HUMAN RIGHTS COMMITTEE

Submission to the

Human Rights Committee

prior to

Adoption of List of Issues

for the United States

JANUARY 2019

The following collaboration of organizations present this submission to assist the Human Rights Committee in adopting its list of issues prior to its examination of the United States’ periodic report on the implementation of the International Covenant on Civil and Political Rights. This submission focuses on practices of surveillance, targeting, and deportation of immigrant rights defenders for their public advocacy work to defend immigrants’ rights and social justice.

Executive Summary

This submission is a collaborative effort coordinated mainly by the International Human Rights Clinic at the University of Washington School of Law and the NWDC Resistance under its project ‘Profit Over Dignity’. Further, this submission includes information provided by: University of Notre Dame Law School, University of Washington Center for Human Rights, National Immigration Project of the National Lawyers Guild, New York University Immigration Clinic, and Migrant Justice.

We would like to request to the Human Rights Committee to include in the List of Issues of the upcoming reporting cycle of the United States a topic that was not included in previous concluding observations: the trend of surveillance, targeting and deportation of undocumented migrants’ rights defenders. This trend was a matter of concern for several UN Special Procedures and Regional Human Rights bodies.

In the United States, immigrant rights activists are being surveilled, targeted, and subject to deportation proceedings for their public advocacy work to defend immigrants’ rights and social justice. These defenders have been at the forefront of denouncing unacceptable and inhumane practices of the United States’ immigration authorities, namely Immigration and Customs Enforcement (“ICE”), through demonstrations, videos, radio, television, interviews, public remarks, public statements, lawsuits, and effective advocacy. Their goal, among others, has been to move other states and local authorities to exercise their power to protect immigrants. The aforementioned occurs in the context of restrictive United States immigration laws, policies, and practices for which the IACHR and the United Nations have previously expressed as unlawful and arbitrary.[[1]](#footnote-1)

The Inter-American Commission on Human Rights proceeded over a hearing regarding these violations on December 8, 2018. The Commission heard 6 case studies of immigrant rights defenders who have been targeted, surveilled, deported, or threatened with deportation. Their names are: Maru Mora Villalpando, Saja and ShaCorrie Tunkara, Enrique ‘Kike’ Balcazar, Alejandra Pablos, Jean Montrevil and Ravi Ragbir, and Janar Cauthen. Details regarding their cases can be found in the Annex, from pages 6 to 17.

As a result, rights defenders have been forced to divert scare resources into fighting ICE’s retaliation against them, thereby impairing their mission to draw attention to confront and challenge immigration detentions. ICE’s retaliatory practices have weakened the democratic system’s freedom of speech rights by disrespecting human rights defenders’ privacy and obstructing their right to access information. Importantly, ICE has subjected leaders to threats of deportation, has obstructed the vital work that immigrant defenders do, and has created a chilling effect on undocumented leaders, their families, and upon the undocumented community itself.

These problematic laws and practices raise questions regarding the United States’ obligations under: Article 19 (provision on the right to freedom of expression and right to hold opinions without interference and access to information), Article 25 (protecting political rights), and Articles 2 and 3 (non-discrimination and equality). In addition, the United States has ratified other instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the 1967 Protocol to the 1951 Convention Relating to the Status of Refugees (Refugee Convention), and has also signed the United Nations Declaration on Human Rights Defenders (UNDHRD).

Specifically, we recommend that the Committee includes the following questions among the list of issues:

* Has the U.S. government, since 2016, had any operations, policy, or practice that authorized the targeting of immigrants for enforcement actions based on their media appearances, writings, or organizing?
  + If yes, how has the information about immigrant human rights activists been collected? What tools are usually utilized for these purposes?
* Has the U.S. government, since 2016, had any operations, policy, or practice that authorized the targeting of immigrants for enforcement actions based on their association with or advocacy for “sanctuary”, amnesty, workers’ rights, or other immigration reforms?
* Has the U.S. government, since 2016, had any operations, policy, or practice that authorized the targeting of immigrants for enforcements action based on their criticism or protesting of ICE, CBP, DHS, President Trump, detention centers, or immigration policies in general?
* Does the U.S. government believe that it is lawful to target immigrants for deportation because they speak out against deportation or detention policies?
* Has the U.S. government launched any internal investigations of allegations that human rights defenders have raised about violations of their freedom of speech by various field offices or specific immigration officials?
* Does the U.S. government have any policies in place to evaluate the effectiveness of ICE’s surveillance methods; their immediate and future costs, the effect this may have on civil liberties and privacy of citizens and noncitizens?
* Does the U.S government intend to obstruct even more access to information about immigrants in deportations proceedings or in detention?
* Does the U.S. government have any policies or intentions to modify existing rules on access to information?

