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CCPR - International Covenant on Civil and Political Rights

HUMAN RIGHTS COMMITTEE

139th session

9 October – 3 November 2023

Palais Wilson, Geneva

Examination of the 5th report and country situation of the United States of America

12 September 2023

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A not-for-profit Association “Justice for All International / Justice pour Tous Internationale” is registered in Geneva (CHE-226.634.549). The Association has no profit purposes, including combating injustice and human rights abuses worldwide; promoting and protecting human rights and fundamental freedoms, with a particular focus on the protection of entrepreneurs, human rights defenders, political activists, bloggers, and journalists at risk of persecution; and strengthen developing civil societies and democracies in the countries engaged. The Association offers professional assistance in preparing and submitting human rights violation complaints to the UN protection mechanisms.

U.S. NON-COMPLIANCE WITH ITS OBLIGATIONS UNDER ARTICLE 4 OF THE ICCPR

Executive Summary:

The association "Justice for All International / Justice pour Tous Internationale" and Professor Douwe Korff would like to bring to the attention of the Human Rights Committee the significant non-compliance of the United States with its obligations under the International Covenant on Civil and Political Rights (ICCPR), especially concerning Article 4. This summary stresses the critical concerns stemming from the U.S.'s legal framework and its practical application.

Our submission underscores the U.S.'s recurring and consistent reliance on “unusual and extraordinary threats” to its national security and foreign policy as justification for invoking instruments like the International Emergency Economic Powers Act, [50 U.S.C. 1701-1706](#), (IEEPA) and

the National Emergencies Act, [50 U.S.C. 1622\(d\)](#), (NEA). These instruments, used to impose sanctions on individuals, deviate from the U.S.'s standard peacetime obligations under the ICCPR. The unique rules, especially their pronounced extraterritorial reach, have a profound adverse impact on the affected individuals, regardless of their global location. Specifically, they infringe upon the property rights of those targeted by U.S. sanctions (which are not in sync with UNSC-endorsed sanctions), depriving them of their Article 14 ICCPR right to a fair and public hearing by a competent, independent, and impartial tribunal. Furthermore, these measures can severely curtail other Covenant-protected rights, including freedom of movement and expression.

The ICCPR unambiguously mandates that derogations can only be invoked during public emergencies that pose a direct 'threat to the life of the nation.' Given that the U.S. relies on its domestic emergency declarations as a potential basis for deviating from its ICCPR obligations, it is imperative that these declarations strictly conform to the definition of 'public emergency' as articulated in Article 4. This is the sole avenue for legitimate derogations provided by the covenant.

We express deep concern over the U.S.'s law and practice concerning emergency declarations. Not only has the U.S. failed to appropriately invoke Article 4, but it also appears to neglect its obligation to safeguard rights enshrined in the ICCPR during times of declared emergencies. This deviation undermines the covenant's fundamental aim to protect human rights and freedoms. We strongly urge the U.S. to undertake a critical reassessment of its criteria for emergency declarations, ensuring strict alignment with the provisions of Article 4 of the ICCPR.

Our association is deeply concerned about the U.S.'s consistent practice of grounding its numerous emergency declarations on events or situations beyond its territorial boundaries. While these might be perceived as threats to its national security or foreign policy, they do not necessarily meet the ICCPR's stringent criteria that such emergencies should pose a direct 'threat to the life of the nation.' The ICCPR explicitly states that derogations from its provisions are permissible only in situations of public emergencies that present an existential threat to the nation. The U.S.'s reliance on extraterritorial events as the basis for its emergency declarations raises significant concerns about its alignment with this international standard.

In this regard, we would like to remind the Human Rights Committee about the ICJ's advisory opinion regarding the Construction of a Wall by Israel. The ICJ stated that the scope of application of the International Covenant on Civil and Political Rights is defined by Article 2, paragraph 1... can be construed as covering both individuals present within a State's territory and those outside that territory but subject to that State's jurisdiction. The ICJ considers that the ICCPR is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory ([Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory](#), para 111).

In this context, the overstretching exercise of its jurisdiction outside its own territory, in the context of unfettered emergency powers of the U.S. Government not only violates the enjoyment of economic, social and cultural rights of individuals, but also violates the civil and political rights, including property rights, the rights to freedom of expression, peaceful assembly, association, fair trial, including protection from malicious prosecution, for example, for money laundering and financing terrorism, as well as protection of the right to presumption of innocence, the right to privacy in particular within the Department of State's "Rewards for Justice" program (P.L. 98-533, 22 U.S.C. § 2708 ([USA 18/2021](#), [USA 9/2021](#), [USA 24/2020](#), [USA 22/2020](#), and [USA 30/2020](#))).

We express profound concerns about this facet of the U.S.'s approach to emergency declarations. This practice not only diverges from the stipulations of Article 4 of the ICCPR but also potentially compromises the covenant's primary objective of upholding fundamental human rights during crises.

We strongly advocate for the U.S. to reassess its criteria for emergency declarations, especially those rooted in extraterritorial events, ensuring they strictly adhere to the provisions of the ICCPR's Article 4.

Our association is deeply concerned about the unfettered power of the executive vested in the U.S. President through legislative instruments such as the NEA and IEEPA. These acts empower the President with expansive emergency powers, often bypassing judicial oversight. The ability to declare and perpetually extend states of emergency, coupled with the discretion to impose sanctions without judicial review, deviates significantly from the foundational democratic principles of checks and balances. Such unfettered power challenges the tenets of the rule of law and human rights, raising potential inconsistencies with the ICCPR. It is imperative for the U.S. to introduce stringent oversight mechanisms to ensure that the President's exercise of emergency powers and sanctions imposition aligns with both domestic principles and international obligations.

Additionally, our association expresses deep concern over the apparent lack of transparency in the U.S.'s emergency declarations. This lack of clarity is exacerbated by the U.S.'s neglect in notifying the Secretary-General or the UN Committee on Human Rights about these declarations, a clear violation of Article 4(3) ICCPR.

We contend that it is untenable to assert that the prolonged use of the aforementioned emergency laws over the years were and remain responses to genuine "threats to the life of the nation" as defined by the Covenant. Even if, at times, some measures might have been in response to such threats, they were evidently not confined in duration or scope to what was or is "strictly required by the exigencies of the situation." As such, they also substantively breach Article 4.

