In the United States of America, human rights defenders are fighting fiercely for their rights and for directly impacted peoples in the face of rising difficulty due to a deterioration of democracy. Human Rights Defenders are seeking immediate and long term policy and process changes for our common causes of dignity, equality, freedom and justice for all.

There are rising risks facing people on the frontline including barbarous reprisals for their bravery. More and more, there is an increased criminalization of emerging human rights issues including the right to a clean, healthy environment in the face of the climate crisis. There is a ever increasing militarization of law enforcement targeting those who speak truth to power. Historically, there are many political prisoners of conscience serving severe prison sentences for defending our common human rights in own home communities across the country. For decades, they have remained peaceful political prisoners of conscience speaking up against a systematic practice of prejudice.

There are many examples that deserve attention. However, the time provided doesn't allow us to do justice to the numerous cases. We will provide individual cases of leaders in the specific liberation and justice movements that exemplify the quest for human rights in the United States of America.

Indigenous Peoples have been consistently challenging the racist philosophy, policies and practices carried out over multiple administration in pursuit of natural resources and land of the indigenous nations. The American Indian Movement (AIM) countered the settler colonialism model that denied the right to self-determination. Many AIM leaders and members were human rights defenders over the decades. In recent years, a new wave of activism is embodied in the Standing Rock land rights struggle with more human rights defenders facing increased militarism while exercising basic constitutional rights.

Leonard Peltier is a Turtle Mountain Chippewa as well as Lakota and Dakota activist involved in protecting the Pine Ridge Reservation in South Dakota. Peltier is serving a two consecutive life sentences. Amnesty International placed his case under the “Unfair Trials” category in its 2010 annual report. Peltier has also been a prisoner of conscience receiving global attention. Former U.S. Attorney General Ramsey Clark has filed series of appeals identifying evidence as “fabricated, circumstantial…mis-used, concealed and perverted. The UN Special Rapporteur on the Rights of Indigenous Peoples visited Peltier in 2014 reinforcing the denial of Peltier’s basic rights.

Lenny Foster, an AIM member and Navajo Nation Correction Projects supervisor, assists indigenous human rights defenders to exercise their rights under the UN Declaration on the Rights of Indigenous Peoples in custody. Foster notes Peltier is a Mandela for indigenous peoples and with his deteriorating health should be allowed to be released, after four decades of
incarceration, to return to his people and be with his children, grand children and great grand
children.

From U2 to Rage Against the Machine, musicians have continued raising awareness about his case. Peltier remains vigilant, "I’ve gone too far now to start backing down. I don’t give up. Not ‘til my people are free will I give up and if I have to sacrifice some more, than I sacrifice some more."

Unfortunately, indigenous peoples are not free and while the ’60’s reign of terror by the U.S. government seems a distant memory, the recent actions in Standing Rock show militarism response by the authorities is ever-increasing with criminalization of rights recognized under the U.S. Constitution, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Human rights defenders are facing harassment, violence and criminal charges in court for protecting the water from contamination. Standing Rock became the rallying cry for indigenous peoples in the U.S. and around the world facing similar situations.

Grandma Cheryl Angel, summarized the sentiment of those protecting the water, "Once you stand up in resistance to the destruction of our Earth, our mother, there is no way you can sit back down." She continued, "I’m positive I’ll be standing in solidarity aligned with all those who understand the threat to our water until the end. At this moment there are just too many multinational extractivist corporations to ignore. And with the current leaders in many countries, especially in my homelands, writing legislation to criminalize individuals and fast-track pipelines, now is the time for more people to stand up and fight for our next seven generations."

There is a failure of the legal, political and media to share the truth of the extractive economy regarding everyday people standing up for the earth against multinational corporations. Mni Wiconi continues to inspire indigenous peoples and larger circles of concerned allies. Grandma Cheryl continued her criticism noting they “failed the people of the country, not just the water protectors. They could have prevented all of the abuses of the law enforcement, the unnecessary jailing of hundreds, and no one would even have had to end up with trumped up criminal charges, if they had wanted to share the truth about pipelines. They didn’t care enough about the water quality of the Mni Sose or the people of Standing Rock.”

There were many violations by multiple authorities toward human rights defenders with excessive use of force and violent confrontations against peaceful water protectors. After years of disciplined nonviolent direct action, in December 2016, an easement was denied for construction of the pipeline. While human rights defenders endured a great deal with this temporary victory, the new current administration authorized the Army Corps of Engineers to proceed. During late March 2020, there was a ruling calling for a full Environmental Impact Statement (EIS) after a federal court ruled the existing permits violated the National Environmental Policy Act (NEPA). The future of the Dakota Access pipeline will be tied up in court. We demand the law enforcement will respect the human rights defenders basic freedoms during this period.

