

State Repression of the Movement to Stop Cop City and Defend the Atlanta Forest

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Submitted by

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## **Executive Summary**

This report is submitted for the United Nations Human Rights Committee’s review of the United States during the Committee’s 139th Sessions. The events detailed below evidence violations of human rights committed by agencies of the United States government based on the State’s obligations under the International Covenant on Civil and Political Rights. In particular, the case highlights violations of Articles 6 (right to life), 18 (right to freedom of thought), 19 (right to hold opinions without interference), 21 (right of peaceful assembly), and 22 (right of free association). We argue, furthermore, that, when taken together, the evidence presented in this report illustrates a strategic and coordinated attack by various levels of the State to target, criminalize, and dismantle an intersectional social movement challenging police militarization and environmental degradation. The movement to Stop Cop City is a harbinger of what resistance looks like in the near future and the State’s response is equally exemplary of what repression looks like as the twin existential threats of police violence and ecological collapse align.

Following the police murder of George Floyd on May 25, 2020, the United States experienced the largest mass movement in its history. Since then, state violence rose nationally and law enforcement agencies regrouped and strategized around how to better suppress constitutionally protected protests, especially those opposed to police violence and killings. Cop City, and the state response to the resistance against the facility, acts to silence protest and dissent, chill peaceful assembly, threaten thought, opinion, and expression, and use all tools of the state to repress the social movement to Stop Cop City, including criminalizing and killing protestors. The report draws particular attention to the shooting death of Manuel Paez “Tortugita” Terán, a queer Indigenous Environmental Human Rights Defender, by police during a coordinated raid against forest protectors.

This report describes a robust and concerted effort by the State under review to violate the human rights of individuals active in a broad social mobilization against police militarization and in defense of environmental protection. In so doing, the State not only criminalizes and punishes individuals for engaging in protected activities but also signals to thousands of other movement advocates and supporters that they could be targeted next. The State discourages the exercise of the rights to freedom of opinion and thought, and peaceful assembly and free association, which constitutes a clear transgression of its obligations under the Covenant. Supporters of Cop City, which include elected officials, the Atlanta Police Foundation, and private corporations, collude to violate rights and secure their own interests. State actions ranging from detaining journalists to charging bail fund operators as an organized criminal enterprise, indicate a clear preference for eliminating any mode of civil and popular resistance. These actions run contrary to treaty obligations and also to the viability of an open and democratic society.

The date of George Floyd’s murder is listed on the racketeering indictment as the beginning of the contrived conspiracy laid out in the document, demonstrating that the state repression of the movement to Stop Cop City is not just about Cop City, but conceivably seeks to end any opposition, criticism, and limitations of policing and police violence, as such. The plans to build Cop City near Atlanta is but one such proposal. Many other jurisdictions are attempting to fund and build police training facilities so as to ready their forces for the next cycle of mass demonstrations and prepare law enforcement to quash future resistance movements.

## Overview

1. Atlanta is sometimes referred to as “the cradle of the [United States] Civil Rights movement”<sup>1</sup> due in part to it being the birthplace of Dr. Martin Luther King Jr. and home to many champions of progress for people of African descent during many social movements following the abolition of chattel slavery.<sup>2</sup> Dubbed “the city too busy to hate” by Mayor Ivan Allen, Jr. in the 1960’s, Atlanta continues to be mistakenly regarded as an anomalous “Black Mecca”<sup>3</sup> for racial harmony and upward mobility for Black people.<sup>4</sup> This reputation distorts the reality of many Atlantans, who continue to suffer under the weight of high income inequality,<sup>5</sup> increasing state violence,<sup>6</sup> racially disparate criminal legal systems<sup>7</sup> and the repression of social movements through politically motivated arrests and prosecutions.<sup>8</sup>
2. Under the leadership of Mayor Andre Dickens and the Atlanta City Council, and in coordination with Georgia Governor Brian Kemp<sup>9</sup> and Georgia Attorney General Chris Carr,<sup>10</sup> the quest to build one of the largest and most expensive law enforcement militarization facilities in the world—colloquially known as “Cop City”—has resulted in extreme abuses of law enforcement powers to arrest, charge, intimidate and, in at least one case, kill people opposed to the construction of the facility.<sup>11</sup> Perhaps even more disturbing are the arrests on movement infrastructure builders including bail fund workers, canvassers and legal observers. The coordinated bi-partisan assault on the social movement opposing Cop City represents an extreme escalation of repression, which aligns with the backlash responses in

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<sup>1</sup> Clarissa Myrick-Harris, 2006, Atlanta in the Civil Rights Movement, Perspectives on History, December 1, 2006, <https://www.historians.org/annual-meeting/past-meetings/supplement-to-the-121st-annual-meeting/atlanta-in-the-civil-rights-movement-part-two>.

<sup>2</sup> Clarissa Myrick-Harris, 2006, The Origins of the Civil Rights Movement in Atlanta, 1880-1910, November 1, 2006, <https://www.historians.org/research-and-publications/perspectives-on-history/november-2006/the-origins-of-the-civil-rights-movement-in-atlanta-1880-1910>.

<sup>3</sup> Dr. Maurice Hobson, Atlanta’s “Black Mecca” status is more complicated than it seems, <https://www.atlantamagazine.com/list/race-atlanta/atlanta-black-mecca-complicated/>.

<sup>4</sup> Notably, in the 1960’s, former Atlanta Mayor Ivan Allen Jr., dubbed it “the city too busy to hate” as part of his quiet support of integration. By supporting legislation that effectively ended sanctioned segregation in the city in 1962, Allen contributed to the image of Atlanta as being an anomalous Southern city wherein racial tensions were not as severe as those in places like Birmingham, Selma and Montgomery.

<sup>5</sup> Dylan Jackson, 2022, Atlanta has the highest income inequality in the nation, Census data shows, Atlanta Journal Constitution, November 28, 2022, <https://www.ajc.com/news/investigations/atlanta-has-the-highest-income-inequality-in-the-nation-census-data-shows/YJRZ6A4UGBFWTMYICTG2BCOUPU/>.

<sup>6</sup> According to the City of Atlanta’s Use of Force Dashboard, police use of force has increased since 2020. <https://justicereform.atlantaga.gov/use-of-force>.

<sup>7</sup> American Civil Liberties Union, There are Better Solutions, 2022, [https://www.aclu.org/report/there-are-better-solutions-analysis-fulton-countys-jail-population-data-2022#:~:text=Civil%20Liberties%20Union-.There%20Are%20Better%20Solutions%3A%20An%20Analysis%20of%20Fulton%20County's%20Jail.City%20Detention%20Center%20\(ACDC\)](https://www.aclu.org/report/there-are-better-solutions-analysis-fulton-countys-jail-population-data-2022#:~:text=Civil%20Liberties%20Union-.There%20Are%20Better%20Solutions%3A%20An%20Analysis%20of%20Fulton%20County's%20Jail.City%20Detention%20Center%20(ACDC)).

