

April 5, 2024

Tania Reneaum Panszi  
Executive Secretary  
Inter-American Commission on Human Rights  
1889 F Street, NW  
Washington, DC 20006

Dear Ms. Executive Secretary,

Robert F. Kennedy Human Rights, the Southern Center for Human Rights, and the University of Dayton Human Rights Center hereby submit this petition to the Inter-American Commission on Human Rights regarding human rights violations committed by the United States against environmental human rights defender Manuel Esteban Paez Terán and their mother, Belkis Terán. The human rights outlined in the petition below are guaranteed by the American Declaration of the Rights and Duties of Man.

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## **I. INTRODUCTION**

This petition is brought against the United States of America by Belkis Terán on behalf of herself and her late child, Manuel Esteban Paez Terán, for violating their rights guaranteed under the American Declaration on the Rights and Duties of Man (hereinafter the “American Declaration” or “Declaration”). The facts outlined below establish that the United States violated Manuel’s rights under Articles I, IV, V, X, XVIII, XXI, XXII, and XXV and Belkis’ rights under Article I and V of the American Declaration.

Manuel Esteban Paez Terán, affectionately known as “Tortuguita,” is the first environmental human rights defender in history to be killed by law enforcement in the United States. Manuel was killed by Georgia state police while sitting cross-legged, engaged in peaceful protest of plans by state officials to raze an urban forest for construction of a militarized police training facility known as Cop City. Alongside community members and civil society activists, Manuel sought to raise awareness of the harms caused by environmental destruction and racially discriminatory policing in the city of Atlanta, Georgia, where Black people constitute 50% of the population yet made up 90% of arrests and 88% of police killings by the Atlanta Police Department in 2022.<sup>1</sup>

Georgia authorities have refused accountability for Manuel’s death. After killing Manuel, police confiscated and publicly released the activist’s diaries as part of a public misinformation campaign to falsely portray Manuel as a violent criminal. In October 2023, Georgia prosecutors announced that they would not criminally charge the officers who killed Manuel.

Belkis Terán, Manuel’s mother, has suffered profound grief, confusion, and hopelessness since her child’s death. State authorities have refused her multiple requests for information, body camera footage, and other evidence that would reveal the truth of what happened on the day her child was killed.

Manuel’s brutal killing by state actors and the subsequent lack of accountability is emblematic of an alarming pattern in the United States of suppression of civic space and unchecked police terror carried out against civilians. United States authorities have violated the human rights of Manuel and Belkis Terán and they deserve justice. Due to the dire, immediate threats to human life and liberty, we ask that this petition be prioritized by the Inter-American Commission on Human Rights.

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<sup>1</sup> *Use of Force Dashboard*, One Atlanta (2020), <https://justicereform.atlantaga.gov/use-of-force>.

## II. IDENTIFICATION OF VICTIMS

Manuel Esteban Paez Terán (hereinafter “Manuel”), was a 26-year-old earth defender tragically killed by Georgia police. Manuel was an indigenous Venezuelan of Timoto-Cuica descent and an immigrant permanent resident of the United States who identified as queer and non-binary, using they/them pronouns.

Belkis Terán (hereinafter “Belkis”) is the mother of Manuel Terán. She is originally from Venezuela and currently resides in Panama.

## III. FACTS

### A. **Government Officials Suppress Peaceful Protest of the Proposal to Build the Atlanta Public Safety Training Center, known as “Cop City”**

In 2021, the City Council of Atlanta, the capital city of the state of Georgia in the United States of America, proposed the destruction of an urban forest to construct one of the largest and most expensive law enforcement militarization facilities in the world, colloquially known as “Cop City.”<sup>2</sup> On September 8, 2021, after seventeen hours of public comment opposed to the Cop City proposal, the Atlanta City Council voted to approve a lease agreement with the Atlanta Police Foundation, ceding land for the development of the project.<sup>3</sup> Immediately, a broad civil society coalition of concerned residents, including environmental and racial justice activists, united to peacefully voice their opposition to the plan.

Atlanta Mayor Andre Dickens, the Atlanta City Council, Georgia Governor Brian Kemp,<sup>4</sup> and Georgia Attorney General Chris Carr<sup>5</sup> have abused law enforcement powers to intimidate, arrest, and criminalize people opposed to the construction of Cop City.<sup>6</sup> When activists, including bail fund workers, canvassers, and legal observers, organized in defense of Cop City

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<sup>2</sup> See Christina Maxouris, *Atlanta Wants to Build a Massive Police Training Facility in a Forest. Neighbors Are Fighting to Stop It*, CNN US (Sept. 24, 2022), <https://www.cnn.com/2022/09/24/us/atlanta-public-safety-training-center-plans-community/index.html> (describing plans for a \$90 million, 85-acre center, that will include a shooting range, mock city, and burn building).

<sup>3</sup> *Id.*

<sup>4</sup> Atlanta News First, *Gov. Kemp Calls Violence at Police Training Center ‘Outrageous’*, YOUTUBE (Mar. 6, 2023) <https://www.youtube.com/watch?v=imorhNjDxiA>.

<sup>5</sup> Doug Richards, *Georgia’s Attorney General Speaks on Public Safety Training Center Prosecutions*, 11 Alive (June 26, 2023), <https://www.11alive.com/article/news/crime/attorney-general-carr-cop-city-prosecutions/85-07b095b2-be86-42dd-963e-4730699e1b3f>.

<sup>6</sup> Timothy Pratt, *‘Cop City’ Activist’s Official Autopsy Reveals More Than 50 Bullet Wounds*, The Guardian (Apr. 20, 2023), <https://www.theguardian.com/us-news/2023/apr/20/manuel-paez-teran-autopsy-cop-city>.

protestors, officials moved swiftly to arrest and charge them with conspiracy to commit domestic terrorism.<sup>7</sup> The arrest of human rights defenders prompts concern.

The coordinated, bi-partisan assault on the social movement opposing Cop City is an extreme escalation of ongoing repression of recent civil society opposition to police killings of racial minorities in the United States.<sup>8</sup> Since 2020, cities across the United States have reckoned with mass organized demonstrations related to the state-sanctioned killings of Black people, including George Floyd, Breonna Taylor, Ahmaud Arbery, and others.<sup>9</sup>

The Atlanta Police Department (“APD”) engages in violent and racially discriminatory policing at rates above the national average. Half of arrests by APD are for low-level, non-violent offenses, typically related to quality-of-life issues such as substance use disorder, homelessness, or sex work.<sup>10</sup> Black and Latinx people are 14.6 times and 3.5 times more likely, respectively, to be arrested by APD for such offenses than white people.<sup>11</sup> Yet APD officers conducting arrests are more likely than 54% of other police departments to use force like tasers, impact weapons, and chemical sprays.<sup>12</sup> They kill more unarmed people during arrests than 71% of police departments.<sup>13</sup> And the APD uses deadly force with higher rates of racial disparity than 83% of police departments nationally.<sup>14</sup>

APD already receives more funding per capita than 81% of police departments in the United States, but its substantial financial resources have not mitigated human rights abuses like

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<sup>7</sup> Ga. Code Ann. §§ 16-11-220, 16-11-221.

<sup>8</sup> “Bipartisan is defined as ‘relating to or involving members of two political parties.’ In a two-party system, like in the United States, bipartisan typically refers to any bill, act, resolution or any other action of a political body in which both of the major political parties, Republicans and Democrats, are in agreement.” Here, it is significant to note that there is a concerted effort by both political parties in Georgia to construct Cop City despite protests by human rights defenders. *Bipartisan*, Ballotpedia, <https://ballotpedia.org/Bipartisan> (last visited Apr. 4, 2024); Char Adams, *Experts Call ‘Anti-Protest’ Bills a Backlash to 2020’s Racial Reckoning*, NBC News (May 18, 2021), <https://www.nbcnews.com/news/nbcblk/experts-call-anti-protest-bills-backlash-2020-s-racial-reckoning-n1267781>; Zohra Ahmed & Elizabeth Taxel, *How Georgia Indicted a Movement*, The Nation (Sept. 12, 2023), <https://www.thenation.com/article/society/cop-city-indictment-atlanta/>.

