

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment and the Special Rapporteur on the rights to freedom of peaceful assembly and of association

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(Please use this reference in your reply)

30 September 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the human right to a clean, healthy and sustainable environment and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 48/14, 55/2 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest of climate activists John Mark Rozendaal and Alec Connon in the State of New York.

Mr. **Alec Connon** is a climate change activist and Director of Stop the Money Pipeline, a coalition of non-governmental organisations formed in 2020 to advocate for an end to the financing of fossil fuel extraction and deforestation, and highlight the need for responsible financial investments.

Mr. **John Mark Rozendaal** is a musician and climate change activist.

According to the information received:

Since 10 July 2024, a series of non-violent protests have been organised under the banner "Summer of Heat" to call for an end to the financing of the fossil fuel industry, an increase in financing for renewable energy, respect for human rights by investors and financial contributions towards climate reparations. These protests have included blockades targeting the headquarters of Citibank in New York.

On 18 July 2024, Mr. Rozendaal and Mr. Connon participated in such a protest, which also concerned alleged financial links between Citibank and mass human rights violations committed by Israel against Palestinians. Both Mr. Rozendaal and Mr. Connon participated in the protest by sitting in front of one of the doors to Citibank, locking and linking their arms through a pvc tube, and chanting along with other protestors while a banner reading "Stop Funding Fossil Fuels" was unfurled. While sitting with their arms linked through the pipe, a member of Citibank's security staff stepped past Mr. Rozendaal and Mr. Connon, after which he accused the human rights defenders of assault, and told them he would be pressing charges against them. The protest then continued until Mr. Rozendaal, Mr. Connon and between 10 to 12 other protestors who had linked their arms through the pvc pipes were arrested and loaded into a police van, at which point the security guard who had accused Mr. Rozendaal and Mr. Connon of assault appeared, accompanied

by a member of the New York Police Department, and pointed them out.

All of those arrested were initially taken to a local police station. Mr. Rozendaal and Mr. Connon, however, were subsequently taken from the station to a central booking location, where they were held for approximately 10 hours before being presented before a judge and charged with misdemeanour assault under section 120 of the New York Penal Code, carrying a possible sentence of up to one year in prison. They were also informed by the judge of an order of protection issued in favour of the Citibank security guard accusing them of assault. This order compelled Mr. Rozendaal and Mr. Connon to stay away from the security guard, his home, school, business and place of employment until mid-July 2025, without specifying any of the addresses of any of the related locations.

On 8 August 2024, Mr. Rozendaal and Mr. Connon participated in a further peaceful protest at the Citibank headquarters in New York City, again calling on the bank to divest from investments in the fossil fuel industry. During the protest, Mr. Rozendaal was to play excerpts from Bach's 'Suites for Cello' in a public park in front of the Citibank building, while Mr. Connon sheltered him with an umbrella. As Mr. Rozendaal began to play, police present in very large number arrested Mr. Rozendaal and Mr. Connon, along with a small group of other protestors who had formed a circle around them. They were taken to a local police station, from where Mr. Rozendaal and Mr. Connon were taken to a central booking location and held overnight. The human rights defenders were released at approximately 9 a.m. the following morning, 24 hours after their arrest, having been presented before a judge and charged with criminal contempt under article 215 of the New York Penal Code, carrying up to seven years in prison.

On 6 September 2024, Mr. Rozendaal and Mr. Connon appeared in court, however, the case was postponed to 10 September 2024. On 10 September, the assault charges against Mr. Rozendaal and Mr. Connon were dropped following the plaintiff's failure to submit a deposition. The contempt of court charges were resolved by the human rights defenders pleading guilty to a 'disorderly conduct' violation for Mr. Rozendaal's playing of the cello and Mr. Connon's sheltering him with an umbrella. They were given a three-month order of protection, which allows them to return to Citibank headquarters.

We express our concerns regarding the above-outlined allegations, in particular as to the factual basis for the charge of assault initially brought against Mr. Rozendaal and Mr. Connon, and the subsequent charge of criminal contempt, which we fear to be without foundation and to amount to the sanctioning of their engagement in peaceful protests concerning climate change and human rights.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be

grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide specific information on the basis of the charges brought against Mr. Rozendaal and Mr. Connon, and how these were compatible with the obligations of your Excellency's Government under international human rights law (see annex).
3. Please indicate what steps have been taken and measures put in place by your Excellency's Government to ensure that all human rights defenders taking peaceful action to promote measures to mitigate climate change, and a just transition can carry out their work free from fear of threat, violence, harassment or retaliation of any sort.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of climate change

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America on 8 June 1992, which guarantee the rights to freedom of expression and peaceful assembly.

Article 19 of the ICCPR guarantees the right of all persons to freedom of expression, encompassing the freedom to seek, receive and information and ideas of all kinds. Any restrictions on freedom of expression must be strictly limited and meet the high threshold set out in article 19 (3) of the Covenant, following which any limitations must be determined by law and conform to the strict tests of necessity and proportionality. As underlined by the Human Rights Committee in its general comment no. 34, attacks on persons because of the exercise of their freedom of expression, including in the form of arbitrary arrest, cannot under any circumstance be compatible with article 19.¹ As highlighted by the Committee, persons engaged in gathering, analysing and reporting on human rights are frequently subjected to such acts of intimidation because of their activities.²

Article 21 of the Covenant, which guarantees the right to peaceful assembly, may only be restricted where such restrictions are provided for by law, and where they are necessary in a democratic society, in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Elaborating on the obligations of state parties to the Covenant stemming from article 21, the Human Rights Committee, in its general comment No. 37, has stressed that “Peaceful assemblies can in some cases be inherently or deliberately disruptive and require a significant degree of toleration. “Public order” and “law and order” are not synonyms, and the prohibition of “public disorder” in domestic law should not be used unduly to restrict peaceful assemblies.”³ Furthermore, the Committee clearly stated that there is a presumption in favour of considering assemblies as peaceful.⁴

We would also like to recall articles 5 and 6 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144, adopted on 9 December 1998), also known as the UN Declaration on Human Rights Defenders. These articles guarantee the right to meet or assemble peacefully, as well as the right to freely publish, impart or disseminate to other views, information and knowledge on all human rights and fundamental freedoms.

In addition, we refer to article 12 (1) and (2) of the UN Declaration on Human Rights Defenders, which provide that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms, and that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation,

¹ Human Rights Committee, *General Comment No. 34*, CCPR/C/GC/34, para 23

² *Idid*

³ Human Rights Committee, *General Comment No. 37*, CCPR/C/GC/37, para 41

⁴ *Ibid*, paras 16 and 17

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 referred to in the present Declaration.

In this vein, we recall Human Rights Council resolution 31/32, which in paragraph 2 calls upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, and Human Rights Council resolution 38/12, which calls on States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred.

We further recall that the Human Rights Council and the United Nations General Assembly respectively recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions 48/13 and 76/300.

Finally, we wish to refer to the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59), which set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. In particular, we would like to refer to principle 4, which provides, that “States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.”