1. *Legal Framework*

International law, and specifically Article 19 of the ICCPR, forbids infringement upon freedom of speech, personal freedom, and family protection. Several United Nations special procedures urged the United States to protect the rights of defenders.[[2]](#footnote-2) They noted that, “[g]iving people notice of deportation proceedings appears to be a part of an increasing pattern of intimidation and retaliation against people defending migrants’ rights in the US.”[[3]](#footnote-3)

Additionally, Article 2 of the ICCPR states that, ‘”[e]ach State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including immigration status. However, the United States has shown a pattern of arrest, detention, deportation, and threats of deportation on immigrant rights defenders for their activism. Congress people, the Seattle City Council[[4]](#footnote-4) and the Seattle Human Rights Commission[[5]](#footnote-5) have condemned these actions by ICE. They stated that it is a clear attack on the rights of migrants and defenders. Specifically, the later noted that there is an “escalating campaign to silence and suppress the voices opposing the callous anti-immigration actions of this administration.”[[6]](#footnote-6)

Several United Nations special procedures have urged the United States to protect the rights of immigrants’ defenders and to cease the trend of US retribution against defenders.[[7]](#footnote-7) The UN noted that, “[g]iving people notice of deportation proceedings appears to be a part of an increasing pattern of intimidation and retaliation against people defending migrants’ rights in the US.”[[8]](#footnote-8)

The Inter-American Commission on Human Rights (IACHR) also expressed concern about the United States’ actions against immigrant leaders, calling on the United States to adopt measures to ensure an environment in which human rights defenders can work freely without threat of detention and deportation.[[9]](#footnote-9) In the statement, IACHR reiterated that, “[r]eprisals against human rights defenders not only affect the guarantees of every human being, but undermine the fundamental role that human rights defenders play in society and leave all those for whom they fight defenseless.”[[10]](#footnote-10)

Recently, on December 5th, 2018, prominent immigrant defenders throughout the United States testified before the Inter-American Commission of Human Rights in a public hearing. In response, Commissioner Margarette May Macaulay alleged that the State’s deliberate practices against human rights defenders “falls within the categories of crimes against humanity”. In addition to concerns regarding ICE’s impunity, Commissioner stated that such violations against the defenders themselves are also violations against their family members and destroys families.[[11]](#footnote-11)

# *The Impact of Targeting Immigrants’ Rights Defenders for their Activism*

It is well recognized now that the United States government is deliberately implementing inhumane and discriminatory immigration policies and practices[[12]](#footnote-12). These practices include the use of torture, cruel, inhumane and degrading treatment in detention centers, criminalizing immigration, creating a profitable industry on immigrant incarceration[[13]](#footnote-13), exploiting workers detained[[14]](#footnote-14), separating families and attacking children, militarization on the border, the use of tear gas against asylum seekers, refugees, women and children[[15]](#footnote-15), and placing the lives of persons in need of protection at great risk. International organizations have explicitly found these policies arbitrary and unlawful[[16]](#footnote-16). Nevertheless, the U.S. has continued to generate a climate of fear, uncertainty, and fomenting panic[[17]](#footnote-17), in which people of color are targeted and trauma inflicted on immigrant communities at large.

For this reason, the work of immigrant rights’ defenders and the grass-roots movement to stop all deportations and shut down immigration detention centers has been the key to exposing the human rights violations often overlooked in the immigration system. Immigrant rights’ defenders are bringing light to an obscure reality. They organize community actions in front of the detention center and ICE offices,[[18]](#footnote-18) and they became the primary public voice during hunger strikes inside the detention center.[[19]](#footnote-19) Most recently, rights defenders discovered preventable deaths of asylum seekers in custody, such as Amar Mergansana,[[20]](#footnote-20) triggering a congressional letter demanding an independent investigation.