<sup>9</sup> Reid J. Epstein & Patricia Mazzei, *G.O.P. Bills Target Protesters (and Absolve Motorists Who Hit Them)*, The New York Times (Apr. 21, 2021), <https://www.nytimes.com/2021/04/21/us/politics/republican-anti-protest-laws.html>; The IACHR has reviewed several cases of state-sanctioned killings of Black people, including two cases currently pending in the merits stage before the Commission. IACHR, Report No. 367/22, Petition 909-15. Admissibility. Michael Brown, Jr. & Lesley McFadden. United States of America. December 18, 2022; IACHR, Report No. 374/22, Petition 1720-15. Admissibility. Reikia Boyd. United States of America. December 19, 2022.

<sup>10</sup> The Police Scorecard defines a low level offense as a drug offense, public drunkenness and other alcohol-related offenses, vagrancy, loitering, gambling, disorderly conduct, prostitution, vandalism, and other minor non-violent offenses that exclude violent crimes, assaults, crimes against families and children, weapons offenses, sex offenses and all arrests for property crimes except for vandalism. For Atlanta-specific data, see <https://policescorecard.org/ga/police-department/atlanta#>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

historically entrenched racially discriminatory policing.<sup>15</sup> Cop City’s construction would infuse APD with an additional \$90 million of militarized resources and training, with two-thirds of the project funded by the Atlanta Police Foundation, a privately owned organization that funnels corporate donations to policing initiatives without any public oversight.<sup>16</sup> An infusion of military weapons and training from Cop City will only exacerbate human rights abuses carried out by APD.

Cop City’s construction would also affirm for cities across the United States that local governments may permissibly respond to legitimate dissent with militarized policing and criminalization of civic space. In 2019, the IACHR warned that police militarization may hinder the right to protest.<sup>17</sup> Following Atlanta’s example, dozens of “Cop Cities” are being proposed by states across the United States.<sup>18</sup> The proliferation of military-grade weapons and tactical training for police departments across the United States would increase state violence and suppress civic space. While proponents of Cop City and the many proposed new police militarization facilities across the country allege that improved police training will reduce state violence in U.S. cities, data does not support that claim.<sup>19</sup> Rather, more harm will result from tactical training encouraging law enforcement to respond to protesters as enemy combatants.

## **B. The Forest Defenders Emerge to Prevent Environmental Harm**

Cop City’s construction would require the razing of significant portions of the South River/Weelaunee Forest, an urban area green space, raising significant environmental concerns, particularly for nearby Black and brown communities. Activists have lodged complaints with the Environmental Protection Agency (EPA), citing violations of the Civil Rights Act and Clean Water Act due to the project’s impact on the ecosystem and sediment discharge into the South

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<sup>15</sup> *Id.*

<sup>16</sup> For information on the Atlanta Police Foundation’s operating structure and lack of public oversight, see Alex Leeds Matthews, *Atlanta’s So-called ‘Cop City’ is Igniting Protests. Here’s What We Know About the Foundation Behind It*, CNN US (Mar. 29, 2023), at

<https://www.cnn.com/2023/03/29/us/atlanta-cop-city-protests-police-foundation-dg/index.html>.

<sup>17</sup> IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, 2019, para. 180; With respect to the United States, the Commission noted, “[...] The main concerns related to excessive or arbitrary use of force is focused on militarization of the police in terms of the equipment used, the type of training they receive, the action protocols they use, and the difficulty with which police officers who are guilty of abuse or excessive use of force are held criminally liable and prosecuted.” IACHR, Annual Report 2015, Report on Violence, Children, and Organized Crime. OAS/Ser.L/V/II.Doc. 40/15, November 2, 2015, para. 191.

<sup>18</sup> *Cop Cities, USA, Is Your Life Better*, <https://isyourlifebetter.net/cop-cities-usa/> (last visited Apr. 4, 2024); For example, concerns have arisen in Pittsburgh, where a proposal similar to Cop City is being considered. Jordana Rosenfeld, *As Construction Begins on Atlanta’s ‘Cop City,’ Pittsburghers Are Concerned About an Allegedly Similar Local Project*, Pittsburgh City Paper (Mar. 1, 2023), <https://www.pghcitypaper.com/news/as-construction-begins-on-atlantas-cop-city-pittsburghers-are-concerned-about-an-allegedly-similar-local-project-23424027>.

<sup>19</sup> Char Adams, *Experts Stress That More Training Won’t Eradicate Police Violence*, NBC News (Apr. 15, 2021), <https://www.nbcnews.com/news/nbcblk/experts-stress-more-training-won-t-eradicate-police-violence-n1264092>.

River Watershed.<sup>20</sup> Environmental effects include heightened pollution from deforestation, increased urban heat due to green space loss, and risks to wildlife in already polluted waterways.<sup>21</sup> Despite assurances from city officials regarding adherence to environmental standards, the disproportionate impact on marginalized groups raised questions about the project's implications.<sup>22</sup>

Beyond environmental hazards, the construction of Cop City exacerbates existing disparities in environmental protections, particularly affecting Black and low-income communities.<sup>23</sup> These communities face heightened vulnerability to natural disasters due to limited resources for evacuation and emergency response, compounded by residential segregation placing them in at-risk areas. In Georgia, Black residents are disproportionately situated near hazardous sites, deepening environmental injustices.<sup>24</sup>

Furthermore, Cop City directly threatens vital natural resources for Atlanta's Black middle class, including the city's extensive tree cover crucial for mitigating flooding events like the 2009 floods.<sup>25</sup> Natural green spaces provide various health benefits, from reducing air pollutants to enhancing mental well-being.<sup>26</sup> However, the destruction of areas like the South River Forest highlights environmental racism, where affluent white neighborhoods can protect their resources through wealth and political influence, while marginalized communities endure disproportionate harm.<sup>27</sup>

On November 27, 2021, the indigenous nation originally forced from the land slated for development returned to the forest to conduct a "stomp dance" and express their opposition to Cop City.<sup>28</sup> Muscogee (Creek) tribal members, who were displaced beginning in 1821, living

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<sup>20</sup> Chauncey Alcorn, *Environmental Impact Targeted in New Push Against 'Cop City'*, The Center for Public Integrity (Nov. 15, 2023), <https://publicintegrity.org/environment/pollution/environmental-justice-denied/environmental-impact-targeted-in-new-push-against-cop-city/#:~:text=that%20the%20reduction%20of%20greenspace,sewage%20and%20for%20other%20pollutants.>

<sup>21</sup> *Id.*

<sup>22</sup> Akilah Wise, *The Health Risks Behind 'Cop City'*, Capital B Atlanta (Mar. 23, 2023), <https://atlanta.capitalbnews.org/cop-city-health-implications/>.

<sup>23</sup> Ray Levy Uyeda, *Atlanta Community Members Warn of Environmental Damage From 'Cop City'*, Prism (June 15, 2022), <https://prismreports.org/2022/06/15/atlanta-environmental-damage-cop-city/>.

<sup>24</sup> Akira Rose, *5 Things You Need to Know About Cop City*, American Friends Service Committee (Jan. 15, 2024), <https://afsc.org/news/5-things-you-need-know-about-cop-city>.

<sup>25</sup> Scott Roberts, *Roberts: "Cop City" is an Environmental Nightmare and a Threat to Black Lives*, The Atlanta Voice (Sept. 14, 2021), <https://theatlantavoices.com/roberts-cop-city-is-an-environmental-nightmare-and-a-threat-to-black-lives/>.

<sup>26</sup> Jo Barton & Mike Rogerson, *The Importance of Greenspace for Mental Health*, National Library of Medicine (Nov. 2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5663018/>.

<sup>27</sup> Victoria St. Martin, *In Atlanta, Proposed 'Cop City' Stirs Environmental Justice Concerns*, Inside Climate News (Mar. 8, 2023), <https://insideclimatenews.org/news/08032023/atlanta-cop-city-forest-justice-trees/>.

<sup>28</sup> Aja Arnold, *Muscogee (Creek) Tribal Members Migrate to Homelands 200 Years After Ancestors' Forced Removal*, Mainline (Dec. 9, 2021),

largely today in Oklahoma, demonstrated solidarity with activists. Mekko Chebon Kernell, a tribal elder, proclaimed:

We still have hopes for these lands, these territories that give life to the people...My hope all along has been to build a better city, a better environment that all of us marginalized and displaced would have a say in what we build. When we think about the last sort of bastions of this type of environment, we don't have much left in our country. We have not taken seriously the impact of continuing to rape this earth, and that's environmentally speaking. There's a social justice component to this as well, how we are impacted by further militarizing police forces. Until you're a person who's been unjustly harrassed, followed, and abused by the entities that are supposed to protect you, you really don't know the feelings that come up. When we think about putting more weapons in the hands of an entity that can harm me, that's disconcerting, especially when we think about the greater metropolitan area of Atlanta.

