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The Middle East Studies Association (MESA) is a non-profit association that fosters the study of the Middle East, promotes high standards of scholarship and teaching, and encourages public understanding of the region and its peoples through programs, publications and services that enhance education, further intellectual exchange, recognize professional distinction, and defend academic freedom in accordance with its status as a 501(c)(3) scientific, educational, literary, and charitable organization. Founded in 1966, MESA has thousands of members and serves as an umbrella organization for dozens of institutional members and affiliated organizations. As part of its goal to advance learning, facilitate communication and promote cooperation, MESA sponsors an annual meeting that is a leading international forum for scholarship, intellectual exchange, and pedagogical innovation. It is responsible for the *International Journal of Middle East Studies*, the premiere journal on the region, the *MESA Review of Middle East Studies* and a biannual newsletter.

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The Columbia Law School Human Rights Association (CLSHRA) is a student-led organization dedicated to advancing human rights through advocacy, research, and education. CLSHRA facilitates student engagement with global and domestic human rights issues by organizing speaker events, trainings, and advocacy campaigns; supporting student-led research and legal work; and collaborating with human rights organizations, scholars, and practitioners. The Association also coordinates Columbia's participation in human rights submission processes, including before the United Nations. CLSHRA is committed to centering the voices of impacted communities and supporting accountability, equality, and the protection of fundamental rights.

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The University Network for Human Rights facilitates supervised student engagement in the practice of human rights at colleges and universities in the United States and across the globe. The University Network partners with advocacy organizations and communities affected or threatened by abusive state, corporate, or private conduct to advance human rights at home and abroad; trains students in interdisciplinary human rights protection and advocacy; and collaborates with academics and human rights practitioners in other parts of the world to foster the creation of practical, interdisciplinary programs in human rights

INTRODUCTION

- 1.1. Since October 2023, students at colleges across the United States “have organised anti-war encampments and peaceful protests to express solidarity with Palestinian civilians in Gaza and to oppose their universities’ affiliations with companies profiting from the conflict and occupation.”¹ Protests have aimed to hold universities and governments accountable, and raise awareness about and oppose grave violations of human rights and international humanitarian law in Gaza. Data collected by experts indicate that between October 2023 and May 2024, protests occurred at approximately 525 universities, colleges, and schools across the country, including encampment protests at approximately 130 institutions.² An estimated 1 in 10 college students participated in these protest activities.³
- 1.2. As U.N. Special Rapporteurs explain: “To express solidarity with Palestinian civilians or to peacefully demand... divestment” is “political expression and advocacy of human rights, protected by international law.”⁴
- 1.2. Yet, student protests have been met with a high level of repression, including “vilification, criminalization, sanctions, arrests, detentions[,] . . . use of excessive force,” and “surveillance both online and on campus,”⁵ as well as “deportation from the United States, expulsion and suspension from their studies, loss of university housing . . . [and] inability to graduate.”⁶ This repression has been repeatedly denounced by U.N. experts,⁷ as well as the world’s leading international human rights organizations.⁸ The U.N. High Commissioner for Human Rights cautioned that “legitimate exercises of the freedom of expression cannot be conflated with incitement to violence and hatred” and emphasized that “responses by universities and law enforcement need to be guided by human rights law.”⁹ The U.S. government has not responded to these concerns with concrete steps to improve human rights. Rather, in 2025, the U.S. has engaged in “a dangerous escalation” in its “crackdown on student activism and censorship of pro-Palestinian voices.”¹⁰ The result is widespread violations of rights and a chilling of the exercise of fundamental rights for large numbers of individuals across the country.
- 1.3. As documented in this submission, U.S. authorities have engaged in, enabled, or failed to protect against serious and ongoing violations of the rights: (1) to opinion, expression, association, and peaceful assembly; (2) of human rights defenders; (3) to liberty; (4) to privacy; (5) to education and academic freedom; and (6) non-discrimination and the rights of migrants. The rights of protestors across the country have been significantly curtailed. Further, the harms reach far beyond individual protestors, creating widespread fear and deterring many from speaking out—especially on issues related to Palestinian human rights. The Inter-American Commission on Human Rights found that the U.S. government’s actions had led to “an environment of self-censorship” at odds with human rights.¹¹ Even those not directly involved in activism now feel unsafe expressing views on critical matters of U.S. domestic and foreign policy, signaling a serious erosion of fundamental rights and democratic norms.

2. FACTS

- 2.1. Hamas and other armed groups carried out attacks in Israel on October 7, 2023, killing over 1,200 people, injuring thousands, and kidnapping 251 people.¹² A UN Commission of Inquiry concluded that these attacks constituted war crimes and violations of international humanitarian and human rights law.¹³ Israel's large-scale military response to the October 7 attacks caused humanitarian catastrophe in Gaza, severe human rights violations, and the deaths of tens of thousands of Palestinians.¹⁴ According to the UN Commission of Inquiry, Israel has been responsible for war crimes, crimes against humanity, and violations of international humanitarian and international human rights law.¹⁵
- 2.2. The widespread violation of the rights of Palestinians spurred global protests, including extensive protests by students on U.S. university campuses.¹⁶ U.S. universities became a focal point of repression against those advocating for the human rights of Palestinians. Student activists—many advocating for a ceasefire, institutional divestment, and Palestinian human rights—faced mass arrests, excessive force, immigration retaliation, censorship, and a severe and expanding chilling of the exercise of their basic human rights.
- 2.3. By May 2024, protests had occurred at 525 universities, including encampment protests at more than 130 institutions, with over 3,600 student arrests recorded.¹⁷ Students faced detention, violent dispersals, and criminalization. Riot police were deployed on multiple campuses, where they reportedly used tear gas, batons, and rubber bullets, resulting in serious injuries, including concussions and broken bones.¹⁸ At some universities, students were arrested and detained, and crowd control devices such as flash-bangs were used.¹⁹ Many students faced institutional punishment, including suspensions and expulsions.²⁰ These repressive responses have produced a widespread chilling effect on student organizing.
- 2.4. The crackdown on academic freedom extended beyond students. Faculty members faced retaliation for Palestine-related scholarship, and universities canceled courses and terminated instructors following external pressure.²¹ Across campuses, academic freedom and independence have been eroded.²²
- 2.5. The State has also sought to criminalize protest.²³ Legislators proposed over 30 laws restricting student activism.²⁴ The Department of Education initiated at least 60 investigations into institutions of higher education,²⁵ pressuring administrators to curtail campus protests or risk cuts to federal funding.²⁶
- 2.6. Surveillance tactics further chilled activism and speech across campuses. According to reports, multiple universities increased CCTV monitoring, tracked student emails, collaborated with law enforcement, and hired private investigators to investigate students.²⁷ Law enforcement had already surveilled protests directly and in 2025 the government announced an initiative to “review tens of thousands of student visa holders’ social media accounts.”²⁸ Students reported doxing and harassment by private actors.²⁹ Doxing took a variety of forms, including putting personal information and photos on websites, calling students “terrorist sympathizers and antisemites,” and putting student photos on “doxing trucks” near universities.³⁰