<sup>8</sup> Sanya Mansoor, 2023, Georgia Is Using a Domestic Terrorism Law Expanded After Dylann Roof Against ‘Cop City’ Protesters, Time Magazine, May 2, 2023, <https://time.com/6276994/georgia-domestic-terrorism-law-cop-city/>

<sup>9</sup> Atlanta News First, 2023, Gov. Kemp calls violence at police training center ‘outrageous’, June 26, 2023 <https://www.youtube.com/watch?v=imorhNjDxiA>

<sup>10</sup> Doug Richards, 2023, Georgia’s attorney general speaks on public safety training center prosecutions, 11 Alive News, June 26, 2023 <https://www.11alive.com/article/news/crime/attorney-general-carr-cop-city-prosecutions/85-07b095b2-be86-42dd-963e-4730699e1b3f>

<sup>11</sup> Timothy Pratt, 2023, ‘Cop City’ activist’s official autopsy reveals more than 50 bullet wounds, April 20, 2023, <https://www.theguardian.com/us-news/2023/apr/20/manuel-paez-teran-autopsy-cop-city>.

many American cities<sup>12</sup> still reckoning with mass organized demonstrations in 2020 related to the state-sanctioned killings of George Floyd, Breonna Taylor, Ahmaud Arbery and others.<sup>13</sup>

3. Atlanta Police Department (APD) is one of the most resourced departments in the nation. Data shows that half of arrests by APD are for “low-level” and “non-violent” offenses,<sup>14</sup> many of which were quality-of-life issues such as mental illness, substance use disorder, homelessness, and/or sex work, a common feature of policing in the U.S. When discussing Use of Force, The Police Scorecard, a national database analyzing policing encounters from over 14,000 law enforcement agencies, shows that APD reports using more force per arrest than most other departments. This rate is significantly higher than other police departments. Compounding that problem, Black people in Atlanta are 14.6 times more likely and Latinx people in Atlanta were 3.5 times more likely than their white counterparts to be arrested for these categories of offenses.<sup>15</sup>
4. If built, Cop City will likely exacerbate the disparate policing of Black people in Atlanta and surrounding jurisdictions. It will also affirm for cities across the United States that local governments may successfully respond to legitimate dissent by consolidating public and private resources to increase the dangerousness of law enforcement. While proponents of Cop City and the many proposed new police militarization facilities across the county<sup>16</sup> allege that improved police training will reduce state violence in U.S. cities, data does not support the claim.<sup>17</sup> Rather, tactical training encouraging law enforcement to respond to protesters as enemy combatants will likely result in more harm.
5. While Atlanta has historically been home to renowned figures including Dr. Martin Luther King, Jr., demonstrations of the scale of those in Selma and Montgomery were less frequently held in Atlanta. “The Atlanta Way,” a phrase used to describe the city’s model of governance centering the strategic partnerships between Black and white political elites and business owners, has frequently acted to subdue and obscure political unrest within the city. While one outcome of The Atlanta Way is superficial peace, another logical consequence is significant inhibition related to political demonstrations confronting local government. Prior to 2020, the last political uprising in Atlanta was the 1967 Atlanta Rebellion.<sup>18</sup> Before that event, the Atlanta Race Massacre claimed at least 12 and as many as 25 Black lives and is sometimes identified by historians as being responsible for the emergence of The Atlanta Way.<sup>19</sup> The escalating state response to protests from Occupy Atlanta to the

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<sup>12</sup> Char Adams, 2021, Experts call ‘anti-protest’ bills a backlash to 2020’s racial reckoning, NBC News, May 18, 2021,

<https://www.nbcnews.com/news/nbcblk/experts-call-anti-protest-bills-backlash-2020-s-racial-reckoning-n1267781>

<sup>13</sup> Reid J. Epstein & Patricia Mazzei, G.O.P. Bills Target Protesters (and Absolve Motorists Who Hit Them), New York Times, April 21, 2021, <https://www.nytimes.com/2021/04/21/us/politics/republican-anti-protest-laws.html>

<sup>14</sup> The term “non-violent” is defined by law enforcement agencies in many ways but typically refers to incidents where physical bodily harm is threatened or caused by an offense.

<sup>15</sup> Police Scorecard, Atlanta Police Department, <https://policescorecard.org/ga/police-department/atlanta>

<sup>16</sup> For example, concerns have arisen in cities like Pittsburgh, where a proposal similar to Cop City is being considered. Jordana Rosenfeld, 2023, As construction begins on Atlanta’s “Cop City,” Pittsburghers are concerned about an allegedly similar local project, Pittsburgh City Paper, <https://www.pghcitypaper.com/news/as-construction-begins-on-atlantas-cop-city-pittsburghers-are-concerned-about-an-allegedly-similar-local-project-23424027>

<sup>17</sup> Char Adams, 2021, Experts stress that more training won’t eradicate police violence, NBC News, April 15, 2021, <https://www.nbcnews.com/news/nbcblk/experts-stress-more-training-won-t-eradicate-police-violence-n1264092>.

<sup>18</sup> Ernie Suggs, 2020, ‘Atlanta Way’ challenged after violent night of protests, Atlanta Journal-Constitution, May 30, 2020,

<https://www.ajc.com/news/atlanta-way-challenged-after-violent-night-protests/HWwEwkX0ZN6xD4kesoEISO/>

<sup>19</sup> Kayla Edgett and Sarah Abdelaziz, 2021, The Atlanta Way: Repression, Mediation, and Division of Black Resistance from 1906 to the 2020 George Floyd Uprising,

Stop Cop City movement causes concerns that Atlanta's leadership will use all tools at its disposal to chill political dissent.<sup>20</sup>

## Background of Responses to Modern Social Movements in Atlanta

### *Occupy Atlanta*

6. In 2011, the Occupy Atlanta movement followed the model of the Occupy Wall Street movement in New York City, USA.<sup>21</sup> Then-Mayor Kasim Reed initially issued an executive order permitting Occupy protesters to demonstrate in a downtown Atlanta park but ultimately revoked the order,<sup>22</sup> citing public safety concerns. Ultimately, Atlanta Police conducted a raid resulting in more than 50 arrests.<sup>23</sup> Since Occupy Atlanta, uprisings have continued with greater frequency in Atlanta both with respect to national and local issues.

### *2020: The Summer of George Floyd, Breonna Taylor, Ahmaud Arbery & Rayshard Brooks*

7. Just as protests have become more frequent, the state response in Atlanta has become more severe. For example, in 2020, Mayor Keisha Lance Bottoms made history by inviting the Governor to deploy the National Guard to attack protesters in response to property damage occurring during a demonstration. Like other U.S. cities, Bottoms also implemented a 9:00 PM curfew, which resulted in over 600 arrests<sup>24</sup> of not only protesters—but people attempting to navigate the city for essential tasks. Amid protests spurred by police killings in other states, Atlanta Police killed Rayshard Brooks after he fell asleep in a fast food restaurant parking lot.<sup>25</sup> Atlanta Police used chemical agents against protesters during the summer of 2020, which also represents a problematic militarized response to social movement.<sup>26</sup>

### *2020 Arrests of Legal Workers & Journalists*

8. Even before Cop City protests, there were reports of protesters being kettled in Atlanta parks just before curfew, at least one instance of which resulted in the arrest of legal observers representing the

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<https://atlantastudies.org/2021/10/04/the-atlanta-way-repression-mediation-and-division-of-black-resistance-from-1906-to-the-2020-george-floyd-uprising/>

<sup>20</sup> Micah Herskind, 2023, This is the Atlanta Way: a Primer on Cop City, Scalawag Magazine, [https://scalawagmagazine.org/2023/05/cop-city-atlanta-history-timeline/?utm\\_source=partner](https://scalawagmagazine.org/2023/05/cop-city-atlanta-history-timeline/?utm_source=partner).