We strongly advocate for the U.S. to enhance transparency in its emergency declarations, ensuring they meet international standards. It is crucial for the U.S. to maintain open communication with relevant international bodies, such as the UN Secretary-General and the UN Human Rights Committee, consistently updating them about its emergency declarations and the rationale behind them.

Furthermore, we are alarmed by the human rights infringements resulting from sanctions imposed under the guise of emergency powers. These sanctions have often violated fundamental rights, including the presumption of innocence and due process. They also have the potential to curtail a spectrum of essential rights and freedoms, such as freedom of movement, expression, and the right to a fair trial, all of which are safeguarded by the ICCPR. We urge the U.S. to undertake a thorough assessment of its sanctions framework, ensuring it respects and upholds the fundamental human rights enshrined in both domestic and international law.

Since the NEA's inception in 1976, U.S. Presidents have declared an astounding 70 national emergencies. Alarming, over 30 of these remain active, with routine annual extensions. The national emergency related to Iran, for instance, has been in place for over four decades, and the one concerning Syria has been renewed for over 16 years. Such frequent and prolonged declarations have effectively positioned the U.S. in a de-facto permanent state of emergency, a situation that starkly deviates from international law's principles.

Our association, "Justice for All International / Justice pour Tous Internationale," expresses profound concern regarding the U.S.'s tendency to perpetually renew a significant number of its emergency declarations. This pattern, with some emergencies enduring for decades, places the U.S. in an almost continuous state of emergency. This status sharply contrasts with the ICCPR's emphasis on the exceptional and temporary nature of such emergencies. We strongly advocate for the U.S. to conclude

these extended states of emergency and ensure that future declarations are in strict alignment with international law's benchmarks.

Moreover, the U.S.'s contention that the ICCPR lacks domestic applicability, viewing it as non-self-executing, contradicts established international legal perspectives and the customary practices of many states. It is imperative for the U.S. to reevaluate its position on the ICCPR's domestic application, ensuring consistent adherence to its obligations both nationally and globally.

We underscore the pressing need for a comprehensive strategy to address the U.S.'s deviations from the ICCPR. By adopting the suggested measures, the U.S. can make meaningful strides towards honoring its commitments under the ICCPR. The current U.S. approach, characterized by its inclination for extended emergency declarations and the broad powers conferred upon the President, raises serious questions about its allegiance to the ICCPR. The enduring nature of these declarations, coupled with a lack of judicial scrutiny, suggests a potential divergence from the nation's international commitments. We stress the importance of the U.S. refining its approach, ensuring it aligns with the principles of democracy, the rule of law, human rights, and its obligations under the ICCPR.

Grounds for Emergency Declarations: Unusual and Extraordinary Threats to U.S. National Security and Foreign Policy

The U.S. President has issued numerous executive orders (E.O.s) that declare national emergencies and specify sanctions as a response. These sanctions typically involve asset freezes, property blocks, and entry prohibitions into the U.S. The legal foundation for these actions often cites the National Emergencies Act, 50 U.S. Code sections 1601-1651 (NEA), and the International Emergency Economic Powers Act, 50 U.S. Code sections 1701-1706 (IEEPA), occasionally referencing other U.S. legislation. Additionally, 3 U.S.C. 301 provides the domestic legal authority for the President to delegate sanctioning powers to other executive branch officials including the State Department and OFAC. Most of these declared emergencies address threats originating outside the U.S., such as those associated with Iran, Syria, North Korea, and Venezuela, aligning with the NEA and IEEPA's criteria.¹

The United States, in its pursuit of safeguarding national interests and ensuring global stability, has frequently resorted to the declaration of national emergencies, resulting in sanctions against various countries and entities. These declarations, often justified on grounds ranging from undermining democratic processes (as seen in E.O. 13662 [Russian Federation], E.O. 13851 [Nicaragua], and E.O. 13288 [Zimbabwe]) to supporting terrorism and pursuing weapons of mass destruction (as in E.O. 13338 [Syria]), have been made under the authority of the National Emergencies Act (NEA) and the International Emergency Economic Powers Act (IEEPA). Additionally, these declarations are often supplemented by the powers conferred by 3 U.S.C. 301, which allows the President to delegate authority to officials within the executive branch.²

While the NEA and IEEPA, along with the cited Executive Orders (E.O.s), are designed to grant the U.S. President emergency powers to impose sanctions and restrict property rights without the need for judicial oversight, there are growing concerns about the broader implications of these powers. Specifically, there is a significant risk that these emergency powers could be used to unduly restrict a wide range of fundamental rights and freedoms of the sanctioned individuals. These rights include,

¹ Checking the President's Sanctions Powers A Proposal to Reform the International Emergency Economic Powers Act, By Andrew Boyle PUBLISHED 10 JUNE 2021, Brennan Center for Justice at New York University School of Law:

<https://www.brennancenter.org/sites/default/files/2021-06/BCJ-128%20IEEPA%20report.pdf>

² The International Emergency Economic Powers Act: Origins, Evolution, and Use; Updated 25 March 2022, Congressional Research Service: <https://crsreports.congress.gov/product/pdf/r/r45618>

but are not limited to, freedom of movement, liberty and security, life, privacy and family life, freedom of expression, fair trial and due process, the presumption of innocence, the right to be informed promptly of accusations, the right to defend oneself, the right to an effective remedy, legal protection, and the defence of one's reputation. All these rights are enshrined in the International Covenant on Civil and Political Rights (ICCPR), which the United States ratified on 8 June 1992. The potential infringement of these rights by the E.O.s, NEA, and IEEPA is deeply concerning.³

Furthermore, the discretionary powers conferred by the NEA and IEEPA, in tandem with 3 U.S.C. 301, place a significant amount of authority in the hands of the executive branch. This authority can be exercised outside the purview of the U.S. judicial system, thereby bypassing the protections it offers to individuals, especially in terms of standards on evidence admissibility and review. Such powers also enable the U.S. President or designated officials to deny rights to individuals without any formal legal procedures against them.⁴

The United States actions in response to violations of collective erga omnes obligations must align with international law and not infringe upon fundamental human rights. The Draft Articles on Responsibility of States for Internationally Wrongful Acts (DARS) in its Article 25, emphasizes that states cannot use the pretext of 'state of necessity' to justify violations of non-derogable rights in the ICCPR. This article also touches upon the potential pitfalls in U.S. laws that might inadvertently facilitate corruption abroad. As a member of the United Nations, the U.S. has additional obligations. The UN Charter, specifically Articles 55 and 56, mandates that the U.S. must champion the cause of human rights universally. The advisory opinion from the Inter-American Court of Human Rights serves as a stern reminder to states. It asserts that any law that is in clear conflict with a state's treaty obligations is a violation of that treaty. Moreover, enforcing such a law would also make the state internationally responsible.

