

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the right to privacy

Ref.: OL USA 7/2026
(Please use this reference in your reply)

9 March 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the right to privacy, pursuant to Human Rights Council resolutions 58/14, 53/4, 59/4, 52/4 and 55/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **National Security Presidential Memorandum-7 of 25 September 2025: Countering Domestic Terrorism and Organized Political Violence ("NSPM-7")**, and the **Attorney-General's Memorandum of 4 December 2025**. We are concerned that these measures could result in violations of international human rights law, including the United States' obligations as a State party to the International Covenant on Civil and Political Rights (ICCPR), particularly with regard to the rights to freedom of expression, association, peaceful assembly, privacy, and participation in public affairs, as well as the rights of human rights defenders.

We previously raised concerns about U.S. measures to address "domestic terrorism" in OL USA 27/2023 as well as about the labelling of protesters against immigration enforcement activity as "domestic terrorism" and the killing of two U.S. citizens in that context.¹ We also take note of the federal Government's reply, which has shared these concerns with the State of Georgia and notes with regret that no information was provided by the State in question.

NSPM-7

Section 1 commits the United States to develop a comprehensive national strategy to investigate and disrupt networks, entities, and organisations that foment political violence, violent intimidation, conspiracies against rights, and other disruptions to democracy, before they result in "domestic terrorism" and organised political violence. It asserts that political violence has increased in recent years and gives examples, including assassination attempts, riots and attacks against immigration officers and the police. It claims that they dehumanise their targets to justify violence against them, including by organising through meetings, online activities and

¹ <https://www.ohchr.org/en/press-releases/2026/02/minneapolis-fatal-shootings-may-amount-extrajudicial-killing-warn-un-experts>.

educational institutions; and that they engage in public “doxing” to harass, intimidate and assault their targets and impede immigration authorities. Such campaigns are “Designed to silence opposing speech, limit political activity, change or direct policy outcomes, and prevent the functioning of a democratic society”.

Section 1 focuses particularly on “anti-fascism” movements, which it claims threaten American principles, democracy and rights, and gives the example of Antifa, which was designated as a domestic terrorist organisation by a U.S. Presidential Executive Order of 22 September 2025. It alleges that “[c]ommon threads animating this violent conduct include anti-Americanism, anti-capitalism, and anti-Christianity; support for the overthrow of the United States Government; extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality.”

Section 2 requires the National Joint Terrorism Task Force and its local offices to coordinate and supervise a national strategy to investigate, prosecute, and disrupt entities and individuals engaged in acts of political violence and intimidation designed to suppress lawful political activity or obstruct the rule of law (s.2(a)). The Task Force is directed to investigate potential federal crimes relating to acts of recruiting or radicalising persons for the purpose of (i) political violence, terrorism, or conspiracy against rights; or (ii) the violent deprivation of any citizen's rights (s.2(b)).

The Task Force shall further investigate (i) institutional and individual funders, and officers and employees of organizations, that are responsible for, sponsor, or otherwise aid and abet the principal actors engaging in the above criminal conduct; and (ii) non-governmental organizations and American citizens residing abroad or with close ties to foreign governments, agents, citizens, foundations, or influence networks engaged in violations of the Foreign Agents Registration Act or money laundering by funding, creating, or supporting entities that engage in activities that support or encourage domestic terrorism (s.2(c)).

Further measures targeting the financing of political violence and domestic terrorism include obligations on the Secretary of Treasury to identify and disrupt financial networks that fund such activities (s.2(i)) and on the Commissioner of the Internal Revenue Service to ensure that no tax-exempt entities are directly or indirectly financing such activities (s.2(j)).

The Attorney General must direct the Department of Justice to prosecute all Federal crimes to the maximum extent permissible by law (s.2(g)). The Attorney General is also directed to issue guidance that ensures domestic terrorism priorities include politically motivated terrorist acts such as organized doxing campaigns, swatting, rioting, looting, trespass, assault, destruction of property, threats of violence, and civil disorder, and that also identifies relevant behaviours, patterns, motivations and indicia to help identify and prevent violence (s.2(h)).

All federal enforcement agencies with investigative authority must question and interrogate, within their lawful authorities, individuals engaged in political violence or lawlessness regarding any organisers and funders, with priority given to specified crimes, which include terrorist financing and material support for terrorism offences (i.e., where it is connected to international terrorism) as well as racketeering (s.2(k)).

They must also use strategies similar to those used to address violent crime and organised crime (s.2(1)).

Various other clauses of s.2 address institutional coordination and powers.