Rights defenders’ advocacy efforts have also shed light on exploitative corporation interests. Rights defenders’ demands led the Washington State Attorney General to bring a lawsuit against the private corporation managing the Northwest Detention Center (“GEO”) for paying $1 per day for work by immigrants in detention.[[21]](#footnote-21) Immigrants’ rights leaders have been instrumental before their Cities and Councils, urging authorities to consider revoking the corporation’s license to operate. Among their tireless work, defender efforts triggered *rare* appearances and responses from the companies operating the centers,[[22]](#footnote-22) ensured that companies sign commitment pledges to respect human rights[[23]](#footnote-23), passed municipal laws to block local law enforcement cooperation with immigration authorities[[24]](#footnote-24), and secured the right of migrants to have a driver license.[[25]](#footnote-25)

Undocumented leaders have accomplished unprecedented international oversight. International human rights monitoring bodies, including the Inter-American Commission on Human Rights (IACHR) and the United Nations Working Group on Arbitrary Detention (UNWGAD), challenged the legal framework and practices that allow for mass incarceration of immigrants in the U.S.[[26]](#footnote-26) These bodies recommended that the U.S. move toward a humane immigration model which avoids detention.

The increase in the arrest of undocumented immigrants by ICE, under the direction of the Trump Administration, has made the work of immigrants’ rights defenders even more essential.[[27]](#footnote-27) As ICE detains more people around the nation, immigrants are even more exposed to discrimination, hate, arbitrary detention, and criminalization in the United States where conditions have worsened due to the current administration’s policies.[[28]](#footnote-28) The U.S. is witnessing the incarceration of people with no criminal record,[[29]](#footnote-29) within Court premises[[30]](#footnote-30), with some legal status (such as DACA) or permanent residency, and even with severe health problems.

Now, more than ever, immigrant rights defenders are needed. However, their effective advocacy has brought forth retaliation and reprisals onto the leaders’ themselves, the communities they serve, and for the people in detention who they are fighting for.

1. *Concerns Regarding Compliance with the ICCPR*

# *Freedom of Speech and the Impact of Targeting Immigrants Rights’ Defenders for their Activism in their Lives, their Families, and their Communities*

International law states that any act to prevent the human rights defender from carrying out his or her work and to act to intimidate others is a contravention of human rights obligations.[[31]](#footnote-31) All States must provide “support for the work carried out on the national and regional level by human rights defenders, recognize their valuable contribution to the promotion, respect, and protection of human rights and fundamental freedoms, [and condemn those] acts which directly or indirectly impede or obstruct [their] work in the Americas”.[[32]](#footnote-32) The Inter-American Court has emphasized that work undertaken by human rights defenders places them in a special situation of vulnerability[[33]](#footnote-33), against which States like the United States, have an obligation to provide the necessary means for human rights defenders to conduct their activities freely without intimidation.[[34]](#footnote-34) The Special Rapporteur on the situation of human rights defenders emphasized that states should enable and promote people to respect human rights, regardless of their immigration status.[[35]](#footnote-35) Although the US is supporting this aspect internationally, it is disregarding it domestically.

**First, the threat of deportation is grave for the defenders themselves.** Immigrant rights defenders are in a particularly difficult situation as they face the absolute alteration of their lives for speaking up. Not only can the government incarcerate them for long periods of time, but they can also deport them, separate them from their families, and deny or delay them medical attention without any protection of their constitutional rights. Many rights defenders face death and violence in their countries or have lived their whole lives in the US.

This harm was vividly illustrated in the testimony of Alejandra Pablos, a women’s and family health advocate who has been in the United States since infancy: “I’ve lived in the United States almost my whole life...I am not a US Citizen but considered myself one and can’t imagine living in a foreign country. But I don’t know otherwise than to defend what I believe is fair and right; my only crime right now is demanding social justice and I shouldn’t be targeted for that.”[[36]](#footnote-36)

Many immigrant rights defenders experience severe mental health problems as a consequence of cruel and inhuman conditions in the detention centers. This is exemplified by a note written by Amar, a Russian asylum seeker and hunger striker later found dead in custody:

They found a rope in my cell and thought that I wanted to hang myself . . . So they took me to another section — for those who are suicidal — and locked me up by myself, having taken away all my clothes. They gave me a mattress, cover sheet and a thin blanket. It was uncomfortable and cold. Two days later, after a session with a psychologist, they took me back to my regular cell.[[37]](#footnote-37)