In essence, while the intention behind these emergency declarations and sanctions may be to address genuine threats to U.S. national security and global stability, the broad and unchecked powers they confer raise serious concerns about potential human rights violations. It is crucial to strike a balance between national security interests and the preservation of fundamental human rights. The current framework, which allows for potentially indefinite restrictions on a wide array of rights without judicial oversight, warrants a thorough review to ensure that the principles of democracy, the rule of law, and human rights are upheld.

Emergencies and Human Rights Implications

Emergencies, whether political, social, economic, or ecological, often arise unexpectedly and demand immediate governmental action. While various emergencies necessitate different legal responses, the protection of human rights remains paramount. International law permits certain rights restrictions during emergencies but mandates that these restrictions be necessary, proportionate, and in line with international obligations. This legal framework underscores the state's duty to protect individuals from human rights infringements, including ensuring their security.

U.S. emergency laws acknowledge that specific situations can warrant emergency responses, provided they adhere to international law principles of legality, proportionality, and non-discrimination, as

³ FAQ: The Covenant on Civil & Political Rights (ICCPR). <https://www.aclu.org/documents/faq-covenant-civil-political-rights-iccpr>

⁴ The International Emergency Economic Powers Act: Origins, Evolution, and Use, March 20, 2019 (R45618) https://www.everycrsreport.com/files/20190320_R45618_44791ad0fa18051aef40ec0dcc984e73e8266a3.html#Toc4073884

outlined in the ICCPR. Congress holds the authority to determine if an external situation meets the criteria to activate national emergency powers. If these laws significantly infringe upon human rights based on perceived threats to U.S. national security and foreign policy, then both rights restrictions and emergency laws come into play. Consequently, U.S. emergency regulations require rigorous oversight.

Balancing National Security and Human Rights

While recognizing threats to national security and foreign policy can trigger national emergency powers, the state's responses must remain measured. Often, the U.S. might find it more beneficial to address threats using standard legal procedures rather than invoking emergency regulations. International law encourages states to resort to ordinary laws unless emergency measures are strictly necessary. Excessive reactions can inadvertently escalate violence and confrontation, potentially exacerbating the perceived threat. Therefore, the U.S. must carefully balance its legal responses to ensure minimal human rights infringements when addressing national security threats. The frequent and extended declarations of states of emergency in the U.S. suggest a potential imbalance in this regard. The U.S. must recognize that the misuse or overextension of emergency powers can have dire consequences for the rule of law, transparency, and accountability.

Emergencies are often unforeseen and unexpected phenomena which require immediate action. They can be political, social, economic, or ecological in nature. While acknowledging that a range of different kinds of emergencies require governments to respond by law, it's imperative to focus on how the protection of human rights must be ensured in situations where they can create emergency conditions that require emergency responses by the United States.

International law recognizes the permissibility of certain restrictions on certain rights and freedoms during emergencies and enables governments to take measures that are necessary, proportionate, and consistent with international law obligations. It affirms the general duty of States to protect individuals under their jurisdiction against interference in the enjoyment of human rights, including enabling their security, which is broadly defined. More specifically, this duty is recognized as part of the States' obligations to ensure respect for the right to life and the right to security of a person.

The US laws on emergency recognize that certain situations can create necessary and sufficient conditions to activate the threshold of emergency under national law, subject to the international law requirements of legality, proportionality, and non-discrimination embedded in the ICCPR. According to the law, Congress has unrestricted power to determine whether a particular situation outside of the USA reaches the necessary thresholds or poses the scale of threat sufficient to activate emergency powers under national law. If the laws directly and substantially impinge on the full and equal enjoyment of human rights, premised on what constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, then both restrictions on rights and emergency law are implicated. In that context, USA law and practice should be understood as a particular sub-species of emergency regulation and subject to heightened oversight.

Recognizing that an unusual and extraordinary threat to the national security and foreign policy of the United States can activate the threshold of emergency under national law does not mean that the responses of States are unconstrained. It's important to affirm that, in many contexts, the United States would be better served by regulating an unusual and extraordinary threat to the national security and foreign policy of the United States using ordinary law rather than resorting to exceptional regulation.

International law requires States to use ordinary law if emergency measures are not strictly necessary. Overreaction by the US government can ratchet up the levels of violence and confrontation, as well as inadvertently bolster the conditions conducive to further escalation. The United States must precisely calibrate how they use the law and limit the impingement upon human rights when handling an unusual and extraordinary threat to the national security and foreign policy of the United States. However, given the number of States of Emergencies that were declared, currently exist, and are annually extended in the United States, this calibration seems to be lacking. The United States would be well-served to understand that when emergency powers are misused, overused, and misapplied, the consequences for the rule of law, accountability, and transparency can be devastating.

Perceived Threat vs. International Law Criterion: Evaluating U.S. Emergency Declarations in Light of the ICCPR

The intricate fabric of international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), has been woven with the wisdom of historical crises in mind. These treaties, recognizing the unpredictability of emergencies, have incorporated the concept of derogation. This allows states to temporarily restrict certain rights during exceptional circumstances, such as wars or public emergencies. Article 4 of the ICCPR sets a stringent standard, permitting derogations only "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed." This high threshold is mirrored in other international instruments like the European Convention on Human Rights and the American Convention on Human Rights.

Contrastingly, the U.S., through its National Emergencies Act (NEA) and the International Emergency Economic Powers Act (IEEPA), adopts a more nebulous criterion. By emphasizing an "unusual and extraordinary threat to the national security and foreign policy," the U.S. provides its executive with a wide berth. This expansive discretion, coupled with the lack of clear criteria for annual extensions, renders the supposed temporariness of these powers somewhat illusory.

The ICCPR's Article 4 is unequivocal. Any deviation from its provisions during emergencies must be both exceptional and temporary. The threat must be so grave that it jeopardizes the very life of the nation, necessitating an official proclamation. Furthermore, any measures adopted should be strictly confined to the situation's demands, both in terms of scope and duration.

Historical jurisprudence, such as the European Commission on Human Rights decisions in *Lawless v. Ireland* and *The Greek Case*, has further solidified the definition of a "public emergency." These rulings underscore the threat's imminent and exceptional nature, its nationwide impact, and the insufficiency of regular measures to tackle the crisis.

