
1) **Order of Review** for the Ninth Session of the UPR Working Group (1-12 November 2010)  
2) **Tentative Timetable** for the Ninth Session of the UPR Working Group (1-12 November 2010)  
3) **Summary of Stakeholders’ Reports**  
   Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1  
4) **Staff Report**  
   Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1  
5) **Human Rights Alert (NGO) Report**  
   As it appears on the HRC web site  
6) **Appendix of Human Rights Alert (NGO) Report**  
   As it appears on the HRC web site

Of note, Human Rights Alert (NGO), an young organization, with no resources at all, got a mention and reference in the report, where much larger organizations, and even Joint Reports of consortiums of organizations got no mention at all:

Page 8:
HRAlert referred to corruption in the courts and the legal profession, and discrimination of US law enforcement in California.  

Notes:
69 HRAlert, pages 1-5. See submission for cases cited.
# ORDER OF REVIEW FOR THE NINTH SESSION OF THE UPR WORKING GROUP
(1-12 November 2010)

1. Liberia
2. Malawi
3. Mongolia
4. Panama
5. Maldives
6. Andorra
7. Bulgaria
8. Honduras
9. United States of America
10. Marshall Islands
11. Croatia
12. Jamaica
13. Libyan Arab Jamahiriya
14. Micronesia
15. Lebanon
16. Mauritania
# TENTATIVE TIMETABLE FOR THE NINTH SESSION OF THE UPR WORKING GROUP (1-12 NOVEMBER 2010)

## First week

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Human Rights Council
Working Group on the Universal Periodic Review
Ninth session
Geneva, 1-12 November 2010

Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

United States of America*

The present report is a summary of 103 stakeholders’ submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.
I. Background and framework

A. Scope of international obligations

1. Amnesty International (AI) recommended embarking upon a programme of ratification, and ensure implementation into domestic law, of human rights and other instruments, including CEDAW, CRC, ICESCR, OPCAT, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International court, the American Convention on Human Rights, and the Vienna Convention on the Law of Treaties. The Inter-American Commission of Human Rights (IACHR) informed that the United States (US) has not yet ratified any of the regional human rights instruments.

2. Four Freedoms Forum (FFF) recommended accepting the optional protocols and articles that allow for individual communications.

3. First Peoples Human Rights Coalition (FPHRC), US Human Rights Network (USHRN) and Episcopal Diocese of Maine (EDM) recommended endorsing the UN Declaration on the Rights of Indigenous Peoples without qualification and, in partnership with Indigenous peoples, fully implement it. USHRN called on the US to use the Declaration as a guide for interpretation of legally binding obligations vis-à-vis Indigenous Peoples.

4. USHRN and AI recommended withdrawing all reservations, understandings and declarations that serve to undermine compliance with the treaties or undermine their object and purpose.

5. AI and International Commission of Jurists (ICJ) recommended recognizing and giving effect to the extra-territorial application of international human rights law to actions by US personnel vis-à-vis territories and individuals over which they exercise effective control, at all times, and the dual applicability of human rights and international humanitarian law in case of armed conflicts.

6. Conservation Centre of Environmental & Reserves in Iraq (CCERF) and other organizations stressed the responsibility of the US as an occupying power to fulfill its obligations deriving from human rights and humanitarian law, and to be held accountable for violations.

7. Center for Economic and Social Rights (CESR) noted that in signing the ICESCR, CRC and CEDAW, the US has already indicated an intention to be bound by their provisions and not to violate their objective and purpose.

8. USHRN noted the failure of the US to signal intent to ratify the CRC and CEDAW. While commending the signature of the Convention on the Rights of Persons with Disabilities, USHRN noted that it lingers without ratification.

B. Constitutional and legislative framework

9. AI indicated that in the domestic arena, the US has many laws, mechanisms and institutions to protect human rights and provide remedy for violations of the US Constitution. However, laws and practices fall short of international human rights standards, as noted by the treaty monitoring bodies. USHRN indicated that while the Constitution incorporates ratified international treaties, treaties are non-self-executing. The US issued a declaration that the federal government will only implement the treaties to
the extent that it “exercises jurisdiction” over the treaty provision, raising federalism as a barrier to implementation.15

10. Institute for Human Rights and Business (IHRB) recommended passing legislation for individuals to seek redress under US law for human rights abuses involving US registered companies at home and abroad.16

11. Disability Rights Education and Defense Fund indicated that legal and structural problems result in gaps in the enjoyment of their human rights by persons with disabilities.17

C. Institutional and human rights infrastructure

12. USHRN noted that hampering the advancement of human rights in the US is the lack of an independent human rights commission to monitor compliance with human rights standards or an effective mechanism designed to ensure a coordinated approach towards the implementation of human rights at the federal, state and, local level.18

13. FFF indicated that there must be a national human rights institution in accordance with the Paris Principles and that the commission on civil rights could facilitate the national dialogue following the UPR review.19

14. AI recommended issuing an Executive Order to ensure that the administration’s Inter-Agency Working Group on Human Rights serves as a coordinating body among federal agencies and departments to enforce and implement the US human rights obligations; to make mandatory human rights impact assessments and studies to ensure government policies, pending legislation and regulations are consistent with US human rights obligations; to require that Inspectors General incorporate human rights obligations and analysis into their reviews and investigations of government agencies, policies and programmes; and to ensure collaboration between federal, state and local governments.20

15. CESR recommended establishing an effective and inclusive process to follow-up on the recommendations from the universal periodic review.21

D. Policy measures

16. USHRN recommended adopting a National Action Plan on Racial Discrimination22, and a process by which policies and practices are reviewed for discriminatory impact.23

17. USHRN recommended adopting a human rights centered macro-economic and financial policy in the US.24

18. Accountability Counsel recommended improving the human rights corporate accountability mechanism.25 IHRB recommended the development of a Business and Human Rights Policy.26

19. Center for Human Rights and Global Justice (CHRGJ) recommended adopting a human rights-based approach to international assistance.27

20. Global Justice Center (GJC) raised concerns on the Helms Amendment to the Foreign Assistance Act on the prohibition from supporting abortion as a method of family planning using U.S. funds.28

21. PIJIP-GAP reported on the US use of trade agreements and foreign aid to promote intellectual property and pharmaceutical regulations that restrict access to affordable medications in developing countries.29
22. LA Asociación Nacional de Economistas y Contadores (ANEC) citó el incumplimiento del compromiso de los Estados Unidos de América (EUA) con la ayuda al desarrollo, el cual es sólo 0.16% de su Producto Interno Bruto.  

23. La Asociación Cubana de las Naciones Unidas (ACNU) y ANEC se refirieron al impacto del bloqueo económico, financiero y comercial contra Cuba, el cual perjudica también al pueblo norteamericano.

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

Cooperation with treaty bodies

24. Meiklejohn Civil Liberties Institute noted the failure to report to treaty bodies on local conditions. FFF recommended engaging civil society in the reporting process.

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

25. USHRN noted the failure to address de facto and de jure discrimination and the definition of discrimination is not in accordance with the ICERD. 

26. AI indicated that fully enjoyment of the treaty rights of those under US jurisdiction is affected by factors such as race, nationality, ethnicity, indigenous status, income and gender. US law falls short of international standards by generally protecting only against intentional discrimination, not policies or practices that have a discriminatory effect, as required under ICERD and other international human rights treaties.

27. Despite extensive anti-discrimination and civil rights legislation, there remain wide inequalities in areas such as housing, employment, education, healthcare and the criminal justice system. Racial disparities continue to exist at every stage of the criminal justice system. AI called on the US to address racial disparities in the criminal justice system and to pass legislation to bar racial profiling in law enforcement, with effective complaints and compliance procedures.

28. Joint Submission-11 (JS-11) indicated that Indigenous Peoples continue to be subjected to widespread discrimination.

29. Joint Submission-10 (JS-10) reported that discrimination on the basis of sexual orientation and/or gender identity prevents LGBT people from accessing health care, education, relationship recognition and other benefits.

2. Right to life, liberty and security of the person

30. USHRN referred to the discriminatory imposition of the death penalty; the lack of compliance with the International Court of Justice’s judgment in *Avena and Other Mexican Nationals*; the execution of persons with mental disabilities; and the inhumane and degrading conditions of death row facilities. ABA reported that some jurisdictions in the US continue to impose the death penalty in a manner that reflects racial disparities and fails to meet fundamental standards of competency of defense counsel and judicial review of constitutional claims following conviction. ABA indicated that post-conviction collateral review continues to be curtailed by the Antiterrorism and Effective Death Penalty Reform
Act of 1996. AI indicated the US capital justice punishment is marked by arbitrariness, discrimination and error. AI noted that people with serious mental illness continue to be subjected to the death penalty, despite the 2002 US Supreme Court ruling that people with “mental retardation” be exempt from the death penalty. AI also referred to the harsh conditions on death rows in many states. USHRN recommended adopting a moratorium on executions and on the imposition of new death sentences. Advocates for Human Rights (AHR) recommended abolishing the death penalty and commuting all sentences to a life imprisonment term.

31. Catholic Family & Human Rights Institute (C-FAM), referred to a Supreme Court decision, ruling that the mother’s right to privacy was superior to any right to life of the unborn child.

32. AI indicated that there are frequent reports of ill-treatment and excessive force by police or custody officials. Officials are rarely prosecuted for abuses and some law enforcement agencies, as well as many prisons and jails, lack effective, independent oversight bodies.

33. American Bar Association (ABA) noted that current US prohibitions of torture lack sufficient status in law, are unclear, and their implementation lacks transparency. In ratifying CAT and the ICCPR, the US attached reservations stating that it “considers itself bound by the obligation ... to prevent ‘cruel, inhuman or degrading treatment or punishment,’ only insofar as [that] term ... means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments” to the US Constitution. In the past these reservations were sometimes interpreted broadly to permit such harsh interrogation techniques as “water boarding,” considered by most experts to be a form of torture. In an effort to correct such abuses, the President has issued an Executive Order banning all torture, and mandating that all interrogations of persons in US custody or physical control be carried out only by techniques specified in the Army Field Manual. ABA indicated that it is unclear as to whether or not this policy restricts torture or CID outside the context of armed conflict.

34. AI indicated that there are no binding national guidelines governing use of restraints or “less lethal” weapons such as electroshock weapons. More than 12,000 US law enforcement agencies deploy electroshock weapons. Over 400 people have died in the USA since 2001 after being struck by police electroshock weapons, raising serious concern about the safety of such devices. Coroners have found the electroshock weapons played a role in more than 50 deaths, and there are other cases where the cause of death was unclear. Electroshock weapons are widely used against individuals who do not pose a serious threat, including children, the elderly and people under the influence of drink or drugs.

35. AI noted that more than 30 states and the federal government have introduced “supermaximum security” facilities for the control of prisoners who are considered disruptive or a security threat. Prisoners in the most restrictive units are typically confined for 23 to 24 hours a day in small, sometimes windowless, solitary cells, with no work or rehabilitation programs, or daily exercise. Although courts have ordered improvements to some supermaximum prisons, conditions remain extremely harsh in many states and often the review procedures for assignment to such facilities are inadequate.

36. AI also noted that most US states have no laws to restrict the use of restraints on pregnant women inmates, including during labour, a practice which can endanger the health of the woman and her baby. AI indicated that the US has not implemented the Human Rights Committee recommendation in July 2006 to prohibit the shackling of detained women during childbirth.

37. Human Rights First (HRF) reported that people of African descent, LGBT, migrants, Jews, Muslims and Christians continue to be subjected to violent acts motivated by racism,
bigotry and intolerance. Council for Global Equality (CGE) noted that State and local jurisdictions must pass laws to protect victims, as well as report hate crimes to federal authorities. Council for Global Equality (CGE) noted that State and local jurisdictions must pass laws to protect victims, as well as report hate crimes to federal authorities.

38. National Organization for Women referred to gun related violence and noted the inadequate gun control and firearms regulations. National Organization for Women referred to gun related violence and noted the inadequate gun control and firearms regulations.

39. Human Rights Watch (HRW) recommended ensuring access protective and rehabilitative services by victims of domestic violence. AHR recommended passing laws and developing guidelines for child custody determinations taking domestic violence concerns into account. AHR recommended passing laws and developing guidelines for child custody determinations taking domestic violence concerns into account.

40. EPOCH reported that parents are legally permitted to use physical punishment on children in all states, and that 223,190 children were subjected to corporal punishment in schools in 2006-2007, with many requiring medical treatment. Thirty states have banned corporal punishment in schools. EPOCH reported that parents are legally permitted to use physical punishment on children in all states, and that 223,190 children were subjected to corporal punishment in schools in 2006-2007, with many requiring medical treatment. Thirty states have banned corporal punishment in schools.

41. Joint Submission-3 (JS-3) recommended revising the Trafficking Victims Protection Act to bring the definition of human trafficking in line with the Palermo Protocol. JS 3 recommended increasing efforts to prosecute those responsible for trafficking and to assist victims, particularly victims of sexual exploitation. JS5 recommended to provide comprehensive services and legal support for migrant sex workers. JS5 recommended to provide comprehensive services and legal support for migrant sex workers.

42. JDI recommended adopting national standards for addressing sexual violence and other abuses in prisons, jails and other detention facilities. JDI recommended adopting national standards for addressing sexual violence and other abuses in prisons, jails and other detention facilities.

43. HRW referred to the treatment of child farmworkers and recommended passing the Children’s Act for Responsible Employment. HRW referred to the treatment of child farmworkers and recommended passing the Children’s Act for Responsible Employment.

44. JS-14 indicated that there is no integrated system for the protection of human rights defenders and recommended establishing an independent federal office to prevent, investigate and prosecute violations against human rights defenders. JS-14 indicated that there is no integrated system for the protection of human rights defenders and recommended establishing an independent federal office to prevent, investigate and prosecute violations against human rights defenders.

3. Administration of justice, including impunity and the rule of law

45. USHRN indicated that the US falls short of its human rights obligations in the administration of justice, particularly relating racially sentencing and sentencing of juveniles to life without parole, conditions of confinement violating women’s reproductive rights, and rights of prisoners with disabilities; treatment of individuals in high security facilities and of political prisoners. Dui Hua Foundation (Dui Hua) recommended that US states with indeterminate parole systems establish independent parole boards with judiciary oversight. HRAAlert referred to corruption in the courts and the legal profession, and discrimination of US law enforcement in California. Dui Hua Foundation (Dui Hua) recommended that US states with indeterminate parole systems establish independent parole boards with judiciary oversight. HRAAlert referred to corruption in the courts and the legal profession, and discrimination of US law enforcement in California.

46. USHRN made reference to prisoners who endure solitary confinement, poor medical health care and perfunctory parole hearings resulting in denial of release. Earth Rights International recommended ensuring that the interpretation of US law is consistent with the obligation to provide a remedy to victims of human rights abuses, and to hold those responsible for abuses accountable. National Whistleblowers Center noted that the US has failed to protect whistleblowers. Earth Rights International recommended ensuring that the interpretation of US law is consistent with the obligation to provide a remedy to victims of human rights abuses, and to hold those responsible for abuses accountable. National Whistleblowers Center noted that the US has failed to protect whistleblowers.

47. Earth Rights International recommended ensuring that the interpretation of US law is consistent with the obligation to provide a remedy to victims of human rights abuses, and to hold those responsible for abuses accountable. National Whistleblowers Center noted that the US has failed to protect whistleblowers.

48. International Human Rights Law Society (IHRLS) noted that there is no uniform minimum age for criminal prosecution in state criminal codes and the sentence is set by each states’ own laws. Two states prohibit sentencing juveniles to life without the possibility of parole (JLWOP) and five permit such sentences but make offenders eligible for parole. The remaining 43 states have some form of mandatory or discretionary JLWOP. AI recommended to end the use of life imprisonment without parole for
offenders under 18 years old at the time of the crime, and to review all existing sentences in order to ensure that any such convicted offender has the possibility of parole.75

49. ACNU, MOVPAZ y FMC hicieron referencia al caso de 5 cubanos presos en cárcel norteamericanas76, a las medidas carcelarias a las que son sometidos y la negativa de visado para ingresar al país a las esposas de dos de ellos para visitarlos.77

50. RCF voiced concern over the failure to initiate independent investigations into violations of the rights of US citizens abroad.78

4. Right to privacy, marriage and family life

51. PEN recommended restoring full privacy protections; end dragnet and warrantless surveillance.79

52. JS-10 noted that in state and federal law, the terms “family,” “parent,” and “spouse” commonly exclude LGBT families.80 JS-10 recommended prohibiting discrimination against LGBT parents in adoption.81

5. Freedom of religion or belief, expression, association82 and peaceful assembly and right to participate in public and political life

53. JS-11 reported that the US courts provide little protection to Indigenous People’s traditional religious practices.83

54. Conscience and Peace Tax International reported on compulsory registration for military services, recruitment of persons under 18, difficulties encountered by serving members who develop a conscientious objection and the use of taxes of persons with a conscientious objection for military expenditures.84

55. USHRN noted that US security laws and policies create unnecessary and unreasonable barriers to the activities of civil society organizations.85

6. Right to work and to just and favourable conditions of work

56. USHRN noted that the National Labor Relations Act intended to encourage collective bargaining, however its provisions only apply to the private sector, offer inadequate protection for workers and are poorly enforced.86 USHRN noted that there are five states that completely prohibit collective bargaining in the public sector.87 CESR referred to disparities in wage levels among ethnic groups and between men and women.88

57. USHRN indicated that the Pregnancy Discrimination and the Family and Medical Leave Acts offer incomplete protection for pregnant women in the workplace. Furthermore, the US is the only industrialized country with no mandated maternity leave policy.89

58. USHRN indicated that domestic and agricultural workers, and independent contractors, are exempt from the full protection of labour laws, in particular regarding minimum wages, the payment of overtime and safe and healthy work environment.90

7. Right to social security and to an adequate standard of living

59. USHRN noted that around 30% of the population lacks an adequate income to meet basic needs, with 24.7% of African Americans and 14.5% of women living below the federal poverty level.91 CESR noted that one in five children live in poverty.92 JS-11 indicated that most Indigenous communities suffer grave economic and social deprivation.93 AI indicated that there is an unequal access in the US to basic amenities such as adequate food, shelter, work, healthcare, and education. There is also a lack of affordable housing, job shortages and income insecurity, particularly among minorities and women.94
60. USHRN reported that 101,000 people are estimated to die each year because of the way the health system is organized, and 45,000 deaths per year are attributed to the lack of health insurance. CESR referred to maternal mortality rates, highlighting ethnic disparities. Unfortunately, the health reform law of 2010 continues to rely on the market-based system. AI indicated that although legislation has recently been passed that will extend healthcare, millions will remain without coverage. AI noted that healthcare, along with housing and employment, is still not recognized in the US as a universal right.

61. USHRN and National Advocates for Pregnant Women reported on laws and policies that create barriers to abortion and other reproductive health care. AI indicated that hundreds of women die each year from preventable pregnancy-related complications, with wide disparities in access to health care based on race, ethnicity, immigration or indigenous status and income. AI called on the US to ensure that all women have access to maternal health care services.

62. JS-10 recommended to prioritize/adequately fund HIV prevention efforts.

63. EMF Sensitivity.org reported on the widespread use of electromagnetic fields and their harmful effects on health.

64. Centre on Housing Rights and Evictions indicated that the lack of adequate housing is exacerbated by an increase in evictions, particularly in the context of the financial crisis and the privatization of public housing.

65. JS-3 referred to the effect of genetic engineering technology on the right to food and recommended to use a sustainable rights-based approach to agriculture, making sure that food requiring the labelling of genetically engineered food, is nutritionally adequate and free from any adverse substance.

66. Joint Submission-13 referred to the obligation of the US to reduce national greenhouse gas emissions and to cooperate with the international community to mitigate threats to human rights due to climate change.

8. Right to education and to participate in the cultural life of the community

67. USHRN indicated that the education system is highly segregated. Lack of adequate funding and zero-tolerance discipline policies push young people out of school. USHRN called on the US to implement the recommendations of CERD regarding school segregation and discrimination in educational opportunities. CESR referred to gaps in educational achievements among ethnic groups.

68. FFF encouraged the creation of a national human rights education curriculum.

9. Minorities and indigenous peoples

69. Nation of Hawai’i recommended securing the rights of all indigenous peoples under ICCPR. FPHRC noted that, as a Member of the Human Rights Council, the US should set a positive example in upholding Indigenous people’s human rights.

70. According to the Navajo Nation, and the Navajo Nation Human Rights Commission (NNHRC) the US continues to deprive indigenous peoples of their right to equal protection under law.

71. International Indian Treaty Council (IITC) recommended questioning the US about: the failure to comply with the CERD and the IACHR decision regarding the Western Shoshone; the destruction, desecration of, and denial of access to Indigenous Sacred Areas; the failure to consult with Indigenous Peoples and to acquire their free, prior and informed consent regarding matters that directly affect their interests; the unilateral termination of
Treaties with Indigenous Peoples; and the failure to implement a process to address violations of these Treaties.117

72. Southeast Indigenous Peoples’ Center (SIPC) noted that though the Constitution says that it will deal with 'Indian Tribes’ as nations, the US does not negotiate with indigenous peoples.118

73. The Society for Threatened Peoples (STP) noted that the Havasupai and Hualapai tribes have struggled for decades for the protection of their land from mining and expressed concern at the risk of radioactive pollution.

74. American Indians Rights and Resources Organization made reference to the impact of the disenrollment and banishment of Indians from their tribes.119

75. Akiak Native Community indicated that the indigenous people are still devastated by the culture and traditions forcibly induced to the indigenous people.120

10. Migrants, refugees and asylum-seekers

76. USHRN called on the US to reform its immigration system, to ensure due process and to protect family unity.121 HRW referred to the detention of large number of non-citizens.122 Lutheran Immigration and Refugee Service (LIRS), reported on conditions of immigration detention, where freedom of movement is restricted; detainees wear prison uniforms and are kept in a punitive setting.123

77. Dui Hua called for increased monitoring and accountability in Immigration and Customs Enforcement and noted that detainees should have access to legal representation.124 Edmund Rice International raised concerns on the lack of access to medical benefits and family visas for workers under the Guestworker Programmes.125

78. Seton Hall University reported on restrictive immigrant eligibility for publicly supported health care, which has resulted in hospitals deporting immigrant patients without due process.126 Atlanta Public Sector Alliance reported on racial disparities in access to health care services with respect to undocumented immigrants in Georgia.127

79. Joint Submission-15 recommended restoring judicial discretion in cases involving the deportation of lawful permanent residents who have US citizen children.128

80. USHRN recommended reforming the US refugee and asylum system, to ensure that it meets obligations under the 1951 Convention, and in particular, elimination of the one-year filing deadline for asylum claims, and of the Tier 3 “terrorism” category; reform the immigrant detention system to end arbitrary detention and ensure that those who are detained are afforded humane treatment.129

81. RI recommended identifying the scope of statelessness on US territories and to refrain from detention of persons who pose no risk to the community.130 RI recommended that the US become a party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.131

11. Internally displaced persons

82. AI indicated that nearly five years after Hurricane Katrina, there is a continued lack of access to housing and health care in the region, as well as resource problems within parts of the criminal justice system, preventing many displaced persons from returning home and compromising the rights of those who have returned. Not enough has been done at the federal, state or local level to replace affordable rental units and demolished public housing, as well as schools and hospitals, failings which have disproportionately impacted on the poor and communities of colour. AI called on the US to abide by the UN Guiding Principles on Internal Displacement and recognize that all internally displaced persons have
the right to return to their homes or places of origin; and to ensure that the principles of equality and non-discrimination are applied to resettlement and return.  

83. Diné Homeowners & Communities Association recommended prohibiting forced relocation of indigenous people in the Americas.  

12. **Human rights and counter-terrorism**

84. CHRGJ indicated that since September 11, 2001, the US has institutionalized discriminatory profiling against members of Muslim, Arab, South Asian, and Middle-Eastern communities. CHRGJ called for *inter alia* federal legislation that prohibits profiling on *all* grounds, with no exceptions for national security and an in-depth audit of government databases/watchlists.

85. While welcoming developments since 2009, the International Commission of Jurists (ICJ) referred to the persistent impunity and lack of accountability for serious human rights violations and crimes under international law. International Centre for Transitional Justice (ICTJ) noted that accountability measures should include full disclosure, analysis of the facts pertaining to the nature and extent of counterterrorism detainee abuses; meaningful access to redress for victims and institutional reforms ensuring restoration of due process.

86. HRF, as well as ICJ and other organizations, expressed concern about detainees in military facilities at Guantanamo Bay and in Afghanistan without charge or trial and in US facilities in Iraq. ICJ recommended closing the facility at Guantanamo Bay; try those that may be charged with a recognizable offence under international law in accordance with international standard of fair trial; end the system of administrative detention without charge or trial; provide independent and impartial judicial review to challenge detention in Afghanistan and Iraq; allow for the right to legal representation and; review all definitions of ‘unprivileged enemy belligerent’ to bring them into full compliance with the requirements of international humanitarian law.

87. HRF also reported on the failure to provide adequate information about detainees reportedly in a “black site” in Afghanistan. The Organization for Defending Victims of Violence expressed concern that the ICRC does not have access to secret detention facilities.

88. ICJ referred to US counter-terrorism laws, policies and practices since the new administration took office in 2009. ICJ indicated that the Executive Order on Ensuring Lawful Interrogations recommitted the US to respecting the absolute prohibition on torture as regards all persons within US custody. In the Executive Order the CIA was mandated that no individual detained by the US in an armed conflict may be subjected to any interrogation technique not listed in the Army Field Manual. ICJ noted that although the Manual prohibits a range of abusive interrogation methods, it permits several physically and psychologically coercive techniques. These techniques – especially when used in combination – violate the prohibition of torture and cruel, inhuman and degrading treatment. ICJ also remained concerned about narrow definitions of torture and cruel or inhuman treatment under US law and referred to provisions in the Torture Act and the War Crimes Act. ICJ recommended revising the Army Field Manual; to bring the definitions of torture and cruel or inhuman treatment in all legislative acts in compliance with the CAT requirements, and to withdraw relevant reservations to CAT. Joint Submission-7 (JS-7) reported on the failure to supervise military prisons and recommended giving access to the ICRC and the UN. Physicians for Human Rights (PHR) indicated that during the period 2002 through 2008 the Bush Administration authorized so-called “enhanced” interrogation techniques, resulting in physical and psychological torture of detainees in US military and
CIA custody. PHP indicated the US has a responsibility to prosecute alleged perpetrators, as well as to ensure that victims receive reparations and assistance.148

89. ICJ urged the Human Rights Council to request to the US information on: transfers/renditions that may still be practiced, and to call for the full respect of the principle of non-refoulement.149

90. ICJ recommended repealing the system of military commissions; granting exclusive jurisdiction to civilian courts, prohibiting the extensions of military jurisdiction to civilians and ensuring that the right to be tried in full compliance with ICCPR article 14 is respected.150 ABA referred to doubts whether persons allegedly responsible for the terrorist attacks on the US on 11 September may now be tried before military commissions.151

91. CHRGJ recommended incorporating gender considerations into counter-terrorism programs and policies.152

92. Joint Submission-2 recommended that the US re-assess its national security and counter-terrorism laws as applied to civil society organizations.153

III. Achievements, best practices, challenges and constraints

93. ABA commended the US for recent steps to improve compliance with international human rights commitments. Among other measures, the President has banned torture and cruel, inhuman or degrading treatment or punishment by all agencies of the U.S. government; closed secret interrogation centers formerly operated by the Central Intelligence Agency; announced his intention to close the detention center at the U.S. Naval Base at Guantanamo Bay, Cuba; and signed a law enhancing procedural safeguards for persons accused of war crimes in trials before military commissions. ABA believes and indicated that more should be done to enhance US respect for human rights.154

94. Heritage Foundation noted that while admittedly not perfect, the US system of government and its judicial system are on the whole exemplary in observing and protecting human rights and serve as a model of best practice.155

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

95. CGE referred to the US commitment to the United Nations General Assembly Statement on human rights sexual orientation and gender identity, but noted that it must ensure that those same protections are afforded to LGBT Americans in the country.156

B. Specific recommendations for follow-up

96. AI recommended reviewing all outstanding recommendations from treaty bodies and experts with a view to implementing them.157

97. JS-11 noted that the US has ignored the recommendations of human rights bodies with regard to the rights of Indigenous Peoples.158

98. USHRN noted that the US has not taken measures to address CERD recommendations vis-à-vis Indigenous, or those made by the Human Rights Committee.159
V. **Capacity-building and technical assistance**

99. JS 14 indicated that the US should work with the UN Commission on Narcotic Drugs and Office on Drugs and Crime, and the International Narcotics Control Board to create a *care model* for drug abuse treatment based on human rights principles.160

**Notes**

1 The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

**Civil society**

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Heritage  The Heritage Foundation, USA;
HRA    Human Rights Advocates*, USA;
HRAlert Human Rights Alert, USA;
HRF    Human Rights First*, USA;
HRW    Human Rights Watch*, New York (USA);
ICHR   Iraqi Commission for Human Rights, Baghdad (Iraq);
ICJ    International Commission of Jurists*, Geneva (Switzerland);
ICTJ   International Center for Transitional Justice, New York (USA);
IHRB   Institute for Human Rights and Business, Geneva (Switzerland);
IHRLS  International Human Rights Law Society, Indiana (USA);
IITC   International Indian Treaty Council*, USA;
ITHACA Ithaca rights, USA;
JDI    Just Detention International, USA;
JS-3   Joint Submission No. 3 - Franciscans International*; the International Presentation Association of the Sisters of the Presentation of the Blessed Virgin Mary and UNANIMA International*, USA;
JS-4   Joint Submission No. 4 - Black Communities Process (Proceso de Comunidades Negras –PCN), Colombia and AFRODES USA;
JS-5   Joint Submission No. 5 - Best Practices Policy Project, Desiree Alliance, and the Sexual Rights Initiative;
JS-6   Joint Submission No. 6 - Indigenous Peoples and Nations Coalition and the Koinani Foundation;
JS-7   Joint Submission No. 7 - Institute for Redress & Recovery, The Institute for Study of Psychosocial Trauma and the Heartland Alliance Marjorie Kovler Center, USA;
JS-9   Joint Submission No. 9 - Minnesota Tenants Union, Minnesota Chapter of the National Lawyers Guild, Minnesota Coalition for a Peoples’ Bailout, St. Paul Branch of the NAACP, USA;
JS-10  Joint Submission No. 10 - National Coalition for LGBT Health and the Sexuality Information and Education Council of the United States, USA;
JS-12  Joint Submission No. 12 - International Association against Torture* and the December 24th Movement International Secretariat*, USA;
JS-13  Joint Submission No. 13 - Earthjustice*, Greenpeace USA; Human Rights Advocates*, and Many Strong Voices USA;
JS-14  Joint Submission No. 14 - Medical Whistleblower Stakeholder Advocacy Network, USA;
JS-19  Joint Submission No. 19 - Heartland Alliance’s National Immigrant Justice Center (NIJC); American Friends Service Committee (AFSC) The Center for Victims of Torture (CVT); Chad Doobay (attorney doing pro-bono representation to asylum seekers at National Immigrant Justice Center); Florida Immigrant Advocacy Center (FIAC); Denise Gilman (professor at the University of Texas School of Immigration Clinic); Immigration Equality; Jewish Council on Urban Affairs (JCUA); King Hall Immigrant Detention Project at University of California Davis School of Law; Legal Aid Justice Center’s Immigrant Advocacy Program; Michigan Immigrant Rights Center (MIRC); Midwest Coalition for Human Rights Physicians for Human Rights (PHR); Dr. Mary White (volunteer with Physicians for Human Rights); World Relief, USA;
JS-24  Joint submission No. 24 - Organization for Justice and Democracy in Iraq (OJDI) and The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Iraq;
JS-25  Joint submission No. 25 - The Iraqi Association Against War (IAAW) and The Indian Movement (TUPAJ AMARU)*;
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**Academic**

| JS-8          | Joint Submission No. 8 - International Human Rights Law Clinic, University of California, Berkeley, School of Law; Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California, Berkeley, School of Law; Immigration Law Clinic, University of California, Davis, School of Law, USA; |
| JS-11         | Joint Submission No. 11 - University of Arizona, Indigenous Peoples Law & Policy Program; Western Shoshone Defense Project; Human Rights Research Fund; First Peoples Human Rights Coalition, USA; |
| JS-15         | Joint Submission No. 15 - International Human Rights Law Clinic, University of California, Berkeley, School of Law; Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California, Berkeley, School of Law; Immigration Law Clinic, University of California, Davis, School of Law, USA; |
| PIJIP-GAP     | Joint submission No. 18 - American University Washington College of Law’s Program on Information Justice and Intellectual Property (PIJIP) and Health Global Access Project (Health GAP), USA; |
SHUSL  Center for Social Justice of the Seton Hall University School of Law, USA;

Regional organizations

IACHR  Inter-American Commission of Human Rights, USA

Annexe 2 - Report No. 90/09, Case 12.644, Admissibility and Merits (Publication), Medellín, Ramirez and Leal Garcia, United States, August 7, 2009.
Annexe 5 - Report No. 57/06, petition 526-03, Hugo Armendariz, United States, July 20, 2006.
Annexe 4 - Report No. 56/06, Petition 8-03, Wayne Smith, United States, July 20, 2006.
Annexe 6 - Report No. 52/07, petition 1490-05, Jessica González and Others, United States, July 24, 2007.
Annexe 7 - Report No. 60/09, Case 12.706, Frank Enwonwu, United States, July 20, 2009.
Annexe 8 - Report No. 77/09, petition 1349-07, Orlando Cordia Hall, United States, August 5, 2009.
Annexe 11 - Access to justice for women victims of violence in the Americas
Annexe 12 - Precautionary Measures granted by the IACHR in 2009
PM 385-09 - 31 Undocumented Immigrants Residing in Atlanta, Georgia, United States
Annexe 13 - IACHR Table of ratifications: USA

2 AI, Appendix 1. See also USHRN, page 3 and USHRN separate documents on Treaty Ratification, Toward Economic and Social Rights in the United States: From Market Competition to Public Goods; Political Repression: Continuum of Domestic Repression and Right to Adequate Housing; FFF page 1; DREDF, page 1; JS 14, page 3; CHRGJ, paragraph 6; IHRB, page 2; COHRE, paragraph 22; CESR page 1; MCLI, pages 1-2.