**Second, the work that rights defenders do is obstructed, severely altered, and interrupted.** Leaders’ public advocacy work has been disrupted in such a way that they were forced to concentrate their energy, money and time to defend themselves rather than social justice.[[38]](#footnote-38) Some leaders were eventually deported as well.[[39]](#footnote-39) By threatening the leaders with deportation, the government coerces defenders to focus on their own cases, to seek legal support, and to attend hearings and court which deflect defenders from the important functions that they serve. Maru Mora Villalpando, a prominent immigrant rights defender and co-founder of the Northwest Detention Center Resistance (NWDC Resistance), offered a testimony that clearly depicts this as a final goal of the Government:

[After] dedicat[ing] my life to the fight for immigrant justice, demanding an end to detention and deportation. None of the usual triggers for deportation—contact with the police, raids, prior deportations—apply in my case. U.S. Immigration and Customs Enforcement only knows about me because of my political work. With the letter delivered to my house, ICE has officially made the leap from a law enforcement agency to a political repression agency—crossing a line that should concern us all. After years of defending others, I am now the one in need of defense.[[40]](#footnote-40)

**Third, the attacks on immigrant rights leaders generates a chilling effect on other leaders, their families, and on the undocumented community itself.** International law and human rights courts already expressed concerns at the “intimidating and inhibiting effect” of persecution of human rights defenders.[[41]](#footnote-41) Particularly, people enduring inhumane detention condition whose voices are amplified by the defenders are inhibited to continue their plight for justice and attention. The testimony of ShaCorrie Tunkara, wife of Saja Tunkara, an asylum seeker abruptly deported for giving an interview on detention conditions, is a clear example of this:

But after [the surgery] he [Saja] needed physical therapy for the nerve damage in his arm and medications. He was going blind. His mental health deteriorated: he began hearing voices and lost about 20 pounds. He said to me: “I do not want to die in here” … I asked the ICE officers to let my children and I say goodbye to their father, my husband, before he left. ICE simply replied “no, we don’t do that.” Saja was deported to Sierra Leone two and a half weeks after the Seattle Weekly article [interview], without ever having had a chance to have a contact visit with his family in eight months of detention or the chance to say goodbye, without humanity, and with a life-threatening condition that requires constant medical supervision . . . My children and I are in therapy and the kids have been diagnosed with PTSD … Being released from detention and staying in this country was a matter of life or death for Saja but they still deported him and inflicted a permanent mental mark on our whole family.[[42]](#footnote-42)

**Fourth, the democratic system deteriorates by weakening freedom of speech, by disrespecting privacy, and by obstructing the right to access information.** To restrict the work of immigrant rights leaders, the government increased surveillance mechanisms without any accountability. ICE is not showing any limits on their power to initiate investigations and to deport people, disregarding First Amendment rights and common law protections of privacy and surveillance.[[43]](#footnote-43) Especially in Sanctuary cities and states,[[44]](#footnote-44) the government is seeking to identify those doing the work and has accelerated deportation proceedings against them. For example, the Department of Licensing was routinely handing over information on residents’ drivers license applications, including where they were born and whether they used a foreign ID.[[45]](#footnote-45)

Sharing information provoked initiation of deportation proceedings of human rights leaders, detention and separation of families, leading into a pattern of discrimination against Latinos.[[46]](#footnote-46) The Director of the Department resigned due to the public outcry and Washington State is trying to make changes to protect immigrant data held by the government[[47]](#footnote-47), without offering any remedies to the families already affected by detention and deportation, including immigrants rights’ defenders. These trends can be seen in the words of Enrique Kike Balcazar, a leader and spokesperson for Migrant Justice: “ICE monitors our homes, our emails, social networks, obtains private information about us and even works with people who have infiltrated our organization to obtain confidential information about our activities and our location.”[[48]](#footnote-48)

# *Lack of Judicial Protection in Domestic Courts*

International human rights law protects the right to freedom of speech of everyone without any discriminatory distinction and with the right not to be arbitrarily detained or retaliated against. But undocumented immigrant rights defenders in the United States are not entitled to the same level of constitutional and judicial protections because of their immigration status. Making this distinction based on immigration status is plain discrimination.