In December 2021, a group who self-identified as forest defenders began to establish encampments and tree houses in the canopy of the forest, building temporary structures at least fifteen feet off the ground.<sup>29</sup> “Nearly half” declared queer identities.<sup>30</sup> These forest defenders note the land's history: the Muscogee Creek people, the nation indigenous to this geography, were subject to forced displacement to Oklahoma in an event known in U.S. history as the “Trail of Tears.” Later, the forest was the site of a prison farm, where incarceration continued as a form of enslavement even after the formal end of legal chattel slavery. The forest defenders began their campaign to protect the trees and the land in order to prevent Cop City from being built, as well as to interrupt the development of Intrenchment Park, which sits alongside the prison farm and has been identified as a possible location for a new Hollywood movie studio.<sup>31</sup>

On January 28, 2022, a march on the public land of Intrenchment Park attended by sixty people ended when police arrested four protestors who encountered DeKalb County police officers guarding private contractors.<sup>32</sup> A police report cited by local media describes “loud and boisterous” marchers “chanting and waving banners,” while nearby “multiple construction

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<https://www.mainlinezine.com/muscogee-creek-tribal-members-migrate-to-homelands-200-years-after-ancestors-forced-removal/>

<sup>29</sup> Tracey Amick Peer, *Activists Building Treehouses, Living in Tents to Block APD Training Site Construction*, 11 *Alive News* (Feb. 23, 2022) [hereinafter Peer],

<https://www.11alive.com/article/news/local/atlanta-police-department-training-site-construction-protests/85-4e4b281b-f803-4282-b29f-ad14fb19f422>; Charles Bethea, *The New Fight Over an Old Forest in Atlanta*, *The New Yorker* (Aug. 3, 2022), <https://www.newyorker.com/news/letter-from-the-south/the-new-fight-over-an-old-forest-in-atlanta>

<sup>30</sup> David Peisner, *The Forest for the Trees*, *The Bitter Southerner* (Dec. 13, 2022), <https://bittersoutherner.com/feature/2022/the-forest-for-the-trees-atlanta-prison-farm>.

<sup>31</sup> *Defend the Atlanta Forest* (2023), <https://defendtheatlantaforest.org/>.

<sup>32</sup> *I Believe That We Will Win*, *Inhabit: Territories* (Feb. 14, 2022), [https://territories.substack.com/p/i-believe-that-we-will-win?utm\\_source=url](https://territories.substack.com/p/i-believe-that-we-will-win?utm_source=url)

workers contracted by the Atlanta Police Foundation [were] working with heavy machinery.”<sup>33</sup> On March 14, 2022, Atlanta Police Foundation President, Dave Wilkinson responded to the presence of forest defenders in clear terms: “As we move forward, the enforcement will become stricter and stricter.”<sup>34</sup>

On May 17, 2022, law enforcement from the City of Atlanta, DeKalb County, Georgia State Patrol (“GSP”), Georgia Bureau of Investigation (“GBI”), and the Federal Bureau of Investigation (“FBI”) entered the forest, escorting private contractors hired to remove the temporary structures erected by the forest defenders. In this raid, eight forest defenders were arrested.<sup>35</sup>

On December 13, 2022, a multi-agency task force convened by the GBI raided the forest again, to remove “tree sitters,” their living structures, and barricades put in place to obstruct pathways within the forest. In the raid, law enforcement employed plastic bullets and chemical irritants against individuals engaged in non-violent acts of civil disobedience in trees.<sup>36</sup> In total, twelve people were arrested and charged with the crime of “domestic terrorism.”<sup>37</sup> The day after the raid, the Georgia Bureau of Investigation issued a press release that described the multi-agency effort as a “joint task force formed to eliminate the future Atlanta Public Safety Training Center of criminal activity.”<sup>38</sup>

In the weeks leading up to the killing of Manuel, the rhetoric and threats of violence against forest defenders surged. On January 3, 2023, in a statement posted to social media, Georgia Governor Brian Kemp “vowed to maintain the aggressive approach,”<sup>39</sup> according to the *New York Times*. In his statement, the Governor asserted: “The only response we will give to

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<sup>33</sup> J.D. Capelouto & Tyler Estep, *Amid Site’s Encampment, Plans Continue for Atlanta’s Police, Fire Training Center*, The Atlanta Journal-Constitution News (Mar. 14, 2022), <https://www.ajc.com/news/atlanta-news/amid-sites-encampment-plans-continue-for-atlantas-police-fire-training-center/OEM536GZCNBQ3DIJNNMCDR23NA/>

<sup>34</sup> *Id.*

<sup>35</sup> 11Alive Staff, *Rocks, Possible Molotov Cocktail Thrown Toward Officers at Future Home Of ‘Cop City,’ APD Says*, 11 Alive News (May 17, 2022) [hereinafter *Rocks*], <https://www.11alive.com/article/news/local/cop-city-proposed-atlanta-fire-police-training-facility-protest-encampment-raid/85-fe002ab1-8bc4-4757-9e46-67c739e737ec>.

<sup>36</sup> Dyana Bagby, *UPDATE: Police Confront Protesters at Atlanta Safety Training Site; Five Charged With Domestic Terrorism*, RoughDraft Atlanta (Dec. 13, 2022), <https://roughdraftatlanta.com/2022/12/13/police-confront-protesters-at-atlanta-safety-training-site/>.

<sup>37</sup> John Ruch, *APD Official Reveals 12 Arrested in Protest Raids, Describes Use of Terrorism Charges*, Saporta Report (Dec. 15, 2022), <https://saportareport.com/apd-official-reveals-12-arrested-in-protest-raids-describes-use-of-terrorism-charges/section/s/reports/johnruch/>.

<sup>38</sup> *Five Arrested for Domestic Terrorism Charges at Site of Future Atlanta Public Safety Training Center*, Georgia Bureau of Investigation (June 23, 2023), <https://gbi.georgia.gov/press-releases/2023-06-23/five-arrested-domestic-terrorism-charges-site-future-atlanta-public>

<sup>39</sup> Alessandro Marazzi Sassoon & Rick Rojas, *Protester Killed in Firefight at Site of New Atlanta Police Center*, The New York Times (Jan. 18, 2023), <https://www.nytimes.com/2023/01/18/us/atlanta-police-center-protester-killed.html>.

intimidation and violence is swift and exact justice...We will bring the full force of state and local law enforcement down on those trying to bring about a radical agenda through violent means.”<sup>40</sup>

### C. Georgia Officials Kill Manuel Paez “Tortuguita” Terán

On January 18, 2023, the Georgia State Patrol cooperated with APD and DeKalb County law enforcement to conduct another raid of the forest land occupied by protesters opposing the construction of Cop City. In so doing, officers shot environmental human rights defender Manuel Paez “Tortugita” Terán with at least 14 bullets, producing over 50 wounds.<sup>41</sup> Media reports suggest that Manuel was likely sitting cross-legged with their hands raised when killed.<sup>42</sup> This incident is the first police killing of an environmental human rights defender in United States history.<sup>43</sup>

Manuel’s death occurs in the context of increasing police violence in the United States and assassinations of environmental defenders globally. In 2023, U.S. law enforcement killed 1,329 people, making it the deadliest year on record for killings by police.<sup>44</sup> Despite promises by the Biden administration to improve accountability in policing, last year marked the sharpest increase in killings by police.<sup>45</sup> Globally, almost 2,000 environmental activists were killed

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<sup>40</sup> WSBTV.com News Staff, *Gov. Kemp Says ‘Militant Activists’ Opposing APD Training Facility Will ‘Not Be Tolerated,’* Yahoo News (Jan. 4, 2023), [https://finance.yahoo.com/news/gov-kemp-says-militant-activists-232158454.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce\\_referrer\\_sig=AQAAABFKdxikpBnN8Xk8rOO5Dt5T3vkUnsHicMTjxulRpPijShRZkW3KaQFRC-3QBKUCoye7IwkHvoq-G3hw9Yd0ONqujvDdCt07XgLF-PtRsn6Ntlh52MmsDvEKrf3jB-bhx9aNG-K3RS9eXNTxA\\_TXkbbvnfsRmb7ErB6t7WuZUTq](https://finance.yahoo.com/news/gov-kemp-says-militant-activists-232158454.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAABFKdxikpBnN8Xk8rOO5Dt5T3vkUnsHicMTjxulRpPijShRZkW3KaQFRC-3QBKUCoye7IwkHvoq-G3hw9Yd0ONqujvDdCt07XgLF-PtRsn6Ntlh52MmsDvEKrf3jB-bhx9aNG-K3RS9eXNTxA_TXkbbvnfsRmb7ErB6t7WuZUTq). See also Governor Kemp’s post on X, available at, <https://twitter.com/GovKemp/status/1610390370923286533>.