Section 3 authorises the Attorney General, following an investigation under section 2, to recommend to the President that any group or entity whose members are engaged in activities meeting the definition of “domestic terrorism” in 18 U.S.C. 2331(5) merits designation as a “domestic terrorist organisation.”

Section 4 designates domestic terrorism as a national priority area for grant programmes. **Section 5** contains various savings clauses.

Attorney General’s Memorandum

On 4 December 2025, the U.S. Attorney General issued a Memorandum to guide federal law enforcement on the investigative priorities under NSPM-7.² It focuses on the risk of domestic terrorism and political violence, particularly by Antifa and anti-fascist movements and their funders, in the context of opposition to immigration enforcement. It provides a detailed list of federal offences that investigators should prioritise, most of which do not involve violence against the person. Many of the offences are associated with policing of protests (e.g. obstruction, resisting arrest, property offences, and picketing or parading with intent to obstruct the administration of justice) and online activities (e.g. “doxing” by disclosing personal information about federal agents), as well as financial offences (e.g. tax, mail or wire fraud) conspiracy and aiding and abetting offences to capture group activity. The Memorandum acknowledges free speech limits under the First Amendment of the U.S. Constitution. It further directs the FBI, in coordination with the Joint Terrorism Task Forces, to “compile a list of groups or entities engaged in acts that may constitute domestic terrorism” and provide it to the Deputy Attorney General.

Human rights concerns

We are concerned that the Order could result in government action restricting human rights, including the rights to freedom of association and expression, in the absence of such restrictions being duly authorised by law as required by international human rights law.

Legality

We are concerned that NSPM-7 does not specify any clear legal basis for its targeting of “domestic terrorism” and “political violence”. Firstly, while there is a statutory definition of domestic terrorism (18 U.S. Code para. 2331(5)), which does not establish a special offence but triggers investigative powers, the definition is based on reference to 51 existing serious offences under federal law when accompanied by a terrorist purpose – namely, offences “dangerous to human life” and that “appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by

² <https://s3.documentcloud.org/documents/26371599/bondi-memo-on-countering-domestic-terrorism-and-organized-political-violence-1.pdf?inline=1>.

mass destruction, assassination or kidnapping”. NSPM-7 and the Attorney General’s Memorandum do not appear to be limited by this definition, including its underlying offences and terrorist purpose elements, and instead refer to a much wider range of federal offences, including many less serious offences.

Most of the acts allegedly committed in s.1 of the NSPM-7, and the offences under s.2(h) and under the Attorney General’s Memorandum, also do not appear to genuinely constitute terrorism according to best practice international standards (see the revised model definition of the Special Rapporteur on the promotion and protection of human rights and fundamental while countering terrorism (A/HRC/51/62)). In particular, they are not limited to acts intentionally causing death or serious bodily injury for a terrorist purpose, and they do not exclude acts of protest in a democratic society.

Secondly, while there is U.S. legislative authority for the executive designation of categories such as “foreign terrorist organisation”, “specially designated global terrorist”, and “State sponsor of terrorism”, there is no legal framework for the executive designation of domestic terrorist organisations. The ad hoc creation of an internal executive list of domestic terrorist organisations, absent clear and transparent legal criteria, due process, or judicial safeguards, risks the arbitrary and subjective designation of groups that are not genuinely terrorist according to international standards. We recall that any legal powers to list terrorist groups must comply with international human rights law (see A/80/284), including the requirement that the organization is substantially involved in the commission of terrorism as properly defined according to international standards, and that the listing respects the requirements of legality, necessity, proportionality, non-discrimination (including on political grounds), due process and effective judicial safeguards and remedies.

We emphasise that conduct that constitutes a criminal offence can already be effectively prosecuted under U.S. criminal law and it is unnecessary to also apply the ill-defined, subjective executive label of “domestic terrorism”, which is prone to arbitrariness and abuse. It may be used to justify or excuse excessive measures, including unnecessary or disproportionate use of force by security officers, thereby endangering the right to life.