However, the U.S.'s broader and more ambiguous stance on what constitutes an emergency often diverges from these internationally recognized benchmarks. The vast discretion vested in the U.S. executive can lead to potential overextensions. Many of the declared and annually extended states of emergency in the U.S. do not align with the ICCPR's stringent requirement of an unequivocal threat to the nation's life.

In conclusion, the U.S.'s methodology in declaring emergencies, centred on perceived threats to its national security and foreign policy, often misaligns with international standards, especially the ICCPR's mandates. This misalignment not only raises concerns about potential executive overreach but also underscores the U.S.'s deviation from its international commitments. The U.S. must realign its approach, emphasizing the exceptional and transient nature of threats and ensuring that measures taken are strictly necessitated by the situation. This realignment is not just a matter of international

compliance but also a testament to the nation's commitment to upholding democratic values and human rights.

The U.S. Domestic Law and the Implications on Human Rights:

We wish to draw the attention of the Human Rights Committee to our profound concerns regarding the potential and realized negative impacts on human rights stemming from the declarations of what seems to be a perpetual state of national emergencies by the President of the United States. This authority, granted by legislative acts rooted in the International Emergency Economic Powers Act, [50 U.S.C. 1701-1706](#), (IEEPA) and the National Emergencies Act, [50 U.S.C. 1622\(d\)](#), (NEA), raises alarming issues related to the rule of law and human rights.

The current landscape reveals that numerous executive orders (E.O.s) are active, each containing declarations of national emergencies by the U.S. President. These declarations often entail the use of sanctions, which typically involve asset blocking, property restrictions, and entry prohibitions into the United States. The legal foundations for such actions are frequently cited as the NEA, IEEPA, and occasionally other U.S. legislation, as well as 3 U.S.C. 301. This latter provision empowers the President to delegate authority to other executive branch officials, allowing them to designate persons subject to these sanctions, worryingly without any judicial oversight.

The continuous and seemingly indefinite declarations of national emergencies by the President of the United States, under the authority granted by the NEA and IEEPA, present a significant challenge to the principles of the rule of law and human rights. The use of these legislative acts to impose sanctions, often involving the blocking of assets and prohibiting entry into the U.S., is a matter of grave concern.

Historically, the Trading with the Enemy Act (TWEA) was the primary tool used by the U.S. President to impose sanctions and embargoes on foreign entities. However, with the enactment of the IEEPA in 1977, the President was required to declare a national emergency to address any "unusual and extraordinary threat" originating largely outside the U.S. that poses a risk to its national security, foreign policy, or economy. The IEEPA's provisions fall under the NEA, necessitating an annual renewal of any declared emergency for it to remain in effect. The subsequent amendment of the IEEPA by the Patriot Act in 2001 further expanded the President's powers, allowing for the blocking of assets based on mere investigations.

The NEA's Subchapter II outlines the procedures for declaring and terminating national emergencies. While it grants the President the authority to declare a national emergency and exercise special powers, it also mandates that such emergencies be reviewed annually. If not renewed, they automatically terminate on their anniversary. However, the NEA does not grant the judiciary any oversight or the power to terminate a declared national emergency, placing significant power in the hands of the executive branch.

Since the NEA's inception in 1976, U.S. Presidents have declared approximately 70 national emergencies. Astonishingly, ***over 30 of these remain in effect***, being extended annually. This includes the national emergency regarding Iran, which has been in place for over four decades, and the one concerning Syria, which has been renewed for over 16 years. Such prolonged states of emergency effectively place the U.S. in a perpetual state of emergency, a situation that appears to be at odds with international law.

The implications of these emergency declarations are profound. Once declared, any powers exercised due to said emergency must cease upon its termination. However, the NEA and IEEPA have evolved into what seems to be an unchecked grant of authority to the U.S. President, enabling the exercise of

vast emergency powers in both domestic and international spheres without judicial review. These powers can be wielded as long as there's an active, annually renewed declaration of a national emergency, irrespective of the original context of the declaration.

For example, for almost 44 years, one of the longest-existing unilateral sanction regimes continues to be imposed against Iran. The very first US sanctions were imposed on 14 November 1979, by [Executive Order 12170](#). The President of the United States declared a purported national emergency with respect to Iran pursuant to the NEA and IEEPA, and took related steps to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. This national emergency has not been terminated [to date](#) despite Iranian genuine efforts to settle its international dispute with the US by concluding the Algiers Accords of 19 January 1981.

On 15 March 1995, by [Executive Order 12957](#), the President of the United States declared another purported national emergency in parallel with the existing one above pursuant to the IEEPA, to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran. The actions and policies of the Government of Iran were enlisted as including its proliferation and development of missiles and other asymmetric and conventional weapons capabilities, its network and campaign of regional aggression, its support for terrorist groups, and the malign activities of the Islamic Revolutionary Guard Corps and its surrogates—continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

On 23 December 2006, the United Nations Security Council adopted Resolution 1737 (2006) imposed sanctions against Iran for failing to stop its uranium enrichment program following UN SC Resolution 1696 (2006). While Iran argued in response to the UN SC resolution 1696 that the uranium enrichment program was exclusively for peaceful purposes and thus in compliance with the non-proliferation, the sanctions were nevertheless adopted on a technical basis, because the International Atomic Energy Agency (IAEA) was not satisfied with Iran's cooperation to allow full access, which was perceived at that time as violation of sovereignty. Subsequently, the UN SC's sanctions were gradually completely lifted through the adoption of the UN Security Council Resolution 2231 (2015), following Iran's agreement to be subjected to the world's most robust nuclear verification regime under the Joint Comprehensive Plan of Action (JCPOA), which was a significant verification gain and proof that Iran does not pose any threat to the international peace and security. [On 8 May 2018, this was confirmed by the IAEA, who asserted that Iran's nuclear-related commitments were being implemented by Iran.](#)

Please note that in the past all sanctions imposed by the EU, Canada, Australia, Japan, South Korea, and Switzerland against Iran through the application of their domestic regular laws and regulations were subject to judicial oversight and derived from the UN Security Council Resolution 1737 (2006). Most of those sanctions were lifted after the UN Security Council Resolution 2231 (2015) was adopted. The latter, while being legally binding for all members of the UN, including the United States, endorsed the JCPOA and set out a schedule for suspending and eventually lifting UN sanctions.

