existence, *available at*, <https://www.fultonclerk.org/DocumentCenter/View/2156/CRIMINAL-INDICTMENT>.

<sup>75</sup> For example, Count XI of the indictment alleges one count of Money Laundering by bail fund organizers for allegedly providing \$93.04 to an organizer for the purpose of purchasing camping supplies.

<sup>76</sup> See Recommendations from the Third Cycle of US UPR (219, 238, 255), A/HRC/46/15/Add.1, paras. 7 and 12.

government authorities in their lives or the lives of those they associate with. This fear disincentivizes people from exercising their human rights, including the right to political speech or participation in a protest, which are core to the right to freedom of expression (Article 19(2)(3)) or of association (Article 21).<sup>77</sup>

Immigrants—particularly people of color, who are overpoliced in America—are especially impacted by illegal surveillance. It is crucial to emphasize that the right to privacy, freedom of expression and peaceful assembly and of association are equally guaranteed to *all* individuals within a state’s territory or jurisdiction, including non-citizens.<sup>78</sup>

## 1. Case Studies

**#1: The Foreign Intelligence Surveillance Act allows for intelligence agencies’ widespread violations of the right to privacy and freedom of expression of people in the U.S.**

The U.S. government has a long history of using foreign intelligence powers against Americans, in particular against immigrant and/or Black, Arab, Middle Eastern, Muslim, and South Asian American (“BAMEMSA”) communities, in violation of international human rights law. **Section 702 of the Foreign Intelligence Surveillance Act (FISA)** permits intelligence agencies to spy on foreign individuals without a warrant or any individualized court review. It has enabled “persistent and widespread” privacy abuses against persons in the U.S. since its enactment, including against more than 130 participants in racial justice protests during the summer of 2020.<sup>79</sup>

Beyond privacy implications, Section 702 is used to chill the voices of non-citizens that are either (1) critical of the United States and its allies or (2) are present in the United States without documentation. A recent example is when now-Speaker Mike Johnson scapegoated protesters calling for a ceasefire in Gaza as a reason to keep 702 powers.<sup>80</sup> The use of 702 powers to target protestors creates fear and dissuades immigrants from political expression. These fears are further pronounced after the State Department

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<sup>77</sup> David Kaye (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), *Surveillance and Human Rights*, U.N. Doc. A/HRC/41/35 (May 28, 2019), <https://www.ohchr.org/en/calls-for-input/report-adverse-effect-surveillance-industry-freedom-expression>.

<sup>78</sup> Article 2(1) of International Covenant on Civil and Political Rights (entered into force 23 March 1976), article 2, para. 1; and Human Rights Committee, General Comment No. 31: Nature of the General Legal Obligation on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13 (26 May 2004), para.10.

<sup>79</sup> Privacy and Civil Liberties Oversight Board, *Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act* (Sept. 28, 2023), [https://documents.pclob.gov/prod/Documents/OversightReport/e9e72454-4156-49b9-961a-855706216063/2023%20PCLOB%20702%20Report%20\(002\).pdf](https://documents.pclob.gov/prod/Documents/OversightReport/e9e72454-4156-49b9-961a-855706216063/2023%20PCLOB%20702%20Report%20(002).pdf).

<sup>80</sup> Dell Cameron, *US Lawmaker Cited NYC Protests in a Defense of Warrantless Spying*, WIRED (Mar. 12, 2024), <https://www.wired.com/story/hpsci-us-protests-section-702-presentation/>.

announced its use of an AI social media surveillance tool to identify and revoke visas for students who appear to be pro-Palestine.<sup>81</sup>

In 2014 and 2023, the Human Rights Committee expressed grave concerns in its Concluding Observations<sup>82</sup> that the surveillance under Section 702 does not align with the Article 17 of ICCPR and recommended that the U.S. government rectify the noncompliance. However, as described above, the U.S. has continued to violate the ICCPR.

**#2: The Department of Homeland Security and its components' dragnet surveillance violates the right to privacy, the freedom of expression, peaceful assembly, and association of people in the U.S.**

Dragnet surveillance by the Department of Homeland Security (DHS) and its components, such as Immigrations Customs Enforcement (ICE)<sup>83</sup> violates the right to privacy of people in the U.S. The primary purpose of DHS surveillance practices is to aggregate as much data as possible to create a surveillance infrastructure in which agencies will be able to use its data infrastructure to carry out **any goal that might arise for the agency at any time in the future**.<sup>84</sup> The speculative nature of this purpose is in stark opposition to the necessity and proportionality requirements of the ICCPR.

Described as the “surveillance industrial complex,” private industries supply data and technologies that sustain the continuous growth of surveillance infrastructure.<sup>85</sup>

Examples of such DHS's illegal surveillance include the following:

- Since 2020, DHS has created and operated a sweeping, law-enforcement wide database of DNA, which is a highly sensitive biometric data that warrants special protection.<sup>86</sup> In 2020, the U.S. Department of Justice amended

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<sup>81</sup> Marc Caputo, *Scoop: State Dept. to use AI to revoke visas of foreign students who appear “pro-Hamas,”* AXIOS (Mar. 6, 2025), <https://www.axios.com/2025/03/06/state-department-ai-revoke-foreign-student-visas-hamas>.

<sup>82</sup> See U.N. H.R.C., *Concluding Observations on the Fourth Periodic Review of the United States of America*, U.N. Doc. CCPR/C/USA/CO/4, (Apr. 23, 2014), <https://docs.un.org/en/CCPR/C/USA/CO/4>; U.N. H.R.C., *Concluding Observations on the Fifth Periodic Review of the United States of America*, U.N. Doc. CCPR/C/USA/CO/5, (Dec. 4, 2023), <https://docs.un.org/en/CCPR/C/USA/CO/5>.

<sup>83</sup> ICE is responsible for interior immigration enforcement.

<sup>84</sup> Georgetown Law Center on Privacy & Technology & International Justice Clinic at UCI Law, *Submission to the United Nations Human Rights Committee During its Periodic Review of United States of America*, CCPR/C/USA/CO/5 (Sept. 12, 2023), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FUSA%2F55913&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FUSA%2F55913&Lang=en).

<sup>85</sup> *Id.*, at page 4 and footnote 14.

<sup>86</sup> *S. & Marper v. The United Kingdom*, App. No. 30562/04, ¶ 76 (December 4, 2008), <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-90051%22%7D>.

regulations that once exempted the Secretary of DHS from “the sample-collection requirement [of] certain aliens from whom collection of DNA samples is not feasible because of operational exigencies or resource limitations.”<sup>87</sup> DHS now forces all immigration detainees—**those whom DHS believes have violated immigration law, the majority of whom are people of color**—to provide DNA samples.<sup>88</sup> Once collected, the DNA profiles are tested, and then stored in the federal government’s DNA database known as the Combined DNA Index System (CODIS), where data are permanently searchable by law enforcement agencies nationwide. Between 2020 and 2024, DHS agencies have added **1.5 million detainee DNA profiles to CODIS**. Reports indicate that, as of 2024, almost *everyone* who enters at a port of entry with a CBPOne appointment is swabbed for their DNA.<sup>89</sup>

- ICE has also created a sprawling infrastructure through which it amasses sensitive data from hundreds of public and private sources.<sup>90</sup> For example, ICE is obtaining **geolocation data and home addresses** by accessing license plate scanning databases, app-based location data, vehicle registration, driver’s license databases, utility companies’ billing information databases, and data brokerage databases, from private companies.<sup>91</sup> Further, ICE is using **social media monitoring tools**<sup>92</sup> which collect data from over 200 sources and allows users to derive inferences about lifestyles and physical location of individuals.<sup>93</sup> ICE has run facial recognition tools (FRT) over the faces of millions of people, in extreme secrecy and with no oversight. ICE has access to the driver’s license data of three in four (74%) adults in the U.S. and runs face searches of one in three (32%).<sup>94</sup> ICE has also used a private company’s notorious FRT such as Clearview AI that collects facial data through automated web scraping.<sup>95</sup>

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<sup>87</sup>*DNA-Sample Collection From Immigration Detainees*, FED. REGISTER, <https://www.federalregister.gov/documents/2020/03/09/2020-04256/dna-sample-collection-from-immigration-detainees>. See 28 C.F.R. § 28.12.

<sup>88</sup>Stevie Glaberson, Emerald Tse & Emily Tucker, *Raiding the Genome: How the United States Government Is Abusing Its Immigration Powers to Amass DNA for Future Policing* at 12, CTR. PRIVACY & TECH. AT GEORGETOWN L. (May 21, 2024), <https://www.law.georgetown.edu/privacy-technology-center/publications/raiding-the-genome/>.

<sup>89</sup> *Id.* at 21.

<sup>90</sup> *Id.*, footnote 83.

<sup>91</sup> *Id.* at page 4 and footnote 83.

<sup>92</sup>*Brennan Center Files Freedom of Information Act Requests for Information on DHS’s Use of Social Media Monitoring Tools*, BRENNAN CTR. JUSTICE (Dec. 12, 2023), <https://www.brennancenter.org/our-work/research-reports/brennan-center-files-freedom-information-act-requests-information-dhss>.

<sup>93</sup> *Id.*

<sup>94</sup>Nina Wang et al., *American Dragnet: Data-Driven Deportation in the 21st Century*, pages 32-25, CTR. PRIVACY & TECH. AT GEORGETOWN L., (May 10, 2022), <https://americandragnet.org/>.

<sup>95</sup> See USAspending.gov, Contract Summary, Purchase Order (PO) PIID 70CMSD20P00000130; and Contract Summary, Purchase Order (PO) PIID 70CMSD21P00000127.

Without consideration about whether the information is relevant or necessary in its investigation, ICE catalogs this data into databases and feeds it **into automated analytics tools**. In 2023, the Human Rights Committee expressed a grave concern about such a practice's incompatibility with ICCPR;<sup>96</sup> however, DHS has made no effort to reform the surveillance infrastructure to bring it in line with treaty obligations. The Committee also pointed out **the lack of federal data protection as an enabler of such surveillance infrastructure** and called for data protection regulation at the federal, state, and local level.<sup>97</sup>

- U.S. Citizenship and Immigration Services (USCIS), the DHS agency in charge of the immigration visa issuance, plans to collect social media identifier data on **all** immigration forms.<sup>98</sup> USCIS' plan to aggregate all social media identifier data for every prospective immigrant shows USCIS' lack of commitment to only collect data that is necessary and proportionate for specific law enforcement purposes as required under Article 17 of ICCPR. Documents obtained from the Office of the Director of National Intelligence suggest that the collection of the social media identifiers data from all visa applicants has been **useless** from a security standpoint.<sup>99</sup> After the State Department began collecting social media handles of nearly all visa applicants in 2019, immigrants began to reduce their social media use, restricting the freedom of expression online.<sup>100</sup>
- DHS has been **making efforts to procure spyware**, some of the most intrusive surveillance tools that allows users access to any data stored on or accessible by a target device, including encrypted messages, or even to take full control of the device. In September 2024, DHS entered into a two million dollar contract with

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<sup>96</sup>Emily Tucker & Hinako Sugiyama, *Does ICE Data Surveillance Violate Human Rights Law? The Answer is Yes, and It's Not Even Close*, TECH POL. PRESS (Nov. 14, 2023), <https://www.techpolicy.press/does-ice-data-surveillance-violate-human-rights-law-the-answer-is-yes-and-its-not-even-close/>.

<sup>97</sup>*Id.* at footnote 81.

<sup>98</sup>*Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms*, FED. REG., <https://public-inspection.federalregister.gov/2025-03492.pdf>. Note that since 2019, the State Department has required almost anyone that applies for a US visa to register every social media handle they have used over the past five years on at least 20 platforms. Please see the following article for more information, see Carrie Decell & Harsha Panduranga, *Social Media Vetting of Visa Applicants Violates the First Amendment*, KNIGHT FIRST AMENDMENT INST. (Dec. 6, 2019), <https://knightcolumbia.org/content/social-media-vetting-of-visa-applicants-violates-the-first-amendment>.

<sup>99</sup>An April 2021 email chain included an assessment of the use of social media identifies in the vetting process of visa applicants has had "very little impact on improving the screening accuracy of relevant systems." *State Department Rule Requiring Visa Applicants to Register Their Social Media Handles is Ineffective*, New Documents Say, KNIGHT FIRST AMENDMENT INST. (Oct. 5, 2023), <https://knightcolumbia.org/content/state-department-rule-requiring-visa-applicants-to-register-their-social-media-handles-is-ineffective-new-documents-say>.

<sup>100</sup>*Id.*

**Paragon Solutions (US) Inc.**, an Israeli-headquartered spyware vendor.<sup>101</sup>

While publicly available information does not specify the exact technologies involved, Paragon Solutions' flagship product, Graphite, is a known spyware which is abused by Italy and other governments.<sup>102</sup> While the contract has been at least suspended according to the public record, there is a lack of transparency in DHS' decision-making, despite strong calls to request transparency from 40 civil society organizations.<sup>103</sup> DHS' history of abusing agency power under oversight has created serious concerns that this contract would not comply with ICCPR.

- An emerging concern is DHS' **'privacy washing' with the use of Privacy Enhancing Technologies (PETs), disguising surveillance as harmless**. PETs have been touted as a way to protect privacy while nonetheless processing sensitive data. Experts have raised alarms about privacy through PETs – describing how deployers of PETs, often disconnected from impacted communities, overestimate and over-promise the capabilities of PETs while downplaying the harms of the underlying system. For example, in response to the civil society criticism of CBP One app, DHS announced plans to implement “a privacy-preserving biometric ID system” for refugees and asylum seekers using PETs.<sup>104</sup> This amounts to privacy washing as DHS' communication emphasizes the benevolence of such a system and is silent on the surveillance purpose, while also failing to disclose full details of the systems and associated risks. DHS has further demonstrated an intent to apply PETs to agency-wide data practices.<sup>105</sup>

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<sup>101</sup>Letter from Access Now et al., to Alejandro Mayorkas, Secretary of Homeland Security, Dept. of Homeland Security (Oct. 31, 2024), [https://cdt.org/wp-content/uploads/2024/11/Civil-Society-Letter\\_DHS-ICE-contract-with-Paragon-Solutions.pdf](https://cdt.org/wp-content/uploads/2024/11/Civil-Society-Letter_DHS-ICE-contract-with-Paragon-Solutions.pdf).

<sup>102</sup>Bill Marczak et al., *Virtue or Vice? A First Look at Paragon's Proliferating Spyware Operations*, CITIZEN LAB (Mar. 19, 2025), <https://citizenlab.ca/2025/03/a-first-look-at-paragons-proliferating-spyware-operations/>; Stephanie Kirchgaessner & Angela Giuffrida, *Owner of spyware used in alleged WhatsApp breach ends contract with Italy*, THE GUARDIAN, (Feb. 6, 2025), <https://www.theguardian.com/technology/2025/feb/06/owner-of-spyware-used-in-alleged-whatsapp-breach-ends-contract-with-italy>.

<sup>103</sup>*Id.* at footnote 100.

<sup>104</sup>Jim Nash, *US preparing privacy technologies to secure new digital ID for immigrants*, BIOMETRIC UPDATE (Dec. 19, 2023), <https://www.biometricupdate.com/202312/us-preparing-privacy-technologies-to-secure-new-digital-id-for-immigrants>.

<sup>105</sup>See also, PETS4HSE REPORT, available at <https://www.dhs.gov/sites/default/files/2023-02/PETS4HSE-DPIAC-CAOE%20FNL.pdf>; *News Release: Homeland Security Awards Contracts to Six Startups to Identify, Develop, and Implement Privacy-Enhancing Digital Wallets Technologies*, DHS NEWSROOM (Jul. 8, 2024), <https://www.dhs.gov/science-and-technology/news/2024/07/08/homeland-security-awards-contracts-six-startups-identify-develop-and-implement>; *News Release: DHS S&T Awards Contracts to Four Startups to Develop Privacy-Enhancing Synthetic Data Generation Capabilities*, DHS NEWSROOM (Oct. 8, 2024), <https://www.dhs.gov/science-and-technology/news/2024/10/08/st-awards-contracts-four-startups-develop-privacy-enhancing-synthetic-data-generation-capabilities>; *Digital Identity and Trust*, <https://www.dhs.gov/science-and-technology/digital-identity-and-trust>; Justin Doubleday, *DHS privacy chief aims to promote 'privacy enhancing technologies'*, FED. NEWS

### #3: Data brokers, AI and tech-enabled surveillance

Technology such as smartphones, smart cameras, mobile applications, automatic license plate readers (“ALPRs”) and artificial intelligence (“AI”) products add a whole new dimension to surveillance concerns. U.S. federal agencies such as DHS (See case study #2 above), and local and state law enforcement, assert that invasive, personal and sensitive data purchased from data-brokers is not subject to Fourth Amendment protections because it is bought rather than sought in court. Dubbed the “data-broker loophole,” this has enabled widespread surveillance and privacy violations that target marginalized communities including Muslims using prayer and dating apps, women seeking reproductive care, and Black advocates seeking accountability for police violence.<sup>106</sup> Smart cameras and ALPRs enable law enforcement to track, in some cases, the entirety of people’s public movements;<sup>107</sup> entities from the military to local police have contracted with social media surveillance firms access to surveil people engaging in free expression.<sup>108</sup> AI technology also enables law enforcement to comb through and analyze troves of data to invade the public’s privacy at levels that would have been prohibitively expensive or simply impossible just a decade ago.<sup>109</sup>

#### *Recommendations:*

The U.S. government should: (1) repeal any law, e.g., Section (1)(1)(A) of the DNA Fingerprint Act, that is incompatible with Article 17 of ICCPR and Article 12 of UDHR, (2) investigate all data practices that violate ICCPR such as dragnet surveillance, (3) disclose all the details relating

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NETWORK (Feb. 17, 2022), <https://federalnewsnetwork.com/agency-oversight/2022/02/dhs-privacy-chief-aims-to-promote-privacy-enhancing-technologies/>.

<sup>106</sup>Sumayyah Waheed, *The government is surveilling American Muslims by buying their data. It’s time to close the loophole*, THE HILL (Sept. 6, 2023), <https://thehill.com/opinion/congress-blog/4190774-the-government-is-surveilling-american-muslims-by-buying-their-data-its-time-to-close-the-loophole/>; *Warren Announces Two Key Data Brokers’ Commitment to Permanently Stop Selling Location Data of People Seeking Abortion Services* (Jul. 7, 2022), <https://www.warren.senate.gov/newsroom/press-releases/warren-announces-two-key-data-brokers-commitment-to-permanently-stop-selling-location-data-of-people-seeking-abortion-services>; Sam Levin, *ACLU finds social media sites gave data to company tracking black protesters*, THE GUARDIAN (Oct. 11, 2016), <https://www.theguardian.com/technology/2016/oct/11/aclu-geofeedia-facebook-twitter-instagram-black-lives-matter>.

<sup>107</sup> Local police surveillance is also a salient violation of Article 17 of ICCPR. Militarized local law enforcement engages in surveillance of activists in cities across the nation. See Ilica Mahajan, *The High-Tech Tools Police Can Use to Surveil Protestors*, MARSHALL PROJECT (Nov. 12, 2024), <https://www.themarshallproject.org/2024/11/12/protest-surveillance-technologies>.

<sup>108</sup> Sam Biddle, *LAPD Surveilled Gaza Protests Using this Social Media Tool*, THE INTERCEPT (Mar. 17, 2025), <https://theintercept.com/2025/03/17/lapd-surveillance-gaza-palestine-protests-dataminr/>.

<sup>109</sup> See, e.g., Matthias Pfau, *Artificial Intelligence: The New Eyes Of Surveillance*, FORBES (Feb. 2, 2024), <https://www.forbes.com/councils/forbestechcouncil/2024/02/02/artificial-intelligence-the-new-eyes-of-surveillance/>; Faiza Patel, *U.S. AI-Driven “Catch and Revoke” Initiative Threatens First Amendment Rights*, BRENNAN CTR. JUSTICE (Mar. 20, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/us-ai-driven-catch-and-revoke-initiative-threatens-first-amendment-rights>; <https://www.theguardian.com/world/2025/mar/06/israel-military-ai-surveillance>.



to DHS's contract with Paragon Solutions (US) Inc., (4) cease the collection of DNA profiles from individuals detained by DHS, (5) stop and prevent privacy washing through privacy enhancing technologies (PETs), (6) and establish federal-level privacy protection laws which satisfy the requirements of Article 17 of the ICCPR and Article 12 of UDHR.

We suggest United Nations Member States ask the U.S. government:

1. What mechanism, if any, does the United States have for ensuring that law enforcement operations by DHS or other federal, state, local agencies generally, and in particular with respect to data surveillance, comply with ICCPR?
2. How and when will the United States investigate law enforcement data practices, hold the relevant actors accountable, provide meaningful remedies to people affected, and ensure non-repetition?

## APPENDICES

1. Environmental Protest, *Morel Doucet* [Artist] – Pgs. 23-26
  - a. Black Boy
  - b. Ode to the Durag (Black is Thicker than Hair Butter)
  - c. Prayers
2. ICE ICE Baby, *Nerlande Joseph* [Author] – Pgs. 27-28
3. Immigration Images, *Nadege Green* [Memory Worker] – Pgs. 29-33
4. Letter from Mahmoud Khalil, *Mahmoud Khalil* [Author] – Pgs. 34-35
5. Testimonials of Protesters for Palestinian Liberation, *Anonymous* [Author] – Pgs. 36-37
6. +The Ghost Dance Chapter 1+, *Arsimmer McCoy* [Author] – Pgs. 38-40

## **Environmental Protest**

### ***Morel Doucet [Artist]***

*Artist and cultural memory worker Morel Doucet submits as part of this report works that underscore the importance and the role of artists and creators in the U.S. to bear witness, resist and archive as part of their practices, crucial current social and political moments confronting democracy.*

*Morel Doucet is a Haitian-born Miami artist whose work interrogates environmental protest in the face of rising seas, hurricanes, development and climate gentrification in Miami's historically Black communities. In these submissions, originally created for an exhibition entitled "Water Grieves;" (2023) Doucet's work mourns what has been lost; invites a conversation on what can be saved and finally, imagines a Black future of environmental safety and liberation.*

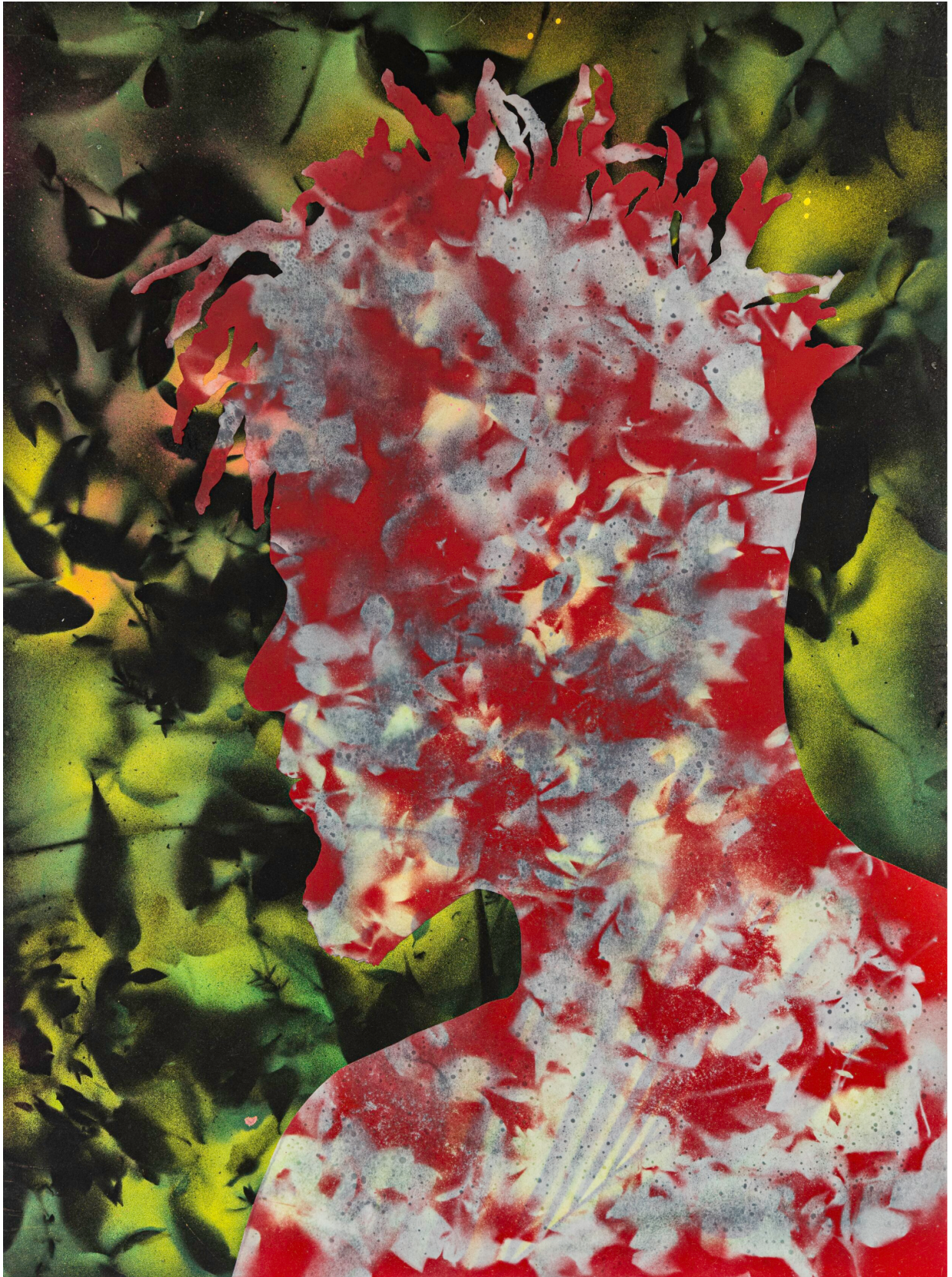
*"I was born back in Haiti, but I grew up on a farm and was raised by my grandfather. And so at an early age, I had an innate understanding of our relationship to the environment."*

**Black Boy**





**Ode to the Durag (Black is Thicker than Hair Butter)**





## Prayers



## **ICE ICE Baby**

***Nerlande Joseph***

*Artist and cultural memory worker Nerlande Joseph submits as part of this report works that underscore the importance and the role of artists and creators in the U.S. to bear witness, resist and archive as part of their practices crucial current social and political moments confronting democracy.*

*Nerlande Joseph is an attorney and poet who crafts work rooted in activism and local fights in South Florida. She is a member of Voices: Poetry for the People, a collective that tackles issues of our day by reclaiming their narratives in poetry.*

*Joseph penned and published the poem “Ice Ice Baby” (2018) for the zine Final Notice. In her prose she explores the silence that is left when Immigration Customs Enforcement disappear families in our communities. It is a haunting and violent silence left behind when human beings are caged to feed the glutton of a carceral system making millions on disappearing our neighbors. This poem also serves as a call to action to stand up in the face of these injustices.*

## **ICE ICE BABY**

Ripped from embraces  
laughter no longer rings through parks and barrios  
Innocence don't have time to play  
A Cold front done moved in

When they come for abuelas with sun kissed roses in their curls  
dark bitter coffee still on their lips  
Who is left?  
When cages get Kromed out for babies barely able to babble

These are new days  
Raid on the block  
Ears to the streets  
This is a matter of survival

When did you start caring??  
their tactics aint new  
human bodies always been a commodity  
This be they colonial past time  
GEO Group eating 180 mil per body In 2017  
private prison don't care if we rot  
Same tactics. New face.  
Ever wonder the cost for a cot per tot  
rooms absent of joy their fate  
ICE ICE BABY

Who is left?  
When they making rounds on dark eerie nights  
Slow creepin  
Bodies snatched in broad daylight from neighborhood corners,  
just one paycheck from homelessness,  
torn from grocery stores cobwebs still in cupboards

We get brief windows in history to change the tide  
To not get consumed by waves  
that seek to drown whispers that spark our brilliance  
Our job is to to stand up, not hide  
Our voices be purveyor of truth  
shine light on dark crevices where shadows fester  
To demand better than what we are given

Who is left?  
as chill hangs in the air  
Wilted flowers stifled frost settles in  
scent of home lingers on over developed blocks  
Who is left....When the next knock is at your front doh

**- Nerlande Joseph**



## **Immigration Images**

### ***Nadege Green***

Artist and cultural memory worker Nadege Green submits as part of this report works that underscore the importance and the role of artists and creators in the U.S. to bear witness, resist and archive as part of their practices crucial current social and political moments confronting democracy.

Nadege Green is the founder of Black Miami-Dade, a history and creative studio in Miami that honors Miami's Black history. As part of her work to reclaim and reintroduce images of Black Miami she has collected and archived dozens of images around Miami's Haitian immigrants rights movement of the 80s and 90s.

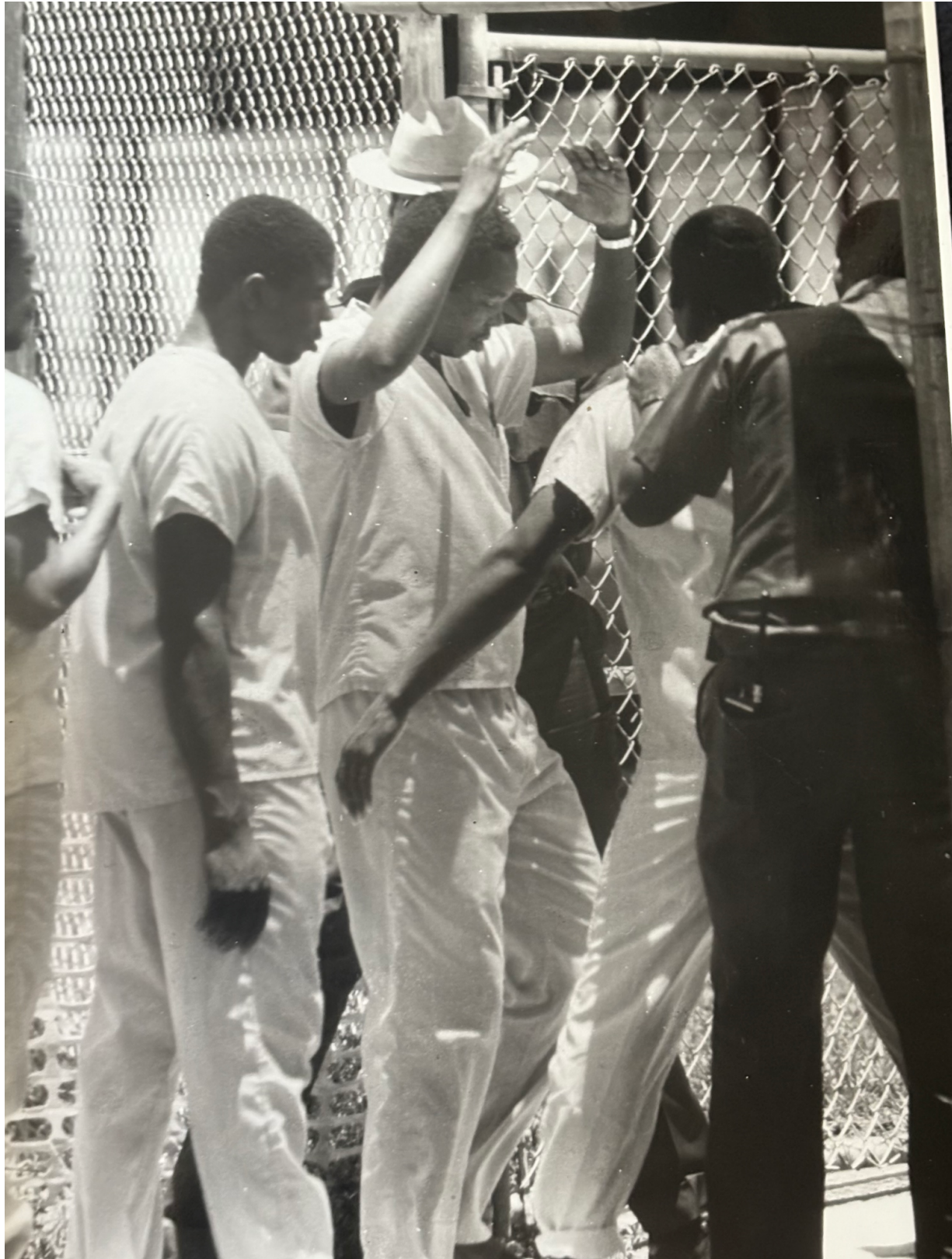
In this submission, Green shares images from the Black Miami-Dade collection that spotlight the plight and detention of Haitian refugees in Miami in the 1980s.

Images from the Haitian Immigrant Rights collection at Black Miami-Dade were featured in the exhibit "Demands: People Power in Miami" (2024) and on PBS in the Henry Louis Gates Jr. series "Great Migrations: A People on the Move" episode 4 (2025).

Pictured: An exhausted Haitian man rests after a 15 day journey by boat to Miami.



Pictured: At Miami's Krome Detention Center in the 1980s, a site that has today been activated once again for the inhumane detention of migrants, Haitians are frisked before being admitted in.





Pictured: Rev. Gerard Jean-Juste who led Miami's Haitian Refugee Center is pictured playing soccer with a Haitian refugee in Little Haiti.



Pictured: A press conference at Miami's Haitian Refugee Center shows defenders of migrant rights: attorneys Irwin Stotzky, Bruce Winick, Ira Kurzban and Haitian activist Rev. Gerard Jean-Juste.



**Letter from Mahmoud Khalil**  
***Mahmoud Khalil***

*Letter from a Palestinian Political Prisoner in Louisiana Dictated over the phone from ICE  
Detention March 18, 2025*

My name is Mahmoud Khalil and I am a political prisoner. I am writing to you from a detention facility in Louisiana where I wake to cold mornings and spend long days bearing witness to the quiet injustices underway against a great many people precluded from the protections of the law.

Who has the right to have rights? It is certainly not the humans crowded into the cells here. It isn't the Senegalese man I met who has been deprived of his liberty for a year, his legal situation in limbo and his family an ocean away. It isn't the 21-year-old detainee I met, who stepped foot in this country at age nine, only to be deported without so much as a hearing.

Justice escapes the contours of this nation's immigration facilities.

On March 8, I was taken by DHS agents who refused to provide a warrant, and accosted my wife and me as we returned from dinner. By now, the footage of that night has been made public. Before I knew what was happening, agents handcuffed and forced me into an unmarked car. At that moment, my only concern was for Noor's safety. I had no idea if she would be taken too, since the agents had threatened to arrest her for not leaving my side. DHS would not tell me anything for hours — I did not know the cause of my arrest or if I was facing immediate deportation. At 26 Federal Plaza, I slept on the cold floor. In the early morning hours, agents transported me to another facility in Elizabeth, New Jersey. There, I slept on the ground and was refused a blanket despite my request.

My arrest was a direct consequence of exercising my right to free speech as I advocated for a free Palestine and an end to the genocide in Gaza, which resumed in full force Monday night. With January's ceasefire now broken, parents in Gaza are once again cradling too-small shrouds, and families are forced to weigh starvation and displacement against bombs. It is our moral imperative to persist in the struggle for their complete freedom.

I was born in a Palestinian refugee camp in Syria to a family which has been displaced from their land since the 1948 Nakba. I spent my youth in proximity to yet distant from my homeland. But being Palestinian is an experience that transcends borders. I see in my circumstances similarities to Israel's use of administrative detention — imprisonment without trial or charge — to strip Palestinians of their rights. I think of our friend Omar Khatib, who was incarcerated without charge or trial by Israel as he returned home from travel. I think of Gaza hospital director and pediatrician Dr. Hussam Abu Safiya, who was taken captive by the Israeli military on December



27 and remains in an Israeli torture camp today. For Palestinians, imprisonment without due process is commonplace.

I have always believed that my duty is not only to liberate myself from the oppressor, but also to liberate my oppressors from their hatred and fear. My unjust detention is indicative of the anti-Palestinian racism that both the Biden and Trump administrations have demonstrated over the past 16 months as the U.S. has continued to supply Israel with weapons to kill Palestinians and prevented international intervention. For decades, anti-Palestinian racism has driven efforts to expand U.S. laws and practices that are used to violently repress Palestinians, Arab Americans, and other communities. That is precisely why I am being targeted.

While I await legal decisions that hold the futures of my wife and child in the balance, those who enabled my targeting remain comfortably at Columbia University. Presidents Shafik, Armstrong, and Dean Yarhi-Milo laid the groundwork for the U.S. government to target me by arbitrarily disciplining pro-Palestinian students and allowing viral doxing campaigns — based on racism and disinformation — to go unchecked.

Columbia targeted me for my activism, creating a new authoritarian disciplinary office to bypass due process and silence students criticizing Israel. Columbia surrendered to federal pressure by disclosing student records to Congress and yielding to the Trump administration's latest threats. My arrest, the expulsion or suspension of at least 22 Columbia students — some stripped of their B.A. degrees just weeks before graduation — and the expulsion of SWC President Grant Miner on the eve of contract negotiations, are clear examples.

If anything, my detention is a testament to the strength of the student movement in shifting public opinion toward Palestinian liberation. Students have long been at the forefront of change — leading the charge against the Vietnam War, standing on the frontlines of the civil rights movement, and driving the struggle against apartheid in South Africa. Today, too, even if the public has yet to fully grasp it, it is students who steer us toward truth and justice.

The Trump administration is targeting me as part of a broader strategy to suppress dissent. Visa-holders, green-card carriers, and citizens alike will all be targeted for their political beliefs. In the weeks ahead, students, advocates, and elected officials must unite to defend the right to protest for Palestine. At stake are not just our voices, but the fundamental civil liberties of all.

Knowing fully that this moment transcends my individual circumstances, I hope nonetheless to be free to witness the birth of my first-born child.

## **Testimonials of Protesters for Palestinian Liberation**

### ***Anonymous Authors***

#### *First Anonymous Testimony:*

I am a student and a peaceful protester at pro-Palestine protests on the campus of University of North Carolina Chapel Hill. I faced violent police repression for my pro-Palestine protesting and was struck repeatedly by a campus police officer. He used his bicycle as a weapon, hitting me repeatedly and without warning, causing significant bleeding, bruising, nerve damage, and even dented my bone (which I discovered on the X-ray later that day). It's been 6 months and I still have ongoing nerve damage, pain, and scarring from this violent encounter.

#### *Second Anonymous Testimony:*

As an international graduate student at a university in the U.S., who is expected to graduate in May, 2025; I am a first-hand witness of my university's aggression, oppression and disregard towards its students' academic status and their freedom of speech.

In April 2024, I was utterly shocked to witness armed police officers in riot gear taking control of the campus, and arresting its students sitting in peaceful protest. Since then, I have been extremely scared about confronting my views, opinion, or academic findings about the war in Gaza. Especially with increased presence of officers on and outside University campus, cameras installed in every lobby and cafeterias, heavy security on checkpoints checking our IDs everytime we enter, and the university's officers suspiciously taking round-ups inside our buildings and classrooms regularly, taking pictures - all of which never existed before.

In the first week of January 2025, I was preparing to apply for scholarships to help fund my final semester's tuition fees (as the funding of my tuition is supported by a private bank in my country, and I was falling short of funds to help complete my payment for final semester). The financial aid office was made aware of my situation, as I was looking for internal as well as external scholarships. On January 7, while I was in a meeting with the director of the financial aid office of my school, I received an email from the university's student affairs office stating that an investigation was opened against me. The allegations made were 'speech or conduct that constitutes Discriminatory Harassment' under new policies, and as a result, they had put a hold on my transcripts. I was shocked, confused, and extremely stressed at the same time. As an international student, I feared its possible outcome given the political environment that was changing in the U.S.. I could not focus on my scholarship applications. And as a result, I lost all my opportunities to apply. January was a critical month not just for scholarships, but also for job opportunities, PhD applications, which were all crippled by the transcript holds.

Upon asking for specificity of the allegations or complainants who alleged me, I received a vague, and unclear response from the university. Due to not knowing who made the allegations against me, I felt unsafe and uncomfortable to be around the campus and around other students. And due to safety concerns, I made the difficult decision to leave my public-facing job, which was my only source of income. My expenses were dependent on my only job.



After a month of reaching out to different resources to navigate through the baseless allegations the university's office made against me, I was able to find a pro-bono lawyer to help me with the process. On March 7, I had my first meeting with the university's case manager to understand the process, allegations and possible outcomes of this investigation. Upon raising the concerns of vagueness and no-clarity in the allegations during the meeting, I was told that most of the evidence of investigation is collected during the formal interviews with the university's investigators, which could also imply that I might be simply in the wrong place at the wrong time for being named in the alleged conduct. My Advisor flagged the serious harms that I had faced due to receiving allegations, without even going through a formal process of interviews and investigation. Such as financial consequences, job opportunities, and extreme anxiety.

On March 17, I received an email from the university stating that my name was dismissed from the allegations.

As I write this testimony, I continue to have an outstanding amount on my final semester's tuition fees. I continue to not have a job, which was my only source of income. And I have compromised my PhD application, job applications and scholarships deadline that were due in the month of January. I would like to call on the United Nations to address the University's actions to suppress students, damaging their futures, and targeting their academic free speech from the political influence of the U.S. in terrorizing international students. We are paying full tuition fees, adding expertise to the intellect of the country that was founded by immigrants, only to be treated as suspects without a crime when convenient. The students are being silenced from measures of oppression, surveillance and punishment without any accountability.

**+The Ghost Dance Chapter 1+**  
**Arsimmer McCoy**

*Artist and cultural memory worker Arsimmer McCoy submits as part of this report works that underscore the importance and the role of artists and creators in the U.S. to bear witness, resist and archive as part of their practices, crucial current social and political moments confronting democracy.*

*+The Ghost Dance Chapter 1+ is a poetic meditation on history, resilience, and spiritual reclamation by Arsimmer McCoy. Grounded in the legacy of the original Ghost Dance movement—a spiritual practice among Indigenous peoples aimed at fostering cultural renewal and resisting colonial violence—McCoy reimagines this concept as a vehicle for exploring Black survival, memory, and futurity in the face of attacks on human rights locally and globally. In The Ghost Dance, McCoy calls forth the spirits of the past, recognizing how their wisdom, pain, and resilience continue to influence the present. The poem serves as a call to remembrance, urging Black communities to maintain their connection to their histories and the sacred spaces that embrace them.*

*McCoy's rhythmic repetition and layered imagery evoke a ceremonial atmosphere akin to a chant or prayer. The poem vibrates with movement as if beckoning the ancestors to join in an ongoing dance of resistance and reclamation. Ultimately, The Ghost Dance is an invocation that reclaims physical and spiritual spaces for Black people. It calls for a cyclical return to what has been lost and a courageous, collective leap forward into what needs to be built anew.*

*"The Ghost Dance" was first published in Root Work Journal (Volume 1, Issue 2) and featured in the March issue of The Sock Drawer, a literary magazine.*

**+The Ghost Dance+Chapter 1+**

Gather your grit.  
Remember your training.  
Stand steady on the balls of your  
Feet, then wait.  
This is the moment.  
We have rivaled with these interlopers  
for centuries. It comes to an end now.  
We've agreed to meet at the water's edge.  
Bring The women in to perform the ritual.  
Rub bergamot on the daughter's temples.

Ground Geraniums into our  
son's hands.  
Rub the legs and arms down with lemongrass.  
Place lavender flowers and eucalyptus into the hair.  
Push nickels into the navels of the children.  
After the death of our sweet King  
the elders say we lost our audacity,  
and replaced it with reasoning.  
Say we were wandering aimlessly.  
Forgetting our training.  
They took our babies and hung  
them from trees for trophies.  
Drugged us and left our girls  
sputtering to ghosts on the streets.  
Split open our veins and let them  
Leak. Just to see how we bleed.  
And they saw magic, Stardust, and unknown planets; Enchantment.  
Since then, they have been seeking to end us.  
Our survival means their demise.  
Now is the time.  
Remember your training.  
When your mother took you  
out to look at the stars and  
told you to follow the gourd.  
When the pipes froze in the walls,  
your uncle wrapped you in sheepskin,  
rubbed your dried skin with petroleum,  
and told you how he survived the Dust Bowl- The black smoke.  
Like his grandpap survived the ship's bowels,  
rollin' round in puke and shit.  
Threw our Kuba overskirts overboard;  
The goats' blood from the rites of passage  
Hadn't even dried yet on our flesh.  
We join hands at the ocean  
to call on them.  
When Yemoja troubled the waters  
she heaved and pushed.  
Murky Tsunamis drew back and rolled.  
There was an eclipse of that same black smoke.  
Iridescent ravens flew from her, spread their wings, and kicked up red dust.

When the current comes, it will take us first.  
We, the children of Yemoja, fish children.  
When you put your hands on us  
to drown us, we bob right back up to the surface with hoarse laughter.  
We been breathing underwater.  
We been wading through rivers.  
And this land was all river once before  
and it will be a river again.  
Our ancestors sit on the bottom  
of the ocean floor waiting.  
When the tide washes up,  
It's them whispering,  
Remember your training.  
When you separate a people,  
destroy their culture,  
take their language,  
and never atone for it,  
and they still find a way to come together,  
it is dangerous. So I say,  
remember Stono, remember the German Coast, Calusa, Chekika and the Seminoles.  
Remember Turner, Amistad, and the Gold Coast warriors.  
Soldiers who never forgot who they were.  
Slaughtered their captures  
and sang to the sun,  
with nooses on their necks,  
at the public execution in New York.  
It began in the water.  
It will end in the sea.  
So Fish children, Remember your training. Remember your training. Remember your training.  
Now take to the water. And let her  
Move through you, Until all, becomes still.