<sup>41</sup> Rosana Hughes & Caroline Silva, *Autopsy: Gunshot Residue ‘Not Seen’ on Activist Killed At Police Training Center*, The Atlanta Journal-Constitution News (Apr. 20, 2023), <https://www.ajc.com/news/crime/activist-killed-at-police-training-center-site-had-more-than-50-gunshot-wounds-autopsy-finds/RSL5T2D7WJDXNIULLBL6ZUZADE/>.

<sup>42</sup> Although authorities claimed that Manuel fired shots at officers, a second autopsy resulted in findings that raise doubts about officer claims, available at, <https://theintercept.com/2023/04/20/atlanta-cop-city-protester-autopsy/>; Collin Kelley, *Update: Autopsy Shows Cop City Activist Was Seated With Hands Raised When Shot*, RoughDraft Atlanta (Mar. 13, 2023), <https://roughdraftatlanta.com/2023/03/13/report-autopsy-shows-cop-city-activist-was-seated-with-hands-raised-when-shot/>.

<sup>43</sup> Timothy Pratt, *Shot 14 Times, No Charges For Police: Family’s Grief Over Death Of Cop City Activist*, The Guardian (Oct. 8, 2023), <https://www.theguardian.com/us-news/2023/oct/08/cop-city-activist-tortuguita-georgia-manuel-paez-teran>.

<sup>44</sup> Lauren Sforza, *US Police Killed a Record Number of People in 2023: Research*, The Hill (Jan. 17, 2024), <https://thehill.com/blogs/blog-briefing-room/4413518-police-killings-record-2023/>.

<sup>45</sup> *Id.* Josh Boak & Chris Megerian, *Biden Signs Policing Order on Anniversary of Floyd’s Death*, Associated Press (May 26, 2022), <https://apnews.com/article/death-of-george-floyd-biden-covid-health-law-enforcement-agencies-10587efaf2a8858261ad00c92a575aef>.

between 2012 and 2022.<sup>46</sup> Failure by governments around the world to properly investigate the murders encourages more attacks and impunity.<sup>47</sup>

Following the escalation of raids in December 2022, there were as few as 10 to 20 environmental defenders left living in the forest on the morning of the January 18 raid. Law enforcement tactical teams arrived before 6:30 am and gunfire began within an hour, killing Manuel and injuring one police officer.<sup>48</sup> Footage released shows law enforcement officers in the forest destroying tents and then reacting to the sound of gunfire. The officers who encountered and killed Manuel were not wearing body cameras.<sup>49</sup>

Manuel was a Venezuelan citizen and lawful permanent resident of the United States, born of indigenous heritage descended from the Tomoto-Cuica people.<sup>50</sup> They lived in many places during their life, including Aruba, the United Kingdom, Russia, Egypt, and Panama with their mother. Their stepfather's work in the oil industry led the family abroad.<sup>51</sup> Manuel graduated Magna Cum Laude from Florida State University in the United States in 2021 with a degree in Psychology. During their time, they demonstrated a commitment to the work of care, non-violence, and ecological protection. They worked with programs like Food Not Bombs to feed the hungry.<sup>52</sup> After college, Manuel spent eighteen months working a series of short-term jobs as a salesperson.<sup>53</sup>

At the time of their killing, they were living between Atlanta, defending the forest and organizing aid, and Florida, building low-income housing for those affected by a hurricane.<sup>54</sup> Manuel was a trained medic, and according to their peers, put others first almost to a fault. "They were genuinely so generous and loving and always wanted to take care of people," a quote from

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<sup>46</sup> *Almost 2,000 Land and Environmental Defenders Killed Between 2012 and 2022 for Protecting the Planet*, Global Witness (Sept. 13, 2023), <https://www.globalwitness.org/en/press-releases/almost-2000-land-and-environmental-defenders-killed-between-2012-and-2022-protecting-planet/>.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* See *supra* n.43.

<sup>49</sup> Dan Whisenhunt, *Atlanta Police Releasing Body Cam Footage of Jan. 18 'Cop City' Raid That Resulted in Activist's Death*, Decaturish (Feb. 8, 2023), <https://decaturish.com/2023/02/atlanta-police-releasing-body-cam-footage-of-jan-18-cop-city-raid-that-resulted-in-activists-death/>.

<sup>50</sup> For Family of Manuel "Tortuguita" Páez Terán, *available at*, <https://www.gofundme.com/f/for-family-of-manuel-tortuguita-paez-teran>.

<sup>51</sup> R.J. Rico, Associated Press, *Protesters Question Circumstances Surrounding 'Stop Cop City' Activist's Death*, PBS (Jan. 29, 2023), <https://www.pbs.org/newshour/nation/protesters-question-circumstances-surrounding-stop-cop-city-activists-death>.

<sup>52</sup> Isabella Ensign, *Tallahassee Local Killed in 'Cop City' Protest*, FSU News (Jan. 29, 2023), <https://www.fsunews.com/story/news/2023/01/29/tallahassee-local-killed-in-cop-city-protest/69851730007>.

<sup>53</sup> Manuel Paez Teran, *available at*, <https://www.linkedin.com/in/manuel-paez-teran-456055176/>

<sup>54</sup> Justice for Tort, *available at*, <https://atlprescollective.com/2023/01/19/justice-for-tort/>

Vienna, their partner and fellow forest-defender.<sup>55</sup> Indeed, Vienna is also a victim of the State's violence, as she was arrested and accused of domestic terrorism following her partner's death.<sup>56</sup> According to Manuel's family and friends, Manuel loved all life, and was committed to protecting it.

In a remembrance written after their killing, a reporter who had spent time in the forest with Manuel in December 2022 described them as "curious, engaging, earnest, educated, self-aware, well-read, and very funny. They loved to talk, to connect, to debate, and did so joyfully and passionately, without malice...[They] spoke passionately and repeatedly about the moral and strategic virtues of nonviolent resistance."<sup>57</sup> Quoting Manuel:

The right kind of resistance is peaceful, because that's where we win... We're not going to beat them at violence. They're very, very good at violence. We're not. We win through nonviolence. That's really the only way we can win. We don't want more people to die. We don't want Atlanta to turn into a war zone.<sup>58</sup>

Manuel made prescient remarks about the stakes of the fight they were engaged in and the risks they assumed as a forest defender:

What I'm saying is, if they do a huge crackdown and completely try to crush the movement, they'll succeed at hurting some people, they'll succeed at destroying some infrastructure, but they're not going to succeed at stopping the movement. That's just going to strengthen the movement. It will draw a lot of attention to the movement. If enough people decide to do this with nonviolent action, you can overwhelm the infrastructure [of the state]. That's something they fear more than violence in the streets. Because violence in the streets, they'll win. They have the guns for it. We don't.<sup>59</sup>

As the news of this incident spread, memorializations poured in and vigils occurred around the world.<sup>60</sup> Manuel's killing set off a global ripple of solidarity among communities confronting twin existential threats: police violence and ecological collapse.<sup>61</sup>

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<sup>55</sup> R.J. Rico, *Protestors: 'Cop City' Activist's Killing Doesn't Make Sense*, Associated Press (Jan. 29, 2023), <https://apnews.com/article/law-enforcement-george-floyd-vienna-climate-and-environment-forests-21a4ed944c898d316db5872d87cea440>.

<sup>56</sup> *Id.*

<sup>57</sup> David Peisner, *Little Turtle's War*, *The Bitter Southerner* (Jan. 20, 2023), <https://bittersoutherner.com/feature/2023/little-turtles-war-cop-city-atlanta>.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Stop Cop City, *Memories of Tort*, available at, <https://stopcop.city/memories-of-tort/>; <https://kolektiva.social/@waffle1312/109716790306612309>

<sup>61</sup> *Statement About the Death of Tortuguita from Athens, Greece*, Atlanta Community Press Collective (Jan. 19, 2023), <https://atlpresscollective.com/2023/01/19/statement-about-the-death-of-tortuguita-from-athens-greece/>.