On 8 May 2018, despite full cooperation by Iran with the IAEA, the US President announced the United States' unilateral withdrawal from the JCPOA and re-enforcement of sanctions, which were intended to be the "strongest sanctions in history",⁵ including extraterritorial and secondary sanctions, in violation of its obligations under the UN Security Council Resolution 2231. Thus, just about Iran, there

⁵ Mike Pompeo, Secretary of State, "After the deal: a new Iran strategy", remarks at The Heritage Foundation, Washington, D.C., 21 May 2018.

two parallel purported states of national emergency in the U.S. declared in 1979 and 1995 and never ended,⁶ as well as never been reported to the Secretary-General as required by Article 4(3) of the ICCPR with details about their limitations in duration, what rights are derogated, measures taken to mitigate consequences of any temporary derogations, and most importantly the details explaining the imminent nature of the existential threat to the nation (General Comment No. 29 of the Human Rights Committee).

In this context, we would like to refer to Iran's initiation of dispute settlement proceedings before the international adjudication mechanism against the United States, citing violations of international law, international humanitarian law and international human rights law as a result of the imposition of sanctions. There were [four relevant cases](#) filed against the United States at the International Court of Justice. Two completed and two are still pending, including the case on the violation of the 1955 Treaty of Amity: [Aerial Incident](#) (Islamic Republic of Iran v. United States of America) 1989, [Oil Platforms](#) (Islamic Republic of Iran v. United States of America) 1992, [Certain Iranian Assets](#) (Islamic Republic of Iran v. United States of America) 2016, and [Alleged Violations of the 1955 Treaty of Amity](#), Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) 2018.

Our concerns are further exacerbated by the fact that the U.S. continues to assert that the ICCPR does not apply to individuals under its jurisdiction but outside its territory. This stance contradicts the ICCPR's interpretation, supported by the Committee's established jurisprudence, the International Court of Justice's jurisprudence, and State practice. The absence of a requirement to notify the ICCPR's repository under the NEA's Subchapter II is a clear violation of the U.S.'s obligations under the ICCPR's Article 4.

In this regard, we would like to remind the Human Rights Committee of the ICJ's advisory opinion regarding the Construction of a Wall by Israel. The ICJ stated that the scope of application of the International Covenant on Civil and Political Rights is defined by Article 2, paragraph 1... can be construed as covering both individuals present within a State's territory and those outside that territory but subject to that State's jurisdiction. The ICJ considers that the ICCPR is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory ([Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory](#), para 111).

In this context, the overstretching exercise of its jurisdiction outside its own territory, in the context of unfettered emergency powers of the U.S. Government not only violates the enjoyment of economic, social and cultural rights of individuals, but also violates the civil and political rights, including property rights, the rights to freedom of expression, peaceful assembly, association, fair trial, including protection from malicious prosecution, for example, for money laundering and financing terrorism, as well as protection of the right to presumption of innocence, the right to privacy in particular within the Department of State's "Rewards for Justice" program (P.L. 98-533, 22 U.S.C. § 2708 ([USA 18/2021](#), [USA 9/2021](#), [USA 24/2020](#), [USA 22/2020](#), and [USA 30/2020](#))).

The U.S. Government's reliance on emergency declarations as grounds to deviate from its ICCPR obligations inherently requires these declarations to align with Article 4's definition of "public emergency." This is the only path made available by the convention for lawful derogations. We are

⁶ The 1979 State of Emergency was extended on 8 November 2022 (<https://www.federalregister.gov/documents/2022/11/10/2022-24779/continuation-of-the-national-emergency-with-respect-to-iran>) The 1995 State of Emergency was extended on 10 March 2023 (<https://www.federalregister.gov/documents/2023/03/13/2023-05300/continuation-of-the-national-emergency-with-respect-to-iran>)

deeply concerned by the U.S.'s failure to invoke Article 4 while also not complying with its obligations to protect rights enshrined in the ICCPR during a declared emergency.

The U.S.'s framework, particularly the NEA and IEEPA, presents significant challenges to the rule of law and human rights. The perpetual state of emergency, coupled with the lack of judicial oversight and the potential for misuse of powers, is deeply concerning. We urge the Human Rights Committee to address these issues and remind the U.S. Government of its obligations under international law, particularly the ICCPR.

The implications of these continuous declarations are profound. They not only challenge the principles of democracy and checks and balances but also raise questions about the U.S.'s commitment to international human rights standards. The ability to impose sanctions, especially without clear end dates or judicial oversight, can lead to potential human rights violations and undermine the principles of due process.

While the U.S. has legitimate concerns and interests that may warrant the declaration of national emergencies, the indefinite and recurring nature of these declarations under the NEA and IEEPA is troubling. It is essential to strike a balance between national security interests and the principles of the rule of law and human rights. The current scenario, with numerous protracted national emergencies, suggests a tilt away from this balance, warranting a thorough review and reconsideration of the existing framework.

Unfettered Emergency Powers of the President of the United States

The National Emergencies Act (NEA) and the International Emergency Economic Powers Act (IEEPA) have become central instruments in the hands of the President of the United States, granting him broad emergency powers. These powers, when invoked, have significant implications for both domestic and international arenas. This section aims to delve into the concerns surrounding these powers, their implications on human rights, and their alignment with international obligations.

When a national emergency declared by the President comes to an end, any powers or authorities that were exercised due to that emergency must cease. The NEA, particularly sections 1631 and 1641, outlines the procedures that the President and other officers must adhere to once a national emergency is declared. Specifically, Section 1631 mandates that no powers or authorities available by statute for use during an emergency can be exercised unless the President specifies the legal provisions under which he or his officers will act. This means that the powers of the Office of Foreign Assets Control (OFAC) to infringe upon the fundamental rights and freedoms of individuals and entities would end as soon as the national state of emergency concludes.

There is a growing concern that the NEA and IEEPA have essentially become a blank check for the President to exercise vast emergency powers in both domestic and international spheres without any judicial review or oversight. These powers can be invoked as long as there's an ongoing declaration of national emergency, which is extended annually through a notification in the Federal Register. This raises questions about the alignment of such practices with the United States' international obligations under the International Covenant on Civil and Political Rights (ICCPR). The flexibility of the NEA and IEEPA allows the President to declare a national emergency for almost any reason, including domestic issues like building a border wall with Mexico.