- 2.6. Protestors were treated differently “depending on their political position,” with Pro-Palestinian students (many of Arab, Muslim, or Palestinian descent) “disproportionally affected by the harsh response.”³¹ The International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, criticized by human rights experts for conflating legitimate criticism of Israeli state policies with hate speech,³² was weaponized to discipline activists, including Jewish students advocating for Palestinian rights.³³
- 2.7. In early 2025, the U.S. escalated repression rather than responding to repeated warnings from international human rights experts and authorities.³⁴ It used immigration law, federal funding, and federal investigations to punish or pressure individuals and institutions.
- 2.8. The government directly targeted non-US citizen students, weaponizing immigration law to suppress dissent and political speech on issues of critical importance.³⁵ President Trump had promised to remove non-citizen activist students,³⁶ and according to Secretary of State Marco Rubio, as of March 2025, the government revoked approximately 300 visas.³⁷ Immigrant students at institutions across the United States, including Columbia,³⁸ Cornell,³⁹ Tufts,⁴⁰ Stanford,⁴¹ University of California schools,⁴² Ohio State University,⁴³ and Georgetown⁴⁴ faced visa revocations. At the time of writing this report, new visa revocations were being reported frequently.⁴⁵
- 2.9. The government justified many of its immigration actions using a Cold War-era provision of the Immigration and Nationality Act that purports to authorize deportation for individuals whose presence the U.S. Secretary of State determines to have “potentially serious adverse foreign policy consequences.”⁴⁶ In one high profile and early case, Mahmoud Khalil, a Palestinian graduate student and student activist at Columbia University, was seized by plainclothes ICE agents. According to his lawyers, ICE refused to present a judicial warrant. Mr. Khalil was subjected to overnight transfers across several jurisdictions, obstructing his lawyers’ ability to challenge his detention.⁴⁷ Mr. Khalil and his wife, then eight months pregnant, were told that he would be held in New York but instead he was transported to New Jersey and then Louisiana all while ICE’s detainee locator incorrectly showed that he was still in New York.⁴⁸ Mr. Khalil was denied basic necessities in detention and held incommunicado for over 40 hours.⁴⁹ He has not been charged with any crime, but the government claimed that his presence was against “foreign policy” interests.⁵⁰
- 2.10. While Mr. Khalil’s case was widely reported, he is not alone. Other international students have been detained or had their visas revoked.⁵¹ Rümeysa Öztürk, a Turkish PhD student at Tufts University, was similarly detained in March 2025—arrested on the street by masked plainclothes individuals on her way to break Ramadan fast.⁵² The government revoked her visa, subjected her to “irregular[...arrest, detention and processing,” and “fail[ed] to disclose [her] whereabouts even after” it became aware she had legal representation.⁵³ Similar to the case of Mr. Khalil, Ms. Öztürk has not been charged with any crime.⁵⁴
- 2.11. The U.S. government also used funding revocation and threats, and federal investigations, in an effort to pressure academic institutions to further suppress speech and assembly rights.⁵⁵ Notable examples include the government’s review of Harvard University’s federal funding, totaling approximately \$9 billion;⁵⁶ revocation of \$400 million in federal grants at Columbia that

terminated critical public health and medical research;⁵⁷ freezing grants to Princeton University amounting to \$210 million;⁵⁸ and an announced plan to halt \$510 million to Brown University.⁵⁹ The government sought to push universities to take actions such as banning face coverings and restructuring academic programs.⁶⁰ The government also launched 60 investigations into higher education institutions,⁶¹ as well as an inquiry into law clinics at one University, citing their legal representation of pro-Palestine protesters.⁶²

- 2.14 The U.S. government has directly caused, contributed to, and failed to prevent these harms. As detailed below, the government has committed violations directly, including through use of its state security forces to repress protestors, its use of the immigration system to target noncitizens, and undermining of university autonomy via funding and investigation threats. It has also enabled and encouraged violations by universities, including by pressuring schools to restrict protests, and has failed to take action to protect rightsholders from harm by private actors.

3. VIOLATIONS OF THE RIGHTS TO OPINION, EXPRESSION, ASSOCIATION, AND ASSEMBLY

- 3.1. The rights to opinion, expression, association, and peaceful assembly—essential pillars for democracy and necessary for individuals to engage in the protection of human rights—are guaranteed under international human rights law.⁶³ Article 19 of the ICCPR protects the right to hold opinions without interference and to seek, receive, and impart information and ideas of all kinds.⁶⁴ Article 21 protects the right of peaceful assembly, and Article 22 guarantees the freedom of association.⁶⁵ The right to opinion cannot be restricted at all.⁶⁶ The rights to expression, association, and assembly only permit narrow restrictions.⁶⁷ Restrictions must be (1) provided by law, (2) serve a legitimate aim (such as public order or national security), and (3) be necessary and proportionate.⁶⁸ States must avoid “unwarranted interference” with the right to assembly and “are obliged, for example, not to prohibit, restrict, block, disperse or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organizers without legitimate cause.”⁶⁹
- 3.2. The U.N. Human Rights Committee has clarified that peaceful assemblies may include expressions that are provocative, controversial, contentious, or disruptive.⁷⁰ States have a positive obligation to facilitate assemblies and to ensure that individuals can protest without fear of violence, repression, or stigmatization, particularly when advocating for human rights.⁷¹ States must protect assemblies against disruption or violence from counter-demonstrators and must not impose restrictions based on the message of the protest.⁷² As U.N. Special Rapporteur on Freedom of Expression Irene Khan explains, “[t]he possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public is not itself sufficient reason to prohibit or restrict the assembly.”⁷³
- 3.3. Content-based restrictions on speech are particularly disfavored under international law.⁷⁴ Political dissent or expressing views about a government is protected and must not be conflated with hate speech or terrorism.⁷⁵ Antisemitism and hate speech are important human rights issues, and the U.N. Special Rapporteur on Assembly highlights that “Hate speech is unacceptable, and it should be properly addressed by targeting specific individuals or groups involved, applying the six-part threshold established by the Rabat Plan of Action on the prohibition of advocacy of

national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence... not by imposing sweeping bans and restrictions on the whole assembly and movement.”⁷⁶ Further, as UN experts explain: “To express solidarity with Palestinian civilians or to peacefully demand the divestment from companies facilitating Israel’s horrific assault on Gaza is neither terrorism nor antisemitism, but political expression and advocacy of human rights, protected by international law.”⁷⁷

- 3.4. Since October 2023, the U.S. government and university administrations have imposed increasingly repressive measures on students, staff, and faculty who advocate for Palestinian human rights, resulting in systematic violations of the freedoms of opinion, expression, association, and assembly. Repression has come in waves, resulting in a pattern of escalating rights violations in direct contravention of the U.S. government’s international legal obligations. The forms of repression of expression, association, and assembly rights include: (1) undue restrictions; (2) suppression through criminalization, arrest, and using state and private security forces to disperse protests and encampments; (3) disproportionate use of force in dispersing protests, resulting in physical harm to protestors and bystanders; (4) undue use of university discipline policies to punish students, faculty, and staff for exercising their rights; (5) stigmatization of protestors; (6) widespread surveillance; (7) retaliatory judicialization, particularly through the weaponization of the immigration system. These cumulative actions have produced a pervasive chilling effect on speech, association, and assembly, silencing not only those directly punished, but also the broader academic community and public.⁷⁸ UN Special Rapporteurs have raised concerns with the U.S. government that these actions against protestors “appear to violate the right of the students to peaceful assembly.”⁷⁹
- 3.5. Federal and state officials, alongside numerous university leaders, have responded to campus protests with measures that unduly restrict fundamental freedoms. Since October 2023, numerous federal and state laws have been proposed to suppress pro-Palestinian protest.⁸⁰ Many proposed laws lack a legitimate purpose and rely on vague or overbroad language, such as prohibitions on protests deemed “intimidating” or “oppressive,” enabling arbitrary and discriminatory enforcement against demonstrators.⁸¹ Although “most events were held peacefully”, authorities “resorted to repressive measures.”⁸² Prohibiting and restricting peaceful assemblies without legitimate basis violates the State’s duty to avoid “unwarranted interference.”⁸³
- 3.6. Federal and state officials, alongside numerous university leaders, have sought to criminalize protests and have used state and private security forces to break up protests and encampments. According to the Harvard Kennedy School Crowd Counting Consortium, at least 3,645 protesters were arrested between October 2023 and May 2024 in campus protest contexts.⁸⁴ Notably, according to analysis by *The Guardian*, approximately 60% of 2,800 charges and citations issued against protesters in major U.S. cities during this period were dismissed or not prosecuted, suggesting that mass arrests were often used more to intimidate than to address substantive criminal conduct.⁸⁵ Disrupting and dispersing peaceful assemblies, and sanctioning those who participate, contravenes the state’s duty to avoid “unwarranted interference.”⁸⁶
- 3.7. The conduct of security forces in breaking up protests also appears disproportionate and has resulted in injury to protestors and bystanders. U.N. Special Rapporteurs have denounced that many “peaceful protests . . . have been removed by police upon the request of the university