3 IACHR, annexe 13.

4 FFF, page 2. See also submission from JDI, page 1.

5 FPHRC, page 5; USHRN, paragraph 40; EDM, page 5; NIYC, page 5 ; Yamassee, page 5; NNHRC report annex 1, page3-4: CONFEDERACY, page 1.

6 USHRN, paragraph 40. See also submission from NIYC, page 5 and Yamassee, page 5; JS 11, page 8.

7 USHRN, paragraph 3. See also USHRN separate document on Treaty Ratification and AI, page 8.

8 AI, page 8. See also ICI.

9 ICI, page 1. See also submission from AI.

10 CCERF, page 1. See also submission from AIJ, SCHRD, ICHR, JS24, AMSI-ABMA, WWA-OWO, GFIW-GWAF, ICI, AI.

11 CESR, page 1.

12 USHRN, page 2.

13 AI, page 2.

14 USHRN, paragraph 3. See also USHRN separate document on Treaty Ratification. See also JS 10.

15 USHRN, paragraph 3. See also JS-10 and USHRN separate documents on Treaty Ratification; Racial Discrimination and Civil Rights and From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.
16 IHRB, page 4.
17 DREDF, paragraphs 4-5. See also submissions from ITHACA; JS14, page 1; and USHRN separate document on Human Rights of Persons with Disabilities.
18 USHRN, page 3.
19 FFF, page 2. See also submission from USHRN, paragraph 5 and separate document on Right to Adequate Housing; NIYC; Joint Submission 11; IS14, page 1 and CESR, paragraph 18
20 AI, Appendix 1. See also submission from MICI, pages 1-5.
21 CESR, page 5.
22 USHRN, paragraph 34. See also submission form USHRN separate document on Racial Discrimination and Civil Rights and From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.
23 USHRN, paragraph 34.
25 AC, page 5. See also COHRE, paragraph 21 and USHRN separate document on US Obligations to Respect, Protect and Remedy Human Rights in the Context of Business Activities.
27 CHRGJ, paragraph 6. See also submission from RCF and USHRN separate document on The Negative Impact of US Foreign Policy on Human Rights in Colombia, Haiti and Puerto Rico and JS4, page 2.
28 GJC, pages 1-5.
29 PIJIP-GAP, pages 1-4. See also USHRN separate document on The Negative Impact of US Foreign Policy on Human Rights in Colombia, Haiti and Puerto Rico.
30 ANEC, page 3.
31 ACNU, paragraph 7; ANEC, paragraph 11.
32 MCLI, pages 1-2.
33 FFF, pages 1-2.
34 USHRN, page 4. See also submissions from APSA; JS-5, page 2; and submission form USHRN separate document on Racial Discrimination and Civil Rights and From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.
36 AI, page 1.
37 AI, page 1.
38 AI, Appendix 1. See also Joint Submission 12, page 2; HRW, page 1; USHRN, paragraph 13 and USHRN separate document on The Persistence, in the United States, of Discriminatory Profiling Based on Race, Ethnicity, Religion and National Origin.
39 JS 11, paragraph 19. See also USHRN separate document on Environmental Justice.
40 JS 10, page 1. See also submission GCE, page 1.
41 USHRN, paragraphs 10-11. See also USHRN separate document on The Application of the Death Penalty in the United States and submissions from ABA, AI.
42 ABA, page 2. See also submission from AI and IACHR annexes 2 and 10.
43 AI, page 4.
44 USHRN, paragraph 35. See also submissions from The Dui Hua Foundation and AI.
45 AHR, pages 1-2. See also submission from AI, Appendix 1.
46 C-FAM, paragraph 8. See submission for case Roe v. Wade (1973) cited. See also submission from NAPW and WILD.
47 AI, page 3.
48 ABA, page 2.
49 AI, page 3.
50 AI, page 4.

16
AI, page 5.

USHRN, paragraph 27.

NAPW, pages 1-5. See also USHRN separate document on *The United States’ Compliance with its Human Rights Obligations in the Area of Women’s Reproductive and Sexual Health and Criminal and Juvenile Justice*.

AI, page 5.

AI, Appendix 1. See also submission from C-FAM, paragraph 8; and USHRN separate document on *Criminal and Juvenile Justice*.

JS 10, paragraph 16.

EMF, pages 1-5. See also USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods*.

COHRE, paragraphs 1-2. See also JS 9; AI; JS 3; CESR; USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods and Right to Adequate Housing*.

SJ 3, paragraphs 31-41. See also USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods*.

SJ 3, paragraphs 31-41. See also USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods*.

USHRN, paragraph 29. See also USHRN separate document on *Education*.

USHRN, paragraph 28. See also USHRN separate document on *Education*.

CESR, paragraph 39.

FFF, page 2.


FP HR, page 5. See also submissions from Navajo, page 1; NNHRC, annexes 1 to 3; NIYC; USHRN separate document on *Environmental Justice*.

Navajo, page 1. NNHRC, annexes 1 to 3. See also submission from NIYC.

IITC, page 5. See also Joint Submission 6; Joint Submission 3; SIPC, 1-2; USHRN, paragraph 40; NNHRC annexes 1 to 3; STP, pages 1-3; and, EDM, page 1, including cases cited.

SIPC, 1-2. See also submission from USHRN, paragraph 40; NNHRC annexes 1 to 3; and, EDM, page 1, including cases cited.

AIRRO, pages 1-5.

ANC, pages 1-4. See also submissions from AFRE, DHCA and CONFEDERACY.

USHRN, paragraph 41. See also Joint Submission No. 19; IACHR, annexes 4 and 5 and USHRN separate document on *Migrants, Refugees and Asylum Seekers*.

HRW, page 2.

LIRS, page 2. See also USHRN separate document on *Migrants, Refugees and Asylum Seekers*.

Dui Hua, pages 3-4. See also LIRS; AI and USHRN separate document on *Migrant Labor Rights*

ERI, pages 1-5. See USHRN separate document on *Migrant Labor Rights*.

SHUSL, pages 1-5. See submission for cases cited and IACHR, annexe 1.

APSA, pages 3-4. See submission for cases cited and IACHR, PM 385-09.

JS 15, pages 1-5. See also submission from IACHR annexe 7.

USHRN, paragraph 41. See also Joint Submission No. 19 and HRW, pages 1-3.

RI, page 4.

RI, page 4.

AI, Appendix 1. See also USHRN separate document on *The Human Rights Crisis in the Aftermath of Hurricane Katrina*.

DHCA, page 4.

CHRGJ, paragraph 13.

CHRGJ, paragraph 17.

ICJ, page 1. See also submission from AI and ICTJ.

ICTJ, page 1.

HRW, pages 1, 3, 4. See also submission from ACNU, page 2, including cases cited and CISV.

ICJ, page 5. See also submission from AI and ICTJ.
140 ICJ, page 5. See also submission from AI and ICTJ.
141 HRF, pages 1-5. See also submission from ODVV; CISV; ICTJ.
142 ODVV, page 1.
143 ICJ, page 1.
144 ICJ, page 1.
145 ICJ, page 1.
146 ICJ, page 4. See also submissions from HRF, pages 1, 3, 4; ICTJ; CEA and MOVPAZ.
147 JS 7, pages 1-3.
148 PHR, pages 1-5. See also submission from ABA, paragraphs 4-8.
149 ICJ, page 4. See also submission from AI.
150 ICJ, page 5.
151 ABA, page 3. See submission for cases cited.
152 CHRGJ, page 4.
153 JS2, page 1.
154 ABA, page 1.
155 Heritage, page 5.
156 CGE, page 1.
157 AI, Appendix 1. USHRN, paragraph 28.
158 JS 11, paragraphs 15 to 18.
159 USHRN, paragraph 31. See also submission form USHRN separate documents on Racial Discrimination and Civil Rights and From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.
160 JS14, page 1.
The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.
I. Background and framework

A. Scope of international obligations

<table>
<thead>
<tr>
<th>Universal human rights treaties&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Date of ratification, accession or succession</th>
<th>Declarations/reservations</th>
<th>Recognition of specific competences of treaty bodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICERD</td>
<td>21 October 1994</td>
<td>Yes (arts. 2, para. 1 (c) and (d), 3, 4, 5, 7, 22)&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Individual complaints (art. 14): No</td>
</tr>
<tr>
<td>ICCPR</td>
<td>8 June 1992</td>
<td>Yes (arts. 1-27 not self-executing) (arts. 5, para. 2; 6; 7; 10, paras. 2 (b) and 3; 14, para. 4; 15, para. 1; 19, para. 3; 20; 47)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Inter-State complaints (art. 41): Yes</td>
</tr>
<tr>
<td>CAT</td>
<td>21 October 1994</td>
<td>Yes (arts. 16 and 30, para. 1)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>Inter-State complaints (art. 21): Yes</td>
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<tr>
<td></td>
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<td>Individual complaints (art. 22): No</td>
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<td></td>
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<td>Inquiry procedure (art. 20): Yes</td>
</tr>
<tr>
<td>OP-CRC-AC</td>
<td>23 December 2002</td>
<td>Binding declaration under art. 3, para. 2: 17 years&lt;sup&gt;6&lt;/sup&gt;</td>
<td>–</td>
</tr>
<tr>
<td>OP-CRC-SC</td>
<td>23 December 2002</td>
<td>Yes (arts. 3, para. 1, and 4, para. 1)&lt;sup&gt;7&lt;/sup&gt;</td>
<td>–</td>
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</tbody>
</table>

Treaties to which United States of America is not a party: ICESCR (signature only, 1977), OP-ICESCR<sup>8</sup>, ICCPR-OP 1, ICCPR-OP 2, CEDAW (signature only, 1980), OP-CEDAW, OP-CAT, CRC (signature only, 1995), ICRMW, CRPD (signature only, 2009), OP-CRPD and CED.

Other main relevant international instruments<sup>9</sup> | Ratification, accession or succession |
<table>
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<tbody>
<tr>
<td>Convention on the Prevention and Punishment of the Crime of Genocide</td>
<td>Yes</td>
</tr>
<tr>
<td>Rome Statute of the International Criminal Court</td>
<td>No (signature only)</td>
</tr>
<tr>
<td>Palermo Protocol&lt;sup&gt;10&lt;/sup&gt;</td>
<td>Yes</td>
</tr>
<tr>
<td>Refugees and stateless persons&lt;sup&gt;11&lt;/sup&gt;</td>
<td>No, except 1967 Protocol</td>
</tr>
</tbody>
</table>
1. In 2008, the Committee on the Rights of the Child (CRC) recommended that the United States of America proceed to become party to the Convention on the Rights of the Child. The Working Group of experts on people of African descent noted that the United States has not ratified the Convention or the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation.

2. In 2008, the Special Rapporteur on the human rights of migrants recommended that the United States consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

3. CRC recommended that the State consider ratifying Additional Protocols I and II to the Geneva Conventions of 12 August 1949.

4. The Committee against Torture (CAT) invited the State to reconsider its intention not to become party to the Rome Statute of the International Criminal Court. CRC made a similar recommendation.

5. In 2006, CAT recommended that the State ensure that the Convention applies at all times, whether in peace, war or armed conflict and that the provisions of the Convention expressed as applicable to “territory under the State party’s jurisdiction” apply to all persons under the effective control of its authorities.

6. In 2006, the Human Rights Committee (HR Committee) encouraged the State to withdraw its reservation to article 6, paragraph 5, of ICCPR, which forbids imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed. Other committees recommended that reservations and understandings to relevant human rights treaties be withdrawn.

B. Constitutional and legislative framework

7. The Working Group of experts on people of African descent noted that the abolition of slavery is not absolute. The Thirteenth amendment allows slavery “as a punishment for crime whereof the party shall have been duly convicted... within the United States, or any place subject to their jurisdiction”.

8. The Committee on the Elimination of Racial Discrimination (CERD) recommended that the State review the definition of racial discrimination used in the federal and state legislation and in court practice, so as to ensure it is consistent with that of the Convention.

9. CRC recommended that the State define and prohibit child prostitution both at federal and state levels.

10. CRC encouraged the State to raise the minimum age for recruitment into the armed forces to 18 years and recommended that the State ensure that violations of OP-CRC-AC regarding the recruitment and involvement of children in hostilities be explicitly criminalized in its legislation; and that it consider establishing extraterritorial jurisdiction for these crimes.
C. Institutional and human rights infrastructure

11. As of 12 July 2010, the United States does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. CERD recommended that the State consider the establishment of a national human rights institution in accordance with the Paris Principles. CERD recommended that the State ensure a coordinated approach towards the implementation of the Convention at the federal, state and local levels. CAT noted that the State had a federal structure, but recalled that it had the obligation to implement the Convention against Torture in full at the domestic level. Likewise, CRC recommended strengthening coordination in the areas covered by OP-CRC-SC, both at federal and state levels.

D. Policy measures

13. CAT recommended that training on all provisions of the Convention be conducted on a regular basis, in particular for personnel involved in the interrogation of suspects.

14. UN-Habitat stated that the Helping Families Save Their Homes Act of 2009 aims to prevent mortgage foreclosures and enhance mortgage credit availability and contains provisions protecting tenants living in foreclosed buildings. Complaints on illegal discrimination on housing rights may be filed through a process administered by the Department of Housing and Urban Development.

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<table>
<thead>
<tr>
<th>Treaty body</th>
<th>Latest report submitted and considered</th>
<th>Latest concluding observations</th>
<th>Follow-up response</th>
<th>Reporting status</th>
</tr>
</thead>
</table>
15. CAT noted with satisfaction the contributions of the United States to the United Nations Voluntary Fund for the Victims of Torture.40

2. Cooperation with special procedures

16. CAT encouraged the State to invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Guantanamo and any other detention facility under its de facto control.41 In June 2004, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (hereinafter referred to as the five mandate holders) requested the United States to allow them to visit Guantanamo, but in the absence of assurances from the Government that it would comply with the terms of reference, the five mandate holders decided to cancel the visit in November 2005.42

<table>
<thead>
<tr>
<th>Standing invitation issued</th>
<th>No</th>
</tr>
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</table>

| Latest visits or mission reports | Special Rapporteur on the human rights of migrants (30 April–18 May 2007); Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (16–25 May 2007); Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (19 May–6 June 2008); Special Rapporteur on extrajudicial, summary or arbitrary executions (16–30 June 2008); Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (20 July–3 August 2009); Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (22 October–8 November 2009); Working Group of experts on people of African descent (25–29 January 2010). |

| Visits agreed upon in principle | Working Group on Arbitrary Detention; Special Rapporteur on the sale of children, child prostitution and child pornography (October 2010). |

| Visits requested and not yet agreed upon | Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation (2009); Special Rapporteur on violence against women, its causes and consequences (2009). |

| Facilitation/cooperation during missions | Several mandate holders expressed their gratitude to the Government. |

| Follow-up to visits | – |

| Responses to letters of allegations and urgent | During the period under review, 70 communications were sent. The Government |
appeals replied to 31 communications.

Responses to questionnaires on thematic issues The United States responded to 5 of the 23 questionnaires sent by special procedures mandate holders.43

3. Cooperation with the Office of the High Commissioner for Human Rights

17. The United States contributed financially to OHCHR in the period under consideration.44

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

18. The HR Committee observed that the State should take all steps necessary to ensure the equality of women before the law and effective protection against discrimination on the ground of sex, particularly in employment.35

19. CERD remained concerned about the persistent racial disparities regarding the imposition of the death penalty.46 The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended mandatory minimum sentences be reviewed to assess disproportionate impact on racial and ethnic minorities.47 The Working Group of experts on people of African descent was concerned by the ongoing structural discrimination that cannot be effectively addressed with the existing legal mechanisms and legislation.48

20. The same Special Rapporteur said the Government should establish a bipartisan Commission to evaluate the progress and failures in the fight against racism and the ongoing process of re-segregation, particularly in housing and education, with broad participation from civil society.49 CERD reiterated that the adoption of special measures “when circumstances so warrant” is an obligation arising from article 2, paragraph 2, of the Convention.50

21. The Working Group of experts on people of African descent found that the challenges faced by people of African descent related, inter alia, mainly to disproportionately high levels of unemployment, lower income levels, access to education and to quality health-care services. The Working Group recommended, inter alia, the adoption of an anti-discrimination act.51

22. CERD recommended that the State guarantee the right of everyone to equal treatment before tribunals and all other organs administering justice.52 It urged the State to put an end to the National Entry and Exit Registration System for nationals of 25 countries, all located in the Middle East, South Asia or North Africa, and to eliminate other forms of racial profiling against Arabs, Muslims and South Asians.53 In its follow-up report to CERD, the United States provided information on measures to combat racial profiling.54

23. The Special Rapporteur recommended that the Government clarify to law enforcement officials the obligation of equal treatment and, in particular, the prohibition of racial profiling,55 and recommended that adequate consultation mechanisms be put in place for a coordinated approach at the federal, state and local levels of government.56

24. CRC recommended that the State ensure that recruitment in the armed forces does not occur in a manner which specifically targets minorities and children of low-income families,37 and that any reported irregularity or misconduct by recruiters be investigated.58
2. **Right to life, liberty and security of the person**

25. CERD recommended that the State adopt all necessary measures, including a moratorium, to ensure that the death penalty is not imposed as a result of racial bias. The HR Committee, while welcoming the 2002 Supreme Court decision that executions of mentally retarded criminals are cruel and unusual punishments, made a similar recommendation, adding that the United States should review federal and state legislation with a view to restricting the number of offences carrying the death penalty. CAT recommended that the State should carefully review its execution methods, in particular lethal injection, in order to prevent severe pain and suffering. The United States voted against the draft resolution on a moratorium on the use of the death penalty in 2007.

26. OHCHR expressed concerns, in August 2008, about the decision of the authorities in Texas to proceed with the execution of a national of a third country, despite an order to the contrary by the International Court of Justice. OHCHR recalled that the United States has an international legal obligation to comply with decisions of the International Court of Justice.

27. The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism sent, in March 2006, a joint allegation letter regarding incidents of air strikes by United States unmanned aircrafts that had resulted in the death of 31 civilians near the Afghan border. The former also sent an allegation letter regarding a raid conducted by the multinational force in Iraq, in which American troops allegedly executed 10 civilians, including 6 children.

28. The Special Rapporteur on extrajudicial, summary or arbitrary executions stated that for too long, there has been de facto impunity for killings by private contractors and civilian intelligence agents operating in Iraq, Afghanistan and elsewhere, and recommended that the Government explicate the rules of international law it considers to cover targeted killings. The Secretary-General stated that there were continued reports implicating private security companies in the killing of civilians or bystanders. Such incidents attracted wide media attention and official complaints by Iraqi authorities. He also stated that the result was a tightening of control over those companies by the United States and the extension of court-martial proceedings to some contractors for serious offences.

29. On 25 September 2007, the Working Group on mercenaries sent an allegation letter to the Government on the events of 16 September 2007 in Nisoor Square in Baghdad, in which employees of a private security company opened fire, killing 17 and injuring more than 20 civilians. The United States replied to the Working Group’s letter.

30. CERD remained concerned about allegations of brutality and use of excessive or deadly force by law enforcement officials against, inter alia, Latino and African American persons and undocumented migrants. It recommended increasing the State’s efforts to eliminate police brutality and to ensure that incidents of excessive use of force are investigated and that perpetrators are prosecuted. In 2006, the HR Committee and CAT expressed similar concerns. The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended that all deaths in immigration detention should be promptly and publicly reported and investigated.

31. CAT noted with concern that the State did not always register persons detained in territories under its jurisdiction, depriving them of an effective safeguard against acts of torture. The United States provided the Committee with a follow-up reply. CAT recommended that the State adopt all necessary measures to prohibit and prevent enforced disappearance in any territory under the United States’ jurisdiction, and prosecute perpetrators.
32. CAT recommended that the State enact a federal crime of torture consistent with the Convention, and investigate, prosecute and punish perpetrators under the federal extraterritorial criminal torture statute. The Committee also recommended that the State adopt clear legal provisions to implement the principle of absolute prohibition of torture without any possible derogation.

33. In 2006, the HR Committee and CAT expressed concerns over the use of enhanced interrogation techniques. The HR Committee was concerned, inter alia, that the State refused to acknowledge that such techniques violate the prohibition of torture. CAT called upon the State to rescind any interrogation technique that constitutes torture or punishment, in all places of detention under its de facto effective control. The five mandate holders made a similar recommendation. The United States provided CAT and the HR Committee with a follow-up reply. The United States also sent a letter to OHCHR concerning the report of the five mandate holders.

34. CAT was concerned about acts of torture or ill-treatment committed by certain members of the State’s military or civilian personnel in Afghanistan and Iraq, and recommended that the State take immediate measures to eradicate all forms of torture and ill-treatment of detainees by military or civilian personnel, in any territory under its jurisdiction, and thoroughly investigate such acts. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged the United States to ensure that all its officials and agencies comply with international standards, including article 7 of ICCPR, the Convention against Torture and, in the context of an armed conflict, common article 3 of the Geneva Conventions.

35. In March 2010, the United Nations High Commissioner for Human Rights indicated that the United States should conduct thorough investigations into allegations of torture and the detention in Guantanamo and Bagram.

36. CAT was concerned by allegations that the State had established secret detention facilities, and that those detained in such facilities could be held for prolonged periods and face torture. The HR Committee raised similar concerns. CAT recommended investigating and disclosing the existence of any such facilities and the authority under which they had been established. The HR Committee recommended that the State immediately cease this practice, grant the International Committee of the Red Cross access to detainees, and ensure that, regardless of their place of detention, they benefit from the full protection of the law. The United States replied to the HR Committee. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism made similar recommendations.

37. CAT was concerned that the State considered that the non-refoulement obligation did not extend to a person detained outside its territory, and also by the State’s rendition of suspects to States where they face a real risk of torture. It recommended, inter alia, that suspects have the possibility to challenge decisions of refoulement. The HR Committee and CERD raised similar concerns. The United States provided CAT and the HR Committee with responses.

38. The HR Committee recommended that the State scrutinize conditions of detention in prisons, in particular in maximum security prisons, with a view to guaranteeing that persons deprived of their liberty be treated in accordance with article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners. CAT recommended that the State should implement appropriate measures to prevent all sexual violence in all its detention centres.

39. The Working Group on Arbitrary Detention issued the following opinion: the deprivation of liberty of Mr. Antonio Herreros Rodríguez, Mr. Fernando González LLort, Mr. Gerardo Hernández Nordelo, Mr. Ramón Labaniño Salazar and Mr. René González.
Schweret is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political Rights.\textsuperscript{105} The Working Group requested the Government to adopt the necessary steps to remedy this situation.\textsuperscript{106}

40. CERD remained concerned about the incidence of rape and sexual violence experienced by women belonging to minority groups, particularly regarding American Indian and Alaska Native women and female migrant workers, especially domestic workers, and recommended that the State increase its efforts to prevent and punish violence against them.\textsuperscript{107}

41. The HR Committee noted with concern allegations of violent crimes perpetrated against persons of minority sexual orientation, including by law enforcement officials.\textsuperscript{108}

42. CRC was concerned at the number of children in United States-administered detention facilities in Iraq and Afghanistan, detained over extended periods of time and who may have been subject to cruel, inhuman or degrading treatment, without access to legal advisory services or recovery measures.\textsuperscript{109} CRC recommended, inter alia, that the State ensure that children be detained only as a measure of last resort and that a periodic review of their detention be guaranteed.\textsuperscript{110}

43. CRC was concerned, inter alia, that efforts to prevent child abuse and neglect did not cover sufficiently large groups of vulnerable children\textsuperscript{111} and recommended adopting measures to prevent exploitation of children, and assisting victims.\textsuperscript{112}

44. In 2010, the ILO Committee of Experts urged the United States to take immediate and effective measures to comply with article 1 of the Worst Forms of Child Labour Convention (No. 182), read with article 3 (d), to prohibit children under 18 years of age from engaging in dangerous work in agriculture.\textsuperscript{113}

3. Administration of justice, including impunity, and the rule of law

45. On 22 January 2009, the High Commissioner for Human Rights welcomed the decision by the United States Administration to close the detention facility in Guantanamo, as well as the decision to ban methods of interrogation that contravene international law. She also called for a review of the United States’ approach to detaining individuals abroad, in third countries, as well as the practice of “rendition”.\textsuperscript{114}

46. On 12 June 2008, the High Commissioner for Human Rights welcomed the decision by the United States Supreme Court in Boumediene v. Bush that foreign detainees held in Guantanamo have the right to challenge their detention by habeas corpus in the civilian courts. She expressed the hope that the civilian courts will be able to move promptly to assess the situation of individual detainees.\textsuperscript{115}

47. CAT recommended that the State cease to detain any person at Guantanamo and close this detention facility, and permit access by the detainees to judicial process or release them as soon as possible.\textsuperscript{116} The five mandate holders made similar recommendations.\textsuperscript{117} In July 2010, the Special Rapporteur on the question of torture and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism called on the Government to ensure that it does not forcibly transfer anyone to another State where a person could be subject to torture.\textsuperscript{118} The United States provided CAT with a follow-up reply,\textsuperscript{119} and sent a letter to OHCHR concerning the report of the five mandate holders.\textsuperscript{120}

48. The HR Committee recommended that the State conduct prompt and independent investigations into allegations concerning suspicious deaths in custody and torture and ill-treatment inflicted by United States military and non-military personnel or contract employees, in detention facilities in Guantanamo, Afghanistan, Iraq and other overseas locations, and recommended ensuring that those responsible be prosecuted and punished.\textsuperscript{121}
The Special Rapporteur on extrajudicial, summary or arbitrary executions made similar recommendations. The United States provided the HR Committee with a follow-up reply.

49. Regarding the 2005 Detainee Treatment Act, CAT recommended that independent procedures of review be available to all detainees. It also recommended ensuring that mechanisms to obtain full redress, compensation and rehabilitation are accessible to all victims of acts of torture or abuse. The five mandate holders stated that the United States should ensure that all victims of torture are provided with fair and adequate compensation, in accordance with article 14 of the Convention against Torture, including the means for a full rehabilitation. The United States sent a letter to OHCHR concerning the report of the five mandate holders.

50. The Special Rapporteur on extrajudicial, summary or arbitrary executions stated that the United States has an obligation under international law to provide detainees with fair trials, regardless of whether persons are to be tried for crimes allegedly committed during peace or armed conflict.

51. Regarding persons detained in Guantanamo, the HR Committee was concerned that proceedings before Combatant Status Review Tribunals and Administrative Review Boards may not offer adequate safeguards of due process. The Committee was further concerned that detention in other locations, such as Afghanistan and Iraq, is reviewed by mechanisms providing even fewer guarantees. CAT expressed similar concerns.

52. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism recommended that the categorization of persons as “unlawful enemy combatants” be abandoned. He called upon the United States to release or to put on trial those persons detained under that categorization. CERD made a similar recommendation.

53. The ILO Committee of Experts asked the Government to supply information on any measures to ensure that there is no discrimination in the imposition of prison sentences involving an obligation to perform labour. The Working Group of experts on people of African descent was concerned with aspects of the administration of justice that adversely affect the African American population, particularly the disproportionate incarceration rates compared to the general population.

4. Right to privacy

54. The HR Committee was concerned that the State had monitored and still monitors private communications of individuals both within and outside the country, without any judicial or other independent oversight. The Committee recommended ensuring that any infringement on an individual’s rights to privacy is strictly necessary and duly authorized by law, and that the rights of individuals in this regard are respected.

5. Freedom of expression

55. On 25 September 2006, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent an urgent appeal concerning the imprisonment of a freelance journalist for refusing to provide to a Grand Jury his unedited video footage of a protest in San Francisco. The Government replied to that communication.

56. On 24 August 2007, the same Special Rapporteur, jointly with the Special Rapporteurs on health and on the question of torture, sent an urgent appeal concerning a cameraman who had been detained in Guantanamo since June 2002. The Government replied to that communication.
6. **Right to work and to just and favourable conditions of work**

57. The Working Group of experts on people of African descent stated that African Americans are still underrepresented in employment. While people of African descent made up 11 per cent of the labour force in 2009, they represented 18 per cent of the unemployed and 25 per cent of the long-term unemployed (persons unemployed for 27 weeks or longer).139

58. CERD regretted that workers belonging to minorities, in particular women and undocumented migrant workers, continue to face discriminatory treatment and abuse in the workplace.140

7. **Right to social security and to an adequate standard of living**

59. CERD made reference to the high incidence of unintended pregnancies and greater abortion rates affecting African American women, and the growing disparities in HIV infection rates for minority women and recommended that efforts be continued to address wide racial disparities, which still exist in the field of sexual and reproductive health.141

60. The UN-Habitat Advisory Group on Forced Evictions found allegations of instances of forced evictions caused by, inter alia, the demolition of public housing and the unequal distribution of hurricane recovery funds.142

61. The Special Rapporteur on adequate housing considered that, given the crisis in affordable housing, an immediate moratorium is required on the demolition and disposition of public housing until the right to return is guaranteed to all residents.143 The Special Rapporteur recommended that residents of public housing should have effective participation in decision-making process affecting their access to housing.144

62. CERD urged the State to intensify its efforts aimed at reducing the phenomenon of residential segregation based on racial, ethnic and national origins.145 The HR Committee was concerned that some 50 per cent of homeless people are African American although they constitute only 12 per cent of the population.146

8. **Right to education**

63. CERD remained concerned about the persistence of de facto racial segregation in public schools, and recommended that the State elaborate effective strategies aimed at promoting school desegregation and providing equal educational opportunity.147 In 2006, the HR Committee raised similar concerns.148

9. **Minorities and indigenous peoples**

64. CERD recommended, inter alia, that the State recognize the right of Native Americans to participate in decisions affecting them, and consult in good faith with them before adopting and implementing any activity in their lands, and that the United Nations Declaration on the Rights of Indigenous Peoples149 be used as a guide to interpret the State obligations under the Convention relating to indigenous peoples.150

10. **Migrants, refugees and asylum-seekers**

65. The Office of the United Nations High Commissioner for Refugees (UNHCR) was concerned over the United States immigration and asylum laws that have been amended in a variety of ways that are inconsistent with international standards. It urged the State to ensure that new asylum regulations to be issued in 2010 would not require overly restrictive conditions for meeting the refugee definition.151
UNHCR noted that the State is currently detaining over 380,000 non-citizens in the United States for removal proceedings, using over 300 different facilities, the majority of which are in remote locations.\(^\text{152}\) It urged the United States to provide legal representation to all such children who are seeking asylum or in immigration court removal proceedings.\(^\text{153}\)

The Special Rapporteur on the human rights of migrants recommended that immigration detainees placed in removal proceedings have the right to appointed counsel.\(^\text{154}\) Migrant women who are suffering the effects of persecution or abuse, or who are pregnant, should not be detained.\(^\text{155}\) Children should be placed in home-like facilities.\(^\text{156}\)

UNHCR urged the United States to provide a pathway to permanent legal status for stateless persons within the country. For those who may not qualify for legal status, it recommended adopting suggested administrative reforms to ease restrictions placed on stateless persons.\(^\text{157}\)

**11. Internally displaced persons**

The Representative of the Secretary-General on the human rights of internally displaced persons, in the aftermath of Hurricane Katrina, stated that the main challenges for persons still displaced, belonging to ethnic minorities or living in poverty, were decent housing at affordable prices, access to jobs, low-level incomes and poor prospects in the medium and long term.\(^\text{158}\)

CERD remained concerned about many low-income African American residents who continued to be displaced after Hurricane Katrina, and recommended that the State increase its efforts to facilitate their return to their homes or to guarantee access to adequate and affordable housing.\(^\text{159}\) The HR Committee shared similar concerns and made a similar recommendation.\(^\text{160}\) In its follow-up response to CERD\(^\text{161}\) and to the HR Committee\(^\text{162}\) the United States reported on measures taken to assist victims.