The NEA and IEEPA grant the President expansive emergency powers, enabling him to restrict fundamental rights and freedoms that typically can only be limited by a court order. This does not align with Article 4 of the ICCPR, which permits a party to derogate based on declaring a public emergency

only if there's a threat to the nation's life. The United States has maintained that the ICCPR does not apply to individuals under its jurisdiction but outside its territory. This stance, combined with the lack of notification under Subchapter II of the NEA, is a clear violation of the U.S.'s obligations under Article 4 of the ICCPR.

The reasons cited for these emergency declarations and subsequent sanctions vary, from undermining democratic processes in countries like Russia, Nicaragua, and Zimbabwe, to human rights abuses in Iran and Syria, and even issues related to terrorism and the stabilization of Iraq. While these emergency powers are designed to restrict property rights without judicial oversight, they can also potentially infringe upon a wide range of other fundamental rights and freedoms. These include freedom of movement, liberty, privacy, freedom of expression, fair trial, and many others enshrined in the ICCPR.

The combination of the NEA, IEEPA, and 3 U.S.C. 301 bestows highly discretionary emergency powers on the executive branch, which can be exercised outside the purview of the U.S. judicial system. This raises concerns about the protection of the rights of individuals, especially in the absence of any legal procedures against them.

The Human Rights Committee needs to remind the U.S. Government of Article 4 of the ICCPR, which allows states to derogate from their obligations only during times of public emergencies that threaten the nation's life. Any derogations must be narrow, temporary, and in compliance with other international obligations. Importantly, nothing in the ICCPR allows the U.S. to deviate from its obligations under any article except through formal derogation under Article 4 of the ICCPR.

Human Rights Violations Stemming from the U.S. Government's Non-compliance with Article 4 ICCPR

Regrettably, no information was provided in the fifth periodic report. Nevertheless, the United States, in its Fourth Periodic Report under Article 40 of the ICCPR, has stated that it has not declared a 'state of emergency' within the meaning of Article 4. Yet, it has invoked the National Emergencies Act (NEA) and the International Emergency Economic Powers Act (IEEPA) to block the properties of individuals and entities, effectively bypassing due process. This raises significant concerns about the U.S.'s adherence to its obligations under Article 4 of the ICCPR, especially given the expanding scope of emergencies and the resulting sanctions.

Having ratified the ICCPR on 8 June 1992, the U.S. Government is bound by international law to implement the Covenant in its entirety. This includes taking into account the U.S. reservations and understandings and ensuring the protection of all rights enshrined therein for every individual. The sanctions imposed as a result of U.S. emergency declarations have hurt the enjoyment of many of these rights by individuals directly targeted or otherwise impacted by the sanctions.

The U.S. has cited various reasons for the emergency declarations resulting in these sanctions. These include the dismantling and undermining of local democratic processes or institutions, the use of indiscriminate violence and repressive tactics against domestic civilians, serious human rights abuses through computer and network disruption, establishing an illegitimate Constituent Assembly, obstructing a peaceful domestic transition of power, and the commission of violence by foreign terrorists that disrupts the Middle East peace process, among others.

While the E.O.s, NEA, and IEEPA are designed to provide the President of the United States with emergency powers to restrict the right to property without judicial oversight, there's a high likelihood that these emergency powers can be used to unduly restrict a broad range of other fundamental rights and freedoms. These include the rights to freedom of movement, liberty and security, life, privacy and

family life, freedom of expression, fair trial and due process, presumption of innocence, and many others enshrined in the ICCPR.⁷

The emergency declarations authorized by the NEA and the IEEPA, in conjunction with 3 U.S.C. 301, confer vast discretionary emergency powers on the executive branch. These powers may be exercised outside the scope and jurisdiction of the U.S. judicial system, without the protections the judicial system affords to the rights of persons accused and judged of wrongdoing. This includes adherence to standards on the admissibility and review of evidence used in making determinations.

The Human Rights Committee should remind the US Government of its obligations under the ICCPR. Article 4 of the ICCPR authorizes states to derogate from their obligations under the convention only during times of public emergency which threaten the life of the nation. Derogations from the ICCPR must be narrow, temporary, and comply with other obligations under international law.

The U.S. Government's reliance on emergency declarations to deviate from its ICCPR obligations inherently requires these declarations to align with the Article 4 definition of "public emergency." The failure to invoke Article 4 while not complying with the ICCPR's obligations during a declared emergency is a violation of international law. The persistence of some U.S. emergencies over many years, even decades, through annual renewals under the NEA is deeply concerning. The public announcements of sanctions sometimes make no reference to any emergency in or affecting the U.S., suggesting that many declared emergencies might not be genuine. This denial of rights through the resulting sanctions is a grave violation of international law.

The United States, as a signatory to the International Covenant on Civil and Political Rights (ICCPR), has committed to upholding the rights and freedoms outlined within this pivotal international treaty. However, concerns have arisen regarding the U.S.'s adherence to these commitments, especially in light of its invocation of the National Emergencies Act (NEA) and the International Emergency Economic Powers Act (IEEPA). These acts, which grant the government the authority to block properties of individuals and entities without the standard due process, seem to challenge the principles of Article 4 of the ICCPR.

Article 4 of the ICCPR is a pivotal provision that allows states to temporarily suspend certain obligations during public emergencies. This article, while providing flexibility during crises, comes with strict conditions to ensure that human rights are not unduly compromised. The United States, as a signatory to the ICCPR, is bound by these provisions. Article 4 permits states to derogate from their obligations under the ICCPR during times of public emergencies. However, this is not an open-ended provision. The emergency must pose a significant threat to the nation's existence, and the measures taken must be strictly proportionate to the situation. This means that states cannot invoke Article 4 for minor disturbances or challenges.

The UN Human Rights Committee, in General Comment No. 29, draws a clear distinction between existential threats and daily life disruptions. For the U.S. to legitimately invoke Article 4, it must be facing a genuine existential threat, not just disruptions to daily life. This distinction is crucial to prevent misuse of the provision and to ensure that human rights are not unduly compromised. It emphasizes that only direct existential threats to a state's survival can justify such measures. This means that challenges or disruptions that do not threaten the very existence of the state cannot be used as grounds for derogations. The Committee also underscores the temporary nature of these measures.