Human rights defenders basic exercising of their rights continue to be criminalized and are carried out by corporations to silence future human rights defenders. There are many examples of Strategic Lawsuits Against Public Participation (SLAPPs).
One case we would like to highlight is Steven Donziger, an American human rights attorney, that brought a case against Texaco on behalf of indigenous peoples of Ecuador for dumping toxic waste and spilling billions of gallons of oil on the sacred homeland. The 30,000 indigenous peoples and small farmers were successful in a class-action lawsuit in 1993 that was a warning to corporate polluters. Today, Donziger is under house arrest forced to wear an ankle monitor. We call for respect of core rights for Donziger immediately.

Another peoples human rights movement is the Black Panthers in the ’60s and there were many human rights defenders that continue to face racial discrimination and violations of fundamental freedoms. Mumia Abu-Jamal was involved in the Black Panthers since his teens and became a journalist. The murder trial case has been criticized for constitutional failings. Even behind bars for decades, his writing on the criminal justice system illuminates the human rights violations African-Americans face in the prison industrial complex. Mumia Abu-Jamal continues to fight for his innocence, in 2001, his death sentence was overturned. Mumia remains behind bars. The core concerns from decades ago persist and are highlighted with the Black Lives Matter movement exposing the multiple killings and murders of black and brown people at the hands of law enforcement responsible to uphold the human rights persistently violated. The UN human rights charter and treaty bodies consistently raise concerns providing multiple recommendations to realize human rights in the United States of America. There are too many human rights defenders standing up for equality and dignity consistently being attacked by those responsible to guarantee rights and there is also an increase in racial hatred and violence under the current administration.

There are many human rights defenders and whistleblowers exercising their freedom of expression to share important issues. Chelsea Manning was an intelligence analyst for the U.S. Army when she disclosed 700,000 confidential military and diplomatic documents while serving in Iraq in 2010. Manning is an advocate for free speech, transparency and LGBTQ rights. Manning had been in and out of prison for refusing to testify before a grand jury investigating WikiLeaks. Earlier in March, a U.S. District Judge ordered Manning’s release from jail. We call for justice for Chelsea Manning as a human rights defender.

Other whistleblowers include Julian Assange. Recently, the UN Special Rapporteur on Torture issued new report in February 2020 creating a comprehensive definition of psychological torture for the first time. UN Rapporteur Nils Melzer visited Assange in May 2019 as part of the research for the report shared at the UN Human Rights Council 2020 session. Melzer found that Assange had uncovered torture through role as WikiLeaks, and also experienced psychological torture and potential physical torture if extradited to the United States.

There are new generations of human rights defenders rising up in the above examples. Human rights movement is also expanding on major issues facing the entire nation. The USA has both the highest absolute and per capita rates of gun ownership in the world. Amnesty International is working to End Gun Violence. The U.S. government is failing to protect individuals from persistent gun violence subsequently denying people their civil and political rights under the ICCPR including the right to life, to security of person and to be free from discrimination. In 2017, some 39,773 individuals died from gunshot injuries. For those that survive gun violence, the US lacks special programs to provide for the specific health and rehabilitation needs of survivors. The latest wave of human rights defenders are the survivors of gun violence. March for our Lives illustrates the power of youth to utilize human rights to stand up to end gun violence. There is an escalation of violence under the current administration and support for more guns. During free speech rallies where human rights defenders take a stand against gun violence, it is common to see opposition actually appear in the streets with firearms.
At the federal and state level, we see compelling reasons for concerns for human rights defenders in the times of COVID-19. We will share some of these during the UPR-Presession Remote Human Rights Consultation on April 15 with UN Missions.

In conclusion, for many human rights defenders, inside and outside incarceration, it is a crisis-layered cake of one historical crisis from the founding of the nation on top of one another and the current COVID-19 crisis is another layer for immediate concern. The federal administration and local leadership is continuing to violate human rights. Just two short examples due to time, regarding human rights defenders ability to freedom of expression and assembly. Two Republican governors in South Dakota and West Virginia meant to discourage Dakota pipeline peaceful protest by putting criminal penalties on protest. On the gun violence front, while many citizens are ordered to shelter in place, gun stores are classified as essential workers. There are many violations of essential rights, human rights defenders put their lives on the line daily in partnership with directly impacted peoples. This will continue for the foreseeable future with the latest challenge of the COVID-19 crisis.

Anyone raising concerns are treated under this administration as an enemy. It’s unhealthy and undemocratic tearing away at our constitutional and International human rights.

Mahalo. Thank you.

We look forward to share recommendations prior to the review with more updates from the frontline in October 2020.

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