## D. Failures of Georgia State Officials

### 1. Georgia Officials Provide Conflicting Statements About Manuel's Death

The January 18, 2023 press release from the GBI establishes its initial version of events:

At about 9:00 a.m. today, as law enforcement was moving through the property, officers located a man inside a tent in the woods. Officers gave verbal commands to the man who did not comply and shot a Georgia State Patrol Trooper. Other law enforcement officers returned fire, hitting the man.<sup>62</sup>

On January 20, 2023, GBI released a photo of the gun alleged to have been found in Manuel's tent and shared that "forensic ballistic analysis has confirmed that the projectile recovered from the trooper's wound matches Manuel's handgun."<sup>63</sup>

Also, on January 20, 2023, APD refused to release body camera footage of the officers on the scene due to the ongoing investigation. In a press release on January 23, 2023, GBI stated that no body camera footage of Manuel's death exists because Georgia State Patrol, the agency whose officers killed Manuel, does not use them uniformly.<sup>64</sup> DeKalb County police officers, who were also on the scene, are equipped with body cameras.<sup>65</sup>

However, two weeks later, on February 8, 2023, APD relented and released four videos of the immediate aftermath of the exchange of gunfire.<sup>66</sup> Upon hearing shots, officers appear to rush toward the sound. An aerial drone can be heard overhead, suggesting additional visual angles exist that have not yet been made public.<sup>67</sup> One officer is heard to say, "Is this target

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<sup>62</sup> Press Release, Georgia Bureau of Investigation, GBI Investigates Officer Involved Shooting Following Multi-Agency Operation near Site of Future Atlanta Public Safety Training Center, (Jan. 18, 2023) [hereinafter GBI Press Release] <https://gbi.georgia.gov/press-releases/2023-04-14/gbi-investigates-officer-involved-shooting-following-multi-agency>.

<sup>63</sup> *Id.*

<sup>64</sup> Tyler Estep and Asia Simone Burns, *GBI: No bodycam footage of Atlanta police training center shooting*, Police 1 (Jan. 20, 2023), <https://www.police1.com/officer-shootings/articles/gbi-no-bodycam-footage-of-atlanta-police-training-center-shooting-FM5Ggf4bX3cohR6p/>.

<sup>65</sup> Whisenhunt, *supra* n.49.

<sup>66</sup> Akela Lacy, *Officer in Cop City Bodycam Footage Suggests Fellow Cop Was Shot By Friendly Fire*, The Intercept (Feb. 9, 2023), <https://theintercept.com/2023/02/09/cop-city-body-camera-footage/>.

<sup>67</sup> Alyza Enriquez, *Atlanta Police Release Body Camera Footage of Activist Killing at 'Cop City'*, Vice News (Feb. 9, 2023), <https://www.vice.com/en/article/wxvngx/atlanta-police-release-body-camera-footage-of-activist-killing-at-cop-city>.

practice? . . . Man, you fucked your own officer up,” suggesting the injured officer had been shot by another officer.<sup>68</sup>

On February 6, 2023, GBI said their investigation was ongoing, and autopsy and body camera footage would not be released.<sup>69</sup> Despite requests by the family for more information, the state continues to refuse to release evidence related to the case, claiming the larger scope of the criminal investigation against other forest defenders prohibits release—a decision described by national policing accountability experts as “unique”, “chilling”, and “frightening.”<sup>70</sup>

A report filed by a corporal with the Georgia State Police on February 13, 2023, nearly a month after the shooting, explained the incident differently than any of the initial accounts. The officer, whose name is redacted in the report, describes approaching Manuel’s tent and asking them to exit. When Manuel refused to exit, the officer “discharged his pepper ball system into the tent.”<sup>71</sup> A “pepper ball system” is a chemical irritant shot from an instrument that looks like a pistol or rifle, depending on the model. After the launch of pepperball, the corporal reports gunshots coming from inside the tent, at which point the six officers return fire, killing Manuel. Also of note, the corporal goes to some lengths in their report to detail the instructions they were given based on briefings in the weeks leading up to the raid: “We knew domestic terrorist suspects were present on the property and known to be armed and extremely violent”<sup>72</sup> and therefore, he needed to be “hyper-vigilant.”<sup>73</sup> That morning, until law enforcement engaged with Manuel, all encounters with forest defenders had been met with full compliance.

Finally, the corporal introduces a key detail for the first time: “While shooting I observed a small explosion at the front of the tent and a large plume of white powder going into the air. I believed this to be an improvised explosive device that was detonated during the fight and another attempt by the suspect to kill us.”<sup>74</sup> In the October 6 report detailed below, in which George R. Christian, the District Attorney Pro Tempore for the Stone Mountain Judicial Circuit, concludes by refusing to pursue legal action against Manuel’s killers, the deposed officers all attest to believing that an improvised explosive device had detonated in front of the tent,

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<sup>68</sup> *Id.*

<sup>69</sup> Gabriella Nunez, *Private Autopsy Shows Activist Killed In Clash At Future Atlanta Police Training Site Was Shot 13 Times, Family Says*, 11Alive (Feb. 6, 2023), <https://www.11alive.com/article/news/local/manuel-teran-tortuguita-activist-killed-cop-city-atlanta-family-press-conference/85-76fe25e1-6180-4107-ab44-d49e319a1d74>.

<sup>70</sup> Timothy Pratt, *Georgia Refuses to Release Evidence From Police Shooting of Cop City Activist*, The Guardian (Oct. 16, 2023) [hereinafter Pratt Georgia Refuses], <https://www.theguardian.com/us-news/2023/oct/16/georgia-cop-city-police-shooting-evidence-manuel-paez-teran>.

<sup>71</sup> Chaman Cruz, *Police Records: GBI Planned Raid That Resulted in Death of 'Cop City' Protester*, WABE (Mar. 29, 2023), <https://www.wabe.org/police-records-gbi-planned-raid-that-resulted-in-death-of-cop-city-protestor/>.

<sup>72</sup> *Id.*

<sup>73</sup> Georgia State Patrol, *DPS Incident Report* (Feb. 13, 2023), *available at*, <https://decatrish.com/wp-content/uploads/2023/03/633500423-Redacted-Manuel-Teran-Incident-Report.pdf>.

<sup>74</sup> *Id.*

including a description of a “loud boom,”<sup>75</sup> which is absent from the corporal’s account. No official narrative of the incident, nor any journalistic accounts, includes an explosion or any “boom” prior to February 13.

The State authorities’ persistent lack of transparency, including inconsistent information, omissions, and the Georgia Bureau of Investigation’s refusal to release evidence regarding Manuel’s death, constitutes a failure to investigate human rights violations promptly and effectively. This inaction undermines the guarantee of due diligence in this case.

## 2. Autopsy Reports Challenge Georgia Officials’ Narratives

A state agency, the DeKalb County Medical Examiner’s Office, conducted an autopsy of Manuel’s body. However, the first details released to the public were from an independent autopsy commissioned by the family. The procedure was conducted on January 31, 2023 - twelve days after the DeKalb County Medical Examiner first investigated - and the independent report was released on March 9, 2023.<sup>76</sup> The report stipulates that the first examination left the body dissected because they sought to extract bullet fragments and projectiles, which is described as proper procedure. However, this did impede the extent to which the second autopsy could be performed. Yet the Forensic Pathologist was able to render a series of key conclusions: The injuries to Manuel’s hands showed evidence from wounds in both palms, fingers, and forearms, suggesting their hands were raised.<sup>77</sup> Wounds to their legs, notably broken bones to the tibia and fibula from shotgun missiles, suggest Manuel was seated cross-legged at the time of the shooting, left leg crossed over right.<sup>78</sup>

On April 19, 2023, two months after the shooting, results of the first autopsy were released by the DeKalb County Medical Examiner’s Office.<sup>79</sup> The document is a litany of gruesome details about how Manuel’s body was destroyed by gunfire and meticulously outlines every single wound and its impact on the body. Three significant takeaways from the report include the determination that the death was a “homicide,” the body suffered fifty-seven gunshot wounds total, and revealed that “Soot, stippling, searing and gunpowder residue were not found

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<sup>75</sup> GBI, Report Regarding The Georgia State Patrol Shooting At The Future Site Of The Atlanta Public Safety Training Center In Dekalb County on January 18, 2023 (Oct. 6, 2023) [hereinafter GBI Oct. 6 Report], *available at*, <https://gbi.georgia.gov/document/document/report1pdf/download>.