administrations, sometimes with the use of force leading to hospitalisation of protestors. Such actions appear disproportionate and lack legal justification.”⁸⁷ According to the U.N. Special Rapporteur on the Right to Education, “Riot units reportedly used tear gas and rubber bullets in clashes with demonstrators, there are reports of violent arrests leading to injuries, including concussions and broken bones requiring hospital treatment, as well as harassment of the protestors.”⁸⁸ U.N. Special Rapporteur on Freedom of Association and Assembly further explains, “[i]n some instances, heavily armed law enforcement and anti-terrorism units have been deployed, further stigmatizing solidarity protestors as ‘violent’ and ‘a threat.’”⁸⁹ These tactics violate international protections under Articles 19 and 21 of the ICCPR, which guarantee the rights to freedom of expression and peaceful assembly, including for protests that are disruptive, controversial, or met with hostility, so long as the conduct of participants remains non-violent.⁹⁰

- 3.8. Universities have also taken undue disciplinary action against student protestors. UN Special Rapporteur Romero explained: “In addition to the restrictions and violent responses to peaceful protests, some universities have imposed severe and disproportionate retaliations on protesting students, including disciplinary measures such as suspensions, expulsions, and actions that prevented students from graduating.”⁹¹ UN Special Rapporteur Shaheed further noted reports of “evictions from university housing, cancelation of food support programs” and concluded that “All these measures have inevitably created a chilling effect on the whole academic community and a climate of intimidation.”⁹² Not only has the U.S. government failed to protect protestors from these breaches of their rights, as detailed in Section 7 below, the government has pressured universities to discipline students for protected expression and assembly, by threatening or directly revoking federal funding, stigmatizing university leaders and institutions who refuse to fall in line, and launching burdensome investigatory probes.⁹³
- 3.9 The violations including stigmatization of protestors (Section 4), pervasive surveillance (Section 6), and detentions, visa revocations, and deportations of non-U.S. citizen protestors (Sections 5 and 8) also unlawfully restrict expression, speech, and assembly rights.

4. VIOLATIONS OF THE RIGHTS OF HUMAN RIGHTS DEFENDERS

- 4.1. The U.N. General Assembly *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (“U.N. Declaration on Human Rights Defenders”) affirms that all people have the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.⁹⁴ This is an essential right that is necessary for the protection of all human rights. Article 5 guarantees the rights to meet, assemble, and communicate freely for human rights purposes, and Article 12 imposes a positive obligation on States to protect defenders from violence, threats, retaliation, or any arbitrary action as a consequence of their legitimate activities.⁹⁵ States are required to create an enabling environment for defending human rights.⁹⁶ In academic settings, these rights are reinforced by the principle of academic freedom, which protects the ability to research, teach, and speak freely—including in support of human rights and justice-related causes.⁹⁷

- 4.2 The UN Human Rights Council and Special Rapporteurs have emphasized that individuals engaging in peaceful advocacy are human rights defenders under international law.⁹⁸ This includes, for example, those advocating on matters of foreign policy or international humanitarian law. Protection applies regardless of the political sensitivity of the issues raised, and covers students, academics, migrants, and others promoting respect for the rights of others.⁹⁹ States must not only refrain from interfering in defenders' activities, but must actively ensure an enabling environment, including by publicly legitimizing their work, refraining from stigmatization, and preventing threats or attacks by private actors.¹⁰⁰
- 4.3 Individuals who participate in peaceful protest in support of Palestinian human rights are human rights defenders, as they are "people who, individually or with others, act to promote or protect human rights in a peaceful manner."¹⁰¹ The overwhelming majority of campus protests related to Gaza have been peaceful protests protected under the right to protest.¹⁰²
- 4.4. The stigmatization of protest and human rights on university campuses has been an ongoing threat to the right to defend rights. The U.N. Special Rapporteur on the rights to freedom of peaceful assembly and of association, Gina Romero, closely chronicled the stigmatization of pro-Palestinian solidarity protest movements.¹⁰³ She documented stigmatization of protestors who advocate for Palestinian human rights by "High-level government officials, public figures, and the media" and observed that "Universities and law enforcement have failed to protect protesting students from vilification and threats expressed online and offline."¹⁰⁴ She further explains: "Stigmatizing narratives against pro-Palestinian protesters have skewed public perception, painting them as being extremist, violent in nature or linked to terrorism, which has increased racism and hate."¹⁰⁵ This stigmatization escalated under the Trump administration, which has painted all student protests in favor of Palestinian human rights as "pro-Hamas" and "pro-terrorism,"¹⁰⁶ laying the foundation for the criminalization and judicialization of protestors.¹⁰⁷ As outlined in Sections 2 and 3, these stigmatizing narratives have undermined the rights to expression, assembly, and association—core protections for human rights defenders under international law.
- 4.5. These dynamics have translated into material consequences: immigration-based retaliation, surveillance, criminal charges, and university disciplinary sanctions have all been used against human rights defenders engaged in peaceful protest.¹⁰⁸ The Inter-American Commission on Human Rights has warned that U.S. authorities have criminalized peaceful protest.¹⁰⁹ Government officials' inflammatory rhetoric, combined with actions by some university administrators, has created a chilling effect on speech and organizing, particularly among Arab, Muslim, and international students, staff, and faculty.¹¹⁰ The U.S. government's failure to protect human rights defenders—indeed, its active role in their repression—is in direct violation of its legal duties toward human rights defenders.¹¹¹
- 4.6. High-level U.S. officials have issued statements that stigmatize human rights defenders engaged in peaceful protest, in violation of the State's obligation to ensure an enabling environment for the defense of rights.¹¹² President Trump characterized student protesters as "terrorist sympathizers," and described protest activity as "pro-terrorist, anti-Semitic, [and] anti-American."¹¹³ Such statements dangerously conflate peaceful advocacy with terrorism and send a chilling message to

human rights defenders, particularly those who are immigrants, Muslims, or otherwise vulnerable. Such vilifying rhetoric also invites further legal and physical harm by portraying protesters as national security threats,¹¹⁴ creating “a hostile environment for pro-Palestinian expressions and activists.”¹¹⁵

5. VIOLATIONS OF THE RIGHT TO LIBERTY

5.1. Article 9(1) of the ICCPR protects the right to liberty, and prohibits arbitrary arrest and detention.¹¹⁶ This is a “precious” right of “profound” importance,¹¹⁷ and applies to “everyone,” including individuals in immigration or administrative custody.¹¹⁸ Detention is arbitrary when it lacks a legal basis, results from the exercise of protected rights such as freedom of expression or peaceful assembly, constitutes discrimination—including on the basis of national origin or political opinion—or fails to meet standards of necessity and proportionality.¹¹⁹ Arbitrariness includes injustice, lack of predictability, and disregard for due process.¹²⁰ Detention as punishment for exercising the freedoms of assembly, opinion, expression, and association is arbitrary.¹²¹