<sup>21</sup> Library of Congress, Occupy Atlanta, <https://www.loc.gov/item/lcwaN0006227/>

<sup>22</sup> City of Atlanta, 2011, "Mayor Kasim Reed Announces His Intention to Revoke Executive Order for Occupy Atlanta," Press Release, October 24, 2011,

<https://www.atlantaga.gov/Home/Components/News/News/925/672?arch=1&npage=54&seldept=1>

<sup>23</sup> Associated Press, 2011, Arrests at Occupy Atlanta, Georgia Public Broadcasting, October 26, 2011

<https://www.gpb.org/news/2011/10/26/arrests-at-occupy-atlanta>

<sup>24</sup> Alex Whittler, 2020, Atlanta mayor, chief of police discuss what's next for curfew and coronavirus phases, Fox 5 News, June 4, 2020,

<https://www.fox5atlanta.com/news/atlanta-mayor-chief-of-police-discuss-whats-next-for-curfew-and-coronavirus-phases>

<sup>25</sup> Although the City of Atlanta paid a \$1 Million settlement to Brooks' family, all charges against officers were withdrawn by Atlanta District Attorney Fani Willis. See: Becky Sullivan, 2022, Atlanta to pay \$1 million to the family of Rayshard Brooks, killed by police in 2020, National Public Radio, November 11, 2022,

<https://www.npr.org/2022/11/22/1138650659/rayshard-brooks-shooting-police-atlanta-family>

<sup>26</sup> Associated Press, 2020, The Latest: Police use chemical agents on Atlanta protesters, September 24, 2020.

<https://safeatlanta.org/f/the-latest-police-use-chemical-agents-on-atlanta-protesters>

National Lawyers Guild.<sup>27</sup> In May 2020, Atlanta Police arrested a photojournalist from the University of Georgia while he documented a George Floyd demonstration.<sup>28</sup>

### **Anti-Democratic Government Response to Stop Cop City Movement**

9. The response to Cop City protesters represents the convergence of diverse anti-democratic tactics leveraged by several government agencies at once. While City of Atlanta officials sidestep democratic and lawful ballot measures through litigation and obstruction, state and municipal police forces coordinate raids on organizers and prosecutors leverage felony charges for constitutionally protected activity. Additionally, the Georgia General Assembly continues to weigh legislation attacking the right to dissent.<sup>29</sup> Corporate interests<sup>30</sup> backing the Atlanta Police Foundation provide additional financial and instructional support<sup>31</sup> for the project, which lacks broad public support.<sup>32</sup> The wholesale criminalization of the Stop Cop City movement is achieved by exploiting rare instances of property damage for the purpose of mischaracterizing the global movement against the facility as violent.

#### *The Killing of Manuel Paez “Tortugita” Terán*

10. In January 2023, the Georgia State Patrol (or GSP, a statewide police agency), cooperated with Atlanta and DeKalb County law enforcement to conduct a raid of the forest land occupied by protesters opposing the construction of Cop City. In so doing, they shot environmental protester Manuel Paez “Tortugita” Terán over 52 times, killing them<sup>33</sup> while their hands were raised.<sup>34</sup> A GSP

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<sup>27</sup> National Lawyers Guild, Police Targeting NLG Legal Observers at Black Lives Matter Protests, June 7, 2020 “Reports from [National Lawyers Guild] chapters in multiple cities lead us to conclude that police are intentionally targeting [legal observers (“LO’s”)]. In Atlanta, LOs Megan Harrison and Asia Parks were arrested and held for 17 hours before being released. According to Harrison, she was walking down a line of protesters linking arms, taking names and dates of birth in case of arrest. When police attacked the crowd, she heard “get the girl in the green hat,” before being grabbed from behind and forcibly arrested.”

<https://www.nlg.org/police-targeting-nlg-legal-observers-at-black-lives-matter-protests/>

<sup>28</sup> Riley Bunch, 2023, Atlanta to pay settlement to photojournalist arrested in 2020, Atlanta Journal Constitution, May 8, 2023,

<https://www.ajc.com/news/atlanta-news/atlanta-to-pay-settlement-to-photojournalist-arrested-in-2020/LCM2OFAJC FBSNBJJVVGWYRBWM/>

<sup>29</sup> According to Piper Fund, Since 2017, all 50 states have “introduced bills that disincentivize speech”

<https://www.proteusfund.org/piper/right-to-protest/>. In Georgia, at least three of these bills were considered in the 2023 legislative session.

<sup>30</sup> Morgan Simon, 2023, Cops and Donuts Go Together More Than You Thought: The Corporations Funding Cop City in Atlanta, Fortune, May 14, 2023,

<https://www.forbes.com/sites/morgansimon/2023/03/14/cops-and-donuts-go-together-more-than-you-thought-the-corporations-funding-cop-city-in-atlanta/?sh=4ead83d6bc60>.

<sup>31</sup> J.D. Capelouto, Shaddi Abusaid, 2022, Among U.S. police foundations, Atlanta is an outlier, Atlanta Journal-Constitution, September 16, 2022

<https://www.ajc.com/news/atlanta-news/among-us-police-foundations-atlanta-is-an-outlier/OKI6RLHDUBC6TKED HDITL53CIY/>. The Atlanta Police Foundation is one of the most well-funded police foundations in the United States. Police foundations are different from police unions because they do not negotiate terms of employment for officers, but rather raise money to augment the financial resources available to police. The Atlanta Police Foundation reported assets exceeding \$53 million dollars in 2021 in tax filings.

<https://atlantapolicefoundation.org/wp-content/uploads/2023/01/Atlanta-Police-Foundation-Inc-and-APF-Support-Inc-2021-Audited-Financial-Statements-FAC.pdf>.

<sup>32</sup> R.J. Rico, 2023, ‘Stop Cop City’ activists pack Atlanta City Hall ahead of crucial vote, June 6, 2023,

<https://apnews.com/article/cop-city-vote-atlanta-city-council-d782604c15874e441570654ea362e0ef>.

<sup>33</sup> Terán used “they/them” pronouns.

<sup>34</sup> Although authorities claimed that Terán fired shots at officers, a second autopsy resulted in findings that refuted officer claims. <https://theintercept.com/2023/04/20/atlanta-cop-city-protester-autopsy>.

officer was also shot and hospitalized, with official reports claiming that Terán shot at officers who then returned fire.<sup>35</sup> Although Atlanta officials initially denied any involvement in the raid, body camera footage obtained through open records requests depicts Atlanta Police officers on site during the shooting and one Atlanta officer suggesting to another that the GSP who was shot, was struck by a fellow officer's bullet.<sup>36</sup> Law enforcement arrested<sup>37</sup> dozens of people for Domestic Terrorism. Many of those accused are logically also witnesses to police actions on the day in question. District Attorney Sherry Boston, responsible for cases filed in DeKalb County Georgia where the proposed site is located, withdrew her office from the 42 cases related to Cop City protests, including those alleging Domestic Terrorism, citing philosophical differences.<sup>38</sup>

### *Attacking Movement Infrastructure through Arresting Canvassers, Legal Workers and Journalists*

11. Although multiple police agencies have supported the Atlanta Police Department's campaign to build Cop City, Atlanta Police Department remains the primary architect of the law enforcement tactics undermining the Stop Cop City movement. A journalist covering a Stop Cop City protest was arrested by Atlanta Police in June 2022 and has filed suit against the city as a result.<sup>39</sup> In March 2023, a legal observer attorney employed by a non-profit law firm was arrested and charged with Domestic Terrorism, along with protesters.<sup>40</sup> That observer has also now been charged with racketeering. Finally, a 72 year-old movement lawyer and activist was arrested in June 2023 while canvassing in a strip mall in front of Home Depot, a corporate funder of Atlanta Police Foundation who also supports the Cop City.<sup>41</sup>

### *Arrest of Bail Fund Mutual Aid Workers*

12. On June 1, 2023, as civil society convened for the 2nd Session on the Permanent Forum on People of African Descent in New York City, Atlanta Police coordinated a raid with the Georgia Bureau of

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<sup>35</sup> Georgia Bureau of Investigation, Press Release, April 14, 2023

<https://gbi.georgia.gov/press-releases/2023-04-14/gbi-investigates-officer-involved-shooting-following-multi-agency>

<sup>36</sup> Michelle Garcia, 2023, Body camera footage released from cop city protest, NBC News, February 9, 2023, <https://www.nbcnews.com/news/nbcblk/body-camera-footage-released-cop-city-protest-shooting-rcna69927>.

<sup>37</sup> Criminal procedure in Georgia courts permits police to arrest individuals and later execute warrants alleging certain offenses, the contents of which inform complaints filed by prosecuting agencies. Criminal complaints related to felonies are sufficient to trigger high bond amounts and lengthy terms of pretrial incarceration while prosecutors decide whether criminal actions will be brought before a grand jury for formal indictment. Persons facing prosecution under the Georgia Domestic Terrorism statute were arrested, held pretrial and waited weeks for formal bond hearings. They have not been formally charged through indictment, but remain under court supervision through being subject to conditions enunciated in bond orders issued by the court.

<sup>38</sup> Tia Mitchell, 2023, Georgia's U.S. senators raise concerns about arrests of bail fund organizers, June 4, 2023, <https://www.ajc.com/politics/georgias-us-senators-raise-concerns-about-arrests-of-bail-fund-organizers/BCZ7FO2H3VCYNKOIMJLDUQR2HU/>.

<sup>39</sup> Wilborn P. Nobles III, 2023, Journalist sues city of Atlanta over arrest at training center site, May 17, 2023, <https://www.ajc.com/news/atlanta-news/journalist-sues-city-of-atlanta-over-arrest-at-training-center-site/UO3JMASGI5GVTCORAKPBUHVID4/>

<sup>40</sup> Charisma Madarang, 2023, Legal Observer Charged With Terrorism After 'Cop City' Sweep, March 7, 2023, <https://www.rollingstone.com/politics/politics-news/legal-observer-charged-terrorism-cop-city-1234691791/>

<sup>41</sup> The Atlanta Police Foundation describes its work as "public-private partnership model" to "pursue, privately fund and implement programming that creates a safe and just city for every citizen of Atlanta, driving out crime and enhancing the safety of our neighborhoods" <https://atlantapolicefoundation.org/about-the-atlanta-police-foundation/>. Home Depot is among the private corporations supporting APF. Coverage of the Atlanta canvassers arrested on the premises of a Home Depot retail location may be found here:

<https://www.atlantaneewsfirst.com/2023/06/30/2-arrested-after-protest-ponce-de-leon-ave/>

Investigation (GBI) to arrest three bail fund workers in their home.<sup>42</sup> The Network for Strong Communities operates the Atlanta Solidarity Fund, which emerged in 2020 as a resource for protesters arrested while advocating for an end to state violence. Allegations by the state include charity fraud and money laundering. During a hearing granting bond to the bail fund workers, Judge James Altman remarked that he did not find the charges “impressive,” seeming to point to their tenuous nature.<sup>43</sup> The outcry over the arrests was widespread and diverse, notably sparking statements from United States senators, congresspeople and others.<sup>44</sup> These arrests are the first of their kind in Georgia, but align with efforts in other states attacking bail funds<sup>45</sup> after the 2020 summer of George Floyd demonstrations. They also coincide with Georgia legislators’ efforts to crack down on exercises of free expression by undermining the protective infrastructure provided to social movements by nonprofit organizations.<sup>46</sup>

### *Domestic Terrorism Charges*

13. In 2017, the Georgia General Assembly passed a state statute purporting to target acts of domestic terrorism, in response to white gunman Dylann Roof killing 9 worshippers in a Black church in nearby South Carolina. The law provides:

*(2) “Domestic terrorism” means any felony violation of, or attempt to commit a felony violation of the laws of this state which, as part of a single unlawful act or a series of unlawful acts which are interrelated by distinguishing characteristics, is intended to cause serious bodily harm, kill any individual or group of individuals, or disable or destroy critical infrastructure, a state or government facility, or a public transportation system when such disability or destruction results in major economic loss, and is intended to:*

*(A) Intimidate the civilian population of this state or any of its political subdivisions;*

*(B) Alter, change, or coerce the policy of the government of this state or any of its political subdivisions by intimidation or coercion; or*

*(C) Affect the conduct of the government of this state or any of its political subdivisions by use of destructive devices, assassination, or kidnapping.*

Violations of this felony statute carry penalties of 15-35 years.<sup>47</sup>

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<sup>42</sup> Associated Press, 2023, 3 Atlanta activists are arrested after their fund bailed out protesters of 'Cop City,' June 1, 2023, <https://www.npr.org/2023/06/01/1179427542/atlanta-cop-city-arrests>.

<sup>43</sup> Kate Brumback, 2023, Bond granted for 3 activists whose fund bailed out people protesting Atlanta ‘Cop City’ project, June 2, 2023, <https://apnews.com/article/police-training-center-arrests-cop-city-1468a138ed4b17ed394e4b1e4fe202fe>.

<sup>44</sup> Tia Mitchell, 2023, Georgia’s U.S. senators raise concerns about arrests of bail fund organizers, June 4, 2023, <https://www.ajc.com/politics/georgias-us-senators-raise-concerns-about-arrests-of-bail-fund-organizers/BCZ7FO2H3VCYNKOIMJLDUOR2HU/>.

<sup>45</sup> Walker Orenstein, 2021, Bill requiring public disclosure of groups covering cash bail is getting traction at the Minnesota Legislature, March 25, 2021, <https://www.minnpost.com/state-government/2021/03/bill-requiring-public-disclosure-of-groups-covering-cash-bail-is-getting-traction-at-the-minnesota-legislature>.

<sup>46</sup> Georgia legislator efforts align with the trending national attack on freedom of expression. See Rebecca Boone, 2023, Experts say attacks on free speech rising in the U.S., PBS News Hour, March 15, 2023. <https://www.pbs.org/newshour/politics/experts-say-attacks-on-free-speech-are-rising-across-the-us>

<sup>47</sup> Official Code of Georgia Annotated Section 16-11-220.



14. On December 15, 2022, Cop City protesters became the first people arrested and accused under this law in Georgia history.<sup>48</sup> Again in January 2023, additional protesters were charged, even as Georgia State Patrol officers, in coordination with the Atlanta Police Department, killed environmental protester Manuel Paez Terán during a raid. Later in June 2023, 23 people were similarly arrested and accused by law enforcement.<sup>49</sup> In total, 42 people have been arrested and accused of domestic terrorism for acts that range from sleeping in hammocks to throwing fireworks.<sup>50</sup> No one has been charged for any conduct even remotely similar to the racist violence of Dylann Roof, despite that tragedy being used to implement the law in 2017. Rather, the bill is being wielded to incarcerate protesters who oppose racial terror and state violence.

#### *Racketeering Charges against Protesters*

15. On September 5, 2023, Georgia Attorney General Chris Carr announced the prosecution of 61 people in an indictment<sup>51</sup> under Georgia's Racketeer Influenced and Corrupt Organizations Act (commonly referred to as "RICO"). 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 Attorney General lays the groundwork for criminalizing conduct as benign as purchasing camping supplies as an overt act in furtherance of an ideological conspiracy.<sup>52</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.

16. Of note, the date alleged as the inception of this "conspiracy" coincides with the day that George Floyd was killed by Minneapolis Police. The killing took place over a year before the land lease was approved to make way for Cop City and two years before funding was approved for the project. By connecting those indicted in 2023 to events leading to the mass protests of 2020, the government is explicitly positing the movement opposing Cop City as a response to the global movement to end state violence against Black people in the U.S.<sup>53</sup>

17. The RICO indictment of Stop Cop City advocates reveals a significant surveillance of mundane organizing activity including the purchasing of equipment, communication between organizers

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<sup>48</sup> Associated Press, 2022, 5 protesters arrested at Atlanta police training center, WABE, December 15, 2022, <https://www.wabe.org/5-protesters-arrested-at-atlanta-police-training-center/>

<sup>49</sup> Odette Yousef, 2023, Rights groups are alarmed over domestic terrorist charges in 'Cop City' protests, NPR, June 28, 2023, <https://www.npr.org/2023/06/28/1184726273/rights-groups-are-alarmed-over-domestic-terrorist-charges-in-cop-city-protests>

<sup>50</sup> Natasha Lennard, 2023, The Crackdown on Cop City Protesters Is So Brutal Because of the Movement's Success, The Intercept, January 27, 2023, "Police affidavits on the arrest warrants of forest defenders facing domestic terror charges include the following as alleged examples of terrorist activity: "criminally trespassing on posted land," "sleeping in the forest," "sleeping in a hammock with another defendant," being "known members" of "a prison abolitionist movement," and aligning themselves with Defend the Atlanta Forest by "occupying a tree house while wearing a gas mask and camouflage clothing." <https://theintercept.com/2023/01/27/cop-city-atlanta-forest/>

<sup>51</sup> Associated Press, 2023, 61 indicted in Georgia on RICO charges, AP News, September 5, 2023, <https://apnews.com/article/atlanta-cop-city-protests-rico-charges-3177a63ac1bd31a1594bed6584e9f330> Text of the indictment, which was secured before the government announced its existence, may be found here: <https://www.fultonclerk.org/DocumentCenter/View/2156/CRIMINAL-INDICTMENT>.

<sup>52</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>53</sup> Zohra Ahmed & Elizabeth Taxel, 2023, How Georgia Indicted a Movement, The Nation, September 12, 2023, <https://www.thenation.com/article/society/cop-city-indictment-atlanta/>.

through various encrypted messaging applications, The Attorney General concedes<sup>54</sup> that much of the communication is benign, but without pointing to corroborating evidence, alleges that those surveilled intend to commit property damage. Thus, surveillance serves as the basis for dangerous conjecture on the part of the state resulting in formal criminal charges being filed for otherwise lawful conduct.<sup>55</sup>

### *Anti-Democratic Attack on Cop City Ballot Measure through Police Intimidation*

18. While governments often encourage the electorate to engage important issues at the ballot box, the electoral component of the movement to stop Cop City has been met with bureaucratic obstruction and law enforcement repression. In May 2023, organizers launched the Cop City Vote campaign, centering a referendum that would allow Atlanta voters to decide whether Atlanta should revoke the lease between the city and the Atlanta Police Foundation for the proposed facility site.<sup>56</sup> Dr. Bernice King, daughter of Dr. Martin Luther King, Jr. and The King Center have repeatedly urged<sup>57</sup> the City of Atlanta to allow voters to decide the fate of Cop City. Nevertheless, Mayor Dickens and the majority of Atlanta City Council have rebuffed even the most established community actors in favor of heeding calls from the Atlanta Police Foundation.
19. Despite representations that he would allow the effort to move forward, Mayor Andre Dickens moved forward with a plea to federal courts to invalidate the petition.<sup>58</sup> The city's claims alarmed many because city lawyers effectively argued that the provision of the city charter authorizing ballot measures was illegal. In addition to litigating against organizers looking to put Cop City to a vote, Atlanta announced a petition verification process that utilized signature matching, which is widely regarded by experts as a mechanism of voter suppression.<sup>59</sup>
20. In addition being criticized by advocates for deploying tools of voter suppression,<sup>60</sup> the City of Atlanta has arrested canvassers, including elder activist Lorraine Fontana<sup>61</sup> to interfere with individual and collective freedom of expression represented by the ballot measure. In one instance, Atlanta City

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<sup>54</sup> FN 53 Indictment at 43-44 “Communication from the Defend the Atlanta Forest management is conducted in many ways. Indeed, communication among the Defend the Atlanta Forest members is often cloaked in secrecy using sophisticated technology aimed at preventing law enforcement from viewing their communication and preventing recovery of the information. Members often use the dark web via...end-to-end encrypted messaging app Signal or Telegram, or use hand-held radios such as walkie talkies while in the forest...The communication paints itself as a ‘call to action’ so that its appearance is benign; nevertheless, Defend the Atlanta Forest members are aware of the purpose of these calls to action, and they include violence...”

<sup>55</sup> Numerous memos published by the Atlanta Police Department Homeland Security Unit detail social media monitoring of Stop Cop City organizers, keeping records of flyers, posts and other communication.

<sup>56</sup> Jocelyn James, 2023, Cop City Referendum Would Give Atlanta Voters a Voice on the Police Training Facility's Future, Teen Vogue, August 25, 2023 <https://www.teenvogue.com/story/cop-city-referendum-atlanta>

<sup>57</sup> John Ruch, 2023, King Center CEO Calls for Public Safety Training Center to Move, Saporta Report, April 11, 2023,

<https://saportareport.com/king-center-ceo-calls-for-public-safety-training-center-to-move/sections/reports/johnruch/>

<sup>58</sup> Associated Press, 2023, Atlanta petition drive to stop 'Cop City' is 'futile,' city's attorneys argue, WABE, June 23, 2023, <https://www.wabe.org/atlanta-petition-drive-to-stop-cop-city-is-futile-citys-attorneys-argue/>

<sup>59</sup> R.J. Rico, 2023, Activists furious Democratic leaders haven't denounced plan to check every 'Stop Cop City' signature, AP News, August 25, 2023,

<https://apnews.com/article/atlanta-cop-city-referendum-signatures-cd116086ae553d30840a6ae68a8af413>

<sup>60</sup> Eamon Whalen, 2023, Voting rights Groups Condemn Atlanta's Verification Process for Cop City Referendum, Mother Jones, August 23, 2023

<https://www.motherjones.com/politics/2023/08/voting-rights-group-stacey-abrams-fair-fight-georgia-cop-city-signature-matching/>

<sup>61</sup> See Paragraph 11.

Councilmember Dustin Hillis was documented advising a neighborhood group on social media to call Atlanta Police Department leadership if they wanted to eject canvassers from a local park.<sup>62</sup>

21. On September 11, 2023, organizers delivered approximately 116,000 signed petitions to the City of Atlanta Municipal Clerk.<sup>63</sup> The Clerk initially refused to accept the petitions but after negotiations with advocates, accepted the documents with the caveat that they would not begin the previously announced verification process before being heard on the matter pending before a federal court. The City's actions constitute repression of expression as communicated through democratic processes such as ballot initiative signatures while also using law enforcement to repress other protected forms of expression.
22. While the federal government has been mostly silent on the suppression and repression of the movement to Stop Cop City, the Federal Bureau of Investigation (FBI) forms part of a joint task force "formed to combat ongoing criminal activity" at the Cop City site.<sup>64</sup> The Department of Homeland Security has maligned Cop City activists and protesters, referring to them as "alleged DVEs [Domestic Violent Extremists]" who "[s]ince spring of 2022 [...] have cited anarchist violent extremism, animal rights/environmental violent extremism, and anti-law enforcement sentiment to justify criminal activity in opposition to a planned public safety training facility in Atlanta."<sup>65</sup> In addition, some of the affidavits and warrants used against Cop City activists and Solidarity Fund staff cited this DHS DVE language to justify the arrests.<sup>66</sup>

#### Obligations under International Law

#### **Scope and Relevance of the International Covenant on Civil and Political Rights (ICCPR)**

23. The events detailed below evidence violations of human rights committed by agencies of the United States government based on the State's obligations under the International Covenant on Civil and Political Rights. In particular, the case highlights violations of Articles 6 (right to life), 18 (right to freedom of thought), 19 (right to hold opinions without interference), 21 (right of peaceful assembly), and 22 (right of free association). We argue, furthermore, that, when taken together, the evidence presented in this report illustrates a strategic and coordinated attack by various levels of the State to target, criminalize, and dismantle an intersectional social movement challenging police militarization and environmental degradation. The movement to Stop Cop City is a harbinger of what resistance

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<sup>62</sup> Atlanta Community Press Collective, July 7, 2023, Today on the Adams Crossing Neighborhood FB Page, residents were discussing ways to stop referendum signature gatherers from canvassing their neighborhood, X, <https://t.co/6hKvCH8Whw>

<sup>63</sup> Timothy Pratt, 2023, Outcry as Atlanta refuses to handle petitions over 'Cop City' police campus, The Guardian, September 11, 2023 <https://www.theguardian.com/us-news/2023/sep/11/atlanta-petition-police-cop-city-georgia>

<sup>64</sup> Georgia Bureau of Investigation, Five Arrested for Domestic Terrorism Charges at Site of Future Atlanta Public Safety Training Center, <https://gbi.georgia.gov/press-releases/2023-06-23/five-arrested-domestic-terrorism-charges-site-future-atlanta-public> (June 23, 2023.)

<sup>65</sup> DHS, National Terrorism Advisory System Bulletin, May 24, 2023, <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-may-24-2023>.

<sup>66</sup> See Affidavit of SA Ryan Long, State Warrant and Mittimus-Georgia, DeKalb Cnty. (D0293186) (Dec. 15, 2022), [https://s3.documentcloud.org/documents/23463024/domestic\\_terrorism\\_warrants.pdf#page=5](https://s3.documentcloud.org/documents/23463024/domestic_terrorism_warrants.pdf#page=5); Alleen Brown, Documents show how 19 'Cop City' activists got charged with terrorism, Grist (Jan. 27, 2023), <https://grist.org/protest/atlanta-cop-city-terrorism/>; Kate Brumbuck, Bond granted for 3 activists whose fund bailed out people protesting Atlanta 'Cop City' project, AP News (June 2, 2023, 4:17 PM), <https://apnews.com/article/police-training-center-arrests-cop-city1468a138ed4b17ed394e4b1e4fe202fe>;

looks like in the near future and the State's response is equally exemplary of what repression will look like as the twin existential threats of police violence and ecological collapse align.

24. It is clear that the Atlanta Police Department, Fulton County District Attorney, Governor, General Assembly and Georgia Attorney General bear human rights obligations based on the State's ratification of the treaty on June 8, 1992. As interpreted in 2004 by HRC General Comment No. 31, "The obligations of the Covenant in general and article 2 in particular are binding on every State Party as a whole. All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level - national, regional or local - are in a position to engage the responsibility of the State Party."<sup>67</sup> This position is re-affirmed in HRC General Comment No. 34 (2011), which takes as its object Article 19: Freedoms of Opinion of Expression, which has particular resonance in this case.<sup>68</sup>
25. On December 5, 2022, elected leaders of the Atlanta City Council adopted a resolution (22-R-4708) declaring the city to be a "Human Rights City," a global initiative launched by the People's Decade for Human Rights Education following the 1993 World Conference on Human Rights in Vienna.<sup>69</sup> In the declaration, the Council commits to support of "international human rights principles embodied in the Universal Declaration of Human Rights (UDHR) and subsequent international human rights treaties." The resolution followed the appearance of Mayor Andre Dickens in Geneva in August 2022, when he traveled with the US government as part of its delegation to the treaty body session convened by the Committee on the Elimination of Racial Discrimination. City leadership is fully aware of international human rights mechanisms and their obligation to fulfill the responsibilities that accrue to State Parties.

### **Violations of International Law**

26. The broad use of the criminal legal system to target civil society actors is best understood as a coordinated strategy by the State to silence and suppress the movement to Stop Cop City, and advance their own agenda to build a training facility for police militarization. Individuals and groups throughout the movement, engaging in peaceful, protected activities, have been threatened, detained, arrested, charged with crimes (including felonies that carry significant carceral penalties), had their homes invaded and property seized, and even killed. The violations laid out below describe the international legal grounding that covers these areas but the big picture must not be lost: The governmental actors responsible for these violations intend not only to harm individuals, but to intimidate anyone who would consider joining the movement and ultimately to stamp out the resistance to Cop City altogether, at whatever cost.

#### *Right to Life (Article 6)*

27. Article 6 of the ICCPR asserts that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." The police killing of the indigenous environmental human rights defender, Miguel Paez "Tortugita" Terán, described above in §10, constitutes a violation of international law. Furthermore, HRC General Comment 36 at §23 outlines how the State's duty to protect the right to life includes "special measures of protection toward persons in vulnerable situations whose lives have been placed at particular risk because of

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<sup>67</sup> CCPR/C/21/Rev.1/Add.13.

<sup>68</sup> CCPR/C/GC/34.

<sup>69</sup> Text of the resolution is available at:

[https://atlantacityga.igam2.com/Citizens/Detail\\_LegiFile.aspx?Frame=None&MeetingID=3671&MediaPosition=&ID=31546&CssClass=](https://atlantacityga.igam2.com/Citizens/Detail_LegiFile.aspx?Frame=None&MeetingID=3671&MediaPosition=&ID=31546&CssClass=)

specific threats or pre-existing patterns of violence,” naming in particular “human rights defenders,” “indigenous people,” “lesbian, gay, bisexual, transgender and intersex persons.”<sup>70</sup> Since all of these traits apply to Terán, and recognizing how individuals with intersectional identities are at a heightened risk for state violence, Terán deserved the “special measures” described here. However, rather than protection, they were met with deadly violence.

28. As the international community increasingly understands and articulates the convergence between human rights protection and environmental defense, “environmental human rights defenders” (EHRDs) serve a unique role in societies confronting state violence and ecological collapse. Since the UN General Assembly adopted a resolution that identified for the first time a “right to a clean, healthy and sustainable environment as a human right.”<sup>71</sup> In an interpretation of this new right, a jointly-authored Information Note by UN Development Programme, UN Environmental Programme, and Office of the UN High Commissioner on Human Rights has defined EHRDs as “agents of change in protecting the environment and standing up for communities and individuals who are disproportionately impacted by environmental harm.”<sup>72</sup> In Atlanta, individuals are defending the Waulanee Forest with their bodies, to protect the land slated to be cleared to make way for the police militarization facility.
29. The unique role of Human Rights Defenders was identified in the 1999 Declaration,<sup>73</sup> and their relationship to the mounting environmental crisis is further explicated through Human Rights Council resolutions in 2016 and 2019.<sup>74</sup> As environmental pressures become further exacerbated, EHRDs will become the frontline protectors that take risks in the defense of life itself and will require the full rights and protection described across international normative documents.