<sup>76</sup> Report of second autopsy by Kris Sperry performed on January 31, 2023, *available at*, <https://drive.google.com/file/d/1v6hLWaNnD0HqkXPwDTmBjw-gxYUpyIQM/view?ref=welcometohellworld.com>

<sup>77</sup> *Id.* See also, Kaitlyn Radde, *Autopsy Reveals Anti- ‘Cop City’ Activist’s Hands Were Raised When Shot and Killed*, NPR (Mar. 11, 2023), <https://www.npr.org/2023/03/11/1162843992/cop-city-atlanta-activist-autopsy>.

<sup>78</sup> See *supra* n.76, at 3-4.

<sup>79</sup> Autopsy Report by the Dekalb County Medical Examiner (Mar. 14, 2023), *available at*, [https://static.fox5atlanta.com/www.fox5atlanta.com/content/uploads/2023/04/23-0126\\_Autopsy\\_Report\\_with\\_Body\\_Detail\\_Sheets-1.pdf](https://static.fox5atlanta.com/www.fox5atlanta.com/content/uploads/2023/04/23-0126_Autopsy_Report_with_Body_Detail_Sheets-1.pdf)

in association with any of the clothing or around any of the gunshot wounds,” which further complicates the police’s narrative that Manuel initiated the exchange of gunfire.<sup>80</sup>

### 3. Georgia Officials Fail to Prosecute Cops Responsible for Shooting

On October 6, 2023, District Attorney George R. Christian announced the release of a report based on the investigation of the killing of Manuel.<sup>81</sup> The statement accompanying the report declares the police’s actions “objectively reasonable.”<sup>82</sup> The report asserts that law enforcement initiated the encounter with non-lethal “pepperball” devices and then Manuel returned fire with the 9mm gun in their possession, contrary to the police’s original narrative.<sup>83</sup> The report also contains a new narrative from the State’s perspective and the testimonies of six deposed GSP officers.<sup>84</sup> These six officers - Mark Lamb, Jonathan Salcedo, Brylan Myers, Ronaldo Kegel, Royce Zah, and Jerry Parrish - encountered the tent on the morning of the incident and shot and killed Manuel.

### 4. Georgia Officials Criminalize Human Rights Defenders

#### a) Domestic Terrorism Charges of Human Rights Defenders

In 2017, the Georgia General Assembly passed a state statute purporting to target acts of domestic terrorism, in response to white gunman Dylann Roof killing 9 worshippers in a Black church in nearby South Carolina. The law provides:

*(2) “Domestic terrorism” means any felony violation of, or attempt to commit a felony violation of the laws of this state which, as part of a single unlawful act or a series of unlawful acts which are interrelated by distinguishing characteristics, is intended to cause serious bodily harm, kill any individual or group of individuals, or disable or destroy critical infrastructure, a state or government facility, or a public transportation system when such disability or destruction results in major economic loss, and is intended to:*

*(A) Intimidate the civilian population of this state or any of its political subdivisions;*

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<sup>80</sup> Natasha Lennard, *Police Shot Atlanta Cop City Protester 57 Times, Autopsy Finds*, The Intercept, (Apr. 20, 2023), <https://theintercept.com/2023/04/20/atlanta-cop-city-protester-autopsy/>.

<sup>81</sup> GBI Oct. 6 Report, *supra* n.75, at 31; *see also* The Guardian Staff and Agency, *Georgia District Attorney Will Not Charge Police Who Killed ‘Cop City’ Activist*, The Guardian (Oct. 6, 2023), <https://www.theguardian.com/us-news/2023/oct/06/atlanta-georgia-manuel-tortugueta-paez-teran-police-killing-no-charges>

<sup>82</sup> GBI Oct. 6 Report, *supra* n.75, at 31.

<sup>83</sup> Kate Brumback, Associated Press, *Troopers Who Shot and Killed ‘Cop City’ Activist Near Atlanta Won’t Face Charges*, PBS (Oct. 6, 2023), <https://www.pbs.org/newshour/nation/troopers-who-shot-and-killed-cop-city-activist-near-atlanta-wont-face-charges>

<sup>84</sup> GBI Oct. 6 Report, *supra* n.75.

*(B) Alter, change, or coerce the policy of the government of this state or any of its political subdivisions by intimidation or coercion; or*

*(C) Affect the conduct of the government of this state or any of its political subdivisions by use of destructive devices, assassination, or kidnapping.*

Violations of this felony statute carry penalties of 15-35 years.<sup>85</sup>

On December 15, 2022, Cop City protesters became the first people arrested and accused under this law in Georgia history.<sup>86</sup> Following the January 18, 2023 raid in which Manuel was killed, additional protesters were charged. Later, in June 2023, an additional 23 people were similarly arrested and accused by law enforcement.<sup>87</sup> In total, 42 people have been arrested and accused of domestic terrorism for acts that range from sleeping in hammocks to throwing fireworks.<sup>88</sup> No one has been charged for any conduct even remotely similar to the racist violence of Dylann Roof, despite that tragedy being the impetus for the 2017 law. Rather, the statute is being wielded to incarcerate protesters who oppose racial terror and state violence.

#### b) Racketeering Charges Against Human Rights Defenders

On September 5, 2023, Georgia Attorney General Chris Carr announced the prosecution of 61 people in an indictment under Georgia's Racketeer Influenced and Corrupt Organizations Act (commonly referred to as "RICO").<sup>89</sup> This indictment, in unprecedented fashion, alleges that the belief systems of those opposed to the construction of Cop City constitute a criminal enterprise. The document begins by maligning organizing tactics such as mutual aid as nefarious. By doing this, the Georgia Attorney General lays the groundwork for criminalizing conduct as benign as purchasing camping supplies as an overt act in furtherance of an ideological

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<sup>85</sup> Ga. Code Ann. §§ 16-11-220, 16-11-221.

<sup>86</sup> Associated Press, *5 Protesters Arrested at Atlanta Police Training Center*, WABE (Dec. 15, 2022), <https://www.wabe.org/5-protesters-arrested-at-atlanta-police-training-center/>.

<sup>87</sup> Odette Yousef, *Rights Groups Are Alarmed Over Domestic Terrorist Charges in 'Cop City' Protests*, NPR (June 28, 2023), <https://www.npr.org/2023/06/28/1184726273/rights-groups-are-alarmed-over-domestic-terrorist-charges-in-cop-city-protests>.

<sup>88</sup> "Police affidavits on the arrest warrants of forest defenders facing domestic terror charges include the following as alleged examples of terrorist activity: 'criminally trespassing on posted land,' 'sleeping in the forest,' 'sleeping in a hammock with another defendant,' being 'known members' of 'a prison abolitionist movement,' and aligning themselves with Defend the Atlanta Forest by 'occupying a tree house while wearing a gas mask and camouflage clothing.'" Natasha Lennard, *The Crackdown on Cop City Protesters is So Brutal Because of the Movement's Success*, The Intercept (Jan. 27, 2023), <https://theintercept.com/2023/01/27/cop-city-atlanta-forest/>.

<sup>89</sup> R.J. Rico, *61 Indicted in Georgia on RICO Charges*, Associated Press (Sept. 5, 2023), <https://apnews.com/article/atlanta-cop-city-protests-rico-charges-3177a63ac1bd31a1594bed6584e9f330>. See the text of the indictment, which was secured before the government announced its existence, *available at*, <https://www.fultonclerk.org/DocumentCenter/View/2156/CRIMINAL-INDICTMENT> [hereinafter RICO Indictment].

conspiracy.<sup>90</sup> The far-reaching implications of this indictment include chilling freedom of expression, freedom of assembly, and community organizing that centers the well-being of marginalized communities most impacted by state violence and mass incarceration.

Of note, the date alleged as the inception of this “conspiracy” coincides with the day that George Floyd was killed by Minneapolis Police. The killing took place over a year before the land lease was approved to make way for Cop City and two years before funding was approved for the project. By connecting those indicted in 2023 to events leading to the mass protests of 2020, the government is explicitly positioning the movement opposing Cop City as a response to the global movement to end state violence against Black people in the U.S.<sup>91</sup> The latest attempts by Georgia officials to punish and intimidate protestors through the criminal legal system is only one of many examples of states across the country forcefully suppressing civic space. Since 2020, lawmakers across the United States have introduced over 100 bills aimed at punishing or restricting protest-related activity.<sup>92</sup>

The RICO indictment of Stop Cop City advocates reveals significant surveillance of mundane organizing activity including the purchasing of equipment and communication between organizers through various encrypted messaging applications. Georgia’s Attorney General concedes that much of the communication is benign, but without pointing to corroborating evidence, alleges that those surveilled intend to commit property damage.<sup>93</sup> Thus, surveillance serves as the basis for dangerous conjecture on the part of the state resulting in formal criminal charges being filed for otherwise lawful conduct.<sup>94</sup>

##### 5. Georgia Officials Use Manuel Terán’s Personal Diaries in Criminal Prosecutions of Human Rights Defenders

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<sup>90</sup> For example, Count XI of the indictment alleges one count of Money Laundering by bail fund organizers for allegedly providing \$93.04 to an organizer for the purpose of purchasing camping supplies.