5.2. The U.S. government has violated the right to liberty in a series of immigration-related detentions, and ongoing threats¹²² to deport others puts the right at serious risk of frequent future violation. UN Special Rapporteurs noted their alarm that “U.S. authorities are openly weaponising deportation as a tool to censor critical voices, seriously damaging the precious rights of free speech and assembly that the US has long cherished and promoted at home and abroad.”¹²³ Students appear to have been arrested and detained not for any criminal conduct, but for engaging in expression and advocacy—rendering the deprivation of liberty without lawful basis. The law that the government has used to justify much of its immigration actions purports to authorize deportation for individuals whose presence the U.S. Secretary of State determines to have “potentially serious adverse foreign policy consequences.”¹²⁴ This law is vague, overbroad, and gives the U.S. Secretary of State unfettered discretion to decide to deport an individual.¹²⁵ Any detention on this basis, effectively for engaging in political speech disfavored by a government, is arbitrary and unlawful.¹²⁶

6. VIOLATIONS OF THE RIGHT TO PRIVACY

6.1. The right to privacy is protected under Article 17 of the ICCPR and Article 12 of the Universal Declaration of Human Rights which prohibit arbitrary or unlawful interference with an individual’s privacy, family, home, or correspondence.¹²⁷ This includes protection against surveillance activities that are disproportionate, vague in legal basis, or discriminatory in application.¹²⁸ Surveillance “must be conducted on the basis of a legal framework, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory and ... any interference with the right to privacy must not be arbitrary or unlawful, bearing in mind what is reasonable to the pursuance of legitimate aims.”¹²⁹ As part of their duty to guarantee the right to defend rights, states must also “[t]ake all necessary legislative, administrative, technical, and other other measures, including ensuring private sector accountability, to prevent, remedy, and eliminate cyber harassment, including technology-facilitated gender-based violence, smear campaigns, doxxing, the spread of malicious or deceptive generated media, and other threats against human rights defenders.”¹³⁰

- 6.2. The U.S. government has failed to protect protestors from breaches of their privacy rights by private actors, has collaborated with private actors to surveil protestors, and has directly surveilled protestors. Reports indicate that law enforcement agencies have worked with university administrators to obtain and share information about student protestors, including names, group affiliations, and meeting details.¹³¹ The U.N. Special Rapporteur on the right to education critiqued the surveillance of student protesters, such as through high-resolution cameras, university email monitoring, and other high- and low-tech methods, for contributing to a “chilling effect.”¹³² Actions taken by universities are compounded by direct surveillance from police and federal agents.¹³³ Additionally, private actors have doxxed student protestors and have collected and analyzed protest footage later shared with authorities.¹³⁴ U.N. Special Rapporteur Romero noted that “Universities and law enforcement have failed to protect protesting students from vilification and threats experienced online and offline.”¹³⁵ These practices create an atmosphere of fear that discourages people from attending protests, joining advocacy groups, or speaking out online.¹³⁶
- 6.3. Surveillance efforts have disproportionately targeted Muslim, Arab, and international students, raising concerns about discrimination, undermining Article 17 and Article 26 of the ICCPR.¹³⁷ Multiple students affiliated with Middle Eastern or Muslim student associations reported visits from federal agents or heightened monitoring after participating in peaceful protests.¹³⁸ The U.N. Special Rapporteur on the Right to Privacy has specifically recommended “[a]s regards to surveillance, the cessation of any discrimination between United States citizens and residents and those who were neither citizens of nor resident in the country.”¹³⁹

7. VIOLATIONS OF THE RIGHT TO EDUCATION AND ACADEMIC FREEDOM

- 7.1. The right to education is protected under Article 13 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)¹⁴⁰ and Article 26 of the *Universal Declaration of Human Rights* (UDHR).¹⁴¹ Education must be directed toward the full development of the human personality and strengthening respect for human rights and fundamental freedoms.¹⁴² The realization of this right requires full protection of academic freedom, both for institutions and individuals.¹⁴³
- 7.2. Academic freedom includes the liberty of students and faculty “to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor,” and to enjoy all internationally recognized human rights.¹⁴⁴ Academic freedom should be “scrupulously observed,”¹⁴⁵ and the autonomy of academic institutions is an “essential”¹⁴⁶ requirement for academic freedom.¹⁴⁷ Institutional autonomy entails “self-governance necessary for effective decision-making” over academic work, standards, and internal management.¹⁴⁸ Institutional arrangements must be “fair, just and equitable, and as transparent and participatory as possible.”¹⁴⁹ Institutional autonomy includes autonomy in “administrative, financial, pedagogical and disciplinary functions.”¹⁵⁰ Further, “distribution of resources cannot become a tool for attacking academic institutions and groups, nor a threat to critical thinking.”¹⁵¹
- 7.3. The U.S. government has interfered with the right to education and academic freedom by pressuring universities to restrict protest, discipline students and faculty for protected expression,

and restructure academic programs and governance.¹⁵² These interventions, detailed in the Facts section, have included threats to revoke federal funding and public pressure campaigns targeting universities perceived as insufficiently punitive of pro-Palestinian speech.¹⁵³ The federal government has used its funding authority to pressure schools.¹⁵⁴ The Inter-American Commission on Human Rights has expressed “deep concern” about the canceling of federal funding “for universities where student-led protests have occurred.”¹⁵⁵ The U.N. Special Rapporteur on the right to education also expressed concern that pressure on university administrators and academics “can result in the repression of free speech and self-censorship, thus damaging academic freedom and the autonomy of universities.”¹⁵⁶

- 7.4 Faculty have reported altering syllabi and avoiding controversial topics to shield themselves from institutional scrutiny, and students report withdrawing from campus dialogue due to fear of reprisal.¹⁵⁷ The AAUP and the ACLU have warned that the chilling effect from government pressure threatens core values of free inquiry and democratic learning.¹⁵⁸ The U.N. Special Rapporteur on Education has also condemned the systemic denial of academic freedom.¹⁵⁹
- 7.5 This recent wave of federal interference continues a longer pattern of chilled academic discourse on Palestine-related issues.¹⁶⁰ International human rights experts have warned that violations of academic freedom “have always resulted in intellectual relapse, and consequently in social and economic stagnation.”¹⁶¹ This observation resonates with the current chilling effect reported by students and faculty, including changes to curricula, withdrawal from campus speech, and disciplinary retaliation.¹⁶²

8. VIOLATIONS OF THE PRINCIPLE NON-DISCRIMINATION AND MIGRANTS’ RIGHTS

- 8.1. The government’s response to campus protests has disproportionately targeted pro-Palestinian students—particularly those who are Muslim, Arab, or immigrants to the United States—raising serious concerns about discrimination on the basis of political opinion, religion, national origin, and immigration status. According to the U.N. Special Rapporteur on the Right to Education, “[t]he most appalling factor is the unequal treatment of protesters depending on their political position. Pro-Palestinian protesters are disproportionately affected by the harsh response, allegedly for their antisemitic views, paradoxically, even if they self-identify as belonging to the Jewish community or represent Jewish student associations.”¹⁶³ Such differential treatment is incompatible with the State’s obligation to ensure equality before the law and equal protection of all rights.¹⁶⁴
- 8.2. International human rights law protects the right to opinion, expression, and peaceful assembly for all individuals, regardless of immigration status.¹⁶⁵ Targeting non US citizen students violates both the right to non-discrimination and the specific protections afforded to migrants under international law.¹⁶⁶ The “targeting of foreign nationals in the U.S. with threats to revoke student visas or residency rights is not only discriminatory and violates constitutional protections, but is highly dangerous as it seeks to exert a chilling effect on free expression on immigrants going far beyond the Palestine issue.”¹⁶⁷
- 8.3 The harms to those targeted for visa revocation and deportation are severe: including major disruption of their studies and careers, significant fear and uncertainty, and potential separation

from family. Further, fear of being targeted for deportation is chilling the speech and association of many non-US citizens, who report removing their opinions from online forums, withdrawing from conferences, not pursuing or publishing scholarship, not organizing academic events, not traveling to or from the United States, and changing the content of their teaching. Such chilling impacts the learning, intellectual development, and political discourse of all in the United States and globally.¹⁶⁸

RECOMMENDATIONS

Freedom of Opinion, Expression, Association, and Assembly

1. Ensure that the rights to opinion, expression, association, and assembly are enabled and promoted, and that any restrictions comply with international standards.
2. Cease government actions that suppress or criminalize peaceful protest through legislation, surveillance, institutional pressure, or other measures.