⁷ Eric Richardson & Colleen Devine, *Emergencies End Eventually: How to Better Analyze Human Rights Restrictions Sparked by the COVID-19 Pandemic Under the International Covenant on Civil and Political Rights*, 42 Mich. J. Int'l L. 105 (2020). Available at: <https://repository.law.umich.edu/mjil/vol42/iss1/4>

States are expected to actively work towards restoring a state of normalcy and full compliance with the ICCPR. The U.S. is expected to actively work towards restoring full respect for the ICCPR. This ensures that emergency measures do not become the new norm and that civil liberties are restored once the crisis subsides. Article 4 also mandates that any derogations must not be inconsistent with a state's other obligations under international law. This means that the U.S., while declaring a state of emergency, must ensure that it remains compliant with its other international commitments.

As discussed above and below, when the U.S. decides to declare a state of emergency, which inevitably leads to *de-facto* derogation from its obligations under the ICCPR, it must ensure that the emergency is officially proclaimed within the meaning of Article 4 of the ICCPR and poses a threat to the life of the nation. The U.S. must ensure that any measures taken are strictly required by the exigencies of the situation. This means that the U.S. cannot overreach or use the provision as a blanket justification for wide-ranging restrictions. Also, transparency is a cornerstone of the ICCPR. Thus, the U.S. must immediately notify other State Parties. This notification, made through the Secretary-General of the United Nations, ensures international oversight and allows for scrutiny of the U.S.'s actions. General Comment No. 29 emphasizes the importance of this notification, noting that it allows the Human Rights Committee to assess the legitimacy of the declared emergency and the measures taken in response.

The United States and Its Obligations of Due Process and Fair Trial Standards during State of Emergency:

While the U.S.'s endeavours to combat global human rights abuses and corruption are commendable, they must be pursued in harmony with its international obligations. The unfettered powers granted to the President, both through E.O. 13818 and the Global Magnitsky Act, have ignited profound concerns about the U.S.'s allegiance to rule of law principles and international human rights standards. The potential for these powers to facilitate sanctions based on inadequate evidentiary standards risks eroding the bedrock principles of due process and fair trial.

The United States, as a signatory to the ICCPR, bears the responsibility to ensure that its domestic instruments, including E.O. 13818 and the Global Magnitsky Act, align with its international commitments. The current landscape, marked by broad discretionary powers and a lack of judicial oversight, calls for a reevaluation to ensure that the principles of due process, fair trial, and the provisions of Article 4 of the ICCPR are not only upheld in letter but also in spirit.

Furthermore, the U.S.'s approach to these obligations, particularly in the context of targeted sanctions and emergency powers, raises serious questions about its compliance with international law. The use of discretionary powers under the Magnitsky Acts and E.O. 13818 raises serious questions about the U.S.'s commitment to the principles of due process and fair trial as outlined in the ICCPR. As a signatory to the ICCPR, the U.S. has a solemn obligation to ensure that its domestic and international actions are in line with these principles. Failure to do so not only undermines its credibility but also poses a risk to the international human rights framework.

The United States' approach to its international obligations, especially in the context of emergency declarations and the use of broad discretionary powers, requires careful scrutiny and alignment with the principles enshrined in the ICCPR. The potential implications of these actions on individual rights, the rule of law, and the broader international human rights framework cannot be understated. The U.S. must ensure that its actions, both domestically and internationally, reflect its commitment to upholding the principles of due process, fair trial, and the provisions of the ICCPR.

Moreover, the absence of judicial oversight in the imposition of these sanctions is particularly concerning. The ability to freeze assets and impose travel bans without the checks and balances of the judiciary undermines the very essence of due process. Such actions, when taken without transparent and verifiable evidence, can lead to potential miscarriages of justice, affecting innocent individuals and entities.

Furthermore, the broad nature of the discretionary powers granted under the Magnitsky Acts and E.O. 13818 means that there is a significant risk of these powers being misused or applied arbitrarily. The expanding list of targeted individuals, which now includes nationals from various countries, not only strains international relations but also raises questions about the criteria used for such targeting. Are these decisions based on concrete evidence, or are they influenced by political considerations?

The ICCPR, in its essence, is designed to protect individual rights and ensure that states respect and uphold these rights. The U.S., by ratifying this covenant, has committed itself to these principles. However, the use of targeted sanctions, especially without the necessary judicial oversight, seems to be in direct contradiction to these commitments.

The U.S. must reevaluate its approach to these sanctions and ensure that its actions align with its obligations under the ICCPR. This not only involves ensuring that there is judicial oversight for any sanctions imposed but also that there is a clear and transparent process in place for individuals and entities to challenge these sanctions.

While the U.S.'s efforts to address human rights abuses and corruption globally are laudable, they must be balanced against its obligations under international human rights law. The current approach, marked by broad discretionary powers and a lack of judicial oversight, risks undermining the very principles the U.S. has committed to uphold. It is imperative for the U.S. to ensure that its actions, both domestically and internationally, are in line with its commitments under the ICCPR and other international human rights instruments.

In light of these observations, the lack of explicit reference to genuine emergencies in the public announcements of sanctions imposed by the U.S. Government is deeply concerning. This omission raises questions about the legitimacy of these emergency declarations and their alignment with Article 4 of the ICCPR, which permits derogations only in situations that pose a "threat to the life of the nation." The absence of such references suggests that many of these declared emergencies may not meet the criteria outlined in international law, thereby making the resulting sanctions and denial of rights a gratuitous violation of the ICCPR.

The inclusion of "corruption around the world" as a justification for declaring a national emergency in E.O. 13818 further exacerbates these concerns. Such a broad categorization not only dilutes the gravity associated with the term "national emergency" but also raises questions about the U.S.'s commitment to upholding international law. It is worth noting that alleged corruption in states other than the United States does not inherently pose an existential threat to the U.S., nor does it constitute an international crime that would justify such severe measures devoid of due process and judicial oversight.

The implications of these discretionary powers extend beyond the realm of human rights to affect property rights as well. The Magnitsky Acts and E.O. 13818 empower the President to block property and financial transactions of targeted individuals, often without formal charges or judicial review. This approach undermines the principles of due process and the presumption of innocence, which are non-derogable rights under the ICCPR, as emphasized by the Human Rights Committee's General Comments No. 29 and No. 32.

Article 2 of the ICCPR, which complements Article 14, mandates that anyone whose rights or freedoms are violated should have an effective remedy. However, the sweeping powers granted under the Magnitsky Acts and E.O. 13818 appear to sidestep this fundamental principle. These powers lack the necessary judicial oversight and often rely on unverified or insufficient evidence, thereby jeopardizing the guarantees of a fair trial.