<sup>91</sup> Ahmed, *supra* n.8.

<sup>92</sup> Philip Bump, It’s Not Just Protesting: Legislators Have Introduced 100 State Bills Targeting Protesting, The Washington Post (May 13, 2021), <https://www.washingtonpost.com/politics/2021/05/13/its-not-just-voting-legislators-have-introduced-100-state-bills-targeting-protesting/>.

<sup>93</sup> See RICO Indictment, *supra* n.89, at 43-44, “Communication from the Defend the Atlanta Forest management is conducted in many ways. Indeed, communication among the Defend the Atlanta Forest members is often cloaked in secrecy using sophisticated technology aimed at preventing law enforcement from viewing their communication and preventing recovery of the information. Members often use the dark web via...end-to-end encrypted messaging app Signal or Telegram, or use hand-held radios such as walkie talkies while in the forest...The communication paints itself as a ‘call to action’ so that its appearance is benign; nevertheless, Defend the Atlanta Forest members are aware of the purpose of these calls to action, and they include violence...”

<sup>94</sup> Numerous memos published by the Atlanta Police Department Homeland Security Unit detail social media monitoring of Stop Cop City organizers, keeping records of flyers, posts and other communication, available at <https://drilled.media/news/drilled-trfst-CopCity>; see also Cody Bloomfield, *The Cop City Shuffle: FOIA and Protestor Surveillance*, Defending Rights & Dissent (Sept. 28, 2023), <https://www.rightsanddissent.org/news/stop-cop-city-foia/>.

On November 15, 2023, the State entered Manuel’s personal diaries into the official record as evidence against the 61 people charged under Georgia’s RICO statutes. Though it was sealed from public view by the judge a week later, private thoughts from the diary were introduced in an attempt to influence public opinion of the RICO cases, despite the fact that Manuel is not on trial.<sup>95</sup>

Publicly releasing these diaries also hurt Belkis’ relationships with her own friends, family, and community.<sup>96</sup> As a consequence of the State’s characterization of Manuel as violent, a number of Belkis’ loved ones have berated and distanced themselves from her.<sup>97</sup>

#### 6. Georgia Officials Continue to Expand Repressive Legislation to Criminalize Human Rights Defenders

Within the 2024 Legislative Session, the Georgia General Assembly has proposed and passed numerous pieces of repressive legislation. Several proposals have been offered in the 2024 legislative session for bills that expand the criminalization of dissent in the state. This includes: 1) HB 505, which uses extremely broad and vague statutory language to create new criminal offenses for “material support of terrorism” and drastically increases penalties for criminal riot convictions; 2) SB 359, which expands the RICO statute and creates enhanced penalties for political affiliations and beliefs; and 3) HB 922, which expands criminal trespass. This legislation is aimed at criminalizing and suppressing dissent.<sup>98</sup>

### E. Failures of the U.S. Government

#### 1. Department of Justice Fails to Launch Independent Investigation

On April 20, 2023, Atlanta city councilwoman Liliana Bakhtiari released a statement urging the U.S. Department of Justice (“DOJ”), an agency in the executive branch of the United States federal government charged with the enforcement of federal law and administration of justice in the United States, to conduct an independent investigation into Manuel’s death, after the release of separate autopsies raised doubts about officers’ version of events.<sup>99</sup> On April 26, 2023, several additional Atlanta legislators sent a letter requesting an investigation by the DOJ.

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<sup>95</sup> Timothy Pratt *‘It’s alarming’*: *Diary of Killed Cop City Activist to Play Role in Georgia Lawsuit*, The Guardian (Nov. 27, 2023) [hereinafter Pratt Alarming],

<https://www.theguardian.com/us-news/2023/nov/27/cop-city-tortuguita-georgia-manuel-paez-teran>.

<sup>96</sup> Ex. 1, Belkis Teran Victim Impact Statement.

<sup>97</sup> *Id.*

<sup>98</sup> *2024 Legislative Priorities and Bill Tracker*, Southern Center for Human Rights, <https://www.schr.org/resources/billtracker/> (last visited Apr. 4, 2024).

<sup>99</sup> Rob DiRienzo, *Atlanta Councilwoman Calls for DOJ Investigation Into Police Shooting of ‘Cop City’ Protester*, Fox5 Atlanta (Apr. 21, 2023), <https://www.fox5atlanta.com/news/atlanta-councilwoman-calls-for-doj-investigation-into-police-shooting-of-cop-city-protester>.

The letter cited concerns about “public confidence in the investigatory and law enforcement process.”<sup>100</sup> While the DOJ acknowledged receipt of the letter, it has not made an announcement about an investigation into the killing as of the filing date of this petition.

## 2. Department of Homeland Security Characterizes Atlanta Activists as Domestic Terrorists

On May 24, 2023, the U.S. Department of Homeland Security (“DHS”) referred to Atlanta activists as “domestic violent extremists” in its public terrorism bulletin.<sup>101</sup> DHS is an agency in the executive branch of the United States federal government responsible for public security, with functions including anti-terrorism operations, immigration and customs enforcement, border security, and cybersecurity. The state of Georgia cited DHS’s characterization of Atlanta activists as terrorists as additional justification for prosecuting protestors.<sup>102</sup>

### IV. ADMISSIBILITY

This petition meets the admissibility requirements set forth in Article 28 of the Rules of Procedure of the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”). In particular, the Commission has competence *ratione personae*, *ratione materiae*, *ratione temporis* and *ratione loci* to consider the petition. This petition also complies with the requirements of exhaustion of domestic remedies under Rule 31. Accordingly, we request that the Commission process this petition, reach a favorable decision as to the admissibility of the petition, and proceed to examine the merits of the case.

#### A. Competence

The Commission has competence *ratione personae* to consider the present petition since it is submitted by petitioners entitled to do so under Article 23 of the Rules of Procedure.

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<sup>100</sup> Riley Bunch, *Atlanta Lawmakers Request DOJ Investigation Into Shooting Death of Training Center Protestor*, The Atlanta Journal-Constitution (May 1, 2023), [https://thebrunswicknews.com/news/business/atlanta-lawmakers-request-doj-investigation-into-shooting-death-of-training-center-protester/article\\_3fb292bd-4879-5e56-8227-70f037a24e23.html](https://thebrunswicknews.com/news/business/atlanta-lawmakers-request-doj-investigation-into-shooting-death-of-training-center-protester/article_3fb292bd-4879-5e56-8227-70f037a24e23.html); Tim Darnell, *Metro Democratic Lawmakers Want DOJ Investigation Into Protestor’s Death*, Atlanta News First (May 2, 2023), <https://www.atlantaneWSfirst.com/2023/05/01/metro-democratic-lawmakers-want-doj-investigation-into-protestors-death/>.

<sup>101</sup> Dep’t of Homeland Sec., National Terrorism Advisory System Bulletin (May 24, 2023) [hereinafter NTA Sys. Bull. May 2023] [https://www.dhs.gov/sites/default/files/ntas/alerts/23\\_0524\\_S1\\_NTAS-Bulletin-508.pdf](https://www.dhs.gov/sites/default/files/ntas/alerts/23_0524_S1_NTAS-Bulletin-508.pdf).

<sup>102</sup> Spencer Reynolds, *DHS’s Newest Target: Atlanta “Cop City” Activists*, Just Security (June 13, 2023) [hereinafter Reynolds], <https://www.justsecurity.org/86876/dhss-newest-target-atlanta-cop-city-activists/>; NTA Sys. Bull. May 2023, *supra* n.101; Fox 5 Atlanta Digital Team, *GBI: 3 Arrested in Connection to Protests at ‘Cop City’ site*, Fox 5 Atlanta (June 1, 2023), <https://www.fox5atlanta.com/news/3-arrested-in-connection-to-violence-at-cop-city>.

Moreover, the victims, Manuel Esteban Paez Terán and Belkis Terán, are natural persons whose human rights are protected by the American Declaration on the Rights and Duties of Man.

The Commission also has competence *ratione materiae* to consider the present petition because the facts described herein constitute violations of Articles I, IV, V, XVIII, XXI, XXII, XXV of the American Declaration.