**12. Human rights and counter-terrorism**

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged the Government to restrict definitions of “international terrorism”, “domestic terrorism” and “material support to terrorist organizations” in a way that is precise and restricted to the type of conduct identified by the Security Council as conduct to be suppressed in the fight against terrorism.\(^\text{163}\)

The HR Committee expressed concerns about the potentially overbroad reach of the definitions of terrorism under domestic law and recommended that the legislation adopted be limited to crimes that would justify being assimilated to terrorism.\(^\text{164}\) UNHCR made a similar recommendation.\(^\text{165}\)

The HR Committee was also concerned that, following the 9/11 attacks, many non-United States citizens suspected to have committed terrorism-related offences have been detained for long periods pursuant to immigration laws with fewer guarantees than in the context of criminal procedures.\(^\text{166}\)

The HR Committee noted that the decision of the Supreme Court in *Hamdan v. Rumsfeld*, according to which Guantanamo detainees accused of terrorism offences are to be judged by a regularly constituted court, remains to be implemented.\(^\text{167}\) The United States provided the Committee with a follow-up response.\(^\text{168}\)
III. Achievements, best practices, challenges and constraints

75. CERD notes with satisfaction the work carried out by various executive departments and agencies which have responsibilities in the field of the elimination of racial discrimination, including the Civil Rights Division of the Department of Justice and the Department of Housing and Urban Development.\textsuperscript{169}

76. The HR Committee welcomes the Supreme Court’s decision in \textit{Lawrence et al. v. Texas} (2003), which declared unconstitutional legislation criminalizing homosexual relations between consenting adults.\textsuperscript{170}

77. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism identified elements of best practice in the United States’ fight against terrorism, including compensation for victims of terrorism. He also, in contrast, identified serious situations of incompatibility between international human rights obligations and the counter-terrorism law and practice.\textsuperscript{171}

78. UN-Habitat stated that the Home Affordable Modification Program provides over 1.2 million borrowers offers for modification trials. The Fair Housing Act prohibits discrimination in housing on the basis of race, colour, national origin, religion, sex, familial status and disability.\textsuperscript{172}

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

79. As a party to ICERD, the United States is committed to seeing the goals of this Covenant fully realized. Particular emphasis should be placed on eliminating any remaining legal barriers to equality and confronting the reality of continuing discrimination and inequality within institutions and societies. The United States is committed to working to consider the possible ratification of human rights treaties, including but not limited to CEDAW and ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation. It is committed to cooperating with the human rights mechanisms of the United Nations, as well as the Inter-American Commission on Human Rights and other regional human rights bodies, by responding to inquiries, engaging in dialogues and hosting visits.\textsuperscript{173}

B. Specific recommendations for follow-up

80. Information on follow-up measures requested by CAT\textsuperscript{174}, CERD\textsuperscript{175} and the HR Committee\textsuperscript{176} was provided by the United States in July 2007,\textsuperscript{177} January 2009,\textsuperscript{178} and November 2007 and July 2009,\textsuperscript{179} respectively.

V. Capacity-building and technical assistance

N/A
Notes

1 Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006 (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/.

2 The following abbreviations have been used for this document:
   - ICERD International Convention on the Elimination of All Forms of Racial Discrimination
   - ICESCR International Covenant on Economic, Social and Cultural Rights
   - OP-ICESCR Optional Protocol to ICESCR
   - ICCPR International Covenant on Civil and Political Rights
   - ICCPR-OP 1 Optional Protocol to ICCPR
   - ICCPR-OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
   - CEDAW Convention on the Elimination of All Forms of Discrimination against Women
   - OP-CEDAW Optional Protocol to CEDAW
   - CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
   - OP-CAT Optional Protocol to CAT
   - CRC Convention on the Rights of the Child
   - OP-CRC-AC Optional Protocol to CRC on the involvement of children in armed conflict
   - OP-CRC-SC Optional Protocol to CRC on the sale of children, child prostitution and child pornography
   - ICRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
   - CRPD Convention on the Rights of Persons with Disabilities
   - OP-CRPD Optional Protocol to the Convention on the Rights of Persons with Disabilities
   - CED International Convention for the Protection of All Persons from Enforced Disappearance

3 The United States also made an understanding and a declaration upon ratification.

4 The United States made understandings and declarations upon ratification. Understandings: arts. 2, para. 1; 26; 4, para. 1; 9, para. 5; 14, para. 6; 10, paras. 2 (a) and 3; 14, para. 3 (b) and (d); 3(e); 14, paras. 7; and 50; declarations: arts. 27, para. 1; 5, para. 2; 19, para. 3; and 47.

5 The United States also made understandings of arts. 1, 3, 10 to 14, and 16, as well as a declaration.

6 The United States also made understandings of arts. 1, 3 and 4.

7 The United States also made understandings of art. 2 (c) and art. 3, para. 1 (a) (i) and (ii) and para. 5.

8 Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

9 Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by the United States before the Human Rights Council, as contained in the letter dated 22 April 2009 sent by the Permanent Mission of the United States of America to the United Nations addressed to the President of the General Assembly (A/63/831).


12 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol
Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see the Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

13 International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

14 Concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/USA/CO/1), para. 34; CRC/C/OPAC/USA/CO/1, para. 23.
15 A/HRC/15/18, para. 81.
16 A/HRC/7/12/Add.2, para. 126.
17 CRC/C/OPAC/USA/CO/1, para. 24 (a) and (b).
18 Concluding observations of the Committee against Torture (CAT/C/USA/CO/2), para. 39.
19 CRC/C/OPAC/USA/CO/1, para. 25.
20 CAT/C/USA/CO/2, para. 14.
21 Ibid., para. 15.
22 CCPR/C/USA/CO/3/Rev.1, para. 5.
23 Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/USA/CO/6), para. 11; CAT/C/USA/CO/2, para. 40.
24 A/HRC/15/18, para. 9.
25 CERD/C/USA/CO/6, para. 10.
26 CRC/C/OPAC/USA/CO/1, para. 33 (a).
27 CRC/C/OPAC/USA/CO/1, para. 16.
28 Ibid., para. 22 (a) and (b).
29 For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
30 CERD/C/USA/CO/6, para. 12.
31 CRC/C/OPSC/USA/CO/1, para. 19.
32 A/HRC/15/18, para. 88.
33 CERD/C/USA/CO/6, para. 13.
34 CAT/C/USA/CO/2, para. 4.
35 CRC/C/OPSC/USA/CO/1, para. 13.
36 CAT/C/USA/CO/2, para. 23.
37 UN-Habitat submission to the UPR on the United States, pp. 3–4.
38 Ibid., p. 3.
39 The following abbreviations have been used for this document:
   CERD Committee on the Elimination of Racial Discrimination
   HR Committee Human Rights Committee
   CAT Committee against Torture
   CRC Committee on the Rights of the Child
30 CAT/C/USA/CO/2, para. 11.
31 Ibid., para. 38.
32 E/CN.4/2006/120, para. 3.
33 The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10,
para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.

\[44\] OHCHR 2009 Annual Report, Activities and Results, pp. 192, 195, 196 and 216.

\[45\] CCPR/C/USA/CO/3/Rev.1, para. 28.

\[46\] CERD/C/USA/CO/6, para. 23.

\[47\] A/HRC/11/36/Add.3, para. 103.

\[48\] A/HRC/15/18, para. 81.

\[49\] A/HRC/11/36/Add.3, para. 97.

\[50\] CERD/C/USA/CO/6, para. 15.

\[51\] A/HRC/15/18, para. 82.

\[52\] CERD/C/USA/CO/6, para. 20.

\[53\] Ibid., para. 14.

\[54\] See CERD/C/USA/CO/6/Add.1, paras. 3–17.


\[56\] Ibid., para. 100.

\[57\] CRC/C/OAPC/USA/CO/1, para. 17.

\[58\] Ibid., para. 18.

\[59\] CERD/C/USA/CO/6, para. 23.

\[60\] CCPR/C/USA/CO/3/Rev.1, para. 7.

\[61\] Ibid., para. 29.

\[62\] CAT/C/USA/CO/2, para. 31.

\[63\] General Assembly resolution 62/149.


\[66\] Ibid., pp. 361–363.

\[67\] A/HRC/11/2/Add.5, para. 56.

\[68\] Ibid., para. 83.

\[69\] S/2008/19, para. 54.

\[70\] A/64/311, para. 34.

\[71\] A/HRC/10/14/Add.1, paras. 39–41.

\[72\] CERD/C/USA/CO/6, para. 25.

\[73\] CCPR/C/USA/CO/3/Rev.1, para. 30.

\[74\] CAT/C/USA/CO/2, para. 37.

\[75\] A/HRC/11/2/Add.5, para. 75.

\[76\] CAT/C/USA/CO/2, para. 16.

\[77\] See CAT/C/USA/CO/2/Add.1, paras. 2–3.

\[78\] CAT/C/USA/CO/2, para. 18.

\[79\] Ibid., para. 13.

\[80\] Ibid., para. 19.

\[81\] CCPR/C/USA/CO/3/Rev.1, para. 13.

\[82\] CAT/C/USA/CO/2, para. 24.

\[83\] CCPR/C/USA/CO/3/Rev.1, para. 13.

\[84\] CAT/C/USA/CO/2, para. 24.

\[85\] E/CN.4/2006/120, para. 96.

\[86\] See CAT/C/USA/CO/2/Add.1, paras. 19–22.

\[87\] See CCPR/C/USA/CO/3/Rev.1/Add.1.

\[88\] E/CN.4/2006/120, annex II.

\[89\] CAT/C/USA/CO/2, para. 26.

\[90\] A/HRC/6/17/Add.3, para. 61.

\[91\] Address by the United Nations High Commissioner for Human Rights to the Human Rights Council, 4 March 2010.

\[92\] CAT/C/USA/CO/2, para. 17.
93 CCPR/C/USA/CO/3/Rev.1, para. 12.
94 CAT/C/USA/CO/2, para. 17.
95 CCPR/C/USA/CO/3/Rev.1, para. 12.
96 See CCPR/C/USA/CO/3/Rev.1/Add.1.
97 A/HRC/6/17/Add.3, para. 63.
98 CAT/C/USA/CO/2, para. 20.
99 CCPR/C/USA/CO/3/Rev.1, para. 16.
100 CERD/C/USA/CO/6, para. 24.
101 See CAT/C/USA/CO/2/Add.1, paras. 4–5.
102 See CCPR/C/USA/CO/3/Rev.1/Add.1.
103 CCPR/C/USA/CO/3/Rev.1, para. 32.
104 CAT/C/USA/CO/2, para. 32.
106 Ibid., para. 33.
107 CCPR/C/USA/CO/6, para. 26.
108 CCPR/C/USA/CO/3/Rev.1, para. 25.
109 CRC/C/OPAC/USA/CO/1, para. 28.
110 Ibid., para. 30 (a) and (e).
111 CRC/C/OPSC/USA/CO/1, para. 20.
112 Ibid., paras. 23 and 27.
116 CCPR/C/USA/CO/2, para. 22.
119 See CAT/C/USA/CO/2/Add.1, paras. 10–18.
120 E/CN.4/2006/120, annex II.
121 CCPR/C/USA/CO/3/Rev.1, para. 1.
122 A/HRC/11/2/Add.5, para. 81.
123 See CCPR/C/USA/CO/3/Rev.1/Add.1.
124 CAT/C/USA/CO/2, para. 27.
125 Ibid., para. 28.
126 E/CN.4/2006/120, para. 100.
127 Ibid., annex II.
129 CCPR/C/USA/CO/3/Rev.1, para. 18.
130 CAT/C/USA/CO/2, para. 30.
131 A/HRC/6/17/Add.3, para. 55.
132 CERD/C/USA/CO/6, para. 24.
134 A/HRC/15/18, para. 77.
135 CCPR/C/USA/CO/3/Rev.1, para. 21.
137 A/HRC/7/14/Add.1, para. 706.
139 A/HRC/15/18, para. 8.
10-04-08 DRAFT

2010 UPR: Human Rights Alert (Ngo) - The United States Human Rights Record – Allegations, Conclusions, Recommendations.

Executive Summary

1. Allegations
Judges in the United States are prone to racketeering from the bench, with full patronizing by US Department of Justice and FBI. The most notorious displays of such racketeering today are in:

a) Deprivation of Liberty - of various groups of FIPs (Falsely Imprisoned Persons), and

b) Deprivation of the Right for Property - collusion of the courts with large financial institutions in perpetrating fraud in the courts on homeowners.

Consequently, whole regions of the US, and Los Angeles is provided as an example, are managed as if they were extra-constitutional zones, where none of the Human, Constitutional, and Civil Rights are applicable.

Fraudulent computers systems, which were installed at the state and US courts in the past couple of decades are key enabling tools for racketeering by the judges. Through such systems they issue orders and judgments that they themselves never consider honest, valid, and effectual, but which are publicly displayed as such. Such systems were installed in violation of the Rule Making Enabling Act. Additionally, denial of Access to Court Records - to inspect and to copy – a First Amendment and a Human Right - is integral to the alleged racketeering at the courts - through concealing from the public court records in such fraudulent computer systems.

2. Conclusions
Widespread corruption of the states and US judiciary is systematic in nature, to the highest courts of the land. Collusion by FBI, the highest officers of US Department of Justice, and support by the highest officers of the largest US corporations, further complicate the matter. Therefore, it is unlikely that restoration of the integrity of the courts and the Human Rights of the people would be possible in a timely manner within the checks and balances that are provided within the US Constitution.

3. Recommendations
Urgent help is needed by our international friends, and the Universal Periodic Review is therefore a unique historic opportunity. We need international monitors to observe strict enforcement of the law on the courts themselves –

a) Rule Making Enabling Act and

b) Right to Access Court Record – to inspect and to copy.

These two laws are key to restoration of integrity of the courts and the Human Rights of the people. Restoration of compliance of the US with ratified International Law is critical for world peace and welfare. The widespread corruption of the judiciary as a class is leading to disintegration of basic government controls in the US, as seen in the current integrity/financial crisis. Allowing such disintegration to proceed poses risks to world peace and welfare, which are difficult or impossible to assess. Therefore, concerted international efforts to restore integrity of the US courts and US government controls are a must.

Notice:

Given the 10 page limit imposed by the UN UPR, this submission should be deemed as merely an abstract. A complete record with documentary evidence, as an Appendix, is posted at:

About the Justice System of Los Angeles County, California

Quotes from the past decade:

• "Los Angeles County got the best courts that money could buy".  
  KNBC (October 16, 2008)

• "Innocent people remain in prison"

• Los Angeles Superior Court’s must be “examine[d for] its role in accepting pleas from innocent defendants and failing to detect police perjury or the conviction of the innocent.”

• "...law enforcement, prosecutors and judges - inexorably chose containment. It is not that individuals or entities conspired to cover up corruption; it is that when a window on its true extent opened, they simply closed it.”

• “The response by police to the Blue Ribbon Panel report was of interest in that it failed to ever mention past present or future investigation into the Rampart scandal abuses that were the reason the Panel was instituted, and were the subject of its report. Obviously the LA Superior Court and the DA office, the two other parts of the justice system that the Blue Panel Report recommends must be investigated relative to the integrity of the system, have not produced any response that we know of...”

• The justice system of Los Angeles shows tolerance “of a subcult of criminality in the ranks”.

• Los Angeles County is "the epicenter of the epidemic of real estate and mortgage fraud." FBI (2004)

• “…judges tried and sentenced a staggering number of people for crimes they did not commit.”
  Prof David Burcham (Dean), and Prof Katherine Fisk, Loyola Law School, Los Angeles (2000)

• “This is conduct associated with the most repressive dictators and police states… and judges must share responsibility when innocent people are convicted.”
  Prof Erwin Chemerinsky (Dean), University of California, Irvine Law School (2000)

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  1. Precipitous deterioration in integrity of the Justice System in recent decades
  2. Correlation with introduction of computerized case management systems at the courts
  3. Conditions are unlikely to self-correct within the framework of US Constitution
  4. Such conditions in the US incurs risks that defy assessment to world peace and welfare.
IV. Recommendations
  1. No action is not a reasonable viable option
  2. Immediate action is required to restore integrity of case management systems and court records in the US and the right to access court records – to inspect and to copy
  3. Monitoring by the international community is essential
  4. The US may opt to institute Truth and Reconciliation Commission to address the conduct of the judiciary
V. Appendix - Table of Contents
I. Alleged Human Rights Violations

The primary Human Rights, pursuant to the Universal Declaration of Human Rights, violations of which are alleged in instant submission are:

1. **Article 2**
   Everyone is entitled to all the rights and freedoms set forth in this Declaration, 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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

2. **Article 7**
   All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

3. **Article 8**
   Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

4. **Article 9**
   No one shall be subjected to arbitrary arrest, detention or exile.

5. **Article 10**
   Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

6. **Article 11**
   (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
   (2) No one shall be held guilty of any penal offence on account of any act or omission, which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

7. **Article 12**
   No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.
II. Key Cases

Human Rights Alert, a Los Angeles, California based NGO, alleges herein large-scale, pervasive abuse of the Human Rights of the people of the US through widespread corruption of the courts, law enforcement, the legal profession, and financial institutions. Nine (9) specific matters are provided below as highlights. Numerous others are listed in an Appendix:

1. **Ongoing, false imprisonment for over a decade of thousands of Rampart–FIPs (Falsely Imprisoned Persons), Los Angeles County, California (since before 1998).**

   The Rampart-FIPs are the victims of the Rampart corruption scandal (1998-2000), almost exclusively black and latinos, who have almost all remained imprisoned. By estimate, about a third of them were still juveniles at the time of their false confinement. An official government panel (2006), which reviewed such state of affairs some eight (8) years after the launch of the initial scandal investigation, with no official report of the investigation ever issued, concluded that it was unreasonable from the start to expect that the corrupt justice system of Los Angeles County would have been able to investigate, prosecute, and judge its own corruption. The panel refused to issue specific findings regarding the scope and nature of the corruption involved in the Rampart scandal, since the Los Angeles Superior Court continues to deny access to court records, in disregard of US First Amendment and Human Rights. Therefore, not even a good estimate of the number of victims is available. The official review panel recommended an outside investigation, to examine the integrity of the Los Angeles Superior Court, Los Angeles County prosecutors, and the Los Angeles Police Department. Such recommendations remain unheeded. The ongoing false imprisonment of thousands of Rampart-FIPs is alleged as a Human Rights disgrace of historic proportions.

2. **Ongoing false imprisonment of two of the Angola Three, New Orleans, Louisiana (since 1972)**

   In 1972, in Louisiana, 3 young black men were silenced for trying to expose continued segregation, systematic corruption, and horrific abuse in the biggest prison in the US, an 18,000-acre former slave plantation called Angola. In 1972 and 1973 prison officials charged Herman Wallace, Albert Woodfox, and Robert King with murders they did not commit and threw them into 6x9 ft cells in solitary confinement, for over 36 years. Robert was freed in 2001. In March 2008, solitary confinement of the other two was terminated, but Herman and Albert remain behind bars. Three court cases are now pending. Albert Woodfox and Herman Wallace are both appealing to have their convictions overturned. On October 9, 2009, the State Supreme Court denied Wallace's writ, so he will now be filing a habeas petition in Federal Court.

   The joint federal civil rights lawsuit of Woodfox, Wallace, and Robert King, arguing that their time in solitary confinement is “cruel and unusual punishment,” will go to trial any month in Baton Rouge, at the U.S. Middle District Court.

3. **False hospitalization of 70 year-old, former US prosecutor Richard Fine, Los Angeles County, California (since March 2009)**

   Richard Fine exposed and vocally rebuked the taking by ALL Los Angeles County judges of payments (~$45,000 per judge per year) that were eventually ruled in October 2008 “not permitted”. In parallel, he documented that it became practically impossible to win a case at the courts against the payer of the “not permitted” payments – Los Angeles County. In February 2009, at the urging of the California Judicial Council, the California Governor singed into law of dubious validity “Retroactive Immunities” for all judges who took such “not permitted” payments, to mitigate their civil and criminal liabilities. Less than two weeks later, on March 4, 2009, Richard Fine was apprehended by the Los Angeles County Sheriff’s Department Warrant Detail – albeit with no warrant at all. He has been falsely hospitalized under solitary confinement ever since. His case is of historic significance, since it provided abundant evidence of (a) the racketeering nature of the
conduct of the courts and the justice system of Los Angeles County, covered up by fraudulent
conduct all the way up to the US Supreme Court, and (b) the central place of the case management
and public access systems in producing false court records and perverting justice in all justice system
agencies involved – Los Angeles Superior Court, Los Angeles Sheriff’s Department, US District
Court- Central District of California, and US Court of Appeals, 9th Circuit, and US Supreme Court.
On March 12, 2010 Clerk to Associate Justice Anthony Kennedy issued a letter purporting the
Richard Fine’s Application for Stay of Execution of “Continuous Confinement” was denied on the
same date. However, the online US Supreme Court system failed to list either the Application or the
denial order, and no order was ever found in the case file at the US Supreme Court either.

4. Drowning deaths of prisoners during Hurricane Katrina, and post-Katrina police shootings of
An unknown number of prisoners were abandoned by the prison guards to drown in a New Orleans
prison when water level was rising. It was likely one of the most serious abuses of Human Rights in
the US in the past decade. No official report of US, State of New Orleans, or local government
could be found on the matter. The case remains shrouded in secrecy, with no evidence of corrective
measures at all.

5. False imprisonment of thousands of juveniles in a “kids for cash” scandal, Luzerne County,
Pennsylvania (exposed in 2008).
The false imprisonments in Pennsylvania were the result of corruption of the justice system, were the
main culprits are State of Pennsylvania judges, of are now prosecuted for racketeering. The case is
still unfolding. Media reports indicate that complaints regarding corruption of the courts in Luzerne
County were ignored for years.

6. Large-scale corruption of the courts in El Paso, Texas (exposed in 2009).
The scope of the corruption of judges in El Paso, Texas, is difficult to gauge, since media are denied
access to court records, and information is scarce of the still evolving scandal.

7. Large-scale corruption of government and the courts, San Bernardino County, California
(exposed in 2010).
The scandal is still evolving. For several years the local media in San Bernardino County,
California, have been exposing and denouncing the corruption of senior county officials and the San
Bernardino Superior Court. Senior County officials were indeed recently indicted. However, there
is no indication that investigation of overwhelming, credible evidence of corruption of the San
Bernardino Superior Court has ever been instituted.

8. Deprivation of the Right for Possession: Ongoing Financial/Integrity Crisis involving Large
Financial Institutions, law-firms, the Courts, and Banking Regulators, Los Angeles County,
California, and across the US (exploded in 2008)
The evidence reveals a multi-level integrity crisis: (a) Fraud of unprecedented, trillions-of-dollars-
scale against the US treasury and the people by large US financial institutions; (b) Routine fraud
against individual home owners by the same institutions in collusion with the courts and large law-
firms, and (c) Refusal of US law enforcement to provide Equal Protection for the individual victims
of such abuse, and cover up of the criminality underlying the crisis in reports to the people, to US
Congress, and to the international community.

The case of Joseph Zernik is provided as an example, since it included full documentation of abuse
of Human Rights at the Los Angeles Superior Court, at the US District Court, Los Angeles, and the
US Court of Appeals, 9th Circuit. Moreover, the case provided evidence that large financial
institutions were directly involved in such abuse Countrywide Financial Corporation, Bank of
America Corporation (recipient of some $200 billions in bailout funds), and Old Republic
International. Evidence submitted to the US Comptroller of the Currency documented direct involvement of Brian Moynihan, President of Bank of America in fraud in this case. Further evidence is provided for collusion in such abuse by some of the world’s and US largest law-firms, including but not limited to Bryan Cave, LLP, Sheppard Mullin, and Buchalter Nemer. Evidence is also provided of refusal of FBI, SEC, Office of Federal Trade Commission, Office of Thrift Supervision, and Office of the Comptroller of the Currency to provide Equal Protection to the individual victims.

In November 2007 Dr Zernik was forced to leave his home and his property under the threat of force, unlawful by credible. His property was forcibly entered by Attorney David Pasternak, former President of the Los Angeles Bar Association, who claimed to take possession of it, albeit, with no valid legal foundation. Attorney Pasternak later conducted fraud in conveyance of title on the property, as opined by Mr Wedick, a fraud expert and FBI veteran, who had been decorated by US Attorney General, by US Congress, and by FBI Director. Dr Zernik’s property was taken for private use, and to this date he has never received a penny in compensation. His equity in the property amounted to close to $1 million. No local, state, or US agency has been willing to provide equal protection against such criminalities, although fraud expert Wedick opined “… fraud being committed…” and “…investigation should be immediately instituted…”

Please notice: The case involved no bankruptcy, no foreclosure, and no mortgage default of any kind. The case presented a unique example for the cover up by US agencies of the alleged and opined criminality that underlies the current crisis, which is fundamentally an integrity crisis, not a financial or economic crisis per se.

9. Discrimination by the US Government against the region of Los Angeles County, California (at least since ~1980)

The discrimination is best evidenced in the refusal of US government to protect the fundamental Constitutional, Civil, and Human Rights of the 10 million residents of the county, including but not limited to right for Fair and Impartial Hearings, the right for National Tribunals for Protection of Rights, the right to Access to Court Records – to Inspect and to Copy, and the rights of Liberty and Possession. Such discrimination has been ongoing for at least two decades, effectively rendering Los Angeles County, California, an extra-constitutional zone. The origins of such state of affairs are found in long term collusion of US agencies with local agencies in profound violations of the law and abuse of the rights of the people, which left US agencies not willing, ready, able to investigate, and prosecute- if necessary, overwhelming credible evidence of racketeering by Los Angeles County judges.

10. Racketeering by judges is commonplace in the US, tolerated and patronized by US Department of Justice.

Judges were/are prosecuted for racketeering in recent decades in San Diego and San Jose, California, in Cook County (Chicago), Illinois, and in Luzerne County, Pennsylvania. However, the evidence indicates that racketeering by judges in various parts of the US is common, in both state and US courts. However, such conduct is tolerated and patronized by FBI and US Department of Justice. The installation in the past quarter century of computerized case management systems at the courts amounted to a sea change in operations of the courts. However, in not a single case that was examined, were such systems adequately established in the Local Rules of Courts. Moreover, in all cases that were examined, introduction of such systems was accompanied with denial of public access to critical court records. Such conditions are claimed to be central to the precipitous deterioration in integrity of the courts. Complaints alleging racketeering by judges of the Los Angeles Superior Court were filed with US Attorney General already in 2008, with large volume of credible evidence. It is alleged that senior FBI and US Department of Justice officers provided fraudulent responses to US Congress in this matter in 2008. In late 2009 complaints were filed with
US Department of Justice Inspector General, and Congressional Inquiries followed. The case is still pending.

III. Conclusions

The five (5) conclusions, listed below, are far reaching. Nevertheless such conclusions were deemed direct extension of the evidence provided by Human Rights Alert in instant submission. It is acknowledged that Human Rights Alert never mastered the resources or the time to provide full substantiation of such conclusions. However, the significance of such conclusions is such, that they must not be overlooked, even if taken only as defining the scope and depth of required international effort in such matters:

1. **Precipitous Deterioration in Integrity of the US Justice System took place in recent decades.**
   Regardless of the US’s unique contribution to establishment of the UN and the passage of the Universal Declaration of Human Rights in the wake of World War II, conditions in the US today reflect substantial deterioration of the integrity of government in general, and the justice and financial systems in particular.

2. **Introduction of false database and case management systems in the justice system, at US government agencies, and in financial institutions, was central to the deterioration in court integrity and consequent harms.**
   Such precipitous deterioration in the integrity of the Justice and Financial Systems in particular, and US government in general, is tightly correlated with the introduction of fraudulent large computer systems at US agencies. Major harm was inflicted through such compromised integrity in the US government – in areas that are not often seen as conjoined: Abuse of Human Rights, and major loss in US and world economic growth potentials.

3. **The undermined integrity of US Justice and Financial Systems is unlikely to self-correct in a timely manner through checks and balances that are intrinsic to the US Constitution.**
   The conduct of the US and states judges was and is inherent and central to the development of current conditions. Such conduct is claimed as abandonment of their oath of loyalty to the US Constitution. Therefore, it was unlikely that the US government system, as a whole, would be able to self-correct in a timely fashion through the checks and balances that are inherent to the US Constitution.

4. **Allowing such conditions to prevail and the deterioration to continue incurs major risks to world peace and welfare, which are difficult or impossible to assess.**
   Such compromised integrity of US government systems undermines the power of the US central government and the White House, and allows peripheral regions, such as Los Angeles County, California, to flaunt their defiance – as renegade regions of the US. Such conditions in Los Angeles County, California, are best reflected today in violation of Human Rights in a two-fold manner:

   (a) In the case of Richard Fine - the false hospitalization, for over a year, of the 70 year old former US prosecutor, who exposed the widespread corruption of the judges of the Los Angeles Superior Court in taking payments that were “not permitted”. He is held by the Los Angeles County Justice System for over a year with no warrant, no judgment/conviction and no sentencing ever been entered.

   (b) In real estate fraud by the Los Angeles Superior Court in collusion with Bank of America Corporation, including Brian Moynihan, its president – The case was opined as fraud by a highly decorated FBI veteran, and is only one of many cases of real estate fraud by the court that have been documented. However, FBI and US Department of justice are not ready, willing, able to enforce the law and provide Equal Protection to persons residing in Los Angeles County, California. Furthermore, to cover up such conduct senior US Department of Justice officers perpetrated alleged fraud on US Congress. The ongoing cover-up of racketeering by the judges
of Los Angeles Superior Court in collusion with senior management of Bank of America Corporation in the midst of the current crisis, defy any notion of reasonably functional government operations in the US today.

In both cases, the Los Angeles Superior Court, backed by the US Court, Central District of California, US Court of Appeals, 9th Circuit, are flaunting their disregard for Human, Constitutional, and Civil Rights and the Rule of Law.

Allowing the US to lose its cohesion at the dawn of the 21st century incurs major risks to world peace and welfare, which are difficult or impossible to assess.

IV. Recommendations

1. Ignoring the large-scale Human Rights violations by the US, exposed through the 2010 UPR, is not a reasonable, viable option for the international community.

   Restoring the integrity of US government and restoring US Human Rights compliance are critical for world peace and welfare. No response at all must not be allowed.

2. International efforts should focus on immediate effective actions by the US government to enforce strict compliance of the US and state courts with: (a) The Right to Access Court Records – to Inspect and to Copy, and (b) The Rule Making Enabling Acts (states/federal).

   Emphasis on these two measures may initially appear as narrow and technical. However, based on review of conditions in various courts across the US, it is concluded that enforcement of these two measures is both necessary and sufficient to affect an immediate, dramatic improvement in integrity of the US Justice System. Moreover, enforcement of these two simple measures is easy to monitor. Finally, enforcement of these two measures will empower the residents of the various regions of the US to assert their Constitutional, Civil, and Human Rights, by making the courts much more transparent.

   Implied in the enforcement of the Rule Making Enabling Act is explicit enumeration of the Local Rules of Courts, which are embedded in the specifications and programming of the computerized case management and public access systems of the courts. Such systems were installed in state and federal courts across the US in the past two decades. They amounted to a sea change in the operations of the courts. However, in no case that was examined, were the systems installed in a manner that was honest, valid, and effectual in compliance with the law. On the contrary, in each and every case that was examined, features were found in the design and operation of such systems, which upon review by competent fraud experts should be deemed fraud on the people.

   Implied in enforcement of the Rule Making Enabling Act is also compliance with the requirement to post new proposed Rules for a reasonable period - for public comment and challenge. Given that such rules are embedded in computer programs, it would be necessary to extract such rules and explicitly state them in natural language. However, such process of extracting the Rules or assertions from existing programs must be publicly monitored in order to ensure compliance with the Rule Making Enabling Act. It is therefore deemed essential that extracting and posting the Local Rules embedded in such systems, be executed in the context of subjecting such systems to publicly accountable validation (certified, functional logic verification). Similar measures should eventually follow in other US agencies, in financial institutions, and in public corporations. The need is apparent to develop in the US a professional license in the field of publicly-accountable computer systems validation (certified, functional logic verification).

3. Effective monitoring by the International Community of US efforts to restore the Rule of Law by enforcement of the law on the courts is essential – a reverse Marshall Plan.
The primary stakeholders – the UN, the European Union, and China, must engage in intensive monitoring of US actions and progress in enforcing the law on the US and states courts. One form of such monitoring that may prove particularly effective, would be in routine, comprehensive attempts by such international monitors to exercise the right to access public records – to inspect and to copy, at the courts and at any other applicable US and states agencies. Involvement of international experts in validating the Court’s case management and public access, may likewise prove to be a must, since the evidence shows timidity by US experts in addressing the double hazard of court corruption, and major harm inflicted by computer programmers on the Human Rights of the people of the US.

4. The US may opt to institute a “Truth and Reconciliation Commission”.
   It is claimed that once public access to court records – to inspect and to copy – is restored, the US public is likely to be shocked by the level of criminality by state and federal judges, which is evidenced in court records that are today concealed. Conditions in the US today are in fact “Tyranny of the Courts”. Accordingly, upon relief of such tyranny, Truth and Reconciliation Commission may be found to be a practical necessity, as used in other nations who emerged from various types of oppression.

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Appendix

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1. Precipitous Deterioration in Integrity of the Justice System in recent decades.
   Regardless of the US’s unique contribution to establishment of the UN and the passage of the Universal Declaration of Human Rights, conditions in the US today reflect substantial deterioration of the integrity of government in general, and the justice and financial systems in particular.