*Right to Hold Opinions without Interference and Right to Freedom of Expression (Article 19)*

30. General Comment No. 34 on Article 19 prohibits activities such as “harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold” (§9) as well as “any form of effort to coerce the holding or not holding of any opinion” (§10). The Comment also enumerates areas of civil society activity that are explicitly protected, including “political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (§11). Journalism is given special attention: “A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society” (§13). Anticipating the weaponization of “national security” rationales, §30 identifies the potential misuse of such justifications by the state.<sup>75</sup>
31. State agencies responding to the movement to Stop Cop City have crossed many of the lines set out in General Comment No. 34. Legal observers, journalists, canvassers, and operators of a mutual aid fund have been directly assaulted and the use of “domestic terrorism” charges against peaceful activists confirm the Committee’s suspicion in §30. The concern around the widespread violations of rights

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<sup>70</sup> CCPR/C/GC/36.

<sup>71</sup> A/RES/76/300, on which the US government voted in favor and built on the Human Rights Council Resolution A/HRC/RES/48/13.

<sup>72</sup> “What is the Right to a Healthy Environment?” available at <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>.

<sup>73</sup> Adopted by UN General Assembly Resolution A/RES/53/144.

<sup>74</sup> A/HRC/32/L.29 and A/HRC/RES/40/11, respectively.

<sup>75</sup> CCPR/C/GC/34.

captured in Article 19 is for the well-being and legal status of the individuals and their ability to freely exercise their rights, whether that is in professional capacity or not. More broadly, the environment of fear and risk for those who are considering participating in this civil society movement, to hold opinions and express them freely through collective action, is cultivated by the State's aggressive pursuit of punitive measures for individuals and groups engaged in protected activities.

32. The RICO charges indicting sixty-one individuals name specific areas of opinion and expression deemed to be criminal, including: anarchism, collectivism, mutual aid, and social solidarity. "Zines" (colloquial term for underground magazines and booklets) and letters of support are also included as documents that express these belief systems and further the "conspiracy." One need not examine the merit of these opinions or modes of expressions in order to understand that they clearly constitute protected activities under the Covenant.

*Right to Peaceful Assembly (Article 21) and Right to Free Association (Article 22)*

33. General Comment No. 37 on the right of peaceful assembly was adopted in July 2020,<sup>76</sup> in the midst of the largest mass mobilization in US history, in response to the police killing of George Floyd. The first sentences signal the profound nature of this right, especially as it connects with other key social objectives:

The fundamental human right of peaceful assembly enables individuals to express themselves collectively and to participate in shaping their societies. The right of peaceful assembly is important in its own right, as it protects the ability of people to exercise individual autonomy in solidarity with others. Together with other related rights, it also constitutes the very foundation of a system of participatory governance based on democracy, human rights, the rule of law and pluralism. Peaceful assemblies can play a critical role in allowing participants to advance ideas and aspirational goals in the public domain and to establish the extent of support for or opposition to those ideas and goals. Where they are used to air grievances, peaceful assemblies may create opportunities for the inclusive, participatory and peaceful resolution of differences (§1).

The text is quoted here at length because, by opening the Comment in such grand fashion, the Committee describes Article 21 as a lynchpin right that connects directly to other democratic and civil rights, but almost more so invokes an essential quality inherent in peaceful assembly with macro consequences. The existence and recognition of this right has structural implications for the health of any society and its denial also has structural implications for the health of any society.

34. At §3, General Comment No. 37 links Article 21 with Article 22 by noting that the right to peaceful assembly "constitutes an individual right that is exercised collectively. Inherent to the right is thus an associative element."<sup>77</sup> Throughout the text, the Comment specifies a range of qualities that protected activity may possess: "assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs" (§6); "peaceful assemblies can sometimes be used to pursue contentious ideas or goals...[and] can cause disruption" (§7); "The role of journalists, human rights defenders, election monitors and others involved in monitoring or reporting on assemblies is of particular importance for the full enjoyment of the right of peaceful assembly" (§30); and "assemblies with a political message should enjoy a heightened level of accommodation and protection" (§32). The explication of obligations under Article 21 contained in

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<sup>76</sup> CCPR/C/GC/37.

<sup>77</sup> Ibid.

these clauses captures a range of protected movement activities, despite the energies of the State to criminalize and punish precisely these expressions.

35. At §42, §67, and §68, the Committee advances a lengthy argument bounding “national security” justifications for targeting peaceful assembly,<sup>78</sup> which applies here due to the State’s use of “domestic terrorism” charges against forty-two individuals swept up at a music festival in the forest on March 5, 2023. At §42, General Comment No. 37 establishes that the nation must actually be facing some form of existential threat. The Committee cautions against using “ambiguous or overbroadly defined offences,” even in the event that an assembly becomes unlawful, nor can such charges “suppress conduct protected under the Covenant,” which is precisely what the current report alleges (§67). At §68, the Committee reiterates their stance in clear terms: “The mere act of organizing or participating in a peaceful assembly cannot be criminalized under counterterrorism laws.”
36. In regards to the indictments of sixty-one individuals associated with the movement detailed above in §15, General Comment No. 37 foreshadowed the specific ways in which the State has cracked down on social movement activity.<sup>79</sup> In §33, the Committee ensures that activities that make peaceful assemblies possible are also clearly protected: “Associated activities conducted by an individual or by a group, outside the immediate context of the gathering but which are integral to making the exercise meaningful, are also covered. The obligations of States parties thus extend to actions such as participants’ or organizers’ mobilization of resources; planning; dissemination of information about an upcoming event; preparation for and travelling to the event; communication between participants leading up to and during the assembly; broadcasting of or from the assembly; and leaving the assembly afterwards” (§33). Bail fund operators and other individuals who purchased supplies, including fuel for transportation, have been charged with felony crimes under local statute, in direct contradiction to the US government’s obligations under ICCPR.
37. At §98, General Comment No. 37 asserts that, “The full protection of the right of peaceful assembly depends on the protection of a range of rights.”<sup>80</sup> The Committee explicitly links Article 21 to Article 17 that covers the right to privacy, identifying the ways that surveillance of protestors and social movements infringes upon both, reinforcing their interdependence. At §61 and §94, the Committee details how the use of surveillance can have a “chilling effect” on the right to peaceful assembly.
38. Of particular note are the references in the General Comment to the conduct of law enforcement at the site of peaceful assembly.<sup>81</sup> If police are dispatched to peaceful assemblies at all, they must do so with the goal of respecting and facilitating the assemblies and to ensure that the rights of all are protected (§74). The Committee is clear that police must exhaust all deescalating and non-violent means prior to using non-lethal force in their engagement with peaceful assemblies. “Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination applicable to articles 6 and 7 of the Covenant, and those using force must be accountable for each use of force” (§78). In fact, (§88) makes this point even firmer: “Firearms are not an appropriate tool for the policing of assemblies.” By this rationale, using lethal force against unarmed, non-violent Environmental Human Rights Defenders, such as Terán, is a prohibited act and a violation of human rights of state obligations under ICCPR.
39. The Special Procedures mandate holder on the rights to freedom of peaceful assembly and of association has been a consistent voice, especially in regards to Environmental Human Rights

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

Defenders. The inaugural Special Rapporteur, Maina Kiai, visited the United States in 2016 and remarked on “the increasingly hostile legal environment for peaceful protesters,” following visits to sites of uprising including Ferguson and Baltimore.<sup>82</sup> In 2021, the current mandate holder, Clément Nyaletsossi Voule, issued a report on the essential nature of these rights to the advancement of climate justice: “as more people around the world organize to defend their lands and demand a green future, violent repression has also increased... The attacks have also led at times to the portrayal of climate justice activists as national security threats, rather than as front-line human and environmental rights defenders.”<sup>83</sup> The Special Rapporteur warns of the “use of the justice system against environmental activists” and urges that States “ensure that criminal laws penalizing activities such as usurpation, defamation, conspiracy, coercion, incitement of crime, terrorism, sedition and cooperation with foreign entities, which are often broad and ill defined, are not used to target environmental defenders and to create a chilling effect.”<sup>84</sup>