The Inter-American Court held that a human rights defender carries out the promotion and protection of human rights. “State[s] shall take all necessary measures to ensure the protection by competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in this Declaration.”[[49]](#footnote-49)

Furthermore, the US international position is that of protection for individuals who non-violently advocate for the promotion and protection of universally recognized human rights and fundamental freedoms, without distinctions. The US government recognizes that, “[t]hey can come from any part of the world, and from any social class or background” (emphasis added)[[50]](#footnote-50). The United States has stated that it is even eager to work with international organizations, such as the IACHR, to address “specific threats to human rights defenders and discourage laws that restrict the freedoms of assembly, association or expression or otherwise constrain the operating space for human rights defenders”. However, U.S. domestic courts have held that judicial review is limited and First Amendment rights are inapplicable to defenders, resulting in negative Supreme Court precedent.

**First, there is no right to counsel.** Immigrants facing deportation, and even longtime residents with or without lawful status, are not provided with the right to counsel in deportation cases because they are not “criminal offenses”. Thus, the first hurdle many face to protecting their First Amendment rights and liberties is the lack of legal representation to present such claims. Even for those who are able to press their claims, federal court litigation is generally required.

**Second**, **the U.S. denies First Amendment right for defenders**. U.S. immigration courts, which are administrative (not judicial) tribunals, do not generally recognize or adjudicate constitutional claims arising under the First Amendment. They are thus unlikely to provide any protection for immigrants raising freedom of speech claims. Sometimes the denial of the motions to terminate proceedings based on constitutional rights is concerning, as they seem to provide no limits for ICE to investigate human rights defenders[[51]](#footnote-51).

**Third**, **litigation efforts have been unsuccessful thus far.** Efforts to address the motivation to target leaders because of their speech and political advocacy on behalf of immigrants’ rights and social justice in District Courts have not been successful so far, finding that the Courts lacks subject matter jurisdiction.[[52]](#footnote-52) The appeal is pending before the US Court of Appeal for the Second Circuit.

**Fourth,** **the U.S. has placed contradictory hurdles to pursue claims.** In addition to the hurdles that immigrants may face in bringing federal court litigation generally, there are other obstacles that make it difficult to press such claims.  On one hand, the U.S. government takes the position that have no First Amendment rights because they have valid deportation orders in the eyes of the law. And on the other hand, it holds that federal courts have no power to review the U.S. government’s actions to deport them in any event.

**Fifth, the U.S. Supreme Court has left the agencies unaccountable.** The U.S. Supreme Court has established precedent that has made raising these claims more difficult. In *Reno v. AADC*, the Supreme Court held that that U.S. courts generally do not have the power to review “selective enforcement” claims, at least in the context of some deportation cases where no constitutional rights are implicated (in *AADC,* the individuals were targeted based on their involvement with entities the U.S. deemed to be “terrorist” organizations, and the Supreme Court declined to find any First Amendment violation). The U.S. government argues that *Reno v. AADC* applies to the claims that human rights defenders are raising now, despite the very different context.

# *Lack of Transparency and Impact in Access to Information From Immigration Enforcement Offices*

International law protects the right to access information to hold governments accountable and recognizes the principle of maximum disclosure and transparency in public administration, to enable all persons subject to its jurisdiction to exercise the democratic control of those actions, and so that they can question, investigate and consider whether public functions are being performed adequately[[53]](#footnote-53). All agencies have the obligation to provide access to information.[[54]](#footnote-54)

Unfortunately, undocumented immigrants’ right to access information are not protected properly in the US, despite the Freedom of Information Act’s protections. ICE and USCIS are not complying with the principle of maximum disclosure by having key information available to the public, without the need to file a FOIA request. Furthermore, they are constantly ignoring information requests, challenging the obligation to release information, and ignoring Court orders to release information.

**First, information about specific immigration procedures against leaders, and about the practice of information-sharing about them between government agencies, is inaccessible.** Documents are often denied and intentions hidden by immigration law enforcement, thereby preventing defenders access to the motive behind their deportation proceedings.[[55]](#footnote-55) In Maru’s case, the Court held that, “such records are [not] essential to an adjudication in her case”, and rejected any all request to produce evidence[[56]](#footnote-56). Once the documents had later been released, they explicitly recognized Maru’s extensive involvement with anti-ICE protests and Latino advocacy programs”[[57]](#footnote-57). It confirmed the fear that she was being targeted based on her work at the NWDC and support for the rights of Immigrants detained by ICE, despite having no criminal record and that her daughter could file a petition to adjust her status very shortly.[[58]](#footnote-58)