The Rights of Human Rights Defenders

3. Recognize students, staff, faculty, and other peaceful campus protesters as human rights defenders entitled to protection under the U.N. Declaration on Human Rights Defenders.
4. Refrain from stigmatizing rhetoric by public officials and take affirmative steps to create an enabling environment for human rights advocacy, including protection from private actor harassment.

Right to Liberty and Protection from Arbitrary Detention

5. Immediately end the use of visa revocation, and immigration detention and deportation, against students and others engaged in lawful protest or political expression.
6. Ensure that any detention complies with ICCPR Article 9, including access to counsel, judicial review, and protection against incommunicado detention or jurisdictional transfers designed to obstruct legal recourse.

Right to Privacy and Protection from Surveillance

7. Prohibit surveillance (including the use of facial recognition or metadata tracking) of campus activism absent individualized suspicion and prior judicial authorization.
8. Adopt safeguards to prevent discriminatory surveillance targeting students based on political opinion, nationality, religion, or association with advocacy organizations.

The Right to Education and Academic Freedom

9. Cease using federal funding or administrative threats to pressure universities into restricting speech, altering curricula, restructuring departments, or disciplining students, staff, and faculty.
10. Affirm and protect academic freedom and institutional autonomy in accordance with General Comment No. 13, including freedom of inquiry, teaching, and association.

Violations of the Principle of Non-Discrimination and Rights of Migrants

11. Ensure that enforcement of protest-related laws or immigration provisions does not discriminate against Arab, Muslim, or international students, and repeal discriminatory visa policies.
12. Guarantee equal protection under the law for all students regardless of religion, national origin, or immigration status who engage in peaceful protest and political expression.

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⁴ Irene Khan, Farida Shaheed, Mary Lawlor, Gina Romero, Ben Saul, Francesca Albanese, Nicolas Levrat, George Katrougalos & Margaret Satterthwaite, *U.S. Must Immediately Release Palestinian Rights Activist Mahmoud Khalil and Stop Threats of Deportation Against Foreign Residents, Say UN Experts*, OHCHR (Mar. 20, 2025), <https://www.ohchr.org/en/press-releases/2025/03/us-must-immediately-release-palestinian-rights-activist-mahmoud-khalil-and> [hereinafter *OHCHR, Khalil Release*].

⁵ Gina Romero (Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association), *Protecting the Rights to Freedom of Peaceful Assembly and of Association from Stigmatization*, ¶ 58, U.N. Doc. A/79/263 (July 31, 2024), <https://docs.un.org/en/A/79/263> [hereinafter *U.N.S.R. Romero July 2024 Report*].

⁶ July 2024 Statement by U.N. Special Procedures, *supra* note 1.

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¹⁶ See *supra* notes 2–3 and accompanying text.

¹⁷ Crowd Counting Consortium: Pro-Palestine Protests at U.S. Schools, *supra* note 2.

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⁶⁵ *Id.* arts. 19, 21–22.

⁶⁶ Hum. Rts. Comm., General Comment No. 34 on Article 19: Freedoms of Opinion and Expression, ¶¶ 5, 9, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011) [*hereinafter General Comment No. 34*].

⁶⁷ *Id.* ¶ 11; Hum. Rts. Comm., General Comment No. 37 on the Right of Peaceful Assembly (Article 21), ¶¶ 8–9, 36–38, U.N. Doc. CCPR/C/GC/37 (Sept. 17, 2020) [*hereinafter General Comment No. 37*]; U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 9, 11, 37, 88 (discussing the freedoms of opinion and expression); U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶¶ 6–9 (discussing the freedoms of assembly and association); *see also* Comm. on Hum. Rts., U.N. Econ. and Soc. Council, 160th mtg., ¶ 33, U.N. Doc. E/CN.4/SR.160 (1950); *Rabbae v. The Netherlands*, U.N. Hum. Rts. Comm., ¶ 10.4, U.N. Doc. CCPR/C/117/D/2124/2011 (Nov. 18, 2016).

⁶⁸ ICCPR art. 19(3); General Comment No. 34, ¶¶ 21–23.

⁶⁹ General Comment No. 37, ¶¶ 8, 23.

⁷⁰ *Id.* ¶ 7 (providing that peaceful assembly can also include “[c]ollective civil disobedience or direct action campaigns . . . provided that they are non-violent”).

⁷¹ *See id.* ¶ 24–26.

⁷² *Id.* ¶¶ 22, 24.

⁷³ U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶ 37.

⁷⁴ *See* General Comment No. 37, ¶ 26; *see also* U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 9–11, 86.

⁷⁵ *See* July 2024 Statement by U.N. Special Procedures, *supra* note 1; U.N.S.R. Shaheed May 2024 Report, *supra* note 7, at 2.

⁷⁶ U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 63.

⁷⁷ OHCHR, Khalil Release, *supra* note 4.

⁷⁸ *See, e.g., Declaration of Professor Aslı Ü Bâli, Am. Ass’n of Univ. Professors v. Rubio*, No. 1:25-cv-10685 (D. Mass. Apr. 1, 2025), <https://knightcolumbia.org/documents/7pc4qdumwi> (documenting such chilling effects).

⁷⁹ Mary Lawlor et al., *Allegation Letter to the United States*, 3 (May 10, 2024), <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29009>.

⁸⁰ ICNL, *U.S. Protest Law Tracker*, *supra* note 24; *see also* Palestine Legal, *Reverberations of October 7 at 43* (2024), <https://palestinelegal.org/2023-report>; Jay Stanley, *States Dust Off Obscure Anti-Mask Laws to Target Pro-Palestine Protesters*, ACLU (May 15, 2024), <https://www.aclu.org/news/privacy-technology/states-dust-off-obscure-anti-mask-laws-to-target-pro-palestine-protesters>; Julian Baron, *Anti-Israel Protesters Who Commit Illegal Acts Could Be Sent to Gaza Under New Bill*, The National Desk (May 9, 2024), <https://thenationaldesk.com/news/americas-news-now/anti-israel-protesters-who-commit-illegal-acts-could-be-sent-to-gaza-under-new-bill-palestine-israeli-war-ceasefire-strip-terrorists-hamas-columbia-yale-ivy-league-george-washington-university-nypd-mpd-stefanik-andy-ogles>; Andrea Shalal & Susan Heavey, *Trump Administration to Cancel Student Visas of All Hamas Sympathizers*, Reuters (Jan. 29, 2025), <https://www.reuters.com/world/us/trump-administration-cancel-student-visas-all-hamas-sympathizers-white-house-2025-01-29>.

⁸¹ *See* ICNL, *U.S. Protest Law Tracker*, *supra* note 24 (describing vague legislative terms in anti-protest laws); U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶ 36.

⁸² U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶ 36.

⁸³ U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 36–37; General Comment No. 37, ¶¶ 8, 23.

⁸⁴ *Crowd Counting Consortium: Pro-Palestine Protests at U.S. Schools*, *supra* note 2.

⁸⁵ Tom Perkins, *Most Charges Against Gaza Protesters Dismissed But ‘Intent Is to Scare People*, The Guardian (Feb. 11, 2025), <https://www.theguardian.com/us-news/2025/feb/11/gaza-protesters-charges-dismissed>.

⁸⁶ General Comment No. 37, ¶¶ 8, 23.

⁸⁷ July 2024 Statement by U.N. Special Procedures, *supra* note 1.

⁸⁸ U.N.S.R. Shaheed May 2024 Report, *supra* note 7, at 2.

⁸⁹ U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 58.

⁹⁰ U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶ 37; ICCPR arts. 19, 21; General Comment No. 37, ¶¶ 10–13, 16, 25, 70.

⁹¹ U.N.S.R. Romero October 2024 Report, *supra* note 20, ¶ 14; *see also*, *US Universities: Respect Peaceful Protests for Palestinians*, Human Rights Watch (May 8, 2025), <https://www.hrw.org/news/2024/05/08/us-universities-respect-peaceful-protests-palestinians> (criticizing mass suspensions and expulsions); ACLU et al., *Re: Unlawful Discipline of Students Following October 7, 2024 Protests at Carnegie Hall*, Pamona College Office of the President (Nov. 13, 2024),

<https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/6734e0aee42653d05763a87/1731518638534/Nov+13+Letter+to+Pomona+College+from+Civil+Rights+Organizations.pdf> (criticising suspensions).

⁹² U.N.S.R. Shaheed May 2024 Report, *supra* note 7.

⁹³ See generally Facts § 2; see also U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 38–45; Blinder et al., *supra* note 56; Katherine Rosman, *Legal Experts Question Trump’s Authority to Cancel Columbia’s Funding*, N.Y. Times (Mar. 17, 2025), <https://www.nytimes.com/2025/03/17/nyregion/columbia-trump-administration-funding-fight.html>.

⁹⁴ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, G.A. Res. 53/144, U.N. Doc. A/RES/53/144, art. 1 (Dec. 9, 1998) [*hereinafter Declaration on Human Rights Defenders*].

⁹⁵ Declaration on Human Rights Defenders arts. 5, 12.

⁹⁶ See Declaration on Human Rights Defenders arts. 2, 12.

⁹⁷ U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶ 38.

⁹⁸ Michel Forst (Special Rapporteur on the Situation of Human Rights Defenders), *Rep. on Situation of Human Rights Defenders*, ¶¶ 4, 14, U.N. Doc. A/73/215 (July 23, 2018).

⁹⁹ *Id.* ¶ 21; Human Rights Council Res. 40/11, U.N. Doc. A/HRC/RES/40/11, ¶ 6 (Mar. 21, 2019).

¹⁰⁰ *Id.*; see also Clément Nyaletsossi Voule (Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association), *Exercise of the Rights to Freedom of Peaceful Assembly and of Association as Essential to Advancing Climate Justice*, ¶¶ 18, 82, U.N. Doc. A/76/222 (July 23, 2021).

¹⁰¹ United Nations Office of the High Commissioner of Human Rights, About Human Rights Defenders, <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders> (last accessed Apr. 7, 2025).

¹⁰² Out of thousands of campus protests, the vast majority have remained peaceful. *Crowd Counting Consortium: Pro-Palestine Protests at U.S. Schools*, *supra* note 2; Armed Conflict Location & Event Data Project (ACLED), *US Student Pro-Palestine Demonstrations Remain Overwhelmingly Peaceful*, ACLED (May 3, 2024) <https://acleddata.com/2024/05/10/us-student-pro-palestine-demonstrations-remain-overwhelmingly-peaceful-acled-brief>.

¹⁰³ U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶¶ 57–63. For more on the definition of peaceful assembly, see U.N.S.R. Romero July 2024 Report; General Comment No. 37, ¶ 7.

¹⁰⁴ U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶¶ 59. See also U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶ 36 (“Nevertheless, the authorities resorted to repressive measures, including widespread police action against the demonstrators and stigmatization of Palestinian advocacy as inherently dangerous.”).

¹⁰⁵ U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 61.

¹⁰⁶ Marco Rubio (@marcorubio), “We will be revoking the visas and/or green cards of Hamas supporters in America so they can be deported,” X (Mar. 9, 2025, 6:10 PM), <https://x.com/marcorubio/status/1898858967532441945>.

¹⁰⁷ U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶ 36; U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶¶ 76–77.

¹⁰⁸ *Id.*; see also ICNL, *U.S. Protest Law Tracker*, *supra* note 24.

¹⁰⁹ Press Release, Org. of Am. States, *IACHR: United States Must Respect Peaceful Protest and Academic Freedom on Campuses*, (May 9, 2024), https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/095.asp.

¹¹⁰ U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 5, 6, 44; July 2024 Statement by U.N. Special Procedures, *supra* note 1.

¹¹¹ Under international human rights law, including the U.N. Declaration on Human Rights Defenders (arts. 2, 12), States have a duty to ensure an enabling environment for the exercise of rights. This includes protecting against abuses by non-state actors. The U.S. government’s coercion of universities and failure to address private backlash against human rights defenders constitute violations of this obligation. Human Rights Council Res. 40/11, *supra* note 99, ¶¶ 6–8.

¹¹² See U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 57. See also, e.g., Donald J. Trump (@realDonaldTrump), “Following my previously signed Executive Orders, ICE proudly apprehended and detained Mahmoud Khalil, a Radical Foreign Pro-Hamas Student on the campus of Columbia University...,” Truth Social (Mar. 10, 2025, 1:05 PM), <https://truthsocial.com/@realDonaldTrump/posts/114139222625284782>; Marco Rubio (@marcorubio), “We will be revoking the visas and/or green cards of Hamas supporters in America so they can be deported,” X (Mar. 9, 2025, 6:10 PM), <https://x.com/marcorubio/status/1898858967532441945>. See also, *US arrests second student over Columbia University pro-Palestinian activism*, Al Jazeera (Mar. 14, 2025) <https://www.aljazeera.com/news/2025/3/14/us-arrests-second-student-imposes-receivership-on-columbia-university>

¹¹³ Donald J. Trump (@realDonaldTrump), “Following my previously signed Executive Orders, ICE proudly apprehended and detained Mahmoud Khalil, a Radical Foreign Pro-Hamas Student on the campus of Columbia

University...,” Truth Social (Mar. 10, 2025, 1:05 PM), <https://truthsocial.com/@realDonaldTrump/posts/114139222625284782>. See further Marco Rubio (@marcorubio), “We will be revoking the visas and/or green cards of Hamas supporters in America so they can be deported,” *X* (Mar. 9, 2025, 6:10 PM), <https://x.com/marcorubio/status/1898858967532441945>. See also, *US arrests second student over Columbia University pro-Palestinian activism*, Al Jazeera (Mar. 14, 2025) <https://www.aljazeera.com/news/2025/3/14/us-arrests-second-student-imposes-receivership-on-columbia-university> (“It is a privilege to be granted a visa to live and study in the United States of America. When you advocate for violence and terrorism that privilege should be revoked, and you should not be in this country.”).

¹¹⁴ Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association Clément Nyaletsossi Voule, *General principles and guidelines on ensuring the right of civil society organizations to have access to resources*, U.N. Doc. A/HRC/53/38, ¶ 15 (May 19, 2023), <https://docs.un.org/en/A/HRC/53/38> (“States present [activists] as enemies, resorting to unnecessary use of force and other unlawful and arbitrary measures to silence and suppress them,” noting that portraying protestors as threats “entrench[s] impunity” and legitimizes repression).

¹¹⁵ U.N.S.R Romero July 2024 Report, *supra* note 5, ¶ 57.

¹¹⁶ ICCPR art. 9(1).

¹¹⁷ Hum. Rts. Comm., General Comment No. 35 on Article 9 (Liberty and Security of Person), ¶ 2, U.N. Doc. CCPR/C/GC/35 (Dec. 16, 2024) [*hereinafter* General Comment No. 35].

¹¹⁸ *Id.* ¶ 3, 5, 18.

¹¹⁹ United Nations Working Group on Arbitrary Detention (WGAD), *Methods of Work of the Working Group on Arbitrary Detention*, U.N. Doc. A/HRC/33/66 (July 12, 2016); General Comment No. 35, ¶ 12.

¹²⁰ General Comment No. 35, ¶ 12.

¹²¹ *Id.* ¶ 17.

¹²² Kaia Hubbard, *Secretary of State Marco Rubio says ‘We’re Going to Keep Doing it’ After Arrest of Columbia Activist*, CBS News (March 17, 2025), <https://www.cbsnews.com/news/marco-rubio-mahmoud-khalil-arrest-face-the-nation/>.

¹²³ OHCHR, Khalil Release, *supra* note 4.

¹²⁴ U.S. Immigration and Nationality Act (INA), 8 U.S.C. § § 237(a)(4)(C)(i), 1227(a)(4)(C)(i); 212(a)(3)(C)(i), § 1182(a)(3)(C)(i).

¹²⁵ See Brief of International Law Professors, Experts, Practitioners, and Scholars as Amici Curiae in Support of Petitioner at 5, 21, *Khalil v. Trump*, No. 2:25-cv-1963-MEF (D.N.J. Mar. 26, 2025), https://www.humanrightscolumbia.org/sites/default/files/250326_Khalil_Amici_Brief_-_International_FINAL.pdf.

¹²⁶ See WGAD, *supra* note 119; ICCPR art. 9(4). These enforcement practices—including warrantless arrests, jurisdictional transfers that obstruct access to counsel, lack of transparency regarding detainee location, and poor detention conditions—have been widely denounced as human rights violations within the U.S. immigration system. HRW, *Locked Up Far Away: The Transfer of Immigrants to Remote Detention Centers in the United States*, (Dec. 2, 2009), <https://www.hrw.org/report/2009/12/02/locked-far-away/transfer-immigrants-remote-detention-centers-united-states>; ACLU, *ICE and Border Patrol Abuses*, <https://www.aclu.org/issues/immigrants-rights/ice-and-border-patrol-abuses> (last accessed Apr. 7, 2025); Jesse Franzblau, *Cut the Contracts: It’s Time to End ICE’s Corrupt Detention Management System*, National Immigrant Justice Center (Mar. 16, 2021), <https://immigrantjustice.org/research-items/policy-brief-cut-contracts-its-time-end-ices-corrupt-detention-management-system>; American Branch of the International Law Association, *Submission to the United Nations Universal Periodic Review of United States of America* (Third Cycle, 36th Session, Oct. 3, 2019), https://ila-americanbranch.org/wp-content/uploads/2020/10/ABILA_IHR_Committee_-_US-UPR_2020_NGO_Submission_-_Elias.pdf.

¹²⁷ ICCPR art. 17; Universal Declaration of Human Rights art. 12.

¹²⁸ OHCHR, General Comment No. 16: Article 17 (Right to Privacy), The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation, ¶¶ 3–4, 8 (Apr. 8, 1988) [*hereinafter* General Comment No. 16]; U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I) (1988); see also U.N. Special Rapporteur on the Right to Privacy, *The Right to Privacy in the Digital Age*, ¶ 60, U.N. Doc. A/HRC/37/62 (Oct. 25, 2018).

¹²⁹ U.N. General Assembly Resolution on the Right to Privacy in the Digital Age, U.N. Doc. A/RES/69/166 (Dec. 18, 2024); Ben Emmerson (Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism), *Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*, ¶¶ 11, 51, U.N. Doc. A/69/397 (Sept. 23, 2014). See also, General Comment No. 16, ¶¶ 3–4, 8.

¹³⁰ International Service for Human Rights, *Declaration on Human Rights Defenders* +25, arts. 9(e), 9(j) (2024), <https://ishr.ch/wp-content/uploads/2024/06/20240619-DeclarationPlus25-ISHR.pdf>.

¹³¹ See Section 2 (Facts) See also U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 58; Sophie Hayssen,

Universities Nationwide Used Pro-Palestine Protests to Expand Surveillance, Prism (Feb. 26, 2025), <https://prismreports.org/2025/02/26/universities-pro-palestine-protests-surveillance/>; Sarah Huddleston & Maya Stahl, *Inside Columbia's surveillance and disciplinary operation for student protestors*, Columbia Spectator (Sept. 12, 2024), <https://www.columbiaspectator.com/news/2024/09/12/inside-columbias-surveillance-and-disciplinary-operation-for-student-protestors-3/>; Jason Leopold, *Federal Surveillance Targeted Israel-Hamas War Protests*, Bloomberg (May 3, 2024), <https://www.bloomberg.com/news/newsletters/2024-05-03/israel-hamas-war-protesters-targeted-by-dhs-surveillance>; Theia Chatelle, *How Yale University Surveils Pro-Palestine Students*, The Nation (May 20, 2024), <https://www.thenation.com/article/activism/yale-university-surveils-pro-palestine-student-protests/>.

¹³² U.N.S.R. Shaheed May 2024 Report, *supra* note 7, at 2.

¹³³ Jason Leopold, *Federal Surveillance Targeted Israel-Hamas War Protests*, Bloomberg (May 3, 2024), <https://www.bloomberg.com/news/newsletters/2024-05-03/israel-hamas-war-protesters-targeted-by-dhs-surveillance>; Sara Custer, *State Department to Use AI to Revoke Student Visas*, Inside Higher Ed (March 7, 2025), <https://www.insidehighered.com/news/quick-takes/2025/03/07/state-department-use-ai-revoke-student-visas>.

¹³⁴ Adam Geller, *Private Groups Use Facial Recognition to Identify Pro-Palestinian Protesters for Deportation*, AP News (Mar. 29, 2025), <https://apnews.com/article/9e2d4abc1c158454da1f68c01062c9ef>; Adam Geller, *Takeaways About Groups Working to Identify and Report Foreign Student Protesters*, AP News (Mar. 29, 2025), <https://apnews.com/article/trump-foreign-students-campus-gaza-protests-deportation-e81a4b6b9d75557f0fa7feadb28867c>; Stephanie Saul, *A Mysterious Group Says that Its Mission is to Expose Antisemitic Students*, N.Y. Times (April 1, 2025), <https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html>; Sarah Huddleston, *In Leaked Messages, Members of 'Columbia Alumni for Israel' Group Chat Work to Identify, Punish Pro-Palestinian Protesters*, Columbia Spectator (March 5, 2025), <https://www.columbiaspectator.com/news/2025/03/05/in-leaked-messages-members-of-columbia-alumni-for-israel-group-chat-work-to-identify-punish-pro-palestinian-protesters/>.

¹³⁵ U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 59.

¹³⁶ *Id.*; Troy Closson, *U.S. Arrests 2nd Person Tied to Pro-Palestinian Protests at Columbia*, N.Y. Times (Mar. 14, 2025), <https://www.nytimes.com/2025/03/14/us/columbia-protester-leqaa-kordia.html>; Antero Mejr, *Op-ed: ICE Cannot Defeat Student Activism*, The Tufts Daily (Mar. 31, 2025), <https://www.tuftsdaily.com/article/2025/03/ice-cannot-defeat-student-activism>.