### Recommendations

40. Noting the comprehensive and authoritative report issued by the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights on “Protest and Human Rights” in 2019;<sup>85</sup> and the prior recommendations made by the Committee on the Elimination of Racial Discrimination to the State Party in 2022 to “investigate allegations of excessive use of force during peaceful protests... against human rights defenders belonging to racial and ethnic minorities by law enforcement officers. The Committee further recommends that the State party develop and adopt legislation and strengthen its measures to protect human rights defenders, including those working on the rights of racial and ethnic minorities, indigenous peoples and non-citizens.”<sup>86</sup>
41. Recalling the urgent response by the UN Human Rights Council in its initial resolution in June 2020 following the murder of George Floyd that “requests the High Commissioner to examine government responses to anti-racism peaceful protests”<sup>87</sup> and the report produced in July 2021<sup>88</sup> that set out a four-point action plan that included as its third point a series of highly relevant guidelines:
  - a. “Ensure that people of African descent and those who stand up against racism are protected and heard, and their concerns are acted on.
    - i. Ensure effective participation and/or representation of people of African descent, in particular women and youth, at every level in State institutions, including law enforcement and the criminal justice system, and policy-making processes.
    - ii. Recognise past and current contributions by individuals and organisations that stand up to racism, and encourage and support solidarity across equality movements.
    - iii. Ensure full respect for the rights to freedom of expression and peaceful assembly, and recognize the right to peaceful protest as a way of effecting change.
    - iv. Protect the safety and rights of organisers, participants, observers and journalists in protests with particular attention to members of groups that are or have been subjected to racial discrimination.

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<sup>82</sup> A/HRC/35/28/Add.2 at §32.

<sup>83</sup> A/76/222 at §18.

<sup>84</sup> Ibid at §29 and §68.

<sup>85</sup> Full text available at <https://www.oas.org/en/iachr/expression/publications/Protesta/ProtestHumanRights.pdf>.

<sup>86</sup> CERD/C/USA/CO/10-12.

<sup>87</sup> A/HRC/RES/43/1.

<sup>88</sup> A/HRC/47/53.



- v. Investigate effectively, impartially and in a timely manner, any allegation of human rights violations or abuses against individuals and organisations that stand up against racism.”

42. In order for the United States government to provide “effective remedy” for all those individuals harmed by the human rights violations described herein, as is the duty of all State Parties under ICCPR Article 2, we urge the Committee to take up the following recommendations in their engagement with the State:

- a. The appropriate jurisdictions must dismiss all charges against protestors immediately, in particular with respect to those individuals charged under Domestic Terrorism and Racketeer Influenced and Corrupt Organizations (RICO) statutes;
- b. Accordingly, the United States must ensure that any restriction on the right to freedom of assembly, including the imposition of administrative or criminal sanctions, complies with the strict requirements of the Covenant, and in particular ensure the full compliance of criminal processes of those criminally prosecuted for terrorism and/or conspiracy to commit a crime, with international standards;<sup>89</sup>
- c. The federal government must initiate a thorough investigation into the killing of indigenous Environmental Human Rights Defender, Manuel Paez Terán, and the agencies that coordinated the raid resulting in their death, including the Georgia State Patrol, Atlanta Police Department and DeKalb County Police Department;
- d. The federal government must initiate a thorough investigation of the Georgia State Patrol, Georgia Bureau of Investigation and its taskforce, the Atlanta Police Department, and DeKalb County Police Department and any private agencies, including the Atlanta Police Foundation, acting at the behest of these agencies in response to the movement to Stop Cop City, in areas that include but not limited to:
  - i. Repression of protected activity, including the rights to peaceful assembly and free association, and the rights to freedom of opinion and free expression;
  - ii. Arbitrary arrest and detention;
  - iii. Racially disparate policing practices;
  - iv. Use of force;
  - v. Harassment; and
  - vi. Surveillance.
- e. Following the above investigations, if the federal government finds fault, adequate compensation and reparation must be issued to impacted people and their families, in accordance with the State’s treaty obligations;
- f. The United States, at federal, state, and local levels, must adopt new, explicit protections for human rights defenders, including environmental, Black, brown, indigenous, and LGBTQIA Human Rights Defenders, as well as journalists and legal observers, to ensure that they can adequately carry out their work free from surveillance and threats, in accordance with the “special measures” provision of General Comment No. 36;
- g. The United States should adopt legislation, regulation, and other manner of guidance that:
  - i. Reduces unnecessary criminal justice interaction, including by avoiding repressive policing;
  - ii. Defaults to relying on non-law enforcement means to ensure the safety of protestors, such as ensuring protections for legal observers, marshals, and community-based security formations.

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<sup>89</sup> See Human Rights Committee, Observaciones finales sobre el octavo informe periódico de Colombia [Final observations on Colombia's 8th periodic report], CCPR/C/COL/CO/8 September 4, 2023, para. 37(d).

- h. The City of Atlanta must place the referendum on the ballot (referenced above at §18-21) and permit voters to decide whether the lease of the property for the police training center should be nullified. The City should withdraw all pending litigation opposing the referendum effort and honor the result of the election.
- i. In line with recommendations to the United States from the Committee on the Elimination of All Forms of Racial Discrimination in 2014<sup>90</sup> and again in 2022,<sup>91</sup> the United States should adopt a national action plan to combat systemic racism and structural racial discrimination in a coherent and comprehensive matter, in consultation with individuals and groups of society affected by racial discrimination.

## Conclusion

- 43. The evidence contained in this report describes a robust and concerted effort by the State under review to violate the human rights of individuals active in a broad social mobilization against police militarization and in defense of environmental protection. In so doing, the State criminalizes and punishes individuals for engaging in protected activities but also signals to thousands of other movement activists that they could be next. The State chills and discourages the exercise of rights to freedom of opinion and thought, and peaceful assembly and free association, which constitutes a clear transgression of treaty obligations. Supporters of the police training facility, which include elected officials, the Atlanta Police Foundation, and private corporations, collude to violate rights and secure their own interests. State actions ranging from detaining journalists to charging bail fund operators as an organized criminal enterprise, indicate a clear preference for eliminating any mode of civil and popular resistance. These actions run contrary to treaty obligations and also to the viability of an open and democratic society.
- 44. A larger context for this assault on human rights norms and democratic values must be acknowledged and appreciated: Following the police murder of George Floyd on May 25, 2020, the United States experienced the largest mass movement in its history. That date is listed on the RICO indictment as the beginning of the contrived conspiracy laid out in the document, demonstrating that the state repression of the movement to Stop Cop City is not just about Cop City, but actually seeks to end any opposition, criticism, and limitations of policing and police violence, as such. The plans to build Cop City near Atlanta is but one such proposal. Many other jurisdictions are attempting to fund and build police training facilities so as to ready their forces for the next cycle of mass demonstrations and prepare law enforcement to put down future resistance movements.
- 45. The most grand, global context for this assault on human rights norms and democratic values must also be acknowledged and appreciated, in conclusion: Repression in Atlanta mirrors the state violence against environmental and human rights defenders around the world. As the planet continues to warm, threatening the persistence of stable societies and all life on earth, Environmental Human Rights Defenders, such as Terán, will need deeper and more profound protections than ever before.

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<sup>90</sup> CERD/C/USA/CO/7-9.

<sup>91</sup> CERD/C/USA/CO/10-12.