**Second, the United States ignores requests to access information that could prove a practice of targeting advocates at a larger scale by immigration enforcement agencies.** ICE and USCIS ignored requests under FOIA that would demonstrate the trend of targeting immigrant rights leaders. In February 2018, this coalition requested public documents that could show ICE biases when initiating removal proceedings against activists. The request went unaddressed and later resulted into a lawsuit regarding FOIA violations. The FOIA request also asked for records that showed enforcement actions against other activists involved in anti-ICE activities or political organizing. The presiding judge on the case, Judge Robart, emphasized that the information Maru requested “seeks to shed lights on the illegality of the Defendant’s actions against her and other immigrant rights activists”, is a matter of “grave public interest”, and is key to “provide necessary context for the heightened public interest concerns involving potential government wrongdoing”.[[59]](#footnote-59) ICE has yet to disclose these documents despite the Judge’s comments.

**Third, ICE’s access to private information about human rights leaders raises concerns because state agencies are prohibited from collaborating with ICE.** In January 2018, ICE asserted a FOIA exemption in response to this coalition’s request of documents. The exemption is intended to protect the deliberative process within government agencies by allowing employees to discuss policies candidly behind the scenes. However, this exemption does not apply because these emails were exchanged with Washington DOL, with whom ICE employees have no reason to be formulating immigration policy. Under further records requests from the Washington DOL under Washington’s public records laws, this coalition affired that the emails withheld are those regarding Maru’s personal information. The emails do not show a ‘deliberation of policy’, but rather contains information that ICE wishes to conceal from the public because it constitutes evidence of their illegal profiling of human rights defenders based Constitutionally-protected civil rights.[[60]](#footnote-60) Senator Cantwell's office has raised the matter with ICE, thus far to no appreciable effect.

**Fourth, there is a dangerous trend of immigration enforcement agencies considering themselves exempt from disclosure.** Over the course of the past two years, the University of Washington Center for Human Rights have filed over 50 Freedom of Information Act requests of federal agencies involved in immigration enforcement (predominantly ICE and CBP), over 100 requests of state and local agencies under Washington state's Public Records Act, and approximately 200 district court cases of prosecution under federal immigration charges in Washington State. This coalition found suggestions that ICE and CBP engage in illegal profiling and punitive action against residents of Washington State on the basis of ethnic identity and on the basis of Constitutionally protected exercise of civil rights.[[61]](#footnote-61)/[[62]](#footnote-62).

1. *Recommendations to the Human Rights Committee*
2. We respectfully request that the Human Rights Committee address the alarming concerns above by including the surveillance, targeting, and deportation of immigrant rights’ defenders on its List of Issues Prior to Review for the United States of America.
3. Urge the United States to immediately cease the discriminatory practice of targeting human rights defenders under the misuse of immigration law enforcement, based on any grounds, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, and birth or other status. The United States must desist, in this context, from any discriminatory measures against them, including intimidation, profiling, confiscation of assets, suspension of activities and exclusion from national consultative processes.
4. Urge the United States to disclose operations, policies, or practices that authorized the surveillance and targeting of immigrants for enforcement actions based on their media appearances, writings, or organizing, on their association with or advocacy for “sanctuary”, amnesty, workers’ rights, or other immigration reforms, on their criticism or protesting of ICE, CBP, DHS, President Trump, detention centers, or immigration policies generally.
5. Urge the United States to apply the strategies for protecting and supporting human rights defenders elaborated by the Department of State to defenders of migrants:
   1. Designate a human rights officer whose portfolio includes the cases mentioned here
   2. Work with the UN and IACHR on addressing the retaliation of immigrants’ rights defenders
   3. Change the laws, policies, and practices that restrict freedom of expression and constrain the operating space for immigrants’ rights defenders
   4. Drop the argument that undocumented immigrants are not entitled to First Amendment protections
   5. Protect immigrant rights defenders through emergency technical and financial assistance, specially for those without legal representation facing deportation and retaliation in detention.
   6. Permit Saja Tunkara and Jean Montrevil to return to the United States
   7. Visit immigrants’ rights defenders in detention centers
6. Urge the United States to conduct an independent investigation of the sudden and unfair deportation of Jean Montrevil, Saja Tunkara and the death of hunger striker Amar Merganzana at the Tacoma Northwest Detention Center.
7. Urge the United States to establish a mechanism to reunite them with their families and communities in the United States.