¹³⁷ ICCPR arts. 17, 26. See also U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 14, 44; U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 8; H.M. Hauge, *Evaluating the Practice of Lawfare against Pro-Palestinian Groups*, 31 Middle East Policy 1–16 (2024); Robert Tait, *US Academic Groups Sue White House over Planned Deportations of pro-Gaza Students*, The Guardian (Mar. 25, 2025), <https://www.theguardian.com/us-news/2025/mar/25/pro-palestine-student-deportation-lawsuit>.

¹³⁸ U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 7; July 2024 Statement by U.N. Special Procedures, *supra* note 1; Claire Lampen, *What We Know About the Students Targeted by ICE*, The Cut (Mar. 28, 2025), <https://www.thecut.com/article/what-we-know-rumeyssa-ozturk-students-targeted-by-ice.html>; Brian Osgood, *How the 'War on Terror' Paved the Way for Student Deportations in the US*, Al Jazeera (Mar. 28, 2025), <https://www.aljazeera.com/news/2025/3/28/how-the-war-on-terror-paved-the-way-for-student-deportations-in-the-us>.

¹³⁹ U.N. Special Rapporteur on the Right to Privacy, *The Right to Privacy in the Digital Age*, U.N. Doc. A/HRC/37/62, ¶ 60 (Oct. 25, 2018).

¹⁴⁰ International Covenant on Economic, Social and Cultural Rights (ICESCR) art. 13, Dec. 16, 1966, 993 U.N.T.S. 3.

¹⁴¹ Universal Declaration of Human Rights art. 27; see also Committee on Economic, Social and Cultural Rights, General Comment No. 13, ¶¶ 38–40, U.N. Doc. E/C.12/1999/10 (Dec. 8, 1999) [*hereinafter General Comment No. 13*]; Parliamentary Assembly of the Council of Europe, Recommendation 1762 (2006), ¶ 5, Doc. 11029 (June 30, 2006); David Kaye (Special Rapporteur), Promotion and Protection of the Right to Freedom of Opinion and Expression, ¶ 20–25, U.N. Doc. A/75/261 (July 28, 2020); Inter-American Principles on Academic Freedom and University Autonomy (2021); Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, Sept. 10, 1988, <https://www.cesaer.org/content/7-administration/legal-affairs/values/lima-declaration.pdf>; Kampala Declaration on Intellectual Freedom and Social Responsibility, Nov. 29, 1990, in *Compendium of International and Regional Standards Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*, U.N. Doc. E/CN.4/2004/WG.21/5, at 246 (Jan. 13, 2004); Charter of Fundamental Rights of the European Union, art. 13, 2012 O.J. (C 326) 391.

¹⁴² International Covenant on Economic, Social and Cultural Rights art. 13(1), Dec. 16, 1966, 993 U.N.T.S. 3

¹⁴³ General Comment No. 13, ¶¶ 38–40; *see also* sources cited in note 127.

¹⁴⁴ General Comment No. 13, ¶ 39.

¹⁴⁵ Recommendation Concerning the Status of Higher-Education Teaching Personnel, UNESCO Gen. Conf., 29th Sess., Oct. 21–Nov. 12, 1997 (adopted Nov. 11, 1997).

¹⁴⁶ Inter-Am. Comm’n H.R., Inter-American Principles on Academic Freedom and University Autonomy 6 (2021) (Principle II).

¹⁴⁷ General Comment No. 13, ¶¶ 38–40.

¹⁴⁸ *Id.*, ¶ 40.

¹⁴⁹ *Id.*, ¶ 40.

¹⁵⁰ David Kaye (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), ¶ 12, U.N. Doc. A/75/261 (July 28, 2020).

¹⁵¹ Inter-Am. Comm’n H.R., Inter-American Principles on Academic Freedom and University Autonomy 6 (2021) (Principle II).

¹⁵² *See generally* Facts § 2; *see also* U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 38–45.

¹⁵³ *Id.*; Blinder et al., *supra* note 56.

¹⁵⁴ *Id.*; *see also* U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 38–45; Katherine Rosman, *Legal Experts Question Trump’s Authority to Cancel Columbia’s Funding*, N.Y. Times (Mar. 17, 2025), <https://www.nytimes.com/2025/03/17/us/columbia-university-funding-trump.html>.

¹⁵⁵ *See*, Press Release, IACHR *IACHR Concerned Over United States’ Measures*, *supra* note 11.

¹⁵⁶ U.N.S.R. Shaheed May 2024 Report, *supra* note 7, at 2.

¹⁵⁷ *See*, U.N.S.R. Khan August 2024 Report, *supra* note 7, ¶¶ 44–45.

¹⁵⁸ Am. Ass’n of Univ. Professors, *AAUP Condemns Wave of Administrative Policies Intended to Crack Down on Peaceful Campus Protest* (Aug. 14, 2024), <https://www.aaup.org/news/aaup-condemns-wave-administrative-policies-intended-crack-down-peaceful-campus-protest>; ACLU, *After Trump Admin Threats, ACLU Sends Letter of Support to Universities, Urging Them to Protect Campus Speech* (Mar. 4, 2025), <https://www.aclu.org/press-releases/after-trump-admin-threats-aclu-sends-letter-of-support-to-universities-urging-them-to-protect-campus-speech>; Knight First Amendment Inst., *AAUP, Middle East Studies Association, Knight Institute Sue Over Trump Policy of Arresting and Threatening to Deport Students and Faculty for Lawful Speech* (Mar. 25, 2025), <https://knightcolumbia.org/content/aaup-middle-east-studies-association-knight-institute-sue-over-trump-policy-of-arresting-and-threatening-to-deport-students-and-faculty-for-lawful-speech>.

¹⁵⁹ U.N.S.R. Shaheed May 2024 Report, *supra* note 7, at 2.

¹⁶⁰ *Id.*

¹⁶¹ Parliamentary Assembly of the Council of Europe, *Recommendation 1762 (2006) on Academic Freedom and University Autonomy*, ¶ 8, <https://pace.coe.int/en/files/17469/html>.

¹⁶² Am. Ass’n of Univ. Professors, *supra* note 158; U.N.S.R. Khan August 2024 Report, ¶¶ 38–45.

¹⁶³ U.N.S.R. Shaheed May 2024 Report, *supra* note 7, at 2.

¹⁶⁴ U.N.S.R. Romero July 2024 Report, *supra* note 5, ¶ 58.

¹⁶⁵ General Comment No. 37; UDHR art. 2; *see also* Alekseev v. Russian Federation, Hum. Rts. Comm., ¶ 9.6, U.N. Doc. CCPR/C/109/D/1873/2009 (Dec. 2, 2013) (Russian government’s rejection of individual’s right to organize a protest based on its subject is “one of the most serious interferences with the freedom of peaceful assembly”); Amelkovich v. Belarus, Hum. Rts. Comm., U.N. Doc. CCPR/C/125/D/2720/2016 (May 29, 2019) (rejecting controversial ideas as valid basis for restricting freedom of expression and assembly).

¹⁶⁶ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families arts. 16–17, Dec. 18, 1990, 2220 U.N.T.S. 3.

¹⁶⁷ OHCHR, Khalil Release, *supra* note 4. *See also*, Press Release, IACHR, *IACHR Concerned Over United States’ Measures*, *supra* note 11 (concern about “measures taken by the federal government to detain and deport foreign-born scholars, lawfully residing and working in the U.S., in response to their political speech and advocacy regarding conflicts in the Middle East.”).

¹⁶⁸ Declaration of Professor Aslı Ü Bâli, American Association of University Professors et al. v. Rubio, No. 1:25-cv-10685-WGY, ¶¶ 8–34 (D. Mass. Apr. 1, 2025), <https://knightcolumbia.org/documents/7pc4qdumwi>.