Furthermore, the Commission is competent *ratione temporis* to examine the petition because the facts contained herein all occurred on or after June 19, 1951, the date which the United States' obligations under the American Declaration took effect.<sup>103</sup>

Finally, the Commission has competence *ratione loci* to consider this petition because it alleges violations of human rights enshrined in the American Declaration that occurred while the petitioners were in the territory of the United States, which is an OAS Member State.

### **B. Petitioners Have Met the Requirements for the Exhaustion of Domestic Remedies**

Individual petitions are admissible only where domestic remedies have been exhausted or where such remedies are unavailable as a matter of fact or law.<sup>104</sup>

On October 6, 2023, Georgia District Attorney George R. Christian released a statement that no criminal charges would be brought against the Georgia State Patrol troopers responsible for Manuel's death.<sup>105</sup> The press release further stated that any record requests for information related to the killing would be denied due to the Georgia Attorney General's Office criminal investigation and prosecution of other Stop Cop City activists.<sup>106</sup> No other domestic remedy exists as a matter of fact or law for the Terán family to challenge the State's failure to effectively investigate these human rights abuses.

The DOJ, as of the filing date of this petition, has not announced any investigation into the circumstances surrounding Manuel's killing. The prospects of a DOJ investigation are unlikely, as more than a year has passed with no announcement and protestors face increasing hostility from the federal government in the United States.

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<sup>103</sup> *Lenahan v. United States*, Case 12.626, Inter-Am. Comm'n H.R., Report No. 80/11, ¶ 37 (2011).

<sup>104</sup> Rules of Procedure of the Inter-American Commission on Human Rights, article 31.

<sup>105</sup> Press Release, Georgia Bureau of Investigations, Special Prosecutor Decision in January 18, 2023 Shooting Incident Near The Site Of The Future Atlant Public Safety Training Center (Oct. 6, 2023) (available online at <https://gbi.georgia.gov/press-releases/2023-10-06/special-prosecutor-decision-january-18-2023-shooting-incident-ne-ar-site>).

<sup>106</sup> *Id.*

Both the State of Georgia (“the State”) and the federal government (“the Government”) possess the authority to open or re-open investigations into the killing of Manuel, as such remedies are at their discretion. Yet both actors have failed to do so, and thus the possibility of an investigation does not constitute an available remedy for the purposes of the Commission’s analysis under Article 31.

Accordingly, no other remedy exists in fact or in law to address the violations alleged in this petition, and the Commission should find this case admissible and pursue its consideration on the merits.

### **C. Petition is Filed in a Timely Manner**

Article 32.1 of the Rules of Procedure provides that in order for the Commission to admit a petition, generally the petition must be filed within six months from the date on which the party alleging violation of his rights was notified of a final judgment. This petition was submitted on April 5, 2024, within six months of Georgia District Attorney’s decision to not bring charges against the officers responsible for Manuel’s death, to cease to pursue further investigation, and to deny record requests related to the killing. Accordingly, this petition is submitted in a timely manner in compliance with Article 32.

### **D. Non-Duplication of Proceedings**

The subject matter of this petition has not been submitted to and is not currently pending before any other international proceeding or settlement procedure, and therefore complies with the requirement of non-duplication of proceedings under Article 33 of the Rules of Procedure.

In sum and in light of the information above, this petition conforms to the admissibility requirements of the Commission.

## **V. VIOLATIONS OF THE AMERICAN DECLARATION**

### **A. Violations of obligations contained in Article I**

#### **1. Deprivation of Manuel Terán’s Life and Security of Person**

The United States has violated Manuel’s right to life and personal security, due to the excessive force and eventual death that they suffered at the hands of the Georgia State Patrol. Article I of the American Declaration provides that “Every human being has the right to life,

liberty, and security of his person.” This article has been applied by the Commission in historic cases to States.<sup>107</sup>

Additionally, the right to life is recognized as a non-derogable human right whose importance is highlighted by its incorporation into every key international human rights instrument<sup>108</sup> and its *jus cogens* status under customary international law.<sup>109</sup> The Commission previously described the right to life under the Declaration as “the supreme right of the human being, respect for which the enjoyment of all other rights depends.”<sup>110</sup>

The right to life under Article I encompasses the right not to be killed arbitrarily, by act or omission, particularly by state actors such as the police or similar.<sup>111</sup> The killing of Manuel by the Georgia State Patrol Troopers was an action carried out by a state actor in violation of Manuel’s right to life, liberty, and security of their person. The United States, therefore, breached its negative duty not to violate Manuel’s Article I rights as they are enshrined in the Declaration. Furthermore, not only was Manuel killed by state actors, they were also shot at least fourteen times when, as an independent autopsy discovered, their hands were possibly raised in submission. The brutality of this killing constitutes extreme force against Manuel. They had a right to be free from such force and a right to life that was not protected. And while police officials initially claimed that Manuel shot at and struck an officer, body camera footage of the incident suggests that the officer was hit by friendly fire. In contrast to the continued claims from the police of self-defense, Manuel’s death instead looks like execution by firing squad.

The United States at a state and federal level failed to act with due diligence and discharge its positive obligations to adequately investigate, prosecute, and sanction a violation of Article I rights guaranteed under the Declaration.

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<sup>107</sup> *Victims of the Tugboat '12 de Marzo' v. Cuba*, Case 11.436, Inter-Am. Comm. H.R., Report No. 47/96, Merits, (1996).

<sup>108</sup> See, e.g., Universal Declaration of Human Rights, article 3; International Covenant on Civil and Political Rights, article 6; European Convention on Human Rights, article 2; African Charter on Human Rights and Peoples’ Rights, article 4, among others.

<sup>109</sup> IACHR, Report No 28/07, Cases 12.496-12.498, Claudia Ivette González and Others (Mexico), March 9, 2007, paras. 251-252; IACHR, Access to Justice for Women Victims of Violence in the Americas, OEA/Ser. L/V/II. doc.68, January 20, 2007, paras. 195-197; IACHR, Violence and Discrimination against Women in the Armed Conflict in Colombia, OEA/Ser/L/V/II. 124/Doc.6, October 18, 2006, paras. 102-106; IACHR, Report on the Rights of Women in Haiti to be Free from Violence and Discrimination, OEA/Ser.L/V/II, Doc. 64, March 10, 2009, para. 90.

<sup>110</sup> *Gary T. Graham (Shaka Sankofa) v. United States*, Case 11.193, Inter-Am. Comm. H.R., Report 97/03, ¶ 26 (2003); see also *Michael Domingues (United States)*, Case 12.285, Inter-Am. Comm. H.R., Report 62/02, ¶ 38 (2002).

<sup>111</sup> *Jorge Odir Miranda et al. v. El Salvador*, Case 12.249, Inter-Am. Comm. H.R., Report No. 27/09, Merits, ¶ 18 (2009).

## 2. Deprivation of Manuel Terán’s Right to Protection as a Human Rights Defender

Article I obligates states to protect human rights defenders from threats to life and liberty in light of the indispensable role they play in ensuring all people’s enjoyment of human rights. The State must respect defenders’ work and ensure that its agents do not interfere with the enjoyment of their rights in order to avoid violations of rights for society in general as well. As the Inter-American Court explained in *Castillo Gonzalez et al. v. Venezuela*:

[I]n certain contexts, the work carried out by human rights defenders may place them in a special situation of vulnerability, in the face of which the State must adopt all necessary and reasonable measures to guarantee their right to life, personal liberty, and personal integrity. In this regard, it has emphasized that States have the duty to create the necessary conditions for the effective enjoyment of human rights. The fulfillment of this duty is intrinsically linked to the protection and recognition of the importance of the role played by human rights defenders, whose work is essential for the strengthening of democracy and the rule of law.<sup>112</sup>

Environmental human rights defenders (“EHRDs”) can merit state protection of life and liberty under Article I of the American Declaration in light of their unique role in societies confronting state violence and ecological collapse. In recognition of the convergence of human rights protection and environmental defense, the UN General Assembly has adopted a resolution identifying a “right to a clean, healthy and sustainable environment as a human right.”<sup>113</sup> EHRDs are “agents of change in protecting the environment and standing up for communities and individuals who are disproportionately impacted by environmental harm.”<sup>114</sup> The unique role of Human Rights Defenders was identified in the 1999 Declaration that articulates a right to promote rights.<sup>115</sup> The relationship between HRDs and the mounting environmental crisis is further explicated through Human Rights Council resolