



## **United States of America**

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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in  
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## **1. (A) Introduction**

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** In this document, CIVICUS outlines concerns related to ongoing legal and policy restrictions on the free exercise of the right to freedom of assembly in the United States of America (hereafter the United States (US)), as well as the unwarranted use of excessive force and arbitrary arrest to disperse and discourage nonviolent demonstrations. In this respect, CIVICUS is also concerned by militarisation of police forces across the United States engaged in crowd control.
- 1.3** CIVICUS is alarmed by undue and arbitrary restrictions on freedom expression, including the escalating use of vague and over-broad legislation to suppress criticism and pluralistic debate on official policy.
- 1.4** CIVICUS is concerned by legislative measures to curtail the legitimate work of civil society organizations (CSOs) and the continued exclusion of large segments of society from the right to unionize and collective bargaining.
- 1.5** CIVICUS is concerned about the environment in which civil society activists and human rights defenders operate and discuss threats faced in the exercise of the freedoms of expression, association and assembly.
- 1.6**
  - In Section B, CIVICUS highlights concerns regarding the freedom of assembly.
  - In Section C, CIVICUS highlights concerns relating to the freedom of expression, restrictions on access to information and independent media and attempts to suppress dissent of universities and university student groups.
  - In Section D, CIVICUS highlights concerns related to the freedom of association and restrictions on civil society activities.
  - In Section E, CIVICUS highlights concerns involving harassment and arbitrary detention of human rights defenders
  - In Section F, CIVICUS makes a number of recommendations to address the concerns listed.

## **2. (B) Concerns regarding freedom of assembly**

- 2.1** The First Amendment to the United States Constitution guarantees the right to freedom of assembly. Article 21 of the International Covenant on Civil and Political Rights (ICCPR) also protects the right to freedom of peaceful assembly.

Nonetheless, a number of legislative and extra-legal limitations exist to the realisation of this right. In practice, the right to assembly is severely undermined by a policy framework requiring potential protestors to secure explicit authorization from relevant local authorities. Moreover, the free exercise of the right to peaceful assembly is severely undermined by unwarranted government interference, including mass arrests, the use of excessive force by security forces and the arrest of journalists attempting to monitor and document protests.

- 2.2** Within the United States, cities and states are endowed with wide discretion to establish the rules and procedures governing the right to assemble. A number of state and local governments require a permit to hold demonstrations of varying scales. Across the United States, demonstrators are often required to secure a permit when using amplifying devices, when demonstrations are not expected to remain on sidewalks or when the assembly is anticipated to hinder pedestrian or vehicular traffic. Such requirements necessitating explicit approval from relevant authorities act as a severe impediment to the free and unencumbered right to peaceful assembly and provide the authorities with excessive discretion to deny and criminalize peaceful protests.<sup>1</sup>
- 2.3** For instance, under the Municipal Code of Chicago, authorization is required for public assemblies that are likely to obstruct the normal flow of pedestrian or vehicular traffic. Moreover, in New York City, with a population of nearly 9 million, organizers of protests must obtain a permit to march on a public street and use amplification devices on public property. In Los Angeles, the authorities require permits to hold both stationary and moving demonstrations that may disrupt traffic. These and other impediments to freedom of assembly which are prevalent across the United States, patently disregard best practices put forward by the Organization for Security and Co-operation in Europe (OSCE) and the Special Rapporteur on the rights to freedom of peaceful assembly and of association which suggest that the states should require simple notification rather than authorization to hold a public assembly.<sup>2</sup>
- 2.4** Since its last examination under the UPR during the 9<sup>th</sup> Session, the US has seen a surge in national and regional protest movements to encourage a substantive policy shift on a number of pressing human rights issues. However, despite the government's obligation to facilitate the right to peaceful assembly, the authorities and police have routinely resorted to mass arrests and excessive force to disperse peaceful assemblies and destabilize protest movements. Worryingly, dozens of journalists have also been arrested during peaceful protests in an apparent

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<sup>1</sup> OSCE, Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States, 9 November 2012, <http://www.osce.org/odihr/97055?download=true>

<sup>2</sup> IBID; 24

attempt to suppress independent reporting on police misconduct during public assemblies.

- 2.5** According to national watchdog groups, nearly 8000 protestors have been arrested in connection to the Occupy Movement in over 120 cities since the demonstrations and sit-ins began on 17 September 2011.<sup>3</sup> For example, on 1 October 2011, in New York City, 700 protestors were arrested while marching across the Brooklyn Bridge, in New York City. The protestors, who were part of Occupy Wall Street and been staging protests in opposition to growing inequality and unemployment created by abuses in the financial sector with official connivance, were arrested for blocking traffic and attempting to hold an unauthorized march.<sup>4</sup>
- 2.6** In Los Angeles, nearly 1,500 police in riot gear descended on an Occupy Protest Camp and arrested 292 peaceful demonstrators on 30 November 2011 outside Los Angeles City Hall. After declaring the camp “an unlawful assembly”, police ordered the protestors to disperse or face arrest in line with an eviction order from the mayor. During the overnight raid, police arrested participants who refused to leave and forcefully dismantled the camp. The vast majority of those arrested during the raid were held on exorbitant bail of 5,000 USD for nearly two days.<sup>5</sup>
- 2.7** Throughout the Occupy protests, journalists were repeatedly subjected to undue harassment, intimidation and arbitrary detention while covering the demonstrations. According to national monitoring groups, at least 85 journalists were arrested in 13 cities while reporting on Occupy Movement protests. For instance, at least seven journalists were arrested when police evicted Occupy Wall Street protestors from Zuccotti Park in New York City on 15 November 2014. In addition, on 28 January 2012, six journalists were reportedly arrested during mass arrests of occupy protestors in Oakland, California.<sup>6</sup>
- 2.8** Recently, in Ferguson, Missouri, police employed a number of repressive and disproportionately forceful tactics to suppress largely peaceful protests urging justice and accountability for the police shooting of an unarmed African American teenager, Michael Brown. At least 212 people were arrested and numerous others injured during peaceful demonstrations from 11-22 August 2014 in Ferguson, a suburb of the state capital, St. Louis. Of those arrested, 130 people were charged

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<sup>3</sup> Occupyarrests.com, 24 June 2014 <http://stpeteforpeace.org/occupyarrests.sources.html>

<sup>4</sup> The Guardian, Occupy Wall Street protestors arrested on Brooklyn Bridge, 2 October 2011, <http://www.theguardian.com/world/2011/oct/02/occupy-wall-street-protesters-brooklyn-bridge?newsfeed=true>

<sup>5</sup> USA Today, LAPD arrests 292 Occupy protestors in massive overnight raid, 1 December 2011, <http://usatoday30.usatoday.com/news/nation/story/2011-11-30/occupy-LA-protests/51486756/1>

<sup>6</sup> Suppressing Dissent: Report Details NYPD Aggression, Use of Force Against Occupy Movement, 26 July 2012, <http://bit.ly/1niwmiil>

with refusal to disperse, 18 with burglary and 9 for disorderly conduct. Several other people were charged with resisting arrest and two others were charged with careless driving.<sup>7</sup>

- 2.9** On a number of occasions during the protests police resorted to using excessive and disproportionate force to disperse the protestors. Officers from multiple departments in riot gear and in military equipment clashed with protesters chanting “Hands up, don’t shoot.” For instance, on Wednesday, 13 August, police repeatedly used rubber bullets, tear gas and stun grenades to disperse the demonstrators. Armoured trucks and armed members of the police’s riot division, including snipers positioned on rooftops, were also deployed in a blatant act of intimidation and harassment.<sup>8</sup>
- 2.10** Moreover, at least 11 journalists were reportedly detained during the protests in an apparent attempt to stifle independent reporting on the protests. On 13 August 2014, Wesley Lowery of The Washington Post and Ryan J. Reilly of The Huffington Post were detained while recording and taping the protests inside a McDonald’s restaurant. The reporters were reportedly roughed up and held for over thirty minutes and released without explanation. On August 18<sup>th</sup>, at least 4 international and national journalists were also detained including Getty Images photographer Scott Olson, who was detained and released without charge after a few hours, and Kerry Picket, a reporter with the website Breitbart News. In addition, two journalists from German newspapers, Ansgar Graw and Frank Herrmann of the newspaper Die Welt, were detained for three hours and released without charge.<sup>9</sup> These blatant acts of intimidation of the free press are highly concerning.

### **3. (C) Concerns regarding freedom of expression and access to information**

- 3.1** Article 19 of the ICCPR guarantees the freedom of expression and opinion. The First Amendment to the United States Constitution further upholds the rights to free expression and the press. However, in contrast to these rights, the government has repeatedly invoked federal legislation to unduly curtail the exercise of the right to freedom of the press and stifle independent dissent at universities and among student groups who advocate for pro-Palestinian causes.
- 3.2** Under Title VI of the Civil Rights Act, US universities receiving federal funding, which constitutes the vast majority of universities in the country, are prohibited from discriminating against persons on the basis of race, colour or national origin.

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<sup>7</sup> CIVICUS Alert: CIVICUS condemns crackdown on peaceful protests in Missouri, USA, 14 August 2014, <http://www.civicus.org/index.php/en/link-to-related-newsresources2/2097-civicus-alert-civicus-condemns-crackdown-on-peaceful-protests-in-missouri-usa>

<sup>8</sup> Ibid

<sup>9</sup> Ibid

While law the plays an important role in helping to safeguarded against discrimination of minority and marginalized groups, the government, under the auspices of United States Department of Education (DOE), continues to pervert the meaning of the law to suppress views critical of the government of Israel on college campuses.<sup>10</sup>

- 3.3** The DOE, which is authorized to investigate alleged infringements of Title VI by universities, has launched a number of targeted and unwarranted campaigns against student groups advocating for greater respect of the rights of Palestinians. Since 2011, the DOE has launched investigation into student groups such as the Student Associations (MSA) and Students for Justice in Palestine (SJP) at three universities including the University of California (UC) at Berkeley, UC Santa Cruz, and Rutgers.<sup>11</sup>
- 3.4** An ongoing investigation of UC Berkeley originally launched in 2011 is emblematic of the federal government's unjustified attempts to silence independent dissent in support of Palestine across university campuses. In July, students associated with a pro-Israel student group sued the university in federal court, stating that public criticism of Israeli policies engendered an anti-Semitic environment for Jewish students. While the case was quickly dismissed by the judge who contended that the group's advocacy was fully protected by provisions of the Constitution guaranteeing freedom of expression, the DOE has since opened a Title VI investigation into the claims. These and other similar cases initiated by the DOE across the US represent a flagrant attempt to intimidate pro-Palestinian groups and have had a chilling effect on freedom of expression.<sup>12</sup>
- 3.5** Individual students and student groups promoting pro-Palestinian sentiments have also been subjected to disproportionate and excessive penalties for publically criticising the policies of the Israeli government. For example on 8 February 2010, eleven students from the University of California at Irvine, including 8 members of the Muslim Student Union, were arrested for disrupting a speech made by Israeli Ambassador Michael Oren at the university. Directly preceding Mr Oren's presentation, MSU issued a media statement raising concern about his presence on campus. In February 2011, the students were charged with "conspiracy to disturb a lawful meeting" and "disturbing the peace". In September 2011, ten of the eleven students including the MSU members were convicted on the charges and sentenced to probation and a fine. In March 2014, an Orange County Superior Court upheld the conviction.<sup>13</sup>

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<sup>10</sup> Electronic intifada, 28 August 2013 <http://electronicintifada.net/blogs/nora-barrows-friedman/victory-campus-free-speech-us-dept-education-throws-out-anti-semitism>

<sup>11</sup> Stanford Students for Justice in Palestine, <https://sjp.stanford.edu/>

<sup>12</sup> International Middle East Media Center, <http://www.imemc.org/article/66052>

<sup>13</sup> Ibid

- 3.6** A number of state legislatures have also introduced laws which would impose debilitating punitive measures on universities which publically support boycotts of Israel. Among other similar bills tabled across the US, the “Anti-Boycott Bill” (number A 08392A) introduced in the New York State Assembly on 6 February 2014 prohibits the use of state funds by any college to provide assistance to any ‘academic entity’ that supports a boycott of a country or its academic institutions either through an official statement or public resolution. The bill covers support to any university, college or professor including through financing of travel to meetings or membership of organisations that support boycotts.<sup>14</sup>
- 3.7** The anti-boycott bill - currently under legislative consideration - is in response to the decision by the American Studies Association (ASA) to support the academic boycott aspect of the Boycott, Divestment and Sanctions (BDS) campaign targeted at Israel’s illegal military occupation of Palestine and its treatment of the Palestinian people. The full membership of the ASA, a US academic organisation voted in December 2013 to support the academic boycott. Approval of the “Anti-Boycott Bill” and similar bills across the US would seriously impede the right to freedom of expression for universities and send a chilling message that advocacy critical of government policy on Israel will not be tolerated.<sup>15</sup>
- 3.8** Since the US’s last examination under the UPR, the government has escalated its campaign to limit the divulgence of information about national security issues and other areas deemed contentious or potentially damaging for the US government. A number of regulations have been issued since 2009 by the Executive Branch and intelligence services aimed at preventing government employees from directly interacting with journalists on national security issues. Such decrees have seriously hindered the imperative work of independent media and created a hostile environment for reporting on government corruption and malfeasance. Moreover, they discourage whistle-blowers whose activities are critical to protecting democratic rights.
- 3.9** Following US soldier Chelsea Manning’s exposure of classified military documents to Wikileaks in October 2011, President Obama issued decree, “Insider Threat Program” (or “ITP”), which requires federal employees to receive training on identifying “insider threats”. More recently, in March 2014, the Director of National Intelligence issued Intelligence Community Directive 119 prohibiting intelligence service employees from all unauthorized contact with the press. The Office of the Director of National Intelligence also updated its press rules under

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<sup>14</sup> Civil Society Alarmed At US Attempt To Punish Academia Over Israel, 4 May 2014, <http://civicus.org/index.php/en/what-we-do-126/world-assembly/2008-world-assembly>

<sup>15</sup> IBID

Instruction 80.04 in April of 2014, requiring “pre-publication review” of specific information that members of the intelligence community disclose to the public.<sup>16</sup>

**3.10** These and other restrictions aimed at limiting interaction and unauthorized communication between the government and journalists has seriously hindered the public discourse on pressing human rights issues in the country. Serious concerns persist that the government’s targeted campaign to suppress information about its national security policies will lead to decreased accountability and transparency of government policies.

#### **4. (D) Restrictions on freedom of association and impediments to civil society activities**

**4.1** Article 22 of the ICCPR provides that “everyone has the right to freedom of association and to form trade unions for the protection of their interests.” While the United States Constitution’s First Amendment upholds the right to assemble and to petition the government, it does not explicitly provide for the right to freedom of association. Nevertheless, the United States Supreme Court held in *NAACP v. Alabama* that the freedom of association is an essential component of the right to freedom of speech. However, despite its commitments under national and international law, the US government continues to deny these protections for specific groups. Of critical concern is the government’s continued denial of the right to form unions and strike for large segments of society under amendments to the National Labor Relations Act (NLRA). Moreover, the federal government has continued to invoke draconian legislation to destabilize the legitimate work of Muslim civil society groups in the country.

**4.2** While the International Covenant on Economic, Social, and Cultural Rights (ICESCR) ensures the right of “everyone” to form and join trade unions for the protection of economic and social interests and ILO Convention No. 87 asserts that workers “without distinction whatsoever” have the right of freedom of association including unionizing, the US government continues to exclude a number of professional sectors from these protections. Under amendments to the 1935 NLRA, including the 1935 Wagner Act and the 1947 Taft-Hartley Act, sectors such as agricultural workers, domestic workers, independent contractors and supervisors are unwarrantedly denied the right to association. Accordingly, of the approximately 140 million people in the civilian workforce in the US, 33.5 million,

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<sup>16</sup> Reuters, InsiderThreatDefense.Com (ITD) Releases Insider Threat Program Training Course For U.S. Government Agencies / Businesses, 19 March 2014, <http://www.reuters.com/article/2014/03/19/dc-insider-threat-def-idUSnBw195054a+100+BSW20140319>

or nearly 25%, have no right to collective bargaining, unionization or to strike under the NLRA or any other labour law.<sup>17</sup>

- 4.3** Many of the groups denied safeguards under the NLRA are among the most vulnerable in society including farmworkers and domestic employees and are particularly susceptible to abuse and maltreatment by employers. As a result of their exclusion from the NLRA, these and other groups have no labour board or unfair labour practice mechanism from which to seek redress. Moreover, in light of the interdependency of human rights, withholding the right to freedom of association for specific groups can engender severe deprivations of fundamental economic and social rights of the individual's family and community.
- 4.4** CIVICUS is also greatly concerned by the federal government's continued invocation of vague terrorism financing policies which greatly subvert civil society organizations' fundamental human right to freedom of association. Under a number of broad and ill-defined laws, the US Treasury Department is endowed with broad discretion to designate civil society groups operating in the US as supporters of terrorist organizations. As a result of these laws, the government has actively targeted, dissolved and froze the assets of a number of US based civil society groups with longstanding track records of conducting peaceful humanitarian work.
- 4.5** Under Section 805 of the 2001 USA PATRIOT Act the government is authorized to sanction US organizations which provide "material support and resources" including "expert advice or assistance," to designated terrorist groups without taking into consideration intent of the support provided. According to the broadly defined provisions, organizations can be punished for legitimate work including humanitarian and disaster relief work. Under Section 106 of the USA PATRIOT Act, the Treasury Department is further not obliged to reveal, including to the CSO in question, the evidence it uses to designate the group as a terrorist supporter. Moreover, under the same section, the Treasury Department is permitted to seize all assets of the CSO pending an investigation. These practices continue despite an independent review of terrorism financing laws conducted by the Government Accountability Office (GAO) which found that there is a lack of accountability for the Treasury Department's designation and asset blocking of civil society groups in the US.<sup>18</sup>

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<sup>17</sup> The National Labor Relations Act (NLRA), <http://www.nlr.gov/75th/1947tafthartley.html>

<sup>18</sup> American Bar Association, Patriot Act, [http://www.americanbar.org/newsletter/publications/gp\\_solo\\_magazine\\_home/gp\\_solo\\_magazine\\_index/patriot\\_act.html](http://www.americanbar.org/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/patriot_act.html)

- 4.6 As a result of these policies, the treasury department has closed at six least prominent Muslim charities including: Al Haramain Islamic Foundation-USA (Oregon), Benevolence International Foundation (Illinois), Global Relief Foundation (Illinois), Holy Land Foundation for Relief and Development (Texas), Islamic American Relief Agency–USA (Missouri), and Goodwill Charitable Organization (Michigan).<sup>19</sup>
- 4.7 In addition, the Treasury Department has raided or placed under investigation at least six U.S.-based American Muslim organizations. These organizations include the KinderUSA (Texas), Life for Relief and Development (Michigan), Al-Mabarrat (Michigan), Child Foundation (Oregon), Help the Needy (New York), and Care International (Massachusetts). Due to the government’s targeted campaign of harassment, including publicly announced investigations, raids by law enforcement, and unwarranted surveillance, a number of the organizations have been severely enfeebled and both Help the Needy and Care International have since closed.

## **5. (E) Concerns involving harassment, intimidation and attacks against human rights defenders, civil society activists and whistleblowers**

- 5.1 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection to human rights defenders. The ICCPR further guarantees the freedoms of expression, association and assembly. Moreover, the Fifth Amendment to the US Constitution states that no person shall “be deprived of life, liberty, or property, without due process of law.” However, it is a matter of deep concern that despite these protections human rights defenders (HRDs) engaged in legitimate activities continue to face judicial harassment.
- 5.2 In an apparent attempt to limit leaks of classified information and suppress the disclosure of information deemed damaging to its international image, the US government has instituted an unwarranted and draconian campaign to persecute freedom of information advocate, Edward Snowden. Since 2013, Snowden, who was a former system administrator for the Central Intelligence Agency (CIA) and a counterintelligence trainer at the Defense Intelligence Agency (DIA), has leaked classified information from the National Security Agency (NSA) revealing a number of illegal tactics employed by the US government to monitor US citizens, human rights groups, journalists and foreign diplomats. On 14 June 2013, the US Department of Justice charged Snowden with two counts of violating the Espionage Act and theft of government property. The crimes are punishable by up

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<sup>19</sup> New York Times, Case Against Muslim Group Rests, With Defense Still Denying Hamas Ties, 20 September 2007, <http://www.nytimes.com/2007/09/20/us/20holyland.html>

to 30 years in prison. Following the US Department of State's decision to withdrawn Snowden's passport in June he has been living in asylum in Russia.<sup>20</sup>

- 5.3** In November 2008, five members of the US-based CSO, Holy Land, were found guilty of providing "material support to a terrorist organization". The five members of Holy Land, which was previously the largest Islamic charity in the US before it was dissolved by the federal government in 2001, were convicted of providing humanitarian aid to Palestinians in Gaza through zakat (charity) committees purportedly connected to Hamas. However, despite the claims, the US government under its United States Agency for International Development (USAID) program also provided funding to the same Palestinian organizations. Four of the five defendants are now serving sentences ranging from 15-65 years in a Communication Management Unit, an "experimental" detention facility, which operates outside the purview of the Federal Bureau of Prisons.<sup>21</sup>
- 5.4** CIVICUS is deeply concerned that tens of African American human rights defenders and activists remain in prison for their association to black empowerment groups such as the Black Panthers. From 1956-1971, the federal government instituted COINTELPRO (Counter Intelligence Program) aimed at systematically undermining "subversive" groups in the United States. Under the program, the Federal Bureau of Investigation (FBI) actively subjected civil society groups and human rights defenders to unwarranted surveying, infiltration, and politically motivated arbitrary arrest. Today, a number of activists remain in prison based on reportedly perjured testimony and fabricated wrongful imprisonment.<sup>22</sup>
- 5.5** For example, Albert Woodfox, who Amnesty International has designated a Prisoner of Conscience, remains in prison in Louisiana State Penitentiary despite a number of judicial irregularities. Woodfox, who joined the Black Panthers in prison and was active in the desegregation and prisoner's rights movement, was convicted along with two other people of murdering a prison guard in 1973. However, citing racial discrimination, misconduct by the prosecution, and inadequate defence, Woodfox's conviction has been overturned three times by state and federal courts. However, Woodfox remains in prison in solitary confinement as his case is once again being subject to review by the federal courts.<sup>23</sup>

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<sup>20</sup> The Guardian, How Edward Snowden went from loyal NSA contractor to whistleblower, 1 February 2014, <http://www.theguardian.com/world/2014/feb/01/edward-snowden-intelligence-leak-nsa-contractor-extract>

<sup>21</sup> New York Times, Five Convicted in Terrorism Financing Trial, 24 November 2008, <http://www.nytimes.com/2008/11/25/us/25charity.html? r=0>

<sup>22</sup> New York Times, Burglars Who Took On F.B.I. Abandon Shadows, 7 January 2014, <http://www.nytimes.com/2014/01/07/us/burglars-who-took-on-fbi-abandon-shadows.html>

<sup>23</sup> The Guardian, Herman Wallace: 'Angola Three' inmate dies days after release from solitary, 4 October 2013 <http://www.theguardian.com/world/2013/oct/04/herman-wallace-angola-three-dies-solitary-confinement>

## **6. (F) Recommendations to the Government of the United States of America**

CIVICUS calls on the Government of the United States of America to create an enabling environment for civil society to operate, in accordance with the rights ensured by the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be guaranteed: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

### **6.1 Regarding restrictions on the freedom of assembly**

- Amend all federal, states and municipal laws and policies requiring explicit approval to hold public protests and implement recommendations put forward by the Organization for Security and Co-operation in Europe (OSCE) and the Special Rapporteur on the rights to freedom of peaceful assembly and of association requiring only simple notification rather than authorization to hold a public assembly;
- Recourse for judicial review and effective remedy should be provided, including compensation, in cases of unlawful denial of the right to freedom of assembly by state authorities;
- Security forces in charge of crowd control should be equipped with non-lethal weapons and provided training across the board on humane means of crowd control as well as on the UN Basic Principles on the Use of Force and Firearms;
- Concrete steps should be taken to demilitarise police forces across the United States including stopping the practice of handover of surplus military equipment to local law enforcement agencies;
- The use of excessive force in the dispersal of protests should be publically condemned and a formal investigation into such instances should be launched;
- Ensure that all accredited and independent journalists are permitted to report on protests without undue interference including harassment and arbitrary arrest.

## **6.2 Regarding restrictions on freedom of expression and access to information, and intimidation, harassment and arbitrary detention of journalists**

- Every case of arbitrary detention of journalists should be subjected to a mandatory and transparent investigation;
- Immediately cease the invocation of Title VI of the Civil Rights Act to suppress independent dissent at academic institutions in support of pro-Palestinian causes;
- Terminate all unwarranted investigations into the legitimate activities of university student groups who advocate for greater respect for the rights of Palestinians;
- Reject the “Anti-Boycott Bill” (number A 08392A) and other tabled legislation across the United States which would sanction universities and other institutions which receive federal funds for supporting the Boycott, Divestment and Sanctions (BDS) campaign;
- Review the Insider Threat Program, Intelligence Community Directive 119 and Director of National Intelligence Instruction 80.04 to ensure that government employees are able to legally interact with journalists and watchdog groups on issues that are unclassified or that do not pose any significant national security risk.

## **6.4 Regarding restrictions on the freedom of association**

- Amend the National Labor Relations Act (NLRA) to ensure that the right to association, including the right to unionize, collective bargaining and the right to strike, is safeguarded for all members of the private sector in the country;
- Implement recommendations made by the Government Accountability Office (GAO) to enhance transparency and accountability for the Treasury Department’s designation and asset blocking of civil society groups in the US;
- Revise Section 805 of the 2001 USA PATRIOT Act to ensure that CSOs undertaking legitimate humanitarian activities cannot be unwarrantedly sanctioned for supporting groups designated as terrorist entities;
- Amend Section 106 of the USA PATRIOT Act to ensure that the Treasury Department is required to reveal, including to the CSO in question, the evidence it uses to designate the group as a terrorist supporter;

- Amend Section 106 USA PATRIOT Act to remove perversions of the law permitting the Treasury Department to seize all assets of the CSO pending an investigation;
- In line with these revisions, ensure that Muslim American civil society groups that have been unwarrantedly closed are subject to an independent review.

### **6.5 Regarding the arbitrary detention and harassment of human rights defenders**

- Civil society members, human rights defenders and whistleblowers should be provided a safe and secure environment to carry out their work. All instances of violations of their rights should be independently investigated;
- All due process guarantees in accordance with article 14 of the ICCPR should be ensured to all detained persons;
- All arbitrarily detained civil society activists and human rights defenders should be unconditionally released and their cases should be reviewed to prevent further harassment.

### **6.6 Regarding access to UN Special Procedures mandate holders**

A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, the Special Rapporteur on Freedom of Peaceful Assembly and Association and the Special Rapporteur on Independence of Lawyers and Judges.