



**United Nations High Commissioner for Human Rights Consultation with Civil Society**

**In view of the preparation of the Report of the High Commissioner for Human Rights  
under Human Rights Council Resolution 43/1**

**On Police Brutality of Black Lives Matter Activists in Chicago**

Thursday, February 18, 2021

The National Lawyers Guild “NLG” Chicago is a non-profit federation of lawyers, legal workers, and law students dedicated to actively eliminating racism, maintaining and protecting our civil rights and liberties, and using the law as an instrument for the protection of the people. The International Human Rights Clinic at the University of Illinois at Chicago John Marshall Law School is a non-profit, non-partisan legal clinic dedicated to the protection of human rights in the U.S. and around the world through international and domestic tribunals, providing resources and research on human rights, and engaging in public education and outreach.

In collaboration with the National Lawyers Guild of Chicago, the International Human Rights Clinic has been working on a report documenting the policing, persecution, and digital and electronic surveillance of human rights defenders in relation to the recent protests and activism with the Black Lives Matter movement in the Chicago area. The term ‘human rights defenders’ includes activists, organizers, protestors, journalists, Legal Observers, lawyers, and others.

On behalf of both institutions, we submit today the following statement. The Chicago Police Department (and other legal enforcement agencies) have engaged in a systematic practice of silencing and suppressing protesters, organizers, and activists surrounding racial justice and in particular Black Lives Matter activism. We have observed and interviewed individuals with first-hand experiences of the criminalization of protestors through mass arrests without probable cause (the majority of charges were dropped following the arrest); the use of excessive force through physical abuse such as punching, pushing, hitting with batons, and arbitrary use of pepper spray; detention without probable cause (demonstrated by first-hand accounts of kettling by CPD in downtown Chicago); illegal searches of individuals’ persons and personal property; the unlawful confiscation of personal property by CPD (including bikes and cell phones); and the facilitation of incommunicado detention by CPD and the obstruction of access to legal counsel.

These patterns of abuse have led to the violation of the human rights to expression, association, privacy, and liberty and security of person. The right to freedom of expression provides that every person has the “right to hold opinions without interference” (Art. 19 ICCPR). The freedom of information and association have also been interpreted to be closely related to the freedom of expression. All individuals have a right to “seek, receive, and impart information and ideas of all

kinds,” which is critical for dissent and protests (Art. 19 ICCPR). The right to peaceful assembly is critical and “[n]o restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary” (Art. 21 ICCPR). When the rights to expression, information, and association are curbed through the use of state-sponsored or sanctioned surveillance, it results in the censorship and silencing of activists and the public. Additionally, intimidation, violence, and criminalization of activists (human rights defenders) is particularly problematic since their role is to protect the human rights of the population, and especially vulnerable sectors of the population. These practices represent a violation of their rights to liberty and security of person. “No one shall be subjected to arbitrary arrest or detention. No shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law” (Art. 9, ICCPR). It is the duty of the State to “take all necessary measures to ensure the protection [of human rights defenders] against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights” previously referred to (Art. 12 of the Declaration on Human Rights Defenders).

Specifically, the events of this summer led to the violation of the rights of human rights defenders – such as activists, organizers, protestors, Legal Observers, journalists, lawyers, and others – who are afforded a higher duty of human rights protections. States must take necessary measures to ensure that human rights defenders are safe in “exercising the rights to freedom of opinion, expression, peaceful assembly, and association, which are essential for the promotion and protection of all human rights.” The Black Lives Matter movement has brought to light the systematic oppression of people of African descent (Black and communities of color), while also highlighting the vulnerability that human rights defenders face through their Black Lives Matter activism and protesting. The United States through its law enforcement personnel has been responsible for this continuous, systematic, and disproportionate use of force against people of African descent.

We thank the United Nations High Commissioner for Human Rights Consultation with Civil Society for allowing us the opportunity to make this statement on behalf of NLG Chicago and the International Human Rights Clinic as part of the preparation of the Report of the High Commissioner for Human Rights under Human Rights Council Resolution 43/1 and in regard to the broader effort to seek justice and accountability for violations of international human rights law against people of African descent by law enforcement agencies.