1. IACHR, Human Rights Situation of Detained and Deported Migrants along the Southern Border of the U.S., March 27, 2012 at<https://www.youtube.com/watch?v=sSWFb3_MKLM> (minute 15:50); IACHR, *Refugees and Migrants in the United States: families and unaccompanied children*, 24 July 2015, OAS/Ser.L/V/II. 155. Human Rights Council, *Report of the Working Group on Arbitrary Detention on its visit to the United States of America,* Un. Doc. A/HRC/36/37/Add.2, 17 July 2017, Human Rights Committee noted in its concluding observations on the fourth periodic report of the United States that “mandatory detention of immigrants for prolonged periods of time without regard to the individual case may raise issues under article 9 of the Covenant.” *Concluding observations on the fourth periodic report of the United States of America,* CCPR/C/USA/CO/4, 23 April 2014, par. 15. Among the recommendations issued by the UPR to the United States Government in the second cycle, the following are worth mentioning: “Put an end to unlawful practices which violate human rights, including… arbitrary detention, and close any arbitrary detention centers… Prevent torture and ill-treatment in places of detention… seek alternatives to detention and end use of detention for reason of deterrence… Consider alternatives to the detention of migrants.” *Report of the Working Group on the Universal Periodic Review*, United States of America, A/HRC/30/12, 20 July 2015, par. 176.203, 176.213, 176.252, 176.253. UN Working Group on Arbitrary Detention, Opinion No. 18/2004, Communication addressed to the United States of America on 07 May 2004; Opinion No. 32/1999, Communication addressed to the United States of America on 04 May 1998; Opinion No. 72/2018 concerning Marcos Antonio Aguilar-Rodriguez (United States of America), A/HRC/WGAD/2017/72, 28 December 2017.

   . [↑](#footnote-ref-1)
2. See, OHCHR, US urged to protect rights defenders as activist Maru Mora Villalpando faces deportation case, February 14, 2018. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22657&LangID=E> [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. Seattle Council, City Council’s Statement on ICE Targeting Immigrant Rights Activist Maru Mora-Villalpando. Available at <http://council.seattle.gov/2018/01/16/city-councils-statement-on-ice-targeting-immigrant-rights-activist-maru-mora-villalpando/> [↑](#footnote-ref-4)
5. Seattle Human Rights Commission, DACA statement. Available at <https://www.seattle.gov/Documents/Departments/SeattleHumanRightsCommission/Maru%20Villalpando%20statement.pdf> [↑](#footnote-ref-5)
6. *Supra* note 43. [↑](#footnote-ref-6)
7. See, OHCHR, US urged to protect rights defenders as activist Maru Mora Villalpando faces deportation case, February 14, 2018. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22657&LangID=E> [↑](#footnote-ref-7)
8. *Id.* [↑](#footnote-ref-8)
9. Press Release by IACHR Expresses Concern over Situation of Immigrant Defenders in the United States issued February 16, 2018. Available at<http://www.oas.org/en/iachr/media_center/PReleases/2018/029.asp> [↑](#footnote-ref-9)
10. *Id.* [↑](#footnote-ref-10)
11. See link to recorded hearing. “EEUU: defensores de migrantes”. <https://www.youtube.com/watch?v=B7md6cgz3YY> [↑](#footnote-ref-11)
12. # IACHR Expresses Concern over Recent Migration and Asylum Policies and Measures in the United States, June 18, 2018; UN High Commissioner for Human Rights, June 18, 2018.

    [↑](#footnote-ref-12)
13. Detention Watch Network (DWN). ICE Lies. Public Deception, Private Profit. Available at <https://www.detentionwatchnetwork.org/sites/default/files/reports/IceLies_NIJC_DWN.pdf> [↑](#footnote-ref-13)
14. Washington State Attorney General lawsuit against GEO. Available at <https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/State%20v%20GEO%20Complaint.pdf> [↑](#footnote-ref-14)
15. *See e.g,,* OAS, IACHR Expresses Concern over Executive Orders on Immigration and Refugees in the United States (February 1, 2017). Available at<http://www.oas.org/en/iachr/media_center/PReleases/2017/008.asp>

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