Impacts on freedoms of expression, association, peaceful assembly, the right to take part in public affairs, and on human rights defenders

We are concerned that, due to its vague focus on “domestic terrorism and focus on “political violence”, coupled with its targeting of anti-fascist movements and the direction to use extensive investigative and punitive powers (which could include enhanced criminal penalties) and financial restrictions, NSPM-7 could be misused to target non-violent ideologies and viewpoints, particularly left-leaning ones, with which the Government disagrees, including legitimate expression, association and peaceful assembly that is protected by international human rights law and under the First Amendment of the U.S. Constitution. We note that many of the examples and ideologies mentioned in NSPM-7 as supposed evidence of domestic terrorism or political violence cannot be plausibly characterized as such, including legitimate protest activity against excessive law enforcement and immigration actions and ideologies alleged to be “anti-American”, “anti-capitalist” or “anti-Christian”. Stigmatization, surveillance and

criminalization as “terrorists” of political critics, dissidents or human rights defenders, and of their supporters and funders, further has a destructive chilling effect, inducing self-censorship, on the legitimate exercise of freedoms of expression, association and peaceful assembly and the right to take part in public affairs under articles 19, 21, 22 and 25 of the ICCPR and on civic space and democracy. False stigmatisation as terrorists also violates the right to reputation under article 17 of the ICCPR.

We are particularly concerned that financial restrictions flowing from NSPM-7 will have damaging effects on a wider pool of civil society actors, including human rights defenders, and civic space. Such measures include targeting funders and supporters, including for “indirect” funding, through criminal offences, Internal Revenue Service audits of tax exemption status (with the possibility of revocation of such status), and financial investigations by the Treasury Department, which could further lead to asset freezing, account blocking, guidance to financial institutions, interruption of banking services, and de-risking by financial entities. NSPM-7 targets not only entities that provide funding (such as philanthropic grant-makers and civil society partners), but also their individual officers and employees, thus potentially encouraging risk-aversion, self-censorship and chilling of support for certain types of expressive or associational activity. NSPM-7 also leverages plea-bargaining processes to induce information about funding sources. We note further that these measures do not appear consistent with the strictly risk-based, proportionate approach to the terrorist financing risks of non-profit organisations recommended by the Financial Action Task Force’s revised Recommendation 8, as consistent with international human rights law.

The Special Rapporteur on the rights to freedom of peaceful assembly and of association has noted the growing use of negative and hostile narratives that vilify or criminalise civil society actors and activists. Whether intentional or not, and especially when propagated by State authorities, such narratives misrepresent the legitimate exercise of fundamental freedoms as unlawful, and portray those involved as criminals or as threats to national security, public order, or morals. These dynamic fuels harmful stereotypes, fosters social hostility, and is used to justify punitive measures that trigger undue restrictions on the right to freedom of association. One of the most damaging stigmatising practices is labelling civil society organisations and activists as “foreign agents” or “agents of foreign influence,” which undermines the public trust essential for civil society to operate freely (A/79/263).

Concerns about the National Joint Terrorism Task Force

We are concerned that authorising investigations by Joint Terrorism Task Forces, comprising decentralised federal, state and local collaborations, could lead to violations of human rights. In the past, they have reportedly engaged in discriminatory profiling of particular communities and NSPM-7 risks stimulating discrimination based on political opinion. They investigate under an intelligence-led “suspicion” test rather than to the criminal standard of “reasonable suspicion”, thus potentially focusing on activities, including expression and association, that do not constitute criminal offences. The Task Forces have further raised concerns about unjustified infringements of the right to privacy under article 17 of the ICCPR, through excessive surveillance, use of informants and undercover agents, and personal data handling practices. Investigations further typically involve classified information, with limited due process, including the ability of affected individuals to know and challenge allegations and evidence.

Stigmatisation and excessive law enforcement action

Finally, in the present climate, we are concerned that the unjustified securitisation as “terrorism” of various kinds of domestic protest activity in the U.S. could legitimise the excessive use of force and other abuses, such as arbitrary arrest and detention, by law enforcement authorities. As mentioned, United Nations experts have previously expressed concern about the abusive labelling and stigmatisation as “domestic terrorists” of protesters against immigration enforcement actions, including in connection with the killings of unarmed U.S. citizens by immigration enforcement officers, in violation of the right to life and of international standards governing the use of force by law enforcement officials. We encourage your Excellency’s Government to engage in deliberative political dialogue with critics of the Government in the U.S., consistent with Pillars I and IV of the United Nations’ Global Counter-Terrorism Strategy.

We stand ready to provide any technical advice your Excellency’s Government may require in ensuring that counter-terrorism measures are consistent with international human rights law and international humanitarian law.

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 analysis.
2. Please indicate whether NSPM-7 will be reviewed and rescinded or otherwise amended to comply with international human rights law.
3. Please explain what measures will be taken to protect the rights to freedom of expression, association, peaceful assembly, privacy, and the right to participate in public affairs, as well as the rights of human rights defenders, in the context of protest and expression that is critical of U.S. Government laws, policies and practices.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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