2. Correlation with Introduction of Case Management Systems:
   The report suggests that such deterioration is tightly correlated with the introduction of fraudulent large computer systems in US agencies.

3. Conditions are Unlikely to Improve Within the Framework of US Constitution.
   Moreover, conditions in the US today are assessed as such that cannot be effectively addressed within the existing US Constitutional frameworks

IV. Recommendations
   Ignoring conditions at the US is not a viable option for the international community.

2. Immediate Action is Required to Restore Integrity of Case Management Systems
   Urging the US government to immediately institute mechanisms for publicly accountable validation (certified, functional logic verification) of large computerized database systems in the courts, in correctional institutions, at banking regulators, and large public corporations – including but not limited to financial institutions.

3. Monitoring by the International Community is Essential
   Careful monitoring of conditions in the US by the UN and the international community.

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A. Los Angeles County, California
   1. Los Angeles Superior Court - Criminal Courts
         The largest corruption scandal in the history of the US justice system involved routine framing of innocent defendants by officers of the undercover narcotic unit of the Rampart Division, and evidence of their role in illicit drug markets and various other types of criminal conduct.
      b) Rampart-FIPs (Falsely Imprisoned Persons)
         The thousands who are the victims of the Rampart Scandal (1998-2000), almost exclusively black and latinos, and by estimate – a third still juveniles at the time of their framing, remain in prison. It is a Human Rights violation of historic proportions.
      c) Judge Jacqueline Connor
         Overwhelming credible evidence shows Judge Connor’s central role in the large-scale false imprisonments in Los Angeles County and her special relationship with the undercover narcotic unit officers, which later turned out to be at the center of the corruption. Regardless, she continues to sit on the bench, FBI refuses to investigate the case against her, and she did not hesitate to condemn defendants to capital punishment as well.
      d) Records
         Official reports, independent reports, media reports of the Rampart scandal, the Rampart FIPs, Judge Jacqueline Connor, and the First Rampart Trial pert
   2. Los Angeles Superior Court – Juvenile Courts
      a) Ongoing false imprisonment of juveniles
         About a third of the Rampart FIPs are estimated to have still been juveniles at the time that they were falsely convicted and falsely sentenced to long prison terms. Their ongoing imprisonment is a Human Rights violation of historic proportion.
b) Records

3. Los Angeles Superior Court - Probate Courts
   a) Abuse of the Elderly and Others under Conservatorships was documented in an acclaimed series of articles by the Los Angeles Times (2005). No discernable reform was instituted.
   b) Records

4. Los Angeles Superior Court – Family Courts and Children’s Services
   a) Abuse and death of children under custody programs continue at alarming rate in recent years. The respective agencies administrators come and go, but no true reform was instituted.
   b) Records

5. Los Angeles Superior Court - Case Management (Sustain) and Public Access (E-Court) Systems
   a) Alleged large-scale fraud on the people in computer systems of the court.
   b) Records

6. Los Angeles Superior Court - Denial of Access to Court Records - to Inspect and to Copy
   a) Los Angeles Superior Court denies the right to access court records
   b) Records

7. Los Angeles Superior Court- Wide Spread Corruption of the Courts
   a) Taking by Judges of Payments that were “Not Permitted”
   b) Perversion of justice in the case of Sturgeon v Los Angeles County
   c) Dubious “Retroactive Immunities”
   d) Retaliation against the whistleblower
   e) Records

8. Los Angeles Superior Court – Civil Courts: Real Estate Fraud by the Courts
   Los Angeles County was defined already in the early 2000s by FBI as the “epicenter of the epidemic of real estate and mortgage fraud”. It is alleged that the Los Angeles Superior Court, attorney, financial institutions, and other government agencies are directly involved in perpetrating such real estate fraud cases on the people. FBI and US Department of Justice, as well as the US Courts were fully aware of such conduct and patronized the alleged racketeering by the judges of the Los Angeles Superior Court.

9. Los Angeles Superior Court - Financial Mismanagement/Financial Fraud
   Conclusive evidence of financial mismanagement/fraud at the Los Angeles Superior Court goes back at least a decade. It is alleged as integral part of the evidence of racketeering, which FBI and US Department of Justice refuse to investigate:
   a) Corporations and funds reported a decade ago (1999).
   b) “Journal Entry” cases, which FBI refuses to investigate.
   c) Receiverships, child support, conservatorships.
   d) Corporate structure of the Court and the County, computers systems, “not permitted” payments.
   e) Records

10. Los Angeles Superior Court – Presiding Judge Charles McCoy and Clerk of the Court John A Clarke

11. Los Angeles County Sheriff’s Department
    a) Public access (online Inmate Information Center) and case management systems (Los Angeles County Booking Records) of the Sheriff’s Department
    b) False Records Of the Sheriff’s Department for Foundation of Holding Numerous Inmates in the Los Angeles Jails
    c) Refusal of the Sheriff’s Department to Correct False Records Posted Online as Foundation for the Arrest and Imprisonment of Richard Fine.
    d) Denial of Access to Public Records
    e) Refusal of the Sheriff’s Department to Accept Complaints Regarding False Arrests and False Imprisonment
    f) Complaint filed with the Sheriff’s Department of Los Angeles County – Alleged Corruption of Bond/Bail Operations
    g) Refusal of Local Law Enforcement to Accept Complaints of Criminal Conduct - Los Angeles County Sheriff’s Department to accept complaints on alleged abuses and violent crimes
    h) False Arrest and False Imprisonment of Richard Fine
    i) Conditions in Los Angeles County Jails

12. Los Angeles County: Refusal of Law Enforcement to Provide Equal Protection
    a) Refusal of Local Police to Accept Complaints of Criminal Conduct – City of La Verne
    b) Refusal of Local Police to Accept Complaints of Criminal Conduct – City of Beverly Hills

13. Los Angeles County, California: Conduct of Large Law-Firms
    Attorneys as a class should be considered as part of government, given the structure of the California State Bar Association – as an arm of the courts. The evidence demonstrate common corrupt practices of the profession – by
law firms large and small, and a “Code of Silence” – where no attorney dares to speak of such corruption, for fear of retribution. Particularly troubling is the conduct of large US or world law firms such as Bryan Cave, LLP, Sheppard Mullin, and Buchalter Nemer, who the evidence shows engage in what must be deemed as racketeering at the courts in collusion with judges and large financial corporations. In other cases – in collusion with the California Judicial Counsel, chaired by California Chief Justice Ronald George.

a) Bryan Cave, LLP – false appearances and obstruction/perversion of justice on behalf of Countrywide Financial Corporation/ Bank of America Corporation.

b) Buchalter Nemer – false appearances on behalf of Old Republic International.

c) Jones Day -

d) Sheppard Mullin, LLP – the Presiding Judge’s former law firm, engaged in alleged racketeering in collusion with judges of the court.

e) Records

14. Los Angeles County, California: Retaliation, Intimidation, Harassment, and False Hospitalizations of Attorneys

a) The case of Richard Fine – coerced medically unjustified hospitalization

b) The case of Ronald Gottschalk – coerced psychiatric hospitalization

c) The case of Steven Yagman – “a cage went looking for a bird”

B. Riverside and San Bernardino Counties, California

1. Riverside & San Bernardino Counties, California: Conservatorship Programs

Abuse of the elderly, patronized by the courts, was repeatedly reported. California Department of Justice and Attorney General refused to take action.

2. San Bernardino County, California: Government and the Courts

3. Allegations of real estate fraud by Judge Michael Welch

Former Presiding Judge, San Bernardino County, was tied in newspaper report to numerous cases of real estate fraud under the conservatorship programs.

4. Loans to judges by financial institutions.

C. State of California Justice System Agencies

1. California Correctional Institutions

a) Medical Care of Prisoners in California Correctional Institutions

Following findings of large-scale abuse in the medical care of prisoners in California, an Overseer was appointed under the Bush administration. The first Overseer attempted to reform medical care through ordering allocations of appropriate funds. He was then removed from office. Ineffectiveness of his replacement led to ongoing litigation in US Courts, where large-scale release of prisoners was ordered to remedy the situation, still uncorrected.

2. Jerry Brown and the Office of California Attorney General

The evidence shows that during his years in office California Attorney General Jerry Brown was fully informed of corruption in Los Angeles County courts, but refused to take action to provide equal protection from alleged racketeering by judges.

3. Ronald George - Chief Justice, California Supreme Court, and Chair of the California Judicial Council

a) Installation of Sustain – The case management of the Los Angeles Superior Court was installed circa 1985, at a time that Ronald George served in leadership positions at the Los Angeles Court. Sustain

b) His failed attempt to derail the appointment of Erwin Chemerinsky as founding dean of the University of California Irvine Law School.

c) His direct responsibility, as Chair of the California Judicial Counsel, for the retaining of attorneys to engage in perversion of justice at the US Courts on behalf of State of California judges.

d) Refusal to take corrective actions regarding various aspects of corruption of the courts.

4. California Court of Appeals, 1st District (San Francisco)

a) Justice James A Richman and Sturgeon v Los Angeles County.

5. California Court of Appeals, 2nd District (Los Angeles)

a) Galdjie v Darwish

b) Filipescu

c) Records

6. California Court of Appeals, 4th District (San Diego)

a) Sturgeon v Los Angeles County - Ruling on payments that were “not permitted”

7. The California State Bar Association – an Arm of the Courts

a) The case of the California State Bar Association

b) The case of Los Angeles County Bar Association Former President – Attorney David Pasternak
c) The case of California State Bar Association former Chair of Professional Responsibility and Ethics Committee – Attorney John Amberg

d) The case of Disbarment of Attorney Richard Fine for “Moral Turpitude”

8. California Department of Financial Institutions

D. Government Agencies, in States Outside California

1. New Orleans, Louisiana
   a) Solitary confinement of the Angola 3 for over 30 years (1970s)
   b) Hurricane Katrina drowning deaths of prisoners (2005)
   c) Post-Hurricane Katrina shooting by police of unarmed blacks (2005)

2. Luzerne County, Pennsylvania
   “Kids for Cash” false imprisonments of juveniles in judicial racketeering case, Luzerne County, Pennsylvania

3. Harris County, and El Paso, Texas
   a. Sheriff’s Office records, Harris County, Texas
   b. Judicial Corruption scandal, under seal, El Paso, Texas

E. US Courts – National Tribunals for Protection of Rights

1. US Court, Central District of California
   b. Audrey Collins – Chief Judge, and Terry Nafisi – Clerk of the Court
   c. Judge Virginia Phillips: March 21, 2008 Minute Order; Minute Order, Judgment in Zernik v Connor et al
   d. Judge John Walter: June 29, 2009 Judgment in Fine v Sheriff of Los Angeles County.
   e. Judge Steven Larson
   f. Judge Manuel Real
   g. Magistrate Carla Woehrle: Alleged perversion of justice in both Zernik v Connor et al and Fine v Sheriff of Los Angeles County ( ) – effectively acting as the patron of the racketeering judges of the Los Angeles Superior Court at the US District Court, Central District of California.


i. PACER and CM/ECF – systems of the US District Court, LA

j. Denial of Access to Public Records – First Amendment Right

2. US District Court, Vermont
   a. Huminski v Rutland Police Department ( ), and case management/public access systems.

3. US District Court, Washington DC
   b. Zernik v Melson et al

4. US Court of Appeals, 2nd Circuit - and then Circuit Judge Sonia Sotomayor
   a) Then Circuit Judge Sonia Sotomayor – issuance of unsigned order in Huminski v Town of Bennington, Vermont ( )
   b) Denial of Access to Public Records
   c) Records

5. US Court of Appeals, 9th Circuit
   a) Chief Judge- Alex Kozinski, Circuit Judges Richard Paez and Richard Tallman in Richard I Fine v Sheriff of Los Angeles County (09-071692).
      Unsigned, unauthenticated, false and deliberately misleading June 30, 2009 Order denying the Emergency Petition of the falsely imprisoned Richard I Fine, issued in the names of Chief Judge Alex Kozinski and Circuit Judges Richard Paez and Richard Tallman:

b) Circuit Judges Stephen Reinhardt, Marsha Berzon and Milan Smith in Joseph Zernik v United States District Court For The Central District Of California (08-72714),
      Unsigned, unauthenticated, false and deliberately misleading, unsigned June 25, 2008 and June 26, 2008 Orders denying the Emergency Petition of Joseph Zernik, originating from real estate fraud by the judges of the LASC, as opined by decorated FBI veteran fraud expert James Wedick. The Orders were issued in the names of Circuit Judges Stephen Reinhardt, Marsha Berzon and Milan Smith:
      The practices involved in the operation of the public access (PACER) and the case management and electronic court filing at the CCA9th, were deemed fraud, similar to that which is routinely perpetrated at the USC-CACD.
      The public access system (PACER) displays orders and judgments that are not signed, and no authentication records are accessible to the public. The authentication instruments – the Notices of Docketing Activity (NDAs) are sequestered in the case management and electronic court filing system (CM/ECF), and are deemed fraudulent by design. Under such conditions, the CCA9th is deemed as posting online numerous dockets of cases that are never deemed valid court cases by the Court itself, and where the Circuit Judges feel at liberty to post orders and judgments that are contrary to the law of the US.
      The CCA9th, like the USC-CACD, failed to ever establish its electronic authentication practices in Local Rules of Court, as required by law. The only place where such practices are mentioned, are User’s Guide to the CM/ECF program:
      Like the USC-CACD, the CCA9th was shown to fail to serve the authentication instruments on pro se filers. Furthermore, at times issued, like the USC-CACD dishonest, invalid and ineffectual authentication instruments, failing to include the Court’s electronic stamp:
      Denial of Access to court records, and denial of notice and service – Due Process rights:
      The CCA9th, like the USC-CACD, denies access to records, in disregard of First Amendment rights, and also denies the right for Notice and Service of court records – a cornerstone of Due Process rights. Like the USC-
The NDA authentication instrument is deemed fraudulent by design:

Review of the authentication instrument itself – the Notice of Docketing Activity (NDA) – would lead a reasonable person to conclude that such authentication was never valid in the first place, and that the system as a whole was fraud by design. The authentication instrument, the NDA, fails to include the name of the person authenticating the records, fails to include any certification that such person, who purportedly constructed the docket, was authorized as a Deputy Clerk. Furthermore, the authentication instrument fails to include any language stating the Court’s orders and judgments, or any other record for that purpose was “entered”, and finally – no definitive binding statement is made relative to the service of the NDA itself. The language included in the NDA is in the future tense (“will be mailed”), is not on behalf of any particular individual, and it appears in the record below the electronic court stamp. In fact, in both cases listed above - Richard I Fine v Sheriff of Los Angeles County (09-071692), and Joseph Zernik v United States District Court For The Central District Of California (08-72714), the NDAs were NOT served on pro se filers at all

c) Issuance of false and deliberately misleading NDA- including false record attachments:

An entirely different type of alleged fraud in the design and practice of NDAs was found in the case of Richard Shelley. In Shelley v Quality Loan Services (09-56133), an individual was attempting to protect his rights against a financial institution, again in alleged real estate fraud. The CCA9th denied the Appeal in the case in an unsigned order. Moreover, although the CCA9th did serve the NDA on Shelley in this case, albeit, with a false and deliberately misleading attachment – court order from an unrelated habeas corpus petition. The court failed to correct the error even after Shelley pointed it out to the court.

Such practice mirrored the false authentications of judgments and orders seen at the LASC in Samaan v Zernik (SC087400) and in Sturgeon v Los Angeles County (BC351286). CM/ECF as designed and operated at the CCA9th is alleged as fraud on the people.

It is alleged that features, such as documents above and listed below, could not possibly exist in such system, which is critical for the Human Rights of some 50 million residents of the US, had the case management and electronic court filing system – CM/ECF – been ever subjected to publicly accountable validation (certified, functional logic verification):

a) Invalid language of the authentication document that is the NDA (Notice of Docketing Activity);

b) Failure to establish the practice and procedures of the NDAs in the Local Rules of Court in compliance with the law - Rule Making Enabling Act 28 USC §2071-7;

c) The system allows the CCA9th clerk to issue NDAs that failed to include the Court’s electronic stamp, and

d) The system allows the CCA9th clerk to issue an NDA that was linked to an order from an entirely unrelated case.

6. US Supreme Court

The evidence below shows that the US Supreme Court adopted the same corrupt practices of all other courts described in instant submission to the UN. The US Supreme Court engages in the issuance of decisions or pretense of decisions and rulings, which are surely never deemed honest, valid and effectual rulings and decisions by the court itself. The highlight of such conduct in the evidence below, is the deprivation of Liberty of Richard Fine through conduct of Supreme Court Justice Anthony Kennedy, which was claimed to have been denial of the Richard Fine Application for Stay of Sentence of “Coercive Confinement”, but – based on the records in the case - could not possibly be deemed as a valid denial as an action of the US Supreme Court.

a. Richard I Fine v Sheriff of Los Angeles County (09-A827)

The evidence shown below documents the SCOTUS as the ultimate perpetrator of the fraud on the people, in generating false and fraudulent court records to affirm and provide the guise of legitimacy to conduct of the lower courts. The records are from the February 8, 2010 Application for Stay of Execution of Sentence of “Coercive Confinement”, Richard I Fine v Sheriff of Los Angeles County (09-A827), filed by the falsely imprisoned Richard Fine with Justice Patrick Kennedy, who holds oversight duties relative to the US CCA9th. The records show that what was reported as denial by the Supreme Court of the Application, had no valid records of a review at all.

b. Orly Taitz

Attorney Orly Taitz reported similar events, where she was informed of review, but the records and events in the case failed to indicate valid review by the Court.

7. Litigations involving Financial Institutions at the US Courts

Underlying the current financial crisis, and failure to abide by the provisions of the Basel Accords on international banking.

a) Borrower Sharon Diane Hill – Countrywide/ Bank of America

b) Keener – SBSC Mortgage

c) Borrower William Alan Parsley – Countrywide/Bank of America

d) Shelley – Quality Mortgage Services

e) Schaeffer- Hartford Life

f) US - UBS-AG

g) SEC v Bank of America Corporation

h) Zernik – Countrywide/Bank of America, Union Bank, USC Credit Union, Coldwell Banker, Old Republic International

8. US Administrative Office of the Courts

Implementation of PACER & CM/ECF are alleged as a large-scale shell game fraud at the courts.
F. **US Department of Justice and Law Enforcement Agencies, Banking Regulators**
   1. Discrimination by the US government against the region of Los Angeles/Southern California
      a. Historic data – CIA drug trafficking to Los Angeles County during the 1980s and 1990s.
      b. Refusal of the US government to address the Rampart Corruption scandal (1998-2000)
      c. Alleged perversion of *US v City of LA et al* (2001) and appointment of an ineffective “Overseer for Civil Rights”
      d. Alleged perversion of justice in the *US v City of LA et al* - the appointment of Overseer for Civil Rights with no valid entry of the Consent Decree – and the consequent failure to enforce the Consent Decree’s key provisions.
      e. The role of law enforcement in illicit drug markets today.
      f. Refusal of US agencies to enforce First Amendment right to access court records – to inspect and to copy in Los Angeles County, California
   2. Retaliation against Attorneys, Outside California, by US Agencies
      b. The case of New York attorney (name?) in re: GITMO detainees
   3. SEC, and Banking Regulators – Refusal to Enforce the Law in the Face of Credible Evidence of Criminality by Financial Institutions.
      c. SEC
         i. Robert Reich, author of the article, is former US Labor Secretary, and the article, titled “Fraud on the Street” points to the SEC as the culprit in allowing the large scale fraud by financial institutions, which created the current crisis.
      d. Office of US Comptroller of the Currency
      e. Office of Federal Trade Commission
      f. Office of Thrift Regulation
      g. Records
   9. Patronizing of widespread corruption of the judges and large financial institutions by senior officers of the United States
      a. The case of Kenneth Kaiser (Assistant Director- FBI)
      b. The case of Kenneth Melson (Director - US Dept of Justice)
      d. The case of Mary Schapiro (Chair-SEC)
      e. The case of David Kotz (Inspector General - SEC)
      f. The case of John Dugan (Comptroller of the Currency)

G. **About Instant Submission**
   1. Denial of access to records
      The fundamental abuse, which is almost uniformly seen in agencies described in the report, is in the denial of access to public records. Liberty and other Human Rights cannot be restored absent such access.
   2. Media reporting of Human Rights Abuses in the US
      Deregulation in recent decades left US media concentrated under control by large corporate interests. Even the internet, which could have provided a remedy, appears to be effectively muzzled. The case of Wikipedia is provided as an example.
   3. Process and Procedures in Production of Instant Submission
      a. Evidence for efforts to undermine the 2010 UPR of the United States
      b. Records
Appendix

A. Los Angeles County, California

1. LASC - Criminal Courts

Large-Scale, Long-Term False Imprisonments in Los Angeles County, California

b) Rampart-FIPs (Falsely Imprisoned Persons)
c) Judge Jacqueline Connor
d) Records

The corruption of the Los Angeles criminal justice system was fully documented a decade ago, during the Rampart scandal (1998-2000), and its aftermath. However, the thousands, who were documented as falsely imprisoned almost exclusively blacks and latinos, remained imprisoned with few exceptions. The refusal of the US Department of Justice to address the issue appears related to the deep involvement of US agencies in the scandal itself, and in drug trading in Los Angeles, which was the underlying issue of the scandal (see report regarding CIA drug trafficking to Los Angeles under separate section).

The contrast between the treatment of the large scale false imprisonment and the corruption of police, prosecutors and judges in Los Angeles, and the corruption of the juvenile justice system in Luzerne County, Pennsylvania, where a scandal is underway today, is striking and instructive. In Pennsylvania, the court immediately initiated review of all convictions by the allegedly corrupt judges, and US agencies are prosecuting such judges for racketeering. In Los Angeles, FBI and US Department of Justice refuse to accept complaints against such judge (see below). Such differential treatment is the foundation for the claims of discrimination by the US government against the region of Los Angeles – a violation of Human Rights of the 10 million residents of the County.

The Rampart scandal refers to widespread corruption in the Community Resources Against Street Hoodlums (or CRASH) anti-gang unit of the Los Angeles Police Department (LAPD) Rampart Division in the late 1990s. More than 70 police officers in the CRASH unit were implicated in misconduct, making it one of the most widespread cases of documented police misconduct in United States history. The convicted offenses include unprovoked shootings, unprovoked beatings, planting of evidence, framing of suspects, stealing and dealing narcotics, bank robbery, perjury, and covering up evidence of these activities.[1]

The Rampart Scandal is notable in popular culture because at least three Rampart police were found to be on the payroll of hip-hop mogul Marion "Suge" Knight of Death Row Records, a convicted felon with known ties to the Bloods gang. Moreover, detective testimony and a wrongful death lawsuit filed on April 16, 2007, holds Rampart CRASH officers Nino Durden, Rafael Pérez and David Mack responsible for the 1997 drive-by murder of platinum-selling hip hop recording artist Notorious B.I.G.[2]

As of May 2001, the Rampart investigation, based mainly on statements of the admitted corrupt cop (Pérez), implicated over 70 officers of wrongdoing. Of those officers, only enough evidence was found to bring 58 before an internal administrative board. Of those, 12 were given suspensions of various lengths, 7 resigned, and 5 were terminated, bringing into question whether many of Pérez' statements were factual, or an attempt to shift attention from himself and transfer blame.[3] As a result of the probe into falsified evidence and police perjury, 106 prior criminal convictions were overturned.[4] The Rampart Scandal resulted in more than 140 civil lawsuits against the city of Los Angeles, costing the city an estimated $125 million in settlements.[5]

Possibly as a result of the scandal, Police Chief Bernard Parks was not rehired by Mayor James K. Hahn in 2001, and is believed to have precipitated Mayor Hahn's defeat by Antonio Villaraigosa in the 2005 election.[6]

The full extent of Rampart corruption is still not fully known, with several rape, murder and robbery investigations involving Rampart police that remain unsolved to this day.[7][8]

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1. Timeline of scandal

   1. March 18, 1997 - Officer Kevin Gaines road rage shootout

   Around 4:00 pm on March 18, 1997, undercover LAPD officer Frank Lyga shot and killed Rampart CRASH officer Kevin Gaines in self-defense following a case of apparent road rage.[7][9] According to Lyga's and other witness testimony, Gaines pulled his green Jeep up to Lyga's Buick. A confrontation ensued, with Gaines flashing gang signs at Officer Lyga.[9] Lyga was followed by Gaines, with Gaines brandishing a .45 ACP handgun. Lyga took out his gun and called for
backup using a hidden radio activated by a foot pedal. Lyga's voice can be heard on police recordings, "Hey, I got a problem. I've got a black guy in a green Jeep coming up here! He's got a gun!"

Pulling up at a stop light, Lyga later testified that he heard Gaines shout, "I'll cap you." Lyga fired his 9mm Beretta 92 into the SUV, lodging one bullet in Gaines' heart. Lyga radioed one final transmission: "I just shot this guy! I need help! Get up here!"

The killing of a black officer by a white officer created a highly publicized LAPD controversy and prompted allegations that Lyga's shooting was racially motivated. Lyga reported that Gaines was the first to pull a gun, and that he responded in self-defense. Lyga told Frontline, "In my training experience this guy had 'I'm a gang member' written all over him."

In the ensuing investigation, the LAPD discovered that Gaines had apparently been involved in similar road rage incidents, threatening drivers by brandishing his gun. The investigation also revealed that Gaines was associated with rap recording label Death Row Records and its controversial owner, Suge Knight. Investigators learned that Death Row Records, associated with The Bloods, was hiring off-duty police officers like Gaines to serve as security guards.

Lyga served desk duty for one year while the LAPD reviewed the details of the shooting. Following three separate internal investigations, Lyga was exonerated of any wrong doing. The LAPD concluded that Lyga's shooting was "in policy" and not racially or improperly motivated.

Within three days of the incident, the Gaines family had retained attorney Johnnie Cochran and filed a wrongful death lawsuit against the city of Los Angeles for $25 million. The city eventually settled with Cochran for $250,000. Lyga was angry the city settled, denying him the chance to fully clear his name. Judge Schoettler wrote a letter to Chief Bernard Parks stating "Had the matter been submitted to me for a determination, I would have found in favor of the City of Los Angeles." Schoettler's letter alleged political reasons for settling the case, namely, City Attorney James Hahn was preparing to run for mayor and black voters were his primary demographic.

2. November 6, 1997 - Officer David Mack bank robbery

On November 6, 1997, $722,000 was stolen in an armed robbery of a Los Angeles branch of Bank of America. After one month of investigation, assistant bank manager Errolyn Romero confessed to her role in the crime and implicated her boyfriend, LAPD officer David Mack, as the mastermind. Mack was sentenced to 14 years and three months in federal prison. He has never revealed the whereabouts of the money, bragging to fellow inmates that he will be a millionaire by the time he is released.

3. February 26, 1998 - Rampart Station beating

Rampart CRASH officer Brian Hewitt brought Ismael Jimenez, a member of the 18th Street Gang, into the Rampart police station for questioning. According to Officer Pérez's recorded testimony, Hewitt "got off" on beating suspects. In the course of questioning, Hewitt beat the handcuffed Jimenez in the chest and stomach until he vomited blood. After his release, Jimenez went to the emergency room, and told doctors he had been beaten in police custody. Following an investigation, Hewitt was eventually fired from the LAPD, as was Ethan Cohan, a Rampart officer who knew about the beating but failed to report it (as Pérez had done until facing severe jail time). Jimenez was awarded $231,000 in a civil settlement with the city of Los Angeles. Jimenez is currently serving time in federal prison for the distribution of drugs and conspiracy to commit murder.

4. May, 1998 - Investigative task force created

On March 27, 1998, LAPD officials discovered that six pounds of cocaine were missing from an evidence room. Within a week, detectives focused their investigation on LAPD Rampart CRASH officer Rafael Pérez. Concerned with a CRASH unit that had officers working off-duty for Death Row Records, robbing banks, and stealing cocaine, Chief Bernard Parks established an internal investigative task force in May 1998.

The task force, later named the Rampart Corruption Task Force, focused on the prosecution of Rafael Pérez. Completing an audit of the LAPD property room revealed another pound of missing cocaine. The cocaine had been booked following a prior arrest by Detective Frank Lyga, the officer who shot and killed Rampart officer Kevin Gaines. Investigators speculated Rafael Pérez may have stolen the cocaine booked by Lyga in retaliation for Gaines' shooting.
5. August 25, 1998 - Pérez arrested

Officer Rafael Pérez, at age 31 and a nine-year veteran of the Los Angeles Police Department, was arrested on August 25, 1998, for stealing six pounds of cocaine from a department property room. The cocaine was estimated to be worth $800,000 on the street. As he was arrested, Pérez reportedly asked, "Is this about the bank robbery?" Pérez would later deny that he had any knowledge of David Mack's bank robbery, and never testified against Mack. Investigators would eventually discover eleven additional instances of suspicious cocaine transfers. Pérez eventually admitted to ordering cocaine evidence out of property and replacing it with Bisquick.

On September 8, 1999, following a mistrial, Pérez agreed to cut a deal with investigators. He pled guilty to cocaine theft in exchange for providing prosecutors with information about two "bad" shootings and three other Rampart CRASH officers engaged in illegal activity. For this deal, Pérez received a five-year prison sentence as well as immunity from further prosecution of misconduct short of murder. Over the next nine months Pérez met with investigators more than 50 times and provided more than 4,000 pages in sworn testimony. Pérez's testimony implicated about 70 officers in misconduct.

2. Framing

- Pérez framed 4 members of the Temple Street gang of being associated with killing a member of the Mexican Mafia Miguel "Lizard" Malfavón. This whole incident happened at a McDonalds on Alvarado street, where 4 supposed members all planned to kill him while he tried to collect taxes from the gang. Pérez found a material witness who had blood on her dress and she named 4 gang members all from Temple Street. He repeatedly changed the main killer and ended up framing Anthony "Stymie" Adams as the one who fatally shot Malfavon in the head with a rifle in the neighboring apartment.

3. CRASH culture

In extensive testimony to investigators, Pérez provided a detailed portrait of the culture of the elite CRASH unit. Pérez insisted that 90% of CRASH officers were "in the loop", knowingly framing innocent suspects and perjuring themselves on the witness stand. Pérez claims his superiors were aware of and encouraged CRASH officers to engage in misconduct; the goal of the unit was to arrest gang members by any means necessary. Pérez described how CRASH officers were awarded plaques for shooting suspects, with extra honors if suspects were killed. Pérez alleges that CRASH officers carried spare guns in their "war bags" to plant on suspects. In recorded testimony, Pérez revealed the CRASH motto: "We intimidate those who intimidate others."

CRASH officers would get together at a bar near Dodger Stadium in Echo Park to drink and celebrate shootings. Supervisors handed out plaques to shooters, containing red or black playing cards. A red card indicated a wounding and a black card indicated a killing, which was considered more prestigious. Pérez testifies that at least one Rampart lieutenant attended these celebrations.

Rampart officers wore tattoos of the CRASH logo, a skull with a cowboy hat encircled with poker cards depicting the "dead man's hand", aces and eights.

4. Rampart ties to Death Row Records

The Rampart Corruption Task Force investigators discovered that hip-hop mogul Suge Knight, owner of Death Row Records, had several of the corrupted Rampart officers on his payroll, including Kevin Gaines, Nino Durden, Rafael Pérez, and David Mack. Knight was hiring off-duty Rampart police to work for Death Row as security guards for hefty amounts of money. For instance, after Gaines' shooting, investigators discovered Gaines drove a Mercedes, wore designer suits, and found a receipt in his apartment for a $952 restaurant tab at the Los Angeles hangout, Monty's Steakhouse.

i. Ties to the Bloods

Knight, a native of Compton, has known ties to the Criminal Street Gang Piru Bloods. Following Rafael Pérez's arrest, investigators discovered photos in Pérez's apartment depicting him dressed in red and flashing Blood gang signs. Since David Mack's arrest, he has openly joined the Bloods while in prison, renouncing his affiliation with the LAPD and wearing as much red colored clothing as can be obtained
in prison. At the time of Kevin Gaines' shooting by LAPD officer Frank Lyga, Gaines was flashing gang
signs and waving a gun. [13]

ii. Ties to the murder of Notorious B.I.G.

The April 16, 2007, wrongful death lawsuit for the murder of rapper Notorious B.I.G. names Rampart
officers Durden, Pérez and Mack as perpetrators of the crime. [14] The lawsuit states that Pérez admitted to
the LAPD that he and Mack "conspired to murder, and participated in the murder of Christopher
Wallace (aka Notorious B.I.G.)." Both Pérez and Durden were on duty the night of the murder outside
the Petersen Automotive Museum on Wilshire Boulevard on March 9, 1997.