The United States, as a signatory to the ICCPR, has a solemn obligation to align its domestic policies and actions with its international commitments. The current framework, characterized by broad discretionary powers under the Magnitsky Acts and E.O. 13818, raises serious questions about the U.S.'s adherence to rule of law principles and international human rights standards. The lack of transparency in emergency declarations, coupled with the absence of judicial oversight in the imposition of sanctions, calls for an urgent re-evaluation to ensure compliance with the ICCPR. Failure to do so not only undermines the U.S.'s credibility on the global stage but also poses a significant risk to the international human rights framework.

The U.S. Emergency Declarations and International Human Rights Obligations: A Call for Alignment and Accountability

The intricate framework of international human rights, epitomized by the International Covenant on Civil and Political Rights (ICCPR), stands as a testament to the collective wisdom of nations, forged from the crucible of historical crises. Within this framework, the concept of derogation has been embedded, allowing states to temporarily curtail certain rights during exceptional circumstances such as wars or public emergencies. The ICCPR's Article 4 sets a clear benchmark, permitting derogations only during times of public emergencies that threaten the very life of the nation.

However, the U.S., through instruments like the National Emergencies Act (NEA) and the International Emergency Economic Powers Act (IEEPA), has adopted a broader criterion. By emphasizing threats to "national security and foreign policy," the U.S. grants its executive a wide latitude. This approach, while domestically justified, often diverges from the stringent standards set by international instruments like the ICCPR.

The European Commission on Human Rights, through its jurisprudence, has further solidified the definition of a "public emergency." These rulings underscore the imminent and exceptional nature of the threat, its nationwide impact, and the insufficiency of regular measures to tackle the crisis. The U.S.'s broader stance, however, frequently falls short of these internationally recognized benchmarks.

Our concerns are further exacerbated by the U.S.'s approach to declaring emergencies based on perceived threats to its national security and foreign policy. This approach often misaligns with international standards, especially those set by the ICCPR. The emphasis should always be on the exceptional and temporary nature of the threat, ensuring that any measures taken are strictly necessitated by the situation's exigencies.

Moreover, the persistence of some U.S. emergencies, extended annually under the NEA, raises concerns about the genuine nature of these emergencies. The routine renewal of these declarations, without substantial changes or alternative measures, suggests a potential misuse of this mechanism to perpetuate sanctions.

Furthermore, public announcements of sanctions, at times, make no reference to any genuine emergency affecting the U.S. This omission further underscores our concerns about the authenticity of these emergencies and the potential violation of international law through the resulting sanctions.

The addition of "corruption around the world" as a justification for declaring a national emergency, as seen in E.O. 13818, further complicates the matter. Alleged domestic corruption in states other than the U.S. does not constitute an international crime and does not pose a direct threat to the U.S.'s existence.

We are deeply concerned about the U.S.'s growing divergence from the ICCPR's Article 4. The U.S.'s stance that the ICCPR does not apply domestically, deeming it non-self-executing, is a position disputed by numerous legal scholars. The U.S.'s interpretation of the ICCPR's jurisdiction is contrary to established international jurisprudence and state practice.

In conclusion, while recognizing the U.S.'s commitment to international law, we urge a thorough review of its emergency declarations and sanctions. The U.S. must align its approach with international standards, in particular with Article 4 of the ICCPR, emphasizing the exceptional and transient nature of threats. This realignment is not just a matter of international compliance but also a testament to the nation's commitment to upholding democratic values and human rights. We call for transparency, accountability, and adherence to the principles of international law, human rights protection, and multilateral cooperation.

Conclusions and Recommendations:

The association "Justice for All International / Justice pour Tous Internationale" calls upon the members of the Human Rights Committee to address the pronounced non-compliance of the United States with its obligations under the International Covenant on Civil and Political Rights (ICCPR), especially concerning Article 4.

- The U.S.'s criteria for emergency declarations, anchored on "unusual and extraordinary threats" to its national security, foreign policy, or economy, sharply diverges from Article 4 of the ICCPR's rigorous stipulations. The U.S. should critically assess its criteria for emergency declarations, ensuring they resonate with Article 4 of the ICCPR's provisions.
- The U.S. often predicates its emergency declarations on events or situations beyond its territorial limits. While these may be interpreted as threats to its national security or foreign policy, they do not necessarily align with the ICCPR's mandate of existential threats to the nation's life. The U.S. should institute robust checks and balances to monitor the President's powers, especially concerning emergency declarations and sanctions imposition.
- The President's expansive powers, which include declaring and indefinitely extending states of emergency and imposing sanctions without judicial review, deviate from the foundational principles of checks and balances. The U.S. should augment transparency in its emergency declarations, aligning them with international benchmarks.
- The U.S.'s emergency declarations exhibit a concerning lack of transparency. Additionally, the U.S. has inconsistently informed the UN Secretary-General or the Human Rights Committee about these declarations, neglecting its international obligations. The U.S. should consistently inform pertinent international entities, including the UN Secretary-General and the Human Rights Committee, about its emergency declarations and their underlying rationale.
- Sanctions, when levied under emergency powers, have infringed upon essential human rights, notably the presumption of innocence and due process. The U.S. should reevaluate its sanctions framework, ensuring it respects and upholds fundamental human rights, especially rights to due process and the presumption of innocence.
- The U.S.'s habitual renewal of specific emergency declarations has effectively positioned it in a de-facto permanent state of emergency, conflicting with the ICCPR's emphasis on the

temporary and exceptional nature of such states. The U.S. should actively conclude extended states of emergency, ensuring that new declarations are genuinely temporary and adhere to international law's criteria.

- The U.S.'s assertion that the ICCPR does not apply domestically, deeming it non-self-executing, stands in stark contrast to prevailing international legal interpretations and customary state practices. The U.S. should reexamine its stance on the ICCPR's domestic application, ensuring consistent adherence to its obligations both nationally and globally.

The association "Justice for All International / Justice pour Tous Internationale" in collaboration with Professor Douwe Korff underscores the critical need for a comprehensive approach to rectify the U.S.'s deviations from the ICCPR. By adopting the outlined measures, the U.S. can make significant progress towards fulfilling its commitments under the ICCPR. The U.S.'s current approach, especially its proclivity for extended emergency declarations and the broad powers vested in the President, casts doubt on its dedication to the ICCPR. The enduring nature of these declarations, combined with an absence of judicial oversight, suggests a potential departure from the nation's international obligations. We emphasize the necessity for the U.S. to recalibrate its approach, ensuring it aligns with the principles of democracy, the rule of law, human rights, and its commitments under the ICCPR.