The wrongful death lawsuit is corroborated by testimony by investigating LAPD detectives Brian
Tyndall and Russell Poole, who believe Mack and other Rampart police were involved in the conspiracy
to kill Wallace. [15] Poole claims that LAPD Chief Bernard Parks refused to investigate their claims of
Mack's involvement, suppressing their 40 page report, and instructing investigators not to pursue their
inquiry. Detective Poole, an 18 year veteran of the force, quit the LAPD in protest and filed a lawsuit
against the LAPD for violating his First Amendment rights in preventing him from going to the public
with his information. [16]

5. Record settlement

The city of Los Angeles faced more than 140 civil suits resulting from the Rampart scandal, with total
estimated settlement costs around $125 million. [17] Javier Ovando was awarded a $15 million settlement on November 21, 2000, the largest police
misconduct settlement in Los Angeles history. Twenty-nine other civil suits were settled for nearly $11
million. [18]

6. Rampart investigation cover up

There have been multiple allegations that Chief Parks and members of the LAPD were actively involved
in obstructing the Rampart Investigation. Parks was in charge of Internal Affairs when Gaines and other
Rampart officers were first discovered to have ties to the Bloods and Death Row Records. Parks is said
to have protected these officers from investigation. [19] According to Rampart Corruption Task Force
Detective Poole, Chief Parks failed to pursue the Hewitt Investigation for a full six months. When Poole
presented Chief Parks with a 40 page report detailing the connection between Mack and the murder of
Notorious B.I.G., the report was suppressed. [20]

On September 26, 2000, Detective Poole, an 18 year veteran of the force, filed a federal civil
rights lawsuit against the city of Los Angeles and Chief Parks. Poole, lead investigator on the Lyga-
Gaines shooting and member of the Rampart Corruption Task Force, resigned from the Department and
claimed in his civil suit that Chief Parks shut down his efforts to fully investigate the extent of
corruption within the Department. Poole specifies conversations and direct orders in which Chief Parks
prevented him from pursuing his investigation into the criminal activities of David Mack and Kevin
Gaines, notably involving the investigation of the murder of Christopher Wallace. [21]

Many city officials, including Los Angeles County District Attorney Gil Garcetti, expressed a lack of
confidence with Chief Parks' handling of the investigation. [22] On September 19, 2000, the Los Angeles
City Council voted 10 to 2 to accept a consent decree allowing the U.S. Department of Justice to oversee
and monitor reforms within the LAPD for a period of five years. The Justice Department, which had
been investigating the LAPD since 1996, agreed not to pursue a civil rights lawsuit against the city. Los
Angeles Mayor Richard Riordan and Police Chief Bernard Parks opposed the consent decree, but were
forced to back down in the face of overwhelming support by the city council. [23]

The "L.A.P.D. Board of Inquiry into the Rampart Area Corruption Incident" was released in March
2000. The report made 108 recommendations for changes in LAPD policies and procedures. The Board
of Inquiry report, sanctioned by Bernard Parks, was widely criticized for not addressing structural
problems within the LAPD. [24]

"An Independent Analysis of the Los Angeles Police Department's Board of Inquiry Report on the
Rampart Scandal" was published in September 2000, by USC law Professor Erwin Chemerinsky at the
request of the Police Protective League. Chemerinsky outlined six specific criticisms of the Board of
Inquiry report, namely that the LAPD minimized the scope and nature of the corruption; and abetted the corruption through its own internal negligence or corrupt policies. Chemerinsky called for an independent commission to investigate corruption; and a consent decree between the City of Los Angeles and the Justice Department to monitor effective reform.[17]

The "Report of the Rampart Independent Review Panel", published in November 2000, was created by a panel of over 190 community members. Its report issued 72 findings and 86 recommendations. The report noted the Police Commission had been "undermined by the Mayor's Office" and that the Inspector General's Office had been "hindered by ... lack of cooperation by the (LAPD) in responding to requests for information."[17]

7. Political and cultural aftermath

Police Chief Bernard Parks was not rehired by newly elected Mayor James K. Hahn in 2001. This arguably caused Hahn to lose the support of South Los Angeles's black community, leading to his defeat by Antonio Villaraigosa in the 2005 election.[6]

The ensuing elimination of the Rampart CRASH division following the scandal is believed to have enabled the Mara Salvatrucha (M$-13) gang to grow its already substantial power among the Rampart district's Salvadoran population.[18] The rival 18th Street Gang continues to thrive in Rampart as well, with as many as 20,000 members in Los Angeles county.[19]

In 2002, the television series The Shield premiered, depicting a band of rogue Los Angeles police officers. The program was so directly inspired by the Rampart Scandal that "Rampart" was nearly used as the series title. [20] The title was presumably changed in order to avoid potential production issues and conflicts with the LAPD.

In 2003, the Blue Ribbon Rampart Review Panel, chaired by Constance L. Rice of the Advancement Project, was convened by the Los Angeles Police Commission and Chief William J. Bratton. The panel's report was made public in 2006.

The action thriller movie Cellular featured a plot involving corrupt LAPD cops. Though it was not a serious crime drama, it used the Rampart Scandal to lend some credibility to the plot, showing a documentary segment of the Rampart Scandal in the bonus features of the movie DVD.

The plot of Rockstar Games' controversial game Grand Theft Auto: San Andreas, set in 1992, involves three corrupt CRASH officers, one being a rookie who is not very comfortable with the actions of his colleagues, that are constantly harassing the player's character and making him do illegal actions like burning a rival gang house down and killing witnesses that are about to expose them to the media. They team up with gangs, give information about their rivals deals and actions, in hope that the gangs keep destroying each other, and with this, cleaning the streets for them. In the end of the game, officer Tennpenny, the only one left since his colleague and the rookie are dead, killed by the player and killed by Tennpenny himself, respectively, is considered not guilty by the court and this provokes riots in Los Santos (Los Angeles), that were based on the Los Angeles riots of 1992. Tennpenny later dies in a car chase involving the player.

8. See also

Police brutality
Police corruption
Christopher Commission

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b. The Rampart-FIPs (Falsely Imprisoned Persons)

Rampart-FIPs (Falsely Imprisoned Persons) were and are those who were documented during the Rampart scandal investigation (1998-2000) to have been falsely convicted and falsely sentenced to prison terms by the Superior Courts of California for the County of Los Angeles. PBS Frontline estimated their numbers at many thousands,[1] [2] almost exclusively African-Americans and/or Latinos. A 2006 scandal report Rampart Reconsidered by the Blue Ribbon Review Panel documented their ongoing false imprisonment -hardly any were freed over the past decade, and senior police, prosecutors and judges were documented as refusing to allow their release.[3][4][5] The same report also documented that all investigations of the affair, their own included, were failures and fundamental facts in the matter were not yet known. From the perspective of a decade, review of the published materials, and additional evidence accumulated regarding the justice system in Los Angeles County, may allow better evaluation of the causes underlying the scandal. Regardless, the ongoing confinement of the Rampart-FIPs was concluded to be a human rights disgrace of historic proportions.[6][7]

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1 Origins of the Rampart-FIPs
2 Current efforts to release the Rampart-FIPs
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Origins of the Rampart-FIPs

In describing the false imprisonments in Los Angeles County, notable legal scholars, not often given to hyperbole, used unprecedented language:

- …judges tried and sentenced a staggering number of people for crimes they did not commit. How could so many participants in the criminal justice system have failed either to recognize or to instigate any meaningful scrutiny of such appalling and repeated perversions of justice? …we felt a particular obligation to ensure that no aspect of the Los Angeles criminal justice system, including the lawyers and judges, escaped scrutiny. A law school, with its concern for all aspects of the justice system, is the obvious place for such an examination. [8]

- Any analysis of the Rampart scandal must begin with an appreciation of the heinous nature of what the officers did. This is conduct associated with the most repressive dictators and police states. …and judges must share responsibility when innocent people are convicted. [9]

- Unnerving the judges: Judicial responsibility for the Rampart scandal [10]

The statements above were written in 2000, most likely under the assumption that the victims would be soon released, which was not the case.

The widespread corrupt prosecution and trial practices of the Rampart undercover narcotic officers, were uncovered in the plea bargain testimony of the central witness in the Rampart scandal investigation - Rafael Pérez (police officer). Such practices included routine framing of evidence, and at times also torture of innocent victims, to extract false confessions. [11] The scandal rapidly expanded into a two-year, 200- investigator probe of a single division of the LAPD. Later, the Blue Ribbon Review Panel determined that the practices of the Rampart division were most likely widespread in other division as well - Metro, and Northeast were particularly mentioned in the report. The Panel determined that the investigation was deliberately curtailed to prevent the true scope of the scandal from being uncovered.

A bit more of the underlying circumstances was revealed in the statements of a deputy public defender – who described an environment in the criminal courts that was hostile to the defense, and heavily biased towards the prosecution. In addition, a NYT journalist's report, and an unparalleled PBS Frontline series - LAPD Blues- added much that was allegedly covered up in the investigation.[12] LAPD police officer, who had to be cleared to publish his writings in national media, bemusing, dismissed the former as
"passing the buck", and the latter as exploring "the murky, mysterious depths of the LAPD Rampart scandal".[13] [14]

Further details of 'murky depths' of the Los Angeles criminal courts were explored in litigations that started in 2000 and continued throughout most of the decade, including one, where the deputy public defender was named defendant.[15]

In the immediate aftermath of the discoveries - intensive efforts were initiated to free the Rampart-FIPs. However, unusual events surrounding the First Rampart Trial (2000), led to their premature termination. The litigation of the First Rampart Trial ended in an unprecedented ruling by Judge Jacqueline Connor, where jury verdicts, which convicted three out of four police Defendants were reversed, on Friday evening, December 22, 2000 in ruling announced by the judge from home. The ruling claimed that errors in jury instructions by the judge herself "fatally biased" the jury, and required the voiding of the convictions. The language used was seen as negatively affecting attempts "to 'fix' the Rampart scandal"[16]. Consequently, such efforts came to an end. Whereas media and various reports mentioned a list of between 50 and 100 police who were routinely involved in framing and false convictions, no additional criminal prosecutions were attempted.[17] The drama around Christmas 2000 led to divergent responses by then LAPD Chief, Bernard Parks, [18] by mainstream,[19] and by fringe news media, [20][21], and it continued to reverberate through the halls of justice, successive committee reports, and the operation of a Office of Overseer for Civil Rights and LAPD's Consent Decree Bureau, for most of the following decade. [22]

During review of the appeal - originating from Judge Connor's Ruling, filed by the Los Angeles District Attorney (2004), the California Court of Appeal, 2nd District, raised to the surface the inexplicably missing explanation for the core question, which was allegedly covered up in the investigation:

[Justice] Hastings said it was clear to him that since the result of the alleged conspiracy [by Rampart police officers] was the filing of criminal charges against the suspected gang members, an instruction explaining what conduct might have justified those charges was necessary. He was mystified, he said, by the fact none was given. [23]

The California Court of Appeals upheld Judge Connor's December 22, 2000 Ruling.[24] The same question and similar issues were the basis for the conclusions by the Blue Ribbon Review Panel (2006), that all investigations into the matter, including their own, were entirely failures. Even by the time that the Panel's report was filed, the basic facts were still entirely unknown, the Panel stated. Accordingly, it recommended an "external investigation". Such investigation was never instituted. The failure to institute external investigation right from the outset, or anytime afterwards through a succession of reports and investigations, must be deemed a failure of federal law enforcement agencies to perform their duties. The corruption and dysfunction of the Los Angeles County justice system was already proven in the initial Rafael Perez testimony in 1998.

**Current efforts to release the Rampart-FIPs**

Minimal efforts to bring about the release of the Rampart-FIPs have been documented in recent years.[25] The latest notable effort was in the publication of the LAPD commissioned report Rampart Reconsidered (2006), authored by the Blue Ribbon Review Panel, chaired by Los Angeles black attorney, civil rights activist Connie Rice. The panel was originally commissioned in 2003 to generate the inexplicably missing final report of the Rampart scandal investigation. The panel was distinguished in its conduct. It produced a report, but it refused to produce the report that it was commissioned to generate. Instead, it concluded that the concept of Los Angeles County investigating itself, on the background of a justice system, which the Panel described as "tolerated routine abuse and criminality by a significant subcult in its ranks."[26] The Panel called for an external, independent investigation, instead.[27] However, such external review was never instituted. Regarding the Rampart-FIPs, similarly, the Panel refused to make any clear conclusions, except than the primary conclusions, which was known all along - "innocent people remain in prison".[28] The unique contribution of the Blue Ribbon Review Panel report was in documenting almost a decade after the Rampart scandal eruption, the reasons provided by various leaders of the Los Angeles justice system for refusing to free the Rampart-FIPs.

**Perspectives**
Events that led to the false imprisonments of the Rampart FIPs were defined as unprecedented a decade ago, by a leading constitutional scholar.[29][30] In attempting to place the Rampart-FIPs in perspective of U.S. history, only few events can be considered: First- the Japanese American internment during World War II- over half-a-century prior to eruption of the [Rampart scandal]. The number of persons interned exceeded 100,000, including entire families, which were relocated into camps. The detentions started in 1942 and ended with the conclusion of the war, and therefore at most were 3-4 years long. All those interned were denied of liberty, however, most were housed in camps, not prisons. In 1988, the United States Congress passed and President Ronald Reagan signed legislation apologizing for the detentions - as founded in "race prejudice, war hysteria, and a failure of political leadership" - and substantial reparations were disbursed to survivors.

Second: During the still ongoing military operations in Afghanistan and Iraq, which started following the September 11 attacks in 2001, detention camps were established in Guantanamo Bay, Cuba - GITMO. While the U.S. government never released full statistics of such detentions, the overall number of those detained, most likely never exceeded 1,000, and at present was believed to be well under 500. However, concerns of Human rights violations were raised regarding the GITMO detentions, and were also recorded, and under the Bush administration, an Overseer for Civil rights was appointed [31]. Following election of President Barack Obama, the U.S. Government stated its commitment to close end the detentions at GITMO [32], however, such statement was yet to be acted upon [33]. Third: During the military operations in Iraq, thousands of local residents were detained under U.S. forces control. In some cases, notable human rights violations were recorded, such as in Abu-Ghraib. [34]

Therefore, the internment of Japanese Americans remained separated by over half-a-century from detentions in GITMO and Iraq, and false imprisonments in Los Angeles County, and the latter three cases were contemporaneous. In two of the latter three cases - detentions at GITMO, and the Rampart FIPs in Los Angeles - accounts of human rights violations were addressed by appointments of overseers for civil rights, and two of the three latter cases took place outside the territory of the United States, leaving the Rampart-FIPs as the only known case of this type in the past half century.

A counter example was most recently recorded in Luzerne County, Pennsylvania, where two State of Pennsylvania judges were found to have routinely engaged in false sentencing of juveniles to confinement terms.[35] Although that scandal was still evolving, corrective actions were expediently initiated by the local judiciary - to review all sentences issued by these judges and to reverse those sentences that were deemed corrupt. [36] In parallel, federal authorities initiated prosecution of the offending judges for racketeering. [37].

The ongoing false imprisonments of many thousands of innocent persons in Los Angeles County, California, with no corrective actions by either State of California or U.S. agencies, therefore remained inexplicable, especially under President Barack Obama, Attorney General Eric Holder, and the U.S. Supreme Court Justice Sonia Sotomayor, who were all self-identified as black and/or latinos. It remained to be seen, how the case would evolve, and how history would judge the case of the Rampart-FIPs.

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27. ^ Rampart Reconsidered (2006), by the Blue Ribbon Review Panel p78 et seq.
   http://www.thepetitionsite.com/1/restore-justice-in-l-a
   http://www.thepetitionsite.com/1/restore-justice-in-l-a
   http://scholarship.law.duke.edu/faculty_scholarship/1421
32. ^ January 21, 2009 President Obama issues a directive to shut down detention center at Guantanamo Bay, Cuba.
   http://inproperinla.com/09-12-16-council-on-foreign-relations-obama-order-on-guantanamo.pdf
34. ^ August 2005 The Torture Papers: The Road to Abu-Ghraiib.
   http://inproperinla.com/05-08-01-torture-papers-theroad-to-abu-ghraiib.pdf

Judge Jacqueline Connor - her involvement in false convictions and false imprisonments, her conduct relative to Rafael Perez, her appearance as Presiding Judge in the First Rampart Trial (2000), and conduct amounting to perversion of justice in that case.

Judge Jacqueline Connor - additional evidence of criminal conduct by Judge Jacqueline Connor is provided under LASC- Civil Courts, below.

Judge Jacqueline Connor – the evidence shows that attorneys in Los Angeles County, particularly criminal defense attorneys are well aware of her corruption.

Judge Jacqueline Connor - upon review of the evidence as a whole, a reasonable person would conclude that Judge Jacqueline Connor is a central figure in organized crime in Los Angeles County.

Judge Jacqueline Connor – refusal of FBI to investigate complaints of racketeering.

Judge Jacqueline Connor – while abundant credible evidence indicates her central role in Los Angeles County organized crime, and her key role in the large-scale false convictions and sentencing of the Rampart scandal, continues to preside in criminal courts, and was reported to have issued death sentences as well.

Rafael Perez & The Rampart Scandal (1998-2000)

Former undercover narcotics Police Officer of the Rampart Division of the LAPD.

- Judge JACQUELINE CONNOR was recognized as particularly close to him and other police from that division.
- Such police had a reputation of lawlessness even before the onset of the Rampart scandal (1998-2000).
- Such officers often appeared in Judge JACQUELINE CONNOR’s courtroom and provided testimonies in criminal litigations – to convict suspects and sentence them for long prison terms – the RAMPART-FIPs (Falsely Imprisoned Persons).
- RAFAEL PEREZ later told investigators that all such testimonies were fabricated. The suspects were framed.
- Such framings were the core of the Rampart-scandal.
- A couple of years prior to the scandal, Judge JACQUELINE CONNOR provided RAFAEL PEREZ with a glowing recombination letter, referring specifically to his performance in appearances as witness before her.
- After the eruption of the Rampart Scandal and after Rafael Perez signed a plea bargain, Judge JACQUELINE CONNOR appeared in a public functions where his family were seated in the audience. He was jailed.
From the podium she made comments that were quoted in newspapers. Reading the comments today, they sound like a warning to Rafael Perez not to cooperate with the District Attorney investigators. These comments were said to raise eyebrows already then.

- Why would a judge object to a corrupt police deciding to cooperate with investigators?
- Later when the Fist Rampart Trial stated, she appeared as the Presiding Judge for the case. At that time newspapers were still reporting… and they express their amazement at the assignment. It was clear that the litigation involved directly conduct that took place in her courtroom.
- Rafael Perez was scheduled to take the stand in the first Rampart Trial. But that was surely undesirable. Well, then his girlfriend was first arrested and held as some kind of threat against him. Then she was purported to tell investigators that he killed someone and buried the body some place. And it happened right on time for his time to take the stand – and his attorney had to advise him not to do that, so that he would not be asked about the murder issue and incriminate himself. Later it turned out that there was no murder to start out. But it worked like a charm… and the Trial ended without his taking the stand.
- Of course – a question of interest is what he told or did not tell the District Attorney regarding the LA-JR.
- My bet is that he did tell them something, in disregard of the warning he got from Judge CONNOR in her comments in the public function. Accordingly, he later suffered retribution. The interesting thing to examine, is how such retribution was meted. He was subjected to the “Federal option” – criminal Federal prosecution that both he and his attorney later claimed they were misled to believe was part of the plea bargain. It was later determined to not be the case, and Rafael Perez was convicted and served time also in Federal prison.
- In contrast – although some discussion was heard of the “Federal option” relative to the four police who were the Defendants in the First Rampart Trial (2000) derailed by Judge CONNOR, it was never applied to them,
- More over, one may reasonably state that at the bottom line the Defendants of the First Rampart Trial (2000) should consider their decision not to cooperate with investigators a prudent one – they collected an award of $15 millions through the courts, which was subjected to final review by the 9th District Court of Appeals.

**Judge Jacqueline Connor and the Rampart Scandal**

Judge Jacqueline Connor is a judge of the Superior Court of California, County of Los Angeles, alleged as a key figure in the LA-JR (Alleged LA-Judiciary Racket).

- Started her career at the District Attorney’s Office.
- Was recognized as “tough on crime”.
- Was recognized as particularly close to RAFAEL PEREZ and other police from the Rampart Division of the LAPD.
- Such police had a reputation of lawlessness even before the onset of the Rampart scandal (1998-2000).
- Such officers often appeared in Judge JACQUELINE CONNOR’s courtroom as witnesses in criminal litigations.
- Such witnesses led to convictions of suspects and their sentencing to long prison terms.
- Later during the Rampart-scandal investigation, it was concluded that a large group of police officers from the Rampart Division engaged in routine framing of evidence, extraction of false confessions through torture, and appearances as false witnesses to falsely convict and falsely sentence a large number of suspect the Rampart-FIPs (Falsely Imprisoned Persons).
- Rafael Perez later told investigators that all such testimonies were fabricated. The suspects were framed.
Such framings were the core of the Rampart-scandal.

A couple of years prior to the scandal, Judge Jacqueline Connor provided Rafael Perez with a glowing recombination letter, referring specifically to his performance in appearances as witness before her.

After the eruption of the Rampart Scandal and after Rafael Perez signed a plea bargain, Judge Jacqueline Connor appeared in a public functions where his family were seated in the audience. He was jailed. From the podium she made comments that were quoted in newspapers. Reading the comments today, they sound like a warning to Rafael Perez not to cooperate with the District Attorney investigators. These comments were said to raise eyebrows already then.

Why would a judge object to a corrupt police deciding to cooperate with investigators?

Later when the Fist Rampart Trial stated, she appeared as the Presiding Judge for the case. At that time newspapers were still reporting… and they express their amazement at the assignment. It was clear that the litigation involved directly conduct that took place in her courtroom.

A report of interview with the Presiding Judge of the Court stated at the end that he got no response when repeating the question how could such assignment be considered reasonable, except that the Presiding Judge of the Court repeated each time: She is a very proper person.

During the litigation newspaper reported that she appeared biased towards the Defense. Normally she was known to be the opposite.

She ruled to exclude most of the Prosecution evidence, a ruling that appeared to observers uniquely biased. Some predicted then, that she managed to derail the trial, and that the jury would like find “not guilty”.

At the end the jury surprised the observers, and convicted three of the four police on trial.

On December 22, 2000, in the evening, from home, she ruled to void the trial. The ruling was described in media as "unprecedented". Others found only room for praise – how often would you find a judge admitting an error?

It is not clear what her standing in the LA-JR was prior to the First Rampart Trial, but there is no doubt that after it, she was a central figure. Not only was she smarter than most of them ( let’s admit it – she was by far the smartest of any that I met), but on top, she had the gut to stay in the kitchen, when it got really hot.

Then again – others say – she was the one who had to most to lose – therefore – she had to stay in the kitchen.

Alejandro Mayorkas, then US Attorney, Central District of California, and the Rampart Scandal

Early Life: Born in Havana, Cuba, Alejandro "Ali" Mayorkas' family fled from the country in 1960 when Mayorkas was barely a year old. The family entered the United States as refugees and settled in California. In his testimony before the Judiciary Committee, Mayorkas shared how significant this move was for his family:

"My father lost the country of his birth, and my mother, for the second time in her young life, was forced to flee a country she considered home. But our flight to security gave us the gift of this wonderful new homeland. I know how very fortunate I am."

Career: Mayorkas served as an Assistant U.S. Attorney for the Central District of California from 1989 to 1998. During this time, he served as Chief of the Office's General Crimes Section, where he trained and mentored Assistant U.S. Attorney new hires. From 1998 until 2001, Mr. Mayorkas was the United States Attorney for the Central District of California. At 39 years old, Mayorkas was the youngest U.S. Attorney in the nation at that time. From 2001 until his USCIS appointment, Mr. Mayorkas had been a partner with the law firm of O'Melveny & Myers. Mayorkas holds a J.D. from Loyola Law School and a B.A. from the University of California at Berkeley.
USCIS Director: Nominated by President Barack Obama on April 24, 2009 and unanimously confirmed on August 7th by the Senate, Mayorkas was sworn in as USCIS' third director on August 12, 2009. Mayorkas accepted the appointment, saying:

"The USCIS mission is rooted in the vision of our founding fathers. My family, like millions of others, came to this country to pursue our dreams in a land of liberty and opportunity. I am committed to administering our country’s immigration and naturalization laws efficiently and with fairness, honesty, and integrity."

Personal: Mayorkas was named as one of the "50 Most Influential Minority Lawyers in America" in 2008 by the National Law Journal. He serves on the Board of Directors of Bet Tzedek Legal Services, a non-profit organization dedicated to providing the disadvantaged with access to justice. He also serves on the Board of Directors of United Friends of the Children, a non-profit organization devoted to the well-being of foster youth in Los Angeles County. Mayorkas and wife Tanya have two young daughters, Giselle and Amelia.

Alejandro Mayorkas was the key person in this regard, as U.S. Attorney for Central California (The Federal Central District of California includes Los Angeles) at the time. Of interest in his resume above, is his service at Bet Tzedek. The man who was in charge of U.S. Department of Justice operation in Central California 1998-2001, was listed by 2007, as President Elect of Bet Tzedek, where he was to succeed:

a) Atty Sandor Samuels - Associate General Counsel of Bank of America Corporation, formerly Chief Legal Officer of Countrywide Financial Corporation, a key figure in organized crime - and

b) Atty David Pasternak - an attorney who was opined by highly decorated FBI veteran James Wedick as the perpetrator of Fraud Grant Deeds, likewise, he was evidenced to engage in racketeering at the LA Superior Courts in collusion with Judge John Segal in Samaan v Zernik and Galdjie v Darwish, and under whose name numerous defective Grant Deeds were found in the office of Los Angeles County Registrar/Recorder, issued on behalf of the courts, and demonstrating at least some of the features that led James Wedick to opine fraud in re: Grant Deeds in Samaan v Zernik. In a phone call in 2007 Atty Mayorkas denied that he was President Elect, and indeed he never succeeded Samuels.

A. Appearances of Non-Engagement

Purportedly - Federal agencies left it to State of California agencies to work out the case. Therefore, the investigation and prosecution were under the charge of California Department of Justice, Los Angeles County District Attorney, with the end result of prosecution at the LA Superior Court, what came to be known as the First Rampart Trial (2000), where Judge JACQUELINE CONNOR appeared as Presiding Judge. The trial was derailed, and with that - an end came to the prosecutions of the Rampart scandal culprits, and also an end to any attempt to release the thousands of victims.

The Blue Ribbon Review Panel Report (2006) reviewed such events, and concluded that LA County Justice system could not investigate itself, prosecute itself, and adjudicate itself. It recommended an "Outside Investigation". However, one can argue that even from the perspective of 1998, or 1999, or 2000 - years during which Mayorkas was key decision maker for the U.S. Dept of Justice on the matter - it was clear that the scope of the corruption was such that required removal of the investigation from State to Federal Jurisdiction:

- It was the biggest corruption investigation in the history of the U.S. with 200 investigators assigned to it for 2 years.
• In the year 2000, Prof Erwin Chemerinsky described it as the worst abuse of Civil Rights by police in the history of the U.S. He also characterized it as typical of "police states and most repressive regimes".

• The Blue Ribbon Review Panel Report (2006) concluded that the investigation was deliberately restricted to prevent it from exposing the full scope of the corruption, which was much wider than represented in any of the available reports.

The Blue Ribbon Review Panel Report (2006) also explained at the outset the reason that it was commissioned in 2003: When LAPD Chief Bratton assumed his position, he was expected to lead the LAPD out of the scandal and to implement measures that reflect lessons learned from the scandal. However, there was no Report issued at the end of the Rampart scandal investigation. The Panel in its Report explains that it refused to issue such report, since it concluded that the investigation, massive as it was, was a failure, and the Panel concluded that we did not know the basic facts about the scandal yet.

B. Involvement in Cover Up

1. Rewards and Punishments
   
a. Although "The Federal Option" was discussed at the time in media as a likely way to resolve the outrage after the derailing of the First Rampart Trial, it was never applied to the 4 police who were charged with corruption in that prosecution.

   b. "The Federal Option" was applied on RAFAEL PEREZ - after he signed a plea bargain with the District Attorney, but was presumably warned by Judge JACQUELINE CONNOR not to cooperate with the investigation.

2. Consent Decree
   
a. The Consent Decree (2001) was framed on an artificially narrow basis:

   Alejandro Mayorkas lead the U.S. prosecution and drafted the Consent Decree, entered in July 2001 in U.S. v City of LA et al at the U.S. District Court, LA. For reasons that were never explored, the Consent Decree was framed only under the section of the code that pertains to the abuse of rights of juveniles under the color of law (42 USC § 14141), and omitted the section that pertains to abuse of rights of others, such as adults under the color of law (42 USC §1983 ).

   The section used as foundation for the consent decree, 42 USC § 14141, states:

   (a) Unlawful conduct

   It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

   (b) Civil action by Attorney General

   Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) [1] has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.
b. The Overseer for Civil Rights pursuant to the Consent Decree (2001-2009) had limited effect.

There is no doubt that the LAPD under Chief Bratton made substantial efforts, as reviewed in the Blue Ribbon Review Panel Report (2006), and achieved substantial progress, and such efforts were facilitated by the mandate of the Consent Decree, which forced the city to provide the means for such efforts. However, reviewing the effect of the Overseer as such, one may conclude that the effect of the office was limited. Key provisions in the Consent Decree were never implemented, as far as could be determined today. Primarily - the key provision of periodic financial disclosures by undercover narcotic officers such as RAFAEL PEREZ, was never implemented. One should note that in the early 2000's several such Overseers for Civil Rights were appointed by the Bush administration, including one for the Detainees at Guantanamo Bay, and another one - for the healthcare of Prisoners in California. In all three cases, in retrospect, one may conclude that the appointment of Overseers was more of a Public Relations action that one that was intended, or resulted in improvement in the underlying matters.

One may wonder or at least entertain the doubt that factors foreign to the furtherance of justice were involved in the decision not to remove the investigation from State to U.S.

3. Rampart-FIPs

No Federal agency made any attempt to release the victims.

In a phone call and letter to the Consent Decree Bureau in 2008, towards the end of the tenure of the Overseer, staff had no idea of any attempt past or present to release the FIPs, and the letter remained unanswered.

B. Patronizing LA-JR

1. All conduct of Federal agencies listed above is consistent with patronizing the LA-JR.

2. An unusual e-mail note from veteran FBI agent JAMES WEDICK in August 2008, explains the refusal of FBI to investigate real estate fraud by the LA-JR, as related to FBI refusal to investigate the judges of the LA Superior Court.

3. STEVE GOLDMAN, Chief of the White Collar Crime Squad of FBI, in fact attempted to induce this writer to file a complaint where the role of judges was not mentioned. This writer considered any filing of declaration under penalty of perjury, where the most pertinent facts were to be avoided, as a major liability, and as of little chance of success.

4. Responses of KENNETH KAISER and KENNETH MELSON to congressional inquiries regarding the refusal of FBI and US Dept of Justice to investigate, must be found as fraud upon review by a competent court. There is no reasonable explanation for such official letters other than patronizing the LA-JR.
5. Refusal to engage in the current situation. In the face of overwhelming evidence, FBI never engaged in the current situation.

**Open Questions:**

1. Why was the Rampart scandal investigation left under Los Angeles District Attorney (part of the State system) and not removed to Federal agencies, as it should have been? It was the largest public corruption investigation in the history of the U.S.

2. Why was the investigation allowed to be concluded with no final report?

3. Why was there no effort on the part of Federal agencies to release the thousands of victims, the Rampart-FIPs?

4. Why are Federal agencies patronizing the LA-JR at a cost to the treasury so far of about $1 trillion?

5. Why are Federal agencies refusing to comply with ratified International Law:
   
   - Fail to provide Equal Protection under the Law, as required by International Law.
   
   - Fail to maintain Competent National Tribunals for the Protection of (a) Human Rights per international Law and (b) rights pursuant to the Constitution of this Country and its Amendments, as required by International Law,

   - Fail to protect the Human Rights of the 10 millions who reside in LA County, as required by International Law,

   - Allow residents of LA County to be subjected to the LA-JR
d) Additional Records


i. The Rampart-FIPs (Falsely Imprisoned Persons) – a Review (2009) by Joseph Zernik
A short introduction to the matter of the Rampart-FIPs:
http://inproperinla.com/09-12-17-rampart-fips-(falsely-imprisoned-persons)-wikipedia-s.pdf

ii. Rampart False Imprisonments (2001) by “LAPD Blues” TV series by Public Broadcasting Service (PBS) Frontline
This specific transcript provided estimates of the number of the Rampart-FIPs, the lowest of which was at 8,000.
http://inproperinla.com/00-00-00-rampart-first-trial-01-05-01-pbs-frontline_rampart-false-imprisonments-s.pdf

iii. The Rampart Scandal – Policing the Criminal Justice System (2000) by Prof David Burcham – then Dean of Loyola Law School, Los Angeles, and Prof Katherine Fisk
The paper reviews the conduct of the Los Angeles justice system, as evidenced in the Rampart scandal (1998-2000)

iv. The Criminal Justice System of Los Angeles County (2000) by Prof Erwin Chemerinsky – Dean of the University of California Irvine School of Law
Short review papers regarding the Los Angeles justice system, as evidenced in the Rampart scandal (1998-2000)
http://inproperinla.com/00-00-00-rampart-reports-00-09-01-chemerinsky-57_guild_prac_121_2000.pdf

The report was critically assessed by Prof Chemerinsky’s independent report (2000) (see below). The report was also sharply criticized by the Blue Ribbon (2006), (see below) which pointed out the misnomer in the official report – the corruption was not limited to the “Rampart Area”, and was by no means an “incident”.
http://inproperinla.com/00-00-00-rampart-reports-board-of-inquiry-00-03-01-report-s.pdf

http://inproperinla.com/00-00-00-rampart-reports-00-09-11-chemerinsky-report.pdf

Commissioned by the Los Angeles Police Department in 2003. The report was issued in summer 2006, and is a comprehensive review of the responses of various justice system agencies to the corruption scandal. The report documented in great detail the refusal of the judges of the LASC, prosecutors, and police, to allow the release of the thousands of victims of the corruption scandal.

http://inproperinla.com/00-00-00-rampartpbs-full-report-series_s.pdf

ix. List of Media Report (circa 2006) by Street Gangs
http://inproperinla.com/00-00-00-rampart-a-list-of-media-reports-s-old.pdf

x. LAPD – the Deep Blue Rot (2000) by RW Online
http://inproperinla.com/00-00-00-rampart-a-media-rw-online_00-03-19-lapd_the-deep-blue-rot.pdf

xi. Rampart Hearings – the People Denounce the LAPD (2000) by RW Online
http://inproperinla.com/00-00-00-rampart-a-media-rw-online_00-04-23-rampart-hearings_the-people-denouce-the-lapd.pdf

http://inproperinla.com/00-00-00-rampart-a-media-rw-online_00-11-20-ramparts-scandal-on-trial-part-1.pdf
http://inproperinla.com/00-00-00-rampart-a-media-rw-online_00-11-27-rampart-scandal-on-trial_part-2.pdf

xiv. Rampart Reversal (2001) by RW Online
http://inproperinla.com/00-00-00-rampart-a-media-rw-online_01-01-28-los-angeles_the-rampart-reversal.pdf

xv. Rampart Scandal – Still No Justice (2001) by RW Online
http://inproperinla.com/00-00-00-rampart-a-media-rw-online_01-11-16-lapd-rampart-scandal_still-no-justice.pdf

**Judge Jacqueline Connor, Rafael Perez, and the Rampart Scandal**

xvi. October 4, 2000 Judge Connor sharply limits evidence in first rampart trial
http://inproperinla.com/00-00-00-rampart-first-trial-00-10-04-judge-limits-lawyers-in-rampart-case-to-3-incidents.pdf

xvii. October 8, 2000 Los Angeles Times, Comments by Judge Connor prior to her “assignment” as presiding judge in the Rampart Scandal, objecting to the plea bargain of Rafael Perez with the District Attorney, which raised questions regarding her conduct:
http://inproperinla.com/00-00-00-rampart-first-trial-00-10-08-comments-by-judge-connor-raise-eyebrows-latimes.pdf

http://inproperinla.com/00-00-00-rampart-first-trial-00-11-16-3-of-4-officers-convicted-on-corruption-nyt.pdf

xix. November 17, 2000 Los Angeles Times: Comments on Judge Connor after her “assignment” for the First Rampart Scandal:
http://inproperinla.com/00-00-00-rampart-first-trial-00-11-17-la-times-on-rampart-connor.pdf

xx. December 23, 2000 Los Angeles Times Rampart jury verdicts voided by Judge Connor
http://inproperinla.com/00-00-00-rampart-first-trial-00-12-23-rampart-verdicts-voided-los-angeles-times.pdf

http://inproperinla.com/00-00-00-rampart-first-trial-00-12-24-los-angeles-judge-overturns-convictions-of-police-in-scandal-nyt.pdf


xxiii. January 5, 2001 PBS Frontline: Rampart First Trial

http://inproperinla.com/00-00-00-rampart-first-trial-00-12-30-judge-bends-law-to-toss-out-convictions-of-los-angeles-police.pdf

xxv. May 14, 2004 Met News – Convictions by jury were not tainted by instructions.

xxvi. August 2008 Anonymous letter by criminal defense attorney
http://inproperinla.com/00-00-00-la-sup-ct-samaan-v-zernik-declarations-08-08-20-anonymous-justice-pioneer-on-judge-connor-alleged-criminality.pdf

**Videos:**

http://www.pbs.org/wgbh/pages/frontline/shows/lapd/bare.html
2) **LASC – Juvenile Courts**

About the third of the victims of the Rampart corruption scandal (1998-2000) were juveniles at the time that they were falsely convicted and falsely sentenced to long prison terms. Hardly any of them were released to this date, in what must be deemed a Human Rights violation of historic proportions. Recognizing the unique abuse of the rights of juveniles, the litigation under the caption of *US v City of Los Angeles et al* (2:00-cv-11769), stemming from the Rampart corruption scandal, was pursuant to *Abuse of Rights under the Color of Law* 42, USC §14141.

In pertinent part, *Abuse of Rights under the Color of Law* 42, USC §14141, says:

> It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.
3) **LASC - Probate Courts: Abuse of the Elderly and Others under Conservatorships**

Abuse in conservatorship programs in Los Angeles County, California, under the Probate Court of the LASC

The 2005 acclaimed series of the Los Angeles Times recorded the conduct of Guardians who assume control of persons committed to conservatorships by the Probate Courts of the LASC. The industry was described as “less regulated than hair dressers”, with rampant abuse of the elderly.

i. [http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-11-13-conservatorships-la-county-part-i-s.pdf](http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-11-13-conservatorships-la-county-part-i-s.pdf)

ii. [http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-11-14-conservatorships-la-county-part-ii-s.pdf](http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-11-14-conservatorships-la-county-part-ii-s.pdf)


iv. [http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-11-16-conservatorships-la-county-part-iv-s.pdf](http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-11-16-conservatorships-la-county-part-iv-s.pdf)

v. [http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-12-13-conservatorships-la-county-follow-up-s.pdf](http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-12-13-conservatorships-la-county-follow-up-s.pdf)

vi. [http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-12-27-conservatorships-la-county-s.pdf](http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-05-12-27-conservatorships-la-county-s.pdf)

vii. [http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-09-02-15-conservatorships-la-county-s.pdf](http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-09-02-15-conservatorships-la-county-s.pdf)

viii. [http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-09-05-28-conservatorships-la-county-s.pdf](http://inproperinla.com/00-00-00-us-gov-la-lasc-probate-09-05-28-conservatorships-la-county-s.pdf)
4) LASC- Family Courts and Children’s Services
Abuses and deaths in children’s custody program in Los Angeles County

In a March 28, 2010, a Los Angeles Times article titled: *Timeline of Death* provided the following information:

March 1998: A consultant sharply criticized oversight of the "non-system" of care provided by Los Angeles County's Department of Children and Family Services and its director, Peter Digre.

May 1999: Digre, hired eight years before as the troubled department faced possible state takeover, abruptly resigned amid signs he had worn out his welcome with supervisors. Board later hired Anita Bock, citing her toughness.

July 2002: Bock was forced out as supervisors complained of a failure to adequately staff the child-abuse hotline, quickly investigate abuse, streamline adoption and prepare children in the system for adulthood. David Sanders was later named director.

February 2004: Supervisor Gloria Molina tore into Sanders after a Canoga Park toddler was beaten to death by a mother who had been the subject of six previous abuse complaints.

January 2005: A 3-month-old baby was found dead in a washing machine after the mother burned down the house. The mother had been convicted of child abuse 10 years earlier.

October 2005: Sarah Chavez, 2, was beaten to death by her great-uncle, who later was convicted of manslaughter. The girl had been removed from a loving foster home months before.

June 2006: Sanders resigned. Trish Ploehn was later promoted to Director.

April 2007: Two-year-old Angel Montiel died after being moved from foster care back to his parents. His mother later pleaded no contest to voluntary manslaughter after his battered body showed signs of burns and untreated fractures.

August 2007: A 2-month-old girl died, apparently of malnutrition and neglect, on skid row a day after a social worker investigated reports of possible abuse and left the 4-pound child with her mentally ill mother.

May 2008: A 2-year-old Pomona girl starved to death. She and her siblings had been taken from foster care and returned to their parents. Months earlier, social workers found they were doing well.

June 2008: A 5-year-old boy suffered what police called "unbearable physical and psychological abuse" at the hands of a mother and her girlfriend, both with histories of violence. Numerous agencies in the county interacted with the family but didn't communicate with one another.

April 2009: The Times reported that 14 children died of abuse and neglect in 2008 despite having been under the scrutiny of the Department of Children and Family Services. The next day, supervisors expressed shock but county officials acknowledged that 12 died under similar circumstances in 2007 and 14 in 2006.

June 2009: The Times reported that for at least 18 years, the county had ignored urgent and sometimes gruesome reminders that its agencies didn't share key information about neglected children.

July 2009: Six-year-old Dae'von Bailey was beaten to death by his mother's ex-boyfriend, who later pleaded guilty to his murder. The boy's family had been the subject of roughly a dozen abuse complaints, most of which were not substantiated by social workers.

December 2009: A 4-month-old in Santa Monica was beaten to death, allegedly by her stepfather. The girl was left in the home despite the recent removal of siblings because of allegations of abuse.

March 2010: A 2-year-old was beaten to death in the home of a foster mother who had been the subject of five previous abuse complaints. The woman lived with her boyfriend, a convicted armed robber.

March 2010: Deandre Green, 2, was beaten to death, allegedly by his mother's boyfriend. Family members said they had warned police and child-welfare officials about bruises and other injuries.

i. Resignation of Children’s Services Director, in what has become a routine in recent years.  
   [http://inproperinla.com/00-00-00-us-gov-la-childrens_06-06-30%20Children%20Services%20in%20Los%20Angeles%20County.pdf](http://inproperinla.com/00-00-00-us-gov-la-childrens_06-06-30%20Children%20Services%20in%20Los%20Angeles%20County.pdf)

A. Investigation is announced of child services.  
   [http://inproperinla.com/00-00-00-us-gov-la-childrens_10-08-19%20Children%20Services%20in%20Los%20Angeles%20County.pdf](http://inproperinla.com/00-00-00-us-gov-la-childrens_10-08-19%20Children%20Services%20in%20Los%20Angeles%20County.pdf)
B. Conflicting policy statements by public officials in re: foster care for children in the wake of more deaths.
   http://inproperinla.com/00-00-00-us-gov-la-childrens_10-02-05%20Children%20Services%20in%20Los%20Angeles%20County.pdf

C. Retraction of policy statement from previous day.
   http://inproperinla.com/00-00-00-us-gov-la-childrens_10-02-06%20Children%20Services%20in%20Los%20Angeles%20County.pdf

D. Compilation of data regarding children’s services in Los Angeles County, copied above.
   http://inproperinla.com/00-00-00-us-gov-la-childrens_10-03-28%20Children%20Services%20in%20Los%20Angeles%20County.pdf

E. Review of inaction by supervisors in view of ongoing deaths of children under County custody.
   http://inproperinla.com/00-00-00-us-gov-la-childrens_10-03-28-la-county-children-die-supervisors-fail-to-act.pdf
   vi.
5) LASC: Case Management (Sustain) and Public Access (E-Court) Systems

Sustain – the case management system of the LA Superior Court
6) LASC: Large-scale, long term denial of access to court records - to inspect and to copy – First Amendment (formerly – common law) right

Los Angeles Superior Court
7) **LASC- Civil Courts: Wide Spread Corruption of the Courts**

Taking by Judges of Payments that were “Not Permitted”

Perversion of justice in the case of *Sturgeon v Los Angeles County*

Dubious “Retroactive Immunities”

Retaliation against the whistleblower
8) LASC – Civil Courts: Real Estate Fraud by the Courts, in Los Angeles County, which was defined by FBI as the “epicenter of the epidemic of real estate and mortgage fraud”

Los Angeles County was defined already in the early 2000s by FBI as the “epicenter of the epidemic of real estate and mortgage fraud”. It is alleged that the Los Angeles Superior Court, attorney, financial institutions, and other government agencies are directly involved in perpetrating such real estate fraud cases on the people. FBI and US Department of Justice, as well as the US Courts were fully aware of such conduct and patronized the alleged racketeering by the judges of the Los Angeles Superior Court.

a) Opinion of James Wedick, highly decorated veteran FBI agent
b) The case of Barbara Darwish
c) Fraud in Multiple Conveyances of Titles by Attorney David Pasternak, former President of the Los Angeles Bar Association, in collusion with the Courts.
d) Judge Jacqueline A Connor
e) Judge John Segal
f) Judge Terry Friedman
g) Judge Alan Goodman
h) Judge Flynn
i) Judge Haber
j) Judge Lisa Hart Cole
k) Judge Patricia Collins (retired)
l) Retired Judge Gregory O’Brien
m) Supervising Judge Gerald Rosenberg
n) Former Presiding Judge Stephen Czuleger

Records

Opinion of James Wedick, highly decorated veteran FBI agent

The case of Barbara Darwish

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9) LASC - Financial Mismanagement/Financial Fraud – Part of Evidence of Racketeering, which FBI Refuses to Investigate

Conclusive evidence of financial mismanagement/fraud at the Los Angeles Superior Court goes back at least a decade. It is alleged as integral part of the evidence of racketeering, which FBI and US Department of Justice refuse to investigate:

b. “Journal Entry” cases, which FBI refuses to investigate.
c. Receiverships, child support, conservatorships.
d. Corporate structure of the Court and the County, computers systems, “not permitted” payments.
e. Records

Corporations and funds reported a decade ago – 1999, but never terminated.


“Journal Entry” cases, which FBI refuses to investigate.

See under case of Darwish – LASC - Civil Courts: Real Estate Fraud by the Court.
10) LASC – Presiding Judge Charles McCoy and Clerk of the Court John A Clarke
11) Los Angeles County Sheriff’s Department

a) Public access (online Inmate Information Center) and case management systems (Los Angeles County Booking Records) of the Sheriff's Department
   i. [Link to Addendum to Complaint-Re-Fraud-in-Los-Angeles-County-Sheriff's-Department-Computers]
   ii. [Link to Survey of Los Angeles County Sheriff's Department Inmate Information Center-Consecutive Numbers]

b) False Records Of the Sheriff's Department for Foundation of Holding Numerous Inmates in the Los Angeles Jails
   i. [Link to Survey of Los Angeles County Sheriff's Department Inmate Information Center-VINE vs Inmate Information Center]
   ii. [Link to Survey of Los Angeles County Sheriff’s Department Inmate Information Center-Consecutive Numbers]
   iii. [Link to Survey of Los Angeles County Sheriff’s Department Inmate Information Center-John Smith]
   iv. [Link to Survey of Los Angeles County Sheriff’s Department Inmate Information Center-Jose Rodriguez]
   v. [Link to Survey of Los Angeles County Sheriff’s Department Inmate Information Center-Jose Martinez]

c) Refusal of the Sheriff’s Department to Correct False Records Posted Online as Foundation for the Arrest and Imprisonment of Richard Fine.
   [Link to Richard Fine Petition filed with Sheriff Lee Baca of Los Angeles County to free Richard Fine]

d) Denial of Access to Public Records

e) Refusal of the Sheriff’s Department to Accept Complaints Regarding False Arrests and False Imprisonment

f) Complaint filed with the Sheriff’s Department of Los Angeles County – Alleged Corruption of Bond/Bail Operations
   [Link to Complaint to Sheriff Lee Baca Re Corruption of Bond Bail Services]
   [Link to Request Los Angeles Ombudsman Help in Re Complain with Sheriff re Corruption of Bond Servicess]

g) Refusal of Local Law Enforcement to Accept Complaints of Criminal Conduct - Los Angeles County Sheriff’s Department to accept complaints on alleged abuses and violent crimes
   [Link to La Verne armed abduction and robbery email correspondence with Los Angeles County Ombudsman and La Verne Police]
   [Link to Request for Los Angeles Supervisor Antonovich Help Re Issuing Complaint Numbers by the Sheriff’s Department]
h) False Arrest and False Imprisonment of Richard Fine


i) Conditions in Los Angeles County Jails

A copy of Dr. Kupers’ report detailing the conditions at Men's Central Jail in Los Angeles is available online at:
www.aclu.org/prison/mentalhealth/39359res20080707.html
A copy of the letter from a Men's Central Jail detainee regarding the death of John Horton is available online at:
www.aclu.org/prison/mentalhealth/39360res20090329.html
A letter from the ACLU to the Los Angeles County Board of Supervisors asking for sweeping improvements to the conditions at Men’s Central Jail is available online at:
www.aclu.org/prison/mentalhealth/39362res20090406.html
Additional information about the ACLU National Prison Project is available online at:
www.aclu.org/prison
12) *Los Angeles County: Refusal of Law Enforcement to Provide Equal Protection*

Refusal of Local Police to Accept Complaints of Criminal Conduct– City of La Verne

Refusal of Local Police to Accept Complaints of Criminal Conduct– City of Beverly Hills
13) Los Angeles County, California: Conduct of Large Law-Firms

Bryan Cave, LLP – false appearances and obstruction/perversion of justice on behalf of Countrywide Financial Corporation/ Bank of America Corporation.

Buchalter Nemer – false appearances on behalf of Old Republic International.

Jones Day -

Sheppard Mullin, LLP – the Presiding Judge’s former law firm, engaged in alleged racketeering in collusion with judges of the court.
14) Los Angeles County, California: Retaliation, Intimidation, Harassment, and False Hospitalizations of Attorneys

The case of Richard Fine – coerced medically unjustified hospitalization


See also under XIV e) Ronald George

The case of Ronald Gottschalk – coerced psychiatric hospitalization


The case of Steven Yagman – “a cage went looking for a bird”
B. Riverside and San Bernardino Counties, California

1. Riverside & San Bernardino Counties, California: Conservatorship Programs
   a. Abuse of the elderly under conservatorships program, patronized by the courts, was repeatedly reported. California Department of Justice, and California Attorney General refused to take action.
      i. [Link](http://inproperinla.com/10-04-06%20San%20Bernardino%20and%20Riverside%20Counties%20California-attorney-general.pdf)

2. San Bernardino County, California: Government and the Courts

3. Allegations of real estate fraud by Judge Michael Welch – Former Presiding Judge, San Bernardino County.

4. Loans to judges by financial institutions.
   a. As noted at the end of the newspaper article linked below, financial transactions including loans from financial institutions to Judge Michael Welch defy real accounting.
C. State of California Justice System Agencies

1. Medical Care of Prisoners in California Correctional Institutions
   a. Litigation in US Courts regarding medical care for the prisoners
   b. Ineffective Overseer – an inadequate response by US DOJ
2. **Jerry Brown and the Office of California Attorney General**

a) Corruption of the Los Angeles Courts

Corruption of the Los Angeles Courts was reported in great detail to the Office of Jerry Brown. However, he refused to take any action. A senior aid to Jerry Brown was eventually appointed to review the complaints – of racketeering by judges of the Superior Court of California, and issued a recommendation that the complaints were a private matter, and that the Office of Attorney General must not get involved.

b) Taking of “not permitted” payments by ALL Los Angeles County judges.

During the unfolding scandal, regarding the taking of such payments by ALL Los Angeles County judges, and conditions where it became impossible to win a case in court against the payer – Los Angeles County, no comment was ever heard by the office of the California Attorney General. Request for comment on the matter, or the related dubious “Retroactive Immunities” remained unanswered.

c) Imprisonment of Richard Fine in Los Angeles County, California.

The Office of Jerry Brown refused to take any action in the matter.

d) Records
3. **The case of Ronald George - Chief Justice, California Supreme Court, and Chair of the California Judicial Council**


4. California Court of Appeals, 1st District (San Francisco)
Justice James A Richman and Sturgeon v Los Angeles County.
5. *California Court of Appeals, 2nd District (Los Angeles)*
   - Galdjie v Darwish
   - Filipescu
6. *California Court of Appeals, 4th District (San Diego)*
   - *Sturgeon v Los Angeles County* - Ruling on payments that were “not permitted”
7. The California State Bar Association – an Arm of the Courts

- The case of the California State Bar Association
  [http://inproperinla.com/00-00-00-us-dist-ct-la-fine-v-state_00_f_09-06-18%20state%20bar%20package-a.pdf](http://inproperinla.com/00-00-00-us-dist-ct-la-fine-v-state_00_f_09-06-18%20state%20bar%20package-a.pdf)

  - The case of Los Angeles County Bar Association Former President – Attorney David Pasternak
  - The case of California State Bar Association former Chair of Professional Responsibility and Ethics Committee – Attorney John Amberg
  - The case of Disbarment of Attorney Richard Fine for “Moral Turpitude”
8. *California Department of Financial Institutions*
D. Government Agencies, in States Outside California

1. New Orleans, Louisiana – Hurricane Katrina and the Angola Three.

a. Drowning deaths of prisoners in New Orleans, after they were abandoned locked in their cells while water was rising, and shooting by police of unarmed persons in New Orleans.

i. Left to die – The Nation, December 14, 2005

ii. Drowning deaths of prisoner during Hurricane Katrina - UNHCR | Refworld, April 28, 2009
    http://inproperinla.com/09-04-28-katrina-prisoners-unhcr_refworld_report-of-the-special-rapporteur-on-
    contemporary-forms-of-racism-racial-discrimination-xenophobia-and-related-
    intolerance%20Doudou%20Dine%20Addendum%20mission%20to%20the%20United%20States%20of%20America.pdf

b. False imprisonments in solitary confinement for over thirty years, of the Angola Three.

   iii. http://inproperinla.com/08-04-01-
     Angola%20Leave%20Solitary%20Cells%20in%20La.%20After%2036%20Years%20%20NPR.pdf
   iv. http://inproperinla.com/08-04-01-
    Broncos%20and%20Boudin%20The%20Angola%20Prison%20Rodeo%20%20NPR.pdf
   v. http://inproperinla.com/08-04-01-
    Broncos%20and%20Boudin%20The%20Angola%20Prison%20Rodeo%20%20NPR.pdf
   vi. http://inproperinla.com/08-04-01-
    Favors,%20Inconsistencies%20Taint%20Angola%20Murder%20Case%20%20NPR.pdf
2. Luzerne County, Pennsylvania
   “Cash for Kids” scandal
3. El Paso, and Harris County, Texas

a) El Paso, Texas Corruption Scandal

b) Harris County, Texas, Sheriff’s Office
   i. False inmate records in the public access system.
      http://www.scribd.com/doc/25251302/10-01-14-Carol-Ann-Davis-and-the-Harris-County-Texas-Sheriff-s-Office-online-Inmate-
      Public-Information-s

1. US Court, Central District of California
   a. Audrey Collins – Chief Judge, and Terry Nafisi – Clerk of the Court
   b. Judge Virginia Phillips
   c. Judge John Walter
   d. Judge Steven Larson
   e. Judge Manuel Real
   f. Magistrate Carla Woehrle
g. PACER and CM/ECF – systems of the US District Court, LA

Large-Scale Shell Game Fraud Alleged in Computers of the US Courts – AOC Comments Requested

Los Angeles, April 7 – in letter to the Administrative Office of the United States Courts (AOC) Human Rights Alert – a Los Angeles-based NGO and Dr Joseph Zernik requested the AOC’s comments/responses on allegations of large-scale shell game fraud in design and operations of the United States courts computer systems. The case management (CM/ECF) and public access (PACER) systems were implemented at the courts in a massive project, overseen by the AOC, which lasted over a decade, at estimated cost of hundreds of millions of dollars. Response of the AOC was requested for inclusion in a report scheduled for submission by Human Rights Alert to the United Nations, as part of the first ever Universal Periodic Review of the Human Rights record of the United States. The case management (CM/ECF) and public access (PACER) systems of the US courts are alleged by Human Rights Alert as key to the precipitous deterioration of court integrity in the US in recent decades, and as the largest Shell Game Fraud in the history of mankind.

The April 7 letter to AOC, copied below, made the following four specific claims:
1) Implementation of PACER and CM/ECF amounted to a sea change in court procedures. However, in no case that was examined, did the court comply with Rule Making Enabling Act 28 USC §2071-7. In all cases that were examined the courts failed to establish their new practices and procedure in Local Rules of Courts, as required by law.
2) In all cases that were examined, without exception, the installation of CM/ECF and PACER was also accompanied by concerted efforts to deny the public the Right to Access Court Records - to inspect and to copy. Such denial of access was most clearly seen in relationship to the NEFs (Notices of Electronic Filings) at the US district courts, and the NDAs (Notices of Docket Activity) at the US courts of appeals. The denial of the Right to Access Court Records was most blatant when applied to parties in litigations, who were pro se filers.
3) In all cases that were examined, without exception, the installation of CM/ECF and PACER was also accompanied by denial of the Right to Service and Notice - a cornerstone of Due Process Rights. Such denial of Service and Notice was directed in a discriminatory fashion against pro se filers.
4) In all cases that were examined, features were found in PACER and CM/ECF, which upon review by competent panels of jurisdiction, must be deemed as fraud both by design of the systems and in their current mode of operations. Such alleged fraud on the people was perpetrated in a concerted fashion by the United States judiciary as a class, enabling perversion of justice and denial of access to national tribunals for protection of rights.


Attached:

April 7, 2010 letter by Human Rights Alert to AOC


April 7, 2010

Public Affairs Office
Administrative Office of the U.S. Courts
One Columbus Circle NE
Washington, D.C. 20544
By email at http://www.uscourts.gov/comment.html
By fax: 202.502.2633@metrofax.com

The favor of response within 10 days is requested. Time is of the essence!
Dear Sir/Madam:

Human Rights Alert, a Los Angeles-based NGO, is in final stages of preparing a report for submission to the United Nations as part of the Universal Periodic Review of the Human Rights record of the United States.

Your comments and responses are requested regarding a series of papers,[1]-[19] where the nature of the case management/electronic case filing (CM/ECF) and public access (PACER) systems of the United States courts were explored. The papers were mostly based on the systems as implemented at the US District Court, Central District of California, and the US Court of Appeals, 9th Circuit. However, additional district courts and one additional court of appeal were examined as well.

The outcome of such examination can be summed as follows:

1) Implementation of PACER and CM/ECF amounted to a sea change in court procedures. However, in no case that was examined, did the court comply with Rule Making Enabling Act 28 USC §2071-7. In all cases that were examined the courts failed to establish their new practices and procedure in Local Rules of Courts, as required by law.

2) In all cases that were examined, without exception, the installation of CM/ECF and PACER was also accompanied by concerted efforts to deny the public the Right to Access Court Records - to inspect and to copy. Such denial of access was most clearly seen in relationship to the NEFs (Notices of Electronic Filings) at the US district courts, and the NDAs (Notices of Docket Activity) at the US courts of appeals. The denial of the Right to Access Court Records was most blatant when applied to parties in litigations, who were pro se filers.

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IN SHORT:
The case management (CM/ECF) and public access (PACER) systems of the US courts are alleged key to the precipitous deterioration of court integrity in the US in recent decades, and as the largest Shell Game Fraud in the history of mankind.

Truly,

Joseph Zernik, PhD
Human Rights Alert (HRA), NGO
http://human-rights-alert.blogspot.com/
http://www.scribd.com/Human_Rights_Alert

LINKS:
h. Denial of Access to Court Records – to inspect and to copy
   See letter to AOC under g. PACER & CM/ECF
4. **US District Court, Vermont**  
   a. Case of Scott Huminski and case management/public access
5. **US District Court, Washington DC**
6. **US Court of Appeals, 2nd Circuit, and then Circuit Judge Sonia Sotomayor**

   g. Then Circuit Judge Sonia Sotomayor – issuance of unsigned order
   h. Denial of Access to Public Records
7. **US Court of Appeals, 9th Circuit**


Unsigned, unauthenticated, false and deliberately misleading June 30, 2009 Order denying the Emergency Petition of the falsely imprisoned Richard I Fine, issued in the names of Chief Judge Alex Kozinski and Circuit Judges Richard Paez and Richard Tallman:

i. [http://inproperinla.com/00-00-00-us-app-ct-9th-fine-v-sheriff-of-la-09-71692-doc-04-order-denying-s.pdf](http://inproperinla.com/00-00-00-us-app-ct-9th-fine-v-sheriff-of-la-09-71692-doc-04-order-denying-s.pdf)

c. Circuit Judges Stephen Reinhardt, Marsha Berzon and Milan Smith in *Joseph Zernik v United States District Court For The Central District Of California* (08-72714),

Unsigned, unauthenticated, false and deliberately misleading, unsigned, unauthenticated June 25, 2008 and June 26, 2008 Orders denying the Emergency Petition of Joseph Zernik, originating from real estate fraud by the judges of the LASC, as opined by decorated FBI veteran fraud expert James Wedick. The Orders were issued in the names of Circuit Judges Stephen Reinhardt, Marsha Berzon and Milan Smith:

i. [http://inproperinla.com/00-00-00-us-app-ct-9th-zernik-v-connor-doc-03-order-denial-08-06-25.pdf](http://inproperinla.com/00-00-00-us-app-ct-9th-zernik-v-connor-doc-03-order-denial-08-06-25.pdf)

ii. [http://inproperinla.com/00-00-00-us-app-ct-9th-zernik-v-connor-doc-06-order-denial-08-06-26.pdf](http://inproperinla.com/00-00-00-us-app-ct-9th-zernik-v-connor-doc-06-order-denial-08-06-26.pdf)

d. The practices involved in the operation of the public access (PACER) and the case management and electronic court filing at the CCA9th, were deemed fraud, similar to that which is routinely perpetrated at the USC-CACD. The public access system (PACER) displays orders and judgments that are not signed, and no authentication records are accessible to the public. The authentication instruments – the Notices of Docketing Activity (NDAs) are sequestered in the case management and electronic court filing system (CM/ECF), and are deemed fraudulent by design. Under such conditions, the CCA9th is deemed as posting online numerous dockets of cases that are never deemed valid court cases by the Court itself, and where the Circuit Judges feel at liberty to post orders and judgments that are contrary to the law of the US.

The CCA9th, like the USC-CACD, failed to ever establish its electronic authentication practices in Local Rules of Court, as required by law. The only place where such practices are mentioned, are User’s Guide to the CM/ECF program:


e. Like the USC-CACD, the CCA9th was shown to fail to serve the authentication instruments on pro se filers. Furthermore, at times issued, like the USC-CACD dishonest, invalid and ineffectual authentication instruments, failing to include the Court’s electronic stamp:

f. Denial of Access to court records, and denial of notice and service – Due Process rights:

The CCA9th, like the USC-CACD, denies access to records, in disregard of First Amendment rights, and also denies the right for Notice and Service of court records – a cornerstone of Due Process rights. Like the USC-CACD, the CCA9th fails to serve the NDAs on pro se filers, and furthermore, denies access to the authentication records to pro se filers:

g. The NDA authentication instrument is deemed fraudulent by design:

Review of the authentication instrument itself – the Notice of Docketing Activity (NDA) – would lead a reasonable person to conclude that such authentication was never valid in the first place, and that the system as a whole was fraud by design. The authentication instrument, the NDA, fails to include the name of the person authenticating the records, fails to include any
certification that such person, who purportedly constructed the docket, was authorized as a Deputy Clerk. Furthermore, the authentication instrument fails to include any language stating the Court’s orders and judgments, or any other record for that purpose was “entered”, and finally – no definitive binding statement is made relative to the service of the NDA itself. The language included in the NDA is in the future tense (“will be mailed”), is not on behalf of any particular individual, and it appears in the record below the electronic court stamp. In fact, in both cases listed above - Richard I Fine v Sheriff of Los Angeles County (09-071692), and Joseph Zernik v United States District Court For The Central District Of California (08-72714), the NDAs were NOT served on pro se filers at all.

h. Issuance of false and deliberately misleading NDA- including false record attachments:
An entirely different type of alleged fraud in the design and practice of NDAs was found in the case of Richard Shelley. In Shelley v Quality Loan Services (09-56133), an individual was attempting to protect his rights against a financial institution, again in alleged real estate fraud. The CCA9th denied the Appeal in the case in an unsigned order. Moreover, although the CCA9th did serve the NDA on Shelley in this case, albeit, with a false and deliberately misleading attachment – court order from an unrelated habeas corpus petition. The court failed to correct the error even after Shelley pointed it out to the court.
Such practice mirrored the false authentications of judgments and orders seen at the LASC in Samaan v Zernik (SC087400) and in Sturgeon v Los Angeles County (BC351286).

i. Docket in appeal of Shelley v Quality Loan Services (09-56133)
   http://inproperinla.com/00-00-00-us-app-ct-9th-shelley_0-a-10-03-26-docket.pdf

ii. October 22, 2009 unsigned order denying the appeal in Shelley v Quality Loan Services (09-56133)
    http://inproperinla.com/00-00-00-us-app-ct-9th-shelley_09-10-22-a-order-denying-petition-for-stay-unsigned.pdf

iii. False and deliberately misleading NDA in order denying the appeal in Shelley v Quality Loan Services (09-56133):
     http://inproperinla.com/00-00-00-us-app-ct-9th-shelley-v-quam_09-10-22-NDA-9th-circuit-shelley-v-quality-loan-services.pdf

iii. Docket of William Meador v J Alvidrez, et al (09-16508) – the habeas corpus case that was falsely linked to the order denying the appeal in Shelley v Quality Loan Services (09-56133)

iii. Correspondence with Philip Shelley in re: false and deliberately misleading NDA:

iv. Declaration of Joseph Zernik regarding March 30, 2010 NDAs obtained in visit to US Court of Appeals, 9th Circuit
i. CM/ECF as designed and operated at the CCA9th is alleged as a large-scale shell game fraud.

10-04-07 Large-Scale Shell Game Fraud Alleged in Computers of the US Courts – AOC Comments Requested

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Attached:

April 7, 2010 letter by Human Rights Alert to AOC

April 7, 2010

Public Affairs Office
Administrative Office of the U.S. Courts
One Columbus Circle NE
Washington, D.C. 20544
By email at http://www.uscourts.gov/comment.html
By fax: 202.502.2693@metrofax.com

The favor of response within 10 days is requested. Time is of the essence!

RE: PACER and CM/ECF

Dear Sir/Madam:

Human Rights Alert, a Los Angeles-based NGO, is in final stages of preparing a report for submission to the United Nations as part of the Universal Periodic Review of the Human Rights record of the United States.

Your comments and responses are requested regarding a series of papers,[1]-[19] where the nature of the case management/electronic case filing (CM/ECF) and public access (PACER) systems of the United States courts were explored. The papers were mostly based on the systems as implemented at the US District Court, Central District of California, and the US Court of Appeals, 9th Circuit. However, additional district courts and one additional court of appeal were examined as well.

The outcome of such examination can be summed as follows:
1) Implementation of PACER and CM/ECF amounted to a sea change in court procedures. However, in no case that was examined, did the court comply with Rule Making Enabling Act 28 USC §2071-7. In all cases that were examined the courts failed to establish their new practices and procedure in Local Rules of Courts, as required by law.

2) In all cases that were examined, without exception, the installation of CM/ECF and PACER was also accompanied by concerted efforts to deny the public the Right to Access Court Records - to inspect and to copy. Such denial of access was most clearly seen in relationship to the NEFs (Notices of Electronic Filings) at the US district courts, and the NDAs (Notices of Docket Activity) at the US courts of appeals. The denial of the Right to Access Court Records was most blatant when applied to parties in litigations, who were pro se filers.

3) In all cases that were examined, without exception, the installation of CM/ECF and PACER was also accompanied by denial of the Right to Service and Notice - a cornerstone of Due Process Rights. Such denial of Service and Notice was directed in a discriminatory fashion against pro se filers.

4) In all cases that were examined, features were found in PACER and CM/ECF, which upon review by competent panels of jurisdiction, must be deemed as fraud both by design of the systems and in their current mode of operations. Such alleged fraud on the people was perpetrated in a concerted fashion by the United States judiciary as a class, enabling perversion of justice and denial of access to national tribunals for protection of rights.

IN SHORT:
The case management (CM/ECF) and public access (PACER) systems of the US courts are alleged key to the precipitous deterioration of court integrity in the US in recent decades, and as the largest Shell Game Fraud in the history of mankind.

Truly,

Joseph Zernik, PhD
Human Rights Alert (HRA), NGO
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LINKS:


8. **US Supreme Court**

The evidence below shows that the US Supreme Court adopted the same corrupt practices of all other courts described in instant submission to the UN. The US Supreme Court engages in the issuance of decisions or pretense of decisions and rulings, which are surely never deemed honest, valid and effectual rulings and decisions by the court itself. The highlight of such conduct in the evidence below, is the deprivation of Liberty of Richard Fine through conduct of Supreme Court Justice Anthony Kennedy, which was claimed to have been denial of the Richard Fine Application for Stay of Sentence of “Coercive Confinement”, but – based on the records in the case - could not possibly be deemed as a valid denial as an action of the US Supreme Court.

a. **Richard I Fine v Sheriff of Los Angeles County (09-A827)**

The evidence shown below documents the SCOTUS as the ultimate perpetrator of the fraud on the people, in generating false and fraudulent court records to affirm and provide the guise of legitimacy to conduct of the lower courts. The records are from the February 8, 2010 Application for Stay of Execution of Sentence of “Coercive Confinement”, Richard I Fine v Sheriff of Los Angeles County (09-A827), filed by the falsely imprisoned Richard Fine with Justice Patrick Kennedy, who holds oversight duties relative to the US CCA9th. The records show that what was reported as denial by the Supreme Court of the Application, had no valid records of a review at all.


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10-04-07 Case Management System of US Supreme Court

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**Compromised Integrity Alleged of US Supreme Court Computer Systems**

Los Angeles, April 7 - in letter [1] to law school faculty and US agencies, Human Rights Alert, a Los Angeles- based NGO, and Dr Joseph Zernik sought help from those more familiar with the business of the United States Supreme Court, in evaluating the integrity of the computer system of the highest court of the land. Human Rights Alert and Dr Joseph Zernik, engaged in preparation of a report for the United Nations, regarding Human Rights conditions in the US, have previously provided evidence to support the allegation that the computer systems of the US district court and US courts of appeals were a large-scale shell game fraud. However, the computer systems of the US Supreme Court is entirely different platform, which needed to be separately evaluated. As test case, Dr Zernik raise the question of appearance, or lack thereof, of an application, seeking release from false imprisonment, by the falsely
hospitalized Attorney Richard Fine, and a purported March 12, 2010 order denying the application. The purported order was communicated through an unsigned March 12, 2010 letter by the clerk of the US Supreme Court. However, search for the appearance of the respective order in the online listing of orders of the US Supreme Court, revealed no such order.


ATTACHED:

[1] April 7, 2010 Letter by Human Rights Alert and Dr Joseph Zernik requesting help in evaluation of integrity, or lack thereof, of the computer system of the United States Supreme Court.

Date: Wed, 07 Apr 2010 13:21:05 -0700
To: lawsters@googlegroups.com
From: joseph zernik
Subject: Richard Fine: Request for help in re: Case management system of SCOTUS: Index of Cases, Index of Orders

Dear All:

RE: Richard Fine: Request for help in re: Case management system of SCOTUS: Index of Cases, Index of Orders

I am seeking help from those more experienced with SCOTUS business. I have mostly examined computers of the US district courts and US courts of appeals, but not SCOTUS.

The question is regarding appearance, or lack thereof, in any type of Index of Cases, of a case (Application 09-A827) filed by Richard Fine as Richard I Fine v Sheriff of Los Angeles County, and captioned by clerk of the court as Richard I Fine v Lee D Baca.

Alternatively, the question is regarding appearance, or lack thereof, in any type of Index of Orders/Decisions of a purported March 12, 2010 Order by Associate Justice Anthony Kennedy, denying the above named application.

I am running against time, and would like to include this issue in my report to the UN, but am not familiar enough with the case management system of SCOTUS.

Any comments would be greatly appreciated.

Truly,

Joseph Zernik, PhD
Human Rights Alert (HRA), NGO
http://human-rights-alert.blogspot.com/
http://www.scribd.com/Human_Rights_Alert
**LINKS:**

1) List of lists of orders of SCOTUS in the relevant period:
   http://inproperinla.com/00-00-00-us-a-supreme-ct-fine-v-baca_10-04-07-lists-of-orders-of-us-supreme-court.pdf

2) March 8, 2010 Order List
   http://inproperinla.com/00-00-00-us-a-supreme-ct-fine-v-baca_10-03-08%20order%20list.pdf

3) March 15, 2010 Order List
   http://inproperinla.com/00-00-00-us-a-supreme-ct-fine-v-baca_10-03-15-order%20list.pdf

4) March 19, 2010 Order List
   http://inproperinla.com/00-00-00-us-a-supreme-ct-fine-v-baca_10-03-19%20order%20list.pdf

5) March 12, 2010 letter by clerk purporting that the application was denied on March 12, 2010
   http://inproperinla.com/00-00-00-us-a-supreme-ct-fine-v-baca_10-03-12-letter-by%20clerk%20denying%20fine%20application.pdf
b.  *Orly Taitz*
Attorney Orly Taitz reported similar events, where she was informed of review, but the records and events in the case failed to indicate valid review by the Court.
9. **Litigations involving Financial Institutions at the US Courts – Underlying the current financial crisis, and failure to abide by the provisions of the Basel Accords on international banking.**

a) Borrower Sharon Diane Hill – Countrywide/ Bank of America
b) Keener – SBSC Mortgage

c) Borrower William Alan Parsley – Countrywide/Bank of America
d) Shelley – Quality Mortgage Services
e) Schaeffer- Hartford Life
f) US - UBS-AG
g) SEC v Bank of America Corporation
h) Zernik – Countrywide/Bank of America, Union Bank, USC Credit Union, Coldwell Banker, Old Republic International

ii. See also web site Living Lies regarding widespread real estate fraud cases under the current financial crisis.
10. **Administrative Office of the United States Courts –
Implementation of CM/ECF and PACER – alleged large scale shell game fraud.**

Large-Scale Shell Game Fraud Alleged in Computers of the US Courts – AOC Comments Requested

Los Angeles, April 7 – in letter to the Administrative Office of the United States Courts (AOC) Human Rights Alert – a Los Angeles-based NGO and Dr Joseph Zernik requested the AOC’s comments/responses on allegations of large-scale shell game fraud in design and operations of the United States courts computer systems. The case management (CM/ECF) and public access (PACER) systems were implemented at the courts in a massive project, overseen by the AOC, which lasted over a decade, at estimated cost of hundreds of millions of dollars. Response of the AOC was requested for inclusion in a report scheduled for submission by Human Rights Alert to the United Nations, as part of the first ever Universal Periodic Review of the Human Rights record of the United States. The case management (CM/ECF) and public access (PACER) systems of the US courts are alleged by Human Rights Alert as key to the precipitous deterioration of court integrity in the US in recent decades, and as the largest Shell Game Fraud in the history of mankind.

The April 7 letter to AOC, copied below, made the following four specific claims:

1) Implementation of PACER and CM/ECF amounted to a sea change in court procedures. However, in no case that was examined, did the court comply with Rule Making Enabling Act 28 USC §2071-7. In all cases that were examined the courts failed to establish their new practices and procedure in Local Rules of Courts, as required by law.  
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3) In all cases that were examined, without exception, the installation of CM/ECF and PACER was also accompanied by denial of the Right to Service and Notice - a cornerstone of Due Process Rights. Such denial of Service and Notice was directed in a discriminatory fashion against pro se filers.  
4) In all cases that were examined, features were found in PACER and CM/ECF, which upon review by competent panels of jurisdiction, must be deemed as fraud both by design of the systems and in their current mode of operations. Such alleged fraud on the people was perpetrated in a concerted fashion by the United States judiciary as a class, enabling perversion of justice and denial of access to national tribunals for protection of rights. 


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LINKS:


F. US Department of Justice, Law Enforcement Agencies, and Banking Regulators

1. Discrimination by the US government against the region of Los Angeles/Southern California
   a. Historic data – CIA drug trafficking to Los Angeles County during the 1980s and 1990s.
      i. http://inproperinla.com/00-00-01-97-12-cia-drug-dealing-in-la-opv_oig_special_9712_.pdf
      ii. 
   b. Refusal of the US government to address the Rampart Corruption scandal (1998-2000)
   c. Alleged perversion of justice in the US v City of LA et al - the appointment of Overseer for Civil Rights with no valid entry of the Consent Decree – and the consequent failure to enforce the Consent Decree’s key provisions.
   d. The role of law enforcement in illicit drug markets today.
   e. Refusal of US agencies to enforce First Amendment right to access court records – to inspect and to copy in Los Angeles County, California
2. Retaliation against Attorneys, Outside California, by US Agencies
   i. The case of New York attorney (name?) in re: GITMO detainees
3. **SEC, and Banking Regulators – Refusal to Enforce the Law in the Face of Credible Evidence of Criminality by Financial Institutions.**

   j. **SEC**
   
   i. Robert Reich, author of the article, is former US Labor Secretary, and the article, titled “Fraud on the Street” points to the SEC as the culprit in allowing the large scale fraud by financial institutions, which created the current crisis. http://inproperinla.com/10-03-31_fraud-on-the-street.pdf

   k. Office of US Comptroller of the Currency

   l. Office of Federal Trade Commission

   m. Office of Thrift Regulation
4. Patronizing of widespread corruption of the judges and large financial institutions by senior officers of the United States

n. The case of Kenneth Kaiser (Assistant Director - FBI)
o. The case of Kenneth Melson (Director - US Dept of Justice)
q. The case of Mary Schapiro (Chair-SEC)
r. The case of David Kotz (Inspector General - SEC)
s. The case of John Dugan (Comptroller of the Currency)

G. About Instant Submission

1. Denial of access to records

The fundamental abuse, which is almost uniformly seen in agencies described in the report, is in the denial of access to public records. Liberty and other Human Rights cannot be restored absent such access.
2. Media Reporting and Access to Information on Human Rights in the US

Deregulation in recent decades left media concentrated under control by large corporate interests. Even the internet, which could provide a remedy, appears to be effectively muzzled. The case of Wikipedia is provided as an example.

a) The case of Wikipedia

Image as an open, democratic, unique novel experiment in creating an egalitarian encyclopedia of the people. The true facts in the matter – investigated in detail by California Institute of Technology graduate student, who researched the identity of various “Editors” through their IP addresses. The identity of editors, in general, is kept confidential in Wikipedia. However, through their IP addresses, the researcher could trace numerous “Editors” to clustered IP addresses, and in some cases, to specific corporation or agencies.

The overall result is that Wikipedia is a very tightly edited encyclopedia – serving corporate and government interests. In the area of Human Rights the following examples are noted:

i. The main article on Human Rights in the United States, appears almost congratulatory in nature, emphasizing the unique role of the United States in establishing standards of Human Rights around the globe, and annually assessing the Human Rights record of other nations.

ii. Attempt was made to add to such major article, 33 pages in print, which was still under editing, a two-sentence mention under section 10 (Other Issues) of the events of Hurricane Katrina in New Orleans, Louisiana. Two adequate references were provided – (a) Report by the UN High Commissioner on Human Rights, and (b) Article in The Nation magazine, titled “Left to Drown”. No matter what, it soon became clear that no mention would be allowed of the incident, which may be the worst Human Rights abuse in the US in the past decade.

iii. The article on the “Rampart FIPs (Falsely Imprisoned Persons)” was initially authored for Wikipedia, and it also got some help from others. However, eventually it was deleted in its entirety.

iv. An article on “NEFs (Notices of Electronic Filings) at the United States Courts”, mostly of legal/technical nature, was deleted as well. The final reason for the deletion was provided – that the author was “part of the Richard Fine Movement”.

v. A short biography: “Richard Isaac Fine” drew substantial activity. After the framework was authored, a number of people contributed, and others edited. However, it became clear that the basic facts would not be allowed to remain, such as:

- That Richard I Fine was a former US prosecutor (he is often described by hostile media as a quixotic crusader or worse), - that he was denied for several months access to pen and paper,
- That he was held in a hospital room under solitary confinement with no medical justification,
- That in parallel to the taking of “not permitted” payments, conditions were created in Los Angeles County, where one could practically never win a case against Los Angeles County.

Eventually, the entire article was deleted for “Lack of Notability”, which seemed to contradict the reason for deleting the other article – being “part of the Richard Fine movement”. At the same time, trivial articles, such as one dedicated to an insignificant Los Angeles area shopping mall – “Montclair Plaza” – were left intact, never deemed lacking in notability.

vi. Richard Fine’s name appeared also in a minor mention under the biography of California Supreme Court Justice, in reference to a New York Times article that discussed his prospects to be nominated to the US Supreme Court by President Barack Obama. The note stated, that since he had taken the “not permitted” payments, exposed by Richard Fine, prior to being elevated to the California Supreme Court, his prospects for nomination to the US Supreme Court were diminished. Such mention of the name of Richard I Fine was eventually removed as well from Wikipedia.

Wikipedia may not be deemed a major academic resource, but it is surely a very accessible and highly used vehicle among young people in the United States. Its deceptive appearance as an open, egalitarian forum, and
in contrast - the tight control of its contents to serve particular interests, are good representation of media control and access to information regarding Human Rights in the United States today.
3. Process and Procedures in Production of Instant Submission
4. Evidence for efforts to undermine the 2010 UPR of the United States

a) The case of Medical Whistleblower
   a. Janette Parker, representing herself as leader of a Medical Whistleblower organization issued messages that appeared as a solicitation of complaints pursuant to the UPR, however, it was never clear that any complaints filed with her were ever going to make it to the United Nations. Later, she sent messages that were thinly veiled threats against independently filing such complaints with the UN.

b) The case of OAK and NFOJA
   b. OAK - representing itself as a grass root organization for change, and its affiliate NFOJA – representing itself as National Forum on Judicial Accountability, both newly established organizations, solicited contributions as part of their claimed submission for the Universal Periodic Review by the UN. However, in one of it messages, but not others, it became evidence that it had no intention to file a submission alleging any violations of Human Rights by the United States.
   c. Requests for clarifications by the executive of the organization remained unanswered.
   d. Later, contributions to the online discussion, which listed serious violations of Human Rights by the United States, were repeatedly deleted. It was a repeat of the pattern seen in Wikipedia – appearance of free discussion and egalitarian contributions, which in fact were carefully monitored to weed out any mention of undesired facts.
5) Records

b) Media Reporting and Access to information


ii. Caltech research on “Editors’ in Wikipedia

iii. Montclair Plaza
Human Rights Council
Working Group on the Universal Periodic Review
Ninth session
Geneva, 1–12 November 2010

National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1

United States of America

* The present document was not edited before being sent to the United Nations translation services.
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I. Introduction

A. A more perfect union, a more perfect world

1. The story of the United States of America is one guided by universal values shared the world over—that all are created equal and endowed with inalienable rights. In the United States, these values have grounded our institutions and motivated the determination of our citizens to come ever closer to realizing these ideals. Our Founders, who proclaimed their ambition “to form a more perfect Union,” bequeathed to us not a static condition but a perpetual aspiration and mission.

2. We present our first Universal Periodic Review (UPR) report in the context of our commitment to help to build a world in which universal rights give strength and direction to the nations, partnerships, and institutions that can usher us toward a more perfect world, a world characterized by, as President Obama has said, “a just peace based on the inherent rights and dignity of every individual.”

3. The U.S. has long been a cornerstone of the global economy and the global order. However, the most enduring contribution of the United States has been as a political experiment. The principles that all are created equal and endowed with inalienable rights were translated into promises and, with time, encoded into law. These simple but powerful principles have been the foundation upon which we have built the institutions of a modern state that is accountable to its citizens and whose laws are both legitimated by and limited by an enduring commitment to respect the rights of individuals. It is our political system that enables our economy and undergirds our global influence. As President Obama wrote in the preface to the recently published National Security Strategy, “democracy does not merely represent our better angels, it stands in opposition to aggression and injustice, and our support for universal rights is both fundamental to American leadership and a source of our strength in the world.” Part of that strength derives from our democracy’s capacity to adopt improvements based upon the firm foundation of our principled commitments. Our democracy is what allows us to acknowledge the realities of the world we live in, to recognize the opportunities to progress toward the fulfillment of an ideal, and to look to the future with pride and hope.

4. The ideas that informed and inform the American experiment can be found all over the world, and the people who have built it over centuries have come from every continent. The American experiment is a human experiment; the values on which it is based, including a commitment to human rights, are clearly engrained in our own national conscience, but they are also universal.

5. Echoing Eleanor Roosevelt, whose leadership was crucial to the adoption of the Universal Declaration of Human Rights (UDHR), Secretary of State Hillary Clinton has reaffirmed that “[h]uman rights are universal, but their experience is local. This is why we are committed to holding everyone to the same standard, including ourselves.” From the UDHR to the ensuing Covenants and beyond, the United States has played a central role in the internationalization of human rights law and institutions. We associate ourselves with the many countries on all continents that are sincerely committed to advancing human rights, and we hope this UPR process will help us to strengthen our own system of human rights protections and encourage others to strengthen their commitments to human rights.
B. The United States and the Universal Periodic Review: approach and methodology

6. The ultimate objective of the UPR process, and of the UN Human Rights Council, is to enhance the protections for and enjoyment of human rights. Our participation signifies our commitment to that end, and we hope to contribute to it by sharing how we have made and will continue to make progress toward it. Some may say that by participating we acknowledge commonality with states that systematically abuse human rights. We do not. There is no comparison between American democracy and repressive regimes. Others will say that our participation, and our assessment of certain areas where we seek continued progress, reflects doubt in the ability of the American political system to deliver progress for its citizens. It does not. As Secretary Clinton said in a speech on human rights last year, “democracies demonstrate their greatness not by insisting they are perfect, but by using their institutions and their principles to make themselves…more perfect.” Progress is our goal, and our expectation thereof is justified by the proven ability of our system of government to deliver the progress our people demand and deserve.

7. This document gives a partial snapshot of the current human rights situation in the United States, including some of the areas where problems persist in our society. In addressing those areas, we use this report to explore opportunities to make further progress and also to share some of our recent progress. For us, the primary value of this report is not as a diagnosis, but rather as a roadmap for our ongoing work within our democratic system to achieve lasting change. We submit this report with confidence that the legacy of our past efforts to embrace and actualize universal rights foreshadows our continued success.

8. This report is the product of collaboration between the U.S. Government and representatives of civil society from across the United States. Over the last year, senior representatives from more than a dozen federal departments and agencies traveled the country to attend a series of UPR consultations hosted by a wide range of civil society organizations. At these gatherings, individuals presented their concerns and recommendations and often shared stories or reports as they interacted with government representatives. Those conversations shaped the substance and structure of this report. Nearly a thousand people, representing a diversity of communities and viewpoints, and voicing a wide range of concerns, attended these gatherings in New Orleans, Louisiana; New York, New York; El Paso, Texas; Albuquerque, New Mexico; Window Rock, Arizona; the San Francisco Bay Area; Detroit, Michigan; Chicago, Illinois; Birmingham, Alabama; and Washington, D.C. Information about the process was also posted on the website of the U.S. Department of State (www.state.gov/g/drl/upr). Members of the public were encouraged to contribute questions, comments, and recommendations via that site, and many did so. The consultation process followed a familiar tradition of collaboration and discussion between government and civil society that is vital to the strength of our democracy. The U.S. Government is grateful to all those who hosted meetings and shared their views both in those consultations and online. We also welcome constructive comments and recommendations from other governments and non-governmental organizations through the UPR process.
II. The United States and human rights: normative and institutional background

A. Human Rights as the ends of government and the means of progress

9. The desire to live freely under a government that would respect and protect human rights was the fundamental motivation of our country’s Founders—human rights have not only been part of the United States since the beginning, they were the reason our nation was created. From its adoption in 1789, the U.S. Constitution has been the central legal instrument of government and the supreme law of the land. The Constitution establishes the structure of government in the United States, starting with the fundamental principle that the will of the people is the basis of the legitimacy of government. The Constitution’s first ten amendments, adopted in 1791 and known as the Bill of Rights, along with the Thirteenth, Fourteenth, and Fifteenth Amendments, adopted in the wake of the Civil War, protect many rights that, in the twentieth century, became recognized and protected under international human rights law. The principles enshrined in the Constitution and the system of government that it prescribes—including the checks and balances between the legislative, executive, and judicial branches, as well as the reservation of significant authority and autonomy for the fifty states joined together in a federal system—have been the basic building blocks of a government of the people, by the people, and for the people throughout U.S. history.

10. Since our founding, we have made tremendous progress in strengthening the protection of rights and in enhancing and expanding equal opportunities for their enjoyment. Just as the legitimacy of our government is grounded in the will of the people, the credit for progress accrues not only to our Constitution and the government it created, but also to the determination and commitment of our people. Throughout our history, our citizens have used the freedoms provided in the Constitution as a foundation upon which to advocate for changes that would create a more just society. The Constitution provided the means for its own amelioration and revision: its glaring original flaw of tolerating slavery, as well as denying the vote to women, have both been corrected through constitutional reform, judicial review and our democratic processes. Human rights—including the freedoms of speech, association, and religion—have empowered our people to be the engine of our progress.

B. Enduring commitments

11. As we look to the future, the United States stands committed to the enduring promises of protecting individual freedoms, fairness and equality before the law, and human dignity—promises that reflect the inalienable rights of each person. Our commitment to the rights protected in our Constitution is matched by a parallel commitment to foster a society characterized by shared prosperity. Finally, we are committed to the idea that the values behind the domestic promises articulated in our Constitution should also guide and inform our engagement with the world. Below, we address these commitments in turn.

III. A commitment to freedom, equality, and dignity

12. Article 1 of the Universal Declaration of Human Rights declares that “all human beings are born free and equal in dignity and rights” and that they are “endowed with
reason and conscience.” This basic truth suggests the kinds of obligations—both positive and negative—that governments have with regard to their citizens.

13. People should be free and should have a say in how they are governed. Governments have an obligation not to restrict fundamental freedoms unjustifiably, and governments need to create the laws and institutions that secure those freedoms.

14. People should enjoy fair treatment reflected in due process and equality before the law. Governments have an obligation not to discriminate or persecute and should establish mechanisms for protection and redress.

15. People should be treated with dignity. Governments have an obligation to protect the security of the person and to respect human dignity.

16. These obligations are what enable people to claim “life, liberty, and the pursuit of happiness” as their just entitlements. These same rights are encoded in international human rights law and in our own Constitution.

A. Freedom of expression, religion, association, and political participation

1. Freedom of expression

17. The United States maintains robust protections for freedom of expression. As a general matter, the government does not punish or penalize those who peacefully express their views in the public sphere, even when those views are critical of the government. Indeed, dissent is a valuable and valued part of our politics: democracy provides a marketplace for ideas, and in order to function as such, new ideas must be permitted, even if they are unpopular or potentially offensive. The United States has a free, thriving, and diverse independent press—a feature that existed before the advent of electronic and digital media and that continues today.

18. We also recognize that privacy is linked to free expression, in that individuals need to feel that they can control the boundaries of their self-disclosure and self-expression in order to be able to express themselves freely: surveillance, especially when practiced by a government, can lead to self-censorship. Although protecting the security of all citizens means that no individual can have an absolute right to privacy or expression, any limitations on these rights are determined in a public process, by representatives of the people in the legislature and by the courts.

2. Freedom of thought, conscience, and religion

19. The desire for freedom from religious persecution has brought millions to our shores. Today, freedom of religion protects each individual’s ability to participate in and share the traditions of his or her chosen faith, to change his or her religion, or to choose not to believe or participate in religious practice.

20. Citizens continue to avail themselves of freedom of religion protections in the Constitution and in state and federal law. For example, in a case this year, a Native American primary school student’s right to wear his hair in a braid, in accordance with his family’s religious beliefs, was upheld pursuant to a Texas religious freedom law.1

21. The constitutional prohibition on the establishment of a religion by the government, along with robust protections for freedom of speech and association, have helped to create a multi-religious society in which the freedom to choose and practice one’s faith, or to have no faith at all, is secure.
3. Freedom of association

22. In the United States, our vibrant civil society exists because people freely come together to meet and share interests and to advocate for political and other causes. In some cases, this takes the form of public gatherings, marches, or protests. In others, people establish or join organizations with a sustained purpose or agenda—today, there are more than 1.5 million non-profit organizations in the United States.

23. Freedom of association also protects workers and their right to organize. The labor movement in the United States has a rich history, and the right to organize and bargain collectively under the protection of the law is the bedrock upon which workers are able to form or join a labor union. Workers regularly use legal mechanisms to address complaints such as threats, discharges, interrogations, surveillance, and wages-and-benefits cuts for supporting a union. These legal regimes are continuously assessed and evolving in order to keep pace with a modern work environment. Our UPR consultations included workers from a variety of sectors, including domestic workers who spoke about the challenges they face in organizing effectively. Currently there are several bills in our Congress that seek to strengthen workers’ rights—ensuring that workers can continue to associate freely, organize, and practice collective bargaining as the U.S. economy continues to change.

4. Freedom of political participation

24. Every person should have a say in how he or she is governed, and representative democracy has always been the essential foundation of our country’s political system. When the United States was founded, only white men who owned property could vote. In the subsequent centuries, barriers fell for women, African Americans, Hispanics, Asian Americans, and Native Americans, and we continue to work to ensure universal enfranchisement in both law and fact.

25. After decades of work by women’s rights groups and others, women obtained a constitutionally protected right to vote in 1920. Real protection of the right to vote for racial and ethnic minorities came many decades later with the enactment of the Voting Rights Act of 1965, a watershed moment in the fight for fairness in our election system. Nearly a century earlier, in the wake of the Civil War, the Fifteenth Amendment to the Constitution had granted the right to vote to African-American men, although in practice that right continued to be obstructed and denied. Since the Voting Rights Act’s passage, the United States has made substantial progress in breaking down racial barriers to voting, resulting in greater participation in elections and significant increases in the election of members of diverse racial and ethnic groups to public office.

26. The Voting Rights Act prohibits racial discrimination in voting, allowing the Department of Justice or a private citizen to challenge a voting practice as discriminatory in federal court. Under the Act, certain jurisdictions with histories of racial discrimination in voting require federal approval to implement any change affecting voting. The Act also ensures meaningful access to the franchise for non-English speaking citizens. In recent months, the Department of Justice has worked to strengthen enforcement of federal voting rights laws. The Department recently obtained consent decrees against some jurisdictions and concluded a settlement with another, and it is preparing to review thousands of redistricting plans that will be submitted after release of the 2010 Census results to ensure that voting districts are not drawn with the purpose or effect of marginalizing minority voters.

27. Other laws, such as the National Voter Registration Act of 1993 and the Help America Vote Act of 2002, help increase historically low registration rates of minorities and persons with disabilities that have resulted from discrimination, and protect the equal rights of all by facilitating complete and accurate voter rolls.
28. Several Members of Congress and other policymakers and advocates have promoted changes to our election administration system including proposals to establish a national mandate for universal voter registration; combat “deceptive practices” designed to deter legitimate voters from voting; require “permanent voter registration” systems; and require fail-safe procedures, so that eligible voters can correct inaccurate voter rolls and vote on the same day. Work continues toward having these proposals enacted into federal law.

B. Fairness and equality

29. The United States has always been a multi-racial, multi-ethnic, multi-religious society. Although we have made great strides, work remains to meet our goal of ensuring equality before the law for all. Thirty years ago, the idea of having an African-American president would not have seemed possible; today it is our reality. Our Attorney General, the nation’s top law enforcement officer, is also African-American. Three of the last four Secretaries of State have been women, and two of the last three have been African-American. We have recently appointed our first Hispanic Supreme Court Justice, as well as several LGBT individuals to senior positions in the Executive Branch. And while individual stories do not prove the absence of enduring challenges, they demonstrate the presence of possibilities.

30. In 1947, W.E.B. DuBois testified before the UN General Assembly on the continued pervasive discrimination against African Americans in the United States. In the ensuing decades the U.S. civil rights movement emerged as a quintessential example of citizens using principles of non-violence, law, protest, and public debate to hold their government accountable and to demand that it deliver on their right to equal and fair treatment. The movement led to critical new laws prohibiting discrimination and seeking to ensure equal opportunity for all individuals. The progress in the decades since is a source of pride to our government and to our people. Indeed, our nation’s struggle to banish the legacy of slavery and our long and continuing journey toward racial equality have become the central and emblematic narrative in our quest for a fair and just society that reflects the equality of all.

31. The United States aspires to foster a society in which, as Dr. Martin Luther King, Jr. put it, the success of our children is determined by the “content of their character.” We are not satisfied with a situation where the unemployment rate for African Americans is 15.8%, for Hispanics 12.4%, and for whites 8.8%, as it was in February 2010. We are not satisfied that a person with disabilities is only one fourth as likely to be employed as a person without disabilities. We are not satisfied when fewer than half of African-American and Hispanic families own homes while three quarters of white families do. We are not satisfied that whites are twice as likely as Native Americans to have a college degree. The United States continues to address such disparities by working to ensure that equal opportunity is not only guaranteed in law but experienced in fact by all Americans.

32. In addition to our continuing quest to achieve fairness and equality for racial and ethnic minorities across our society, we wish to call attention to the following groups and issues.

1. Fairness, equality, and persons with disabilities

33. United States law and practice provide broad and effective protections against, and remedies for, disability-based discrimination. The most notable of these is the Americans with Disabilities Act of 1990 (ADA), the first national civil rights legislation in the world to unequivocally prohibit discrimination against persons with disabilities, which was amended in 2008 to ensure broader protections. The intent of these laws is to prohibit discrimination on the basis of disability and remove barriers to the full and equal inclusion of people with disabilities in U.S. society. These laws cover areas of life including education, health care,
transportation, housing, employment, technology, information and communication, the judicial system, and political participation. To ensure implementation of these laws, a variety of technical assistance and remedies have been supported with federal funds. For example, training has been provided to the public and private sectors on implementation of the ADA; parent training information centers empower families to understand and claim their rights; and federally funded centers for independent living support the empowerment of individuals with disabilities to live where and with whom they choose in their communities. The Department of Justice and other federal departments and agencies have the authority to enforce these laws and, in this regard, receive complaints and utilize mediation and litigation as appropriate. On July 30, 2009, the United States signed the UN Convention on the Rights of Persons with Disabilities and is pursuing the necessary steps toward ratification, which the Administration strongly supports. Upon the 20th anniversary of the ADA, President Obama further demonstrated the nation’s commitment to continued vigilance and improvement by announcing new regulations that increase accessibility in a variety of contexts and commit the federal government to hiring more persons with disabilities. Although we recognize that discrimination and access problems persist, which we are actively striving to address, the substantive equality of persons with disabilities in the United States has improved enormously in the past few decades.

2. **Fairness, equality, and Lesbian, Gay, Bisexual and Transgender (LGBT) persons**

34. In each era of our history there tends to be a group whose experience of discrimination illustrates the continuing debate among citizens about how we can build a more fair society. In this era, one such group is LGBT Americans. In 2003, reversing a prior decision, the Supreme Court struck down a state criminal law against sodomy, holding that criminalizing consensual private sexual practices between adults violates their rights under the Constitution. With the recent passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, the United States has bolstered its authority to prosecute hate crimes, including those motivated by animus based on sexual orientation, gender identity, or disability. Since 1998, employment discrimination based on sexual orientation has been prohibited in federal employment. Earlier this year, the Administration extended many benefits to the same-sex partners of federal employees, and supports the pending Domestic Partnership Benefits and Obligations Act, a law that would extend additional benefits currently accorded to married couples to same sex partners. Furthermore, President Obama is committed to the repeal of the “Don’t Ask, Don’t Tell” statute, which prevents gays and lesbians from serving openly in the military, and both the Chairman of the Joint Chiefs of Staff and the Secretary of Defense have testified at congressional hearings in support of its repeal. The President has also supported passage of the Employment Non-Discrimination Act, which would prohibit discrimination in employment based on sexual orientation or gender identity. Debate continues over equal rights to marriage for LGBT Americans at the federal and state levels, and several states have reformed their laws to provide for same-sex marriages, civil unions, or domestic partnerships. At the federal level, the President supports repeal of the Defense of Marriage Act.

3. **Fairness, equality, and Muslim, Arab-American and South Asian American persons**

35. We have worked to ensure fair treatment of members of Muslim, Arab-American, and South Asian communities. The U.S. Government is committed to protecting the rights of members of these groups, and to combating discrimination and intolerance against them. Examples of such measures include the Justice Department’s formation of the 9/11 Backlash Taskforce and civil rights work on religious freedom (e.g., bringing a case on behalf of a Muslim school girl to protect her right to wear a hijab); the civil rights outreach efforts of the Department of Homeland Security; and the Equal Employment Opportunity
Commission’s enforcement efforts to combat backlash-related employment discrimination which resulted in over $5 million for victims from 2001-2006.

36. At our UPR consultations, including the meeting in Detroit, Michigan, Muslim, Arab-American, and South Asian citizens shared their experiences of intolerance and pressed for additional efforts to challenge misperceptions and discriminatory stereotypes, to prevent acts of vandalism, and to combat hate crimes. The federal government is committed to ongoing efforts to combat discrimination: the Attorney General’s review of the 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies (discussed below), as well as efforts to limit country-specific travel bans, are examples.

4. Fairness, equality, and women

37. As one of President Obama’s first official acts, he signed into law the Lilly Ledbetter Fair Pay Act of 2009, which helps women who face wage discrimination recover their lost wages. Shortly thereafter, the President created the White House Council on Women and Girls to seek to ensure that American women and girls are treated fairly and equally in all matters of public policy. Thus, for instance, the Administration supports the Paycheck Fairness Act, which will help ensure that women receive equal pay for equal work. Our recent health care reform bill also lowers costs and offers greater choices for women, and ends insurance company discrimination against them. Moreover, the Administration established the first White House Advisor on Violence Against Women, appointed two women to the U.S. Supreme Court, and created an unprecedented position of Ambassador-at-Large for Global Women’s Issues to mobilize support for women around the world. The Obama Administration strongly supports U.S. ratification of the Convention on the Elimination of all forms of Discrimination Against Women and is working with our Senate toward this end.

5. Fairness, equality, and Native Americans

38. The U.S. took the UPR process to “Indian Country”. One of our UPR consultations was hosted on tribal land in Arizona, the New Mexico consultation addressed American Indian and Alaska Native issues, and other consultations included tribal representatives. The United States has a unique legal relationship with federally recognized tribes. By virtue of their status as sovereigns that pre-date the federal Union, as well as subsequent treaties, statutes, executive orders, and judicial decisions, Indian tribes are recognized as political entities with inherent powers of self-government. The U.S. government therefore has a government-to-government relationship with 564 federally recognized Indian tribes and promotes tribal self-governance over a broad range of internal and local affairs. The United States also recognizes past wrongs and broken promises in the federal government’s relationship with American Indians and Alaska Natives, and recognizes the need for urgent change. Some reservations currently face unemployment rates of up to 80 percent; nearly a quarter of Native Americans live in poverty; American Indians and Alaska Natives face significant health care disparities; and some reservations have crime rates up to 10 times the national average. Today we are helping tribes address the many issues facing their communities.

39. In November of last year, President Obama hosted a historic summit with nearly 400 tribal leaders to develop a policy agenda for Native Americans where he emphasized his commitment to regular and meaningful consultation with tribal officials regarding federal policy decisions that have tribal implications. In March, the President signed into law important health provisions for American Indians and Alaska Natives. In addition, President Obama recognizes the importance of enhancing the role of tribes in Indian education and supports Native language immersion and Native language restoration programs.
40. Addressing crimes involving violence against women and children on tribal lands is a priority. After extensive consultations with tribal leaders, Attorney General Eric Holder announced significant reform to increase prosecution of crimes committed on tribal lands. He hired more Assistant U.S. Attorneys and more victim-witness specialists. He created a new position, the National Indian Country Training Coordinator, who will work with prosecutors and law enforcement officers in tribal communities. The Attorney General is establishing a Tribal Nations Leadership Council to provide ongoing advice on issues critical to tribal communities.

41. On July 29, 2010, President Obama signed the Tribal Law and Order Act, requiring the Justice Department to disclose data on cases in Indian Country that it declines to prosecute and granting tribes greater authority to prosecute and punish criminals. The Act also expands support for Bureau of Indian Affairs and Tribal officers. It includes new provisions to prevent counterfeiting of Indian-produced crafts and new guidelines and training for domestic violence and sex crimes, and it strengthens tribal courts and police departments and enhances programs to combat drug and alcohol abuse and help at-risk youth. These are significant measures that will empower tribal governments and make a difference in people’s lives.

42. In April 2010, at the UN Permanent Forum on Indigenous Issues, U.S. Ambassador to the UN Susan Rice announced that the United States would undertake a review of its position on the UN Declaration on the Rights of Indigenous Peoples. That multi-agency review is currently underway in consultation with tribal leaders and with outreach to other stakeholders.

6. Fairness and equality at work

43. The United States is committed to continuing to root out discrimination in the workplace, and the federal government is committed to vigorously enforcing laws to that end. The Justice Department and the Equal Employment Opportunity Commission have reinvigorated efforts to enforce Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, sex, national origin, and religion, and the Age Discrimination in Employment Act, which prohibits employment discrimination based on age. Both laws also prohibit retaliation against employees who bring charges of discrimination in the workplace.

44. In recognition of discrimination’s long-term effects, for 45 years, working through the Department of Labor and other agencies, the federal government has required private companies with which it conducts significant business to take proactive steps to increase the participation of minorities and women in the workplace when they are underrepresented, and to ensure fairness in recruiting, hiring, promotion, and compensation. In May 2010, the Department of Labor chaired the first meeting since 2000 of the President’s Committee on the International Labor Organization (ILO), which coordinates U.S. policy toward the ILO. The Committee agreed to work toward the successful ratification of ILO Convention No. 111 (to combat discrimination at work) and directed a subgroup to resume work on reviewing the feasibility of other conventions for ratification.

7. Fairness and equality in housing

45. The United States protects citizens from discrimination in housing through the Fair Housing Act of 1968, which prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, or disability. Housing providers, both public and private, as well as other entities, such as municipalities, banks, and homeowners’ insurance companies, are all covered by the Act. There is also a robust legal infrastructure in place for the investigation and prosecution of housing discrimination claims brought
under the Act. Additionally, the 1974 Equal Credit Opportunity Act prohibits discrimination in the extension of credit, encompassing the actions of mortgage lenders and banks.

46. Following the recent economic crisis, the issue of predatory lending, and particularly discriminatory lending, is an area of enforcement focus. The recession in the United States was fueled largely by a housing crisis, which coincided with some discriminatory lending practices. The subsequent foreclosure crisis has disproportionately affected communities of color, and the federal government has focused resources and efforts to determine whether and where discrimination took place, as well as to ensure greater oversight going forward to prevent similar crises in the future. In this respect President Obama signed major financial reform legislation in 2010 that includes a new consumer protection bureau, among other provisions.

8. Fairness and equality in education

47. The United States is committed to providing equal educational opportunities to all children, regardless of their individual circumstances, race, national origin, ethnicity, gender, or disability. Consistent with this commitment, the federal government uses educational programs to ensure that federal dollars assist underserved students and develop strategies that will help such students succeed. The federal government has also taken steps to ensure that students with disabilities have access to technology, and to provide low-income students and students of color with increased access to early learning and college. In addition, the Department of Education administers and promotes programs that seek to provide financial aid to all students in need; promotes educational equity for women and students of color; assists school districts in offering educational opportunities to Native Hawaiians, American Indians, and Alaska Natives; and provides grants to strengthen historically Black colleges and universities and other institutions serving previously underserved populations.

48. Additionally, the Departments of Justice and Education enforce numerous laws, including the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Patsy T. Mink Equal Opportunity in Education Act of 1972 (Title IX), and the Rehabilitation Act of 1973, that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age with regard to education. In this capacity, the Justice Department is a party to more than 200 court cases addressing equal opportunities for students, and is involved in numerous out-of-court investigations, many of which have led to settlement agreements. The Department of Education investigates and resolves civil rights complaints filed by individuals, resolving 6,150 such complaints in the most recent fiscal year, and initiates compliance reviews where information suggests widespread discrimination. The Individuals with Disabilities Education Act (IDEA) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.

49. The federal government is working closely with civil society groups—the representatives of which frequently raised the issue of education in our UPR consultations—and with state and local education authorities in our fifty states to address the factors that contribute to the education “achievement gap,” and to ensure equality and excellence for all children in public schools, and particularly African-American and Hispanic children and children for whom English is a second language, who, like others, find linguistic discrimination a barrier to full participation.

9. Fairness and equality in law enforcement

50. The United States recognizes that racial or ethnic profiling is not effective law enforcement and is not consistent with our commitment to fairness in our justice system.
For many years, concerns about racial profiling arose mainly in the context of motor vehicle or street stops related to enforcement of drug or immigration laws. Since the September 11, 2001 terrorist attacks, the debate has also included an examination of law enforcement conduct in the context of the country’s effort to combat terrorism. Citizens and civil society have advocated forcefully that efforts by law enforcement to prevent future terrorist attacks must be consistent with the government’s goal to end racial and ethnic profiling.

51. In addition to the U.S. Constitution, there are several federal statutes and regulations that impose limits on the use of race or ethnicity by law enforcement in their decision-making and enforcement activities. In particular, title VI of the Civil Rights Act of 1964, prohibits discrimination based on race, color or national origin in all federally assisted programs or activities, and 42 U.S.C. §14141 provides the Department of Justice with a cause of action to sue police departments for injunctive relief if they are engaging in a pattern or practice of unlawful conduct, including violations of non-discrimination mandates.

52. The U.S. Government’s efforts to combat racial and ethnic profiling include increasing enforcement of federal anti-profiling statutes, as well as an examination of federal law enforcement policies and practices. In late 2009, the Attorney General initiated an internal review of the Justice Department’s 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies to determine whether it is effective, and will recommend any changes that may be warranted.

53. On August 3, 2010, President Obama signed a law that reduces sentencing disparities between powder cocaine and crack cocaine offenses, capping a long effort—one discussed at our UPR consultations—that arose out of the fact that those convicted of crack cocaine offenses are more likely to be members of a racial minority.

54. The Administration is also committed to ensuring that the United States complies with its international obligations to provide consular notification and access for foreign nationals in U.S. custody, including the obligations arising from the Avena decision of the International Court of Justice.

C. Dignity

1. Safeguards for dignity in law enforcement and criminal justice

55. Law enforcement is one of the fundamental duties of any state. Our commitment to the inalienable rights of each person guides our efforts to ensure that our law enforcement system reflects and respects those rights.

56. The U.S. Constitution, as well as federal and state statutes, provides a number of substantive and procedural protections for individuals accused of committing crimes, those being held for trial, and those who are held in prisons or jails. These include the right to be protected from unreasonable search and seizures, the right to due process under the law, the right to equal protection under the law, the right to an attorney, the right to remain silent during a criminal proceeding, the right to be protected from excessive bail in federal prosecutions, the right to be informed of the nature of the charges filed and of potential punishments, the right to a speedy and public trial, the right to cross-examine witnesses at trial, the right to an impartial jury of peers before someone can be sentenced to a year or more in prison, the right to be protected against being tried for the same crime twice, and the right to be free from cruel and unusual punishment in all prosecutions. (These constitutional rights are generally reflected, at times with different terminology, in international human rights law instruments to which the U.S. is party. In some respects, our constitutional rights go beyond those guaranteed in international law.)
57. These protections help to ensure that our process for determining criminal sanctions, including those that deprive individuals of their liberty, is fairly designed and implemented. Nonetheless many in civil society continue to raise concerns about our nation’s criminal justice system at federal and state levels, including in the areas of capital punishment, juvenile justice, racial profiling, and racial disparities in sentencing. We are committed to continued vigilance in our effort to enforce the law in a manner consistent with the Constitution and with the rights and dignity of all citizens.

2. Dignity and incarceration

58. The United States is committed to protecting the rights of incarcerated persons, and we regularly investigate, monitor compliance, and, where necessary, take legal action to secure the constitutional rights of incarcerated people, including the right to practice their religion.

59. We have also taken action to prevent assaults on the dignity of prisoners that may come from other prisoners. The independent National Prison Rape Elimination Commission, established by Congress under the Prison Rape Elimination Act, was charged with studying the impact of sexual assault in correction and detention facilities and developing national standards for the detection, prevention, reduction, and punishment of prison rape. In 2009, the Commission released its report which detailed progress made in improving the safety and security in these facilities as well as areas still in need of reform. The United States is working to address these issues. The Department of Justice is in the process of developing comprehensive regulations to effectively reduce rape in our nation’s prisons.

60. In addition to working to ensure that prisons and jails meet constitutional standards, alternatives to incarceration are being utilized by states, including intensive probation supervision, boot camps, house arrest, and diversion to drug treatment.

3. Dignity and criminal sanctions

61. The United States may impose the death penalty for the most serious crimes and subject to exacting procedural safeguards. Federal laws providing for the death penalty most often involve serious crimes in which death results. Several non-homicide crimes may also result in the imposition of a death sentence, e.g., espionage, treason, and several carefully circumscribed capital offenses intended to target the threat of terrorist attacks resulting in widespread loss of life.

62. The federal government utilizes a system for carefully examining each potential federal death penalty case. This system operates to help ensure that the death penalty is not applied in an arbitrary, capricious, or discriminatory manner, and to promote indigent defendants receiving competent representation by qualified attorneys. Many of our states have adopted procedures of their own to provide experienced counsel for indigent defendants. In addition, existing federal law permits DNA testing in relevant federal and state cases.

63. In 2009, the death penalty was applied in 52 cases in the United States, about half the number of a decade earlier. The death penalty is authorized by 35 states, the federal government, and the U.S. military. There are currently 16 jurisdictions without the death penalty. While state governments retain primary responsibility for establishing procedures and policies that govern state capital prosecutions, the Supreme Court has excluded from application of the death penalty those offenders who, at the time of the offense, were under age 18 or had intellectual disabilities.
4. Dignity and juvenile offenders

64. In 1974, Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDPA), to ensure that youth were not treated merely as “little adults,” and that they received necessary and appropriate rehabilitative services in the least restrictive environment consistent with public safety. The JJDPA created an office within the Justice Department dedicated to supporting federal, state, and local efforts to prevent juvenile crime, improving the juvenile justice system, and addressing the needs of juvenile crime victims. This office provides funding to states for system improvement, as well as funding for research to identify optimal prevention and intervention strategies for youth in the juvenile justice system or at risk of entering it. Our UPR consultations included direct testimony from juvenile offenders who underscored the importance of intervention strategies and programs to help juvenile offenders find education and employment so that they can become self-sufficient.

65. The Department of Justice also has a robust program to protect the rights of juveniles in juvenile justice facilities. For example, in July 2010, the Department entered an agreement with the State of New York regarding unconstitutional conditions in four upstate facilities. The agreement, in addition to limiting the kinds of restraints that can be used, mandates adequate mental health and substance abuse services.

66. In May 2010, the Supreme Court ruled that sentences of life imprisonment without the possibility of parole for juveniles who commit non-homicide offenses violate the Constitution’s prohibition against cruel and unusual punishment.5

IV. A commitment to foster a society where citizens are empowered to exercise their rights

67. The paradigm elucidated in Franklin Roosevelt’s 1941 “Four Freedoms” speech became a reference point for many in the international human rights movement. On subjects such as “freedom from want,” the United States has focused on democratic solutions and civil society initiatives while the U.S. courts have defined our federal constitutional obligations narrowly and primarily by focusing on procedural rights to due process and equal protection of the law. But as a matter of public policy, our citizens have taken action through their elected representatives to help create a society in which prosperity is shared, including social benefits provided by law, so that all citizens can live what Roosevelt called “a healthy peacetime life.” Often this has included safeguards for the most vulnerable in our society—including the young, the old, the poor, and the infirm. In the wake of the Civil War, legislation was passed to support the well-being of widows and veterans, and to provide land to former slaves. By the early 20th century, all of our states had recognized that children needed schooling in order to become free and engaged citizens and had instituted free education for all. During the Great Depression, new programs were introduced to ensure the security of those who could no longer work. In the 1960s, several administrations announced a “war on poverty,” and programs were established to provide health care for seniors and the very poor. And this year saw the passage of major legislation that will greatly expand the number of Americans who have health insurance. In every case, the creation of these programs has reflected a popular sense that the society in which we want to live is one in which each person has the opportunity to live a full and fulfilling life. That begins, but does not end, with the exercise of their human rights.
A. Education

68. Through the American Recovery and Reinvestment Act of 2009, the current Administration has made an unprecedented financial commitment of almost $100 billion to education. In November 2009, the Administration announced the Race to the Top program, a $4.35 billion fund that is the largest competitive education grant program in U.S. history. It is designed to provide incentives to states to implement large-scale, system-changing reforms that improve student achievement, narrow achievement gaps, and increase graduation and college enrollment rates. Additionally, Recovery Act funds are being used to promote high-quality early childhood education, provide an increase in available financial aid and loans for postsecondary school, and provide $12 billion for community colleges to give access to workers who need more education and training.

B. Health

69. The United States has been the source of many significant innovations in modern medicine that have alleviated suffering and cured disease for millions in our own country and around the world. This year, we also made significant progress by enacting major legislation that expands access to health care for our citizens.

70. On March 23, 2010, President Obama signed the Affordable Care Act into law. The Act makes great strides toward the goal that all Americans have access to quality, affordable health care. The law is projected to expand health insurance coverage to 32 million Americans who would otherwise lack health insurance, significantly reduces disparities in accessing high-quality care, and includes substantial new investments in prevention and wellness activities to improve public health. The law also includes important consumer protections, such as prohibiting insurance companies from denying coverage to people based on pre-existing conditions or medical history, which disproportionately impacts older and sicker populations.

71. The law increases access to care for underserved populations by expanding community health centers that deliver preventive and primary care services. The law will also help our nation reduce disparities and discrimination in access to care that have contributed to poor health. For example, African Americans are 29 percent more likely to die from heart disease than non-Hispanic whites. Asian American men suffer from stomach cancer 114 percent more often than non-Hispanic white men. Hispanic women are 2.2 times more likely to be diagnosed with cervical cancer than non-Hispanic white women. American Indians and Alaska Natives are 2.2 times as likely to have diabetes as non-Hispanic whites. Additionally, these racial and ethnic groups accounted for almost 70 percent of the newly diagnosed cases of HIV and AIDS in 2003.

72. The Act will reduce disparities like these through access to preventive services; investment in chronic disease control and prevention; enhanced data collection to support population-specific epidemiological research; and recruitment of health professionals from diverse backgrounds.

73. Implementation of the Affordable Care Act will help more Americans get the care they need to live healthy lives and ensure more Americans are free to learn, work, and contribute to their communities.

C. Housing

74. The ability to access quality and affordable housing has a substantial impact on a person’s health, education, and economic opportunities. Although we are fortunate to have
a high-quality housing stock and a high percentage of homeownership, meeting our nation’s housing needs will require continued effort, particularly in expanding the availability of affordable housing in all communities as our population grows. This was a topic frequently raised by citizens in our consultations, and our meetings in New York and New Orleans, included visits to public housing facilities and discussions with residents.

75. Federal housing assistance programs play an important role in covering the difference between the rents that low-income families are able to afford and the cost of rental housing. The main federal assistance programs to help households access affordable housing are the Housing Choice Voucher Program (Section 8), project-based Section 8 rental assistance, and public housing. These programs are intended to reduce housing costs to about 30 percent of household income.

76. We are creating new solutions to address the challenge of homelessness, which often coincides with other vulnerabilities such as mental illness. $190 million in new funding announced in July, 2010, will provide support to 550 local projects that will offer critically needed housing and support services to nearly 20,000 homeless individuals and families. This comes on top of the nearly $1.4 billion awarded last December to renew funding to more than 6,400 existing local programs. Moreover, the Homeless Prevention and Rapid Re-Housing Program, part of the Recovery Act, has helped prevent and end homelessness for nearly a half million people since it became law last year.

V. A commitment to values in our engagement across borders

77. The United States understands its role as a cornerstone in an international system of cooperation to preserve global security, support the growth of global prosperity, and progress toward world peace based on respect for the human rights and dignity of every person.

78. Our own efforts to build such a world include our role as the world’s largest donor of development aid—including our commitment to disaster relief as seen recently in Haiti and Pakistan. And they include a commitment to using “smart power” in our foreign policy, including a focus on honest, determined diplomacy and on harnessing the full potential of international institutions to facilitate cooperation.

79. We also know that although we never welcome the use of force, wisdom and necessity will sometimes require it. As President Obama said in his Nobel Lecture, “To say that force may sometimes be necessary is not a call to cynicism—it is a recognition of history; the imperfections of man and the limits of reason.”

80. The fundamental truth which grounds the principles of government enshrined in our Constitution—that each person is created with equal value from which flows inalienable rights—is not an exclusively American truth; it is a universal one. It is the truth that anchors the Universal Declaration of Human Rights, it is the truth that underpins the legitimate purposes and obligations not just of our government, but of all governments.

81. We are committed to that universal truth, and so we are committed to principled engagement across borders and with foreign governments and their citizens. This commitment includes, in the words of our Declaration of Independence, according “decent respect to the opinions of mankind,” and seeking always to preserve and protect the dignity of all persons, because the values that we cherish apply everywhere and to everyone.
A. Values and National Security

82. The United States is currently at war with Al Qaeda and its associated forces. President Obama has made clear that the United States is fully committed to complying with the Constitution and with all applicable domestic and international law, including the laws of war, in all aspects of this or any armed conflict. We start from the premise that there are no law-free zones, and that everyone is entitled to protection under law. In his Nobel Lecture, the President made clear that “[w]here force is necessary, we have a moral and strategic interest in binding ourselves to certain rules of conduct…[E]ven as we confront a vicious adversary that abides by no rules…the United States of America must remain a standard bearer in the conduct of war.”

1. Detention and treatment of detainees

83. On his second full day in office, President Obama acted to implement this vision by issuing three Executive Orders relating to U.S. detention, interrogation, and transfer policies and the Guantanamo Bay detention facility.

84. Executive Order 13491, Ensuring Lawful Interrogations, directed that individuals detained in any armed conflict shall in all circumstances be treated humanely and shall not be subjected to violence to life and person, nor to outrages upon personal dignity, whenever such individuals are in the custody or under the effective control of the United States Government or detained within a facility owned, operated, or controlled by the United States. Such individuals shall not be subjected to any interrogation technique or approach that is not authorized by and listed in Army Field Manual 2-22.3, which explicitly prohibits threats, coercion, physical abuse, and water boarding. The Order further directed the Central Intelligence Agency to close any detention facilities it operated, and not to operate any such detention facilities in the future. Individuals detained in armed conflict must be treated in conformity with all applicable laws, including Common Article 3 of the 1949 Geneva Conventions, which the President and the Supreme Court have recognized as providing “minimum” standards of protection in all non-international armed conflicts, including in the conflict with Al Qaeda.

85. The Executive Order also directed a review of all U.S. transfer policies to ensure that they do not result in the transfer of individuals to other nations to face torture or otherwise for the purpose, or with the effect, of undermining or circumventing the commitments or obligations of the United States to ensure the humane treatment of individuals in its custody or control. The resulting Task Force on transfer practices issued recommendations to the President regarding ways to strengthen existing safeguards in transfer policies, including that the State Department be involved in evaluating all diplomatic assurances; that mechanisms for monitoring treatment in the receiving country be further developed; and that the inspectors general of three key U.S. government Departments involved in transfers prepare annually a coordinated report on transfers conducted by each of their agencies in reliance on assurances. The United States is developing practices and procedures that will ensure the implementation of Task Force recommendations.

86. Thus, the United States prohibits torture and cruel, inhuman, or degrading treatment or punishment of persons in the custody or control of the U.S. Government, regardless of their nationality or physical location. It takes vigilant action to prevent such conduct and to hold those who commit acts of official cruelty accountable for their wrongful acts. The United States is a party to the Convention Against Torture, and U.S. law prohibits torture at both the federal and state levels. On June 26, 2010, on the anniversary of adoption of the Convention Against Torture, President Obama issued a statement unequivocally...
reaffirming U.S. support for its principles, and committing the United States to continue to cooperate in international efforts to eradicate torture.

87. In issuing Executive Order 13492, Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities, the President announced the Administration’s intention to close the Guantánamo Bay detention facilities.

The President also created a task force to recommend the appropriate disposition of each detainee held at Guantánamo. The Task Force assembled large volumes of information from across the government to determine the proper disposition of each detainee. The Task Force examined this information critically, giving careful consideration to, among other things, the threat posed by the detainee, the reliability of the underlying information, any concerns about the post-transfer humane treatment of the detainee, and the interests of national security. Based on the Task Force’s evaluations and recommendations, senior officials representing each agency responsible for the review reached unanimous determinations on the appropriate disposition for all detainees. Since January 2009, 38 detainees have resettled successfully in third countries, an additional 26 detainees have been repatriated, and one has been transferred to the United States for prosecution. The Administration remains committed to closure of the Guantánamo detention facility.

88. Executive Order 13493, Review of Detention Policy Options, established a task force to review and facilitate significant policy decisions regarding broader detention questions. This Special Task Force on Detention Policy has reviewed available options for the apprehension, detention, trial, transfer, release, or other disposition of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations. As a matter of domestic law, the Obama Administration has not based its claim of authority to detain individuals at Guantánamo and in Afghanistan on the President’s inherent constitutional powers, but rather on legislative authority expressly granted to the President by Congress in 2001. The Administration has expressly acknowledged that international law informs the scope of our detention authority. The President has also made clear that we have a national security interest in prosecuting terrorists, either before Article III courts or military commissions, and that we would exhaust all available avenues to prosecute Guantánamo detainees before deciding whether it would be appropriate to continue detention under the laws of war. Working with our Congress, we have revised our military commissions to enhance their procedural protections, including prohibiting introduction of any statements taken as a result of cruel, inhuman, or degrading treatment.

2. Privacy

89. Freedom from arbitrary and unlawful interference with privacy is protected under the Fourth Amendment to the Constitution and federal statutes. In addition, state and local laws and regulations provide robust protections of individuals’ right to privacy and rigorous processes to ensure that investigative authorities are undertaken consistent with the Constitution.

90. Protecting our national interests may involve new arrangements to confronting threats like terrorism, but these structures and practices must always be in line with our Constitution and preserve the rights and freedoms of our people. Although the departments and agencies of the U.S. Government involved in surveillance and the collection of foreign intelligence information comply with a robust regime of laws, rules, regulations, and policies designed to protect national security and privacy, significant concerns in these areas have been raised by civil society, including concerns that relevant laws have been made outdated by technological changes, and that privacy protections need to be applied more broadly and methodically to surveillance.

91. The 2001 USA PATRIOT Act expanded intelligence collection authorities under the Foreign Intelligence Surveillance Act (FISA), which regulates electronic surveillance and
physical searches conducted to acquire foreign intelligence information. The U.S. Executive Branch acknowledged in 2005 that the U.S. National Security Agency had been intercepting without a court order certain international communications where the government had a reasonable basis to conclude that one person was a member of, or affiliated with, Al Qaeda or a member of an organization affiliated with Al Qaeda and where one party was outside the United States. In response, considerable congressional and public attention focused on issues regarding the authorization, review, and oversight of electronic surveillance programs designed to acquire foreign intelligence information or to address international terrorism. Congress held hearings and enacted new legislation, including the 2007 Protect America Act and a series of amendments to FISA.

B. Values and Immigration

92. That immigrants have been consistently drawn to our shores throughout our history is both a testament to and a source of the strength and appeal of our vibrant democracy. As he left office, President Reagan remarked that the United States is “still a beacon, still a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness, toward home.” Over the last 50 years, the U.S. has accepted several million refugees fleeing persecution from all corners of the globe as well as many millions of immigrants seeking a better life or joining family. Today, the United States and other countries to which a significant number of people seek to emigrate face challenges in developing and enforcing immigration laws and policies that reflect economic, social, and national security realities. In addressing these issues we seek to build a system of immigration enforcement that is both effective and fair.

93. In 2009, the Department of Homeland Security (DHS) began a major overhaul of the U.S. immigration detention system in an effort to improve detention center management and prioritize health, safety, and uniformity among immigration detention facilities, while ensuring security and efficiency. As part of this effort, in conjunction with ongoing consultations with non-governmental organizations and outside experts, DHS issued revised parole guidelines, effective January 2010, for arriving aliens in expedited removal found to have a credible fear of persecution or torture. The new guidelines firmly establish that it is not in the public interest to detain those arriving aliens found to have a credible fear who establish their identities, and that they pose neither a flight risk nor a danger to the community.

94. Under section 287(g) of the Immigration and Nationality Act, DHS may delegate authority to state and local officers to enforce federal immigration law. DHS has made improvements to the 287(g) program, including implementing a new, standardized Memorandum of Agreement with state and local partners that strengthens program oversight and provides uniform guidelines for DHS supervision of state and local agency officer operations; information reporting and tracking; complaint procedures; and implementation measures. DHS continues to evaluate the program, incorporating additional safeguards as necessary to aid in the prevention of racial profiling and civil rights violations and improve accountability for protecting human rights.

95. A recent Arizona law, S.B. 1070, has generated significant attention and debate at home and around the world. The issue is being addressed in a court action that argues that the federal government has the authority to set and enforce immigration law. That action is ongoing; parts of the law are currently enjoined.

96. President Obama remains firmly committed to fixing our broken immigration system, because he recognizes that our ability to innovate, our ties to the world, and our economic prosperity depend on our capacity to welcome and assimilate immigrants. The
Administration will continue its efforts to work with the U.S. Congress and affected communities toward this end.

C. Values and Trafficking

97. In June 2010, the United States issued its 10th annual Trafficking in Persons Report outlining the continuing challenges posed by human trafficking across the globe and, for the first time, included a ranking and full narrative of the United States. The narrative includes detailed information about U.S. anti-trafficking efforts undertaken by more than 10 federal agencies and its pursuit of policies, partnerships, and practices aimed at protecting victims, preventing trafficking, and prosecuting traffickers.

98. Hallmarks of the U.S. approach to combating human trafficking include a) vigorous prosecution of traffickers, and funding task forces throughout the nation comprised of local, state and federal law enforcement and a non-governmental victim service provider; b) a victim-centered approach that recognizes victims require specialized care and are an integral part of any investigation and/or prosecution; c) comprehensive victim services such as shelter, health care, mental health care, food, safety, legal services, interpretation, victim advocacy, immigration relief, education, job skills, employment placement, family reunification, and reintegration; d) temporary immigration relief and work authorization for victims assisting investigations and prosecutions and longer term immigration relief for certain victims and their family members which may then lead to permanent residence and citizenship; e) a coordinated identification and enforcement approach among labor, border, and criminal enforcement; and f) an expansive view of prevention activities that includes strengthening labor protections and enforcement, addressing demand for commercial sex, and working with civil society to rid corporate supply chains of forced labor.

99. The U.S. stands out in terms of the sophistication and breadth of its anti-trafficking efforts. Furthermore, we provide substantial international assistance aimed at preventing trafficking in persons, protecting victims, and prosecuting traffickers.

VI. Conclusion

100. The United States views participation in this UPR process as an opportunity to discuss with our citizenry and with fellow members of the Human Rights Council our accomplishments, challenges, and vision for the future on human rights. We welcome observations and recommendations that can help us on that road to a more perfect union. Delivering on human rights has never been easy, but it is work we will continue to undertake with determination, for human rights will always undergird our national identity and define our national aspirations.
Notes

7 Executive Order 13491 § 3(a) (Jan 22, 2009); Hamdan v Rumsfeld, 548 U.S. 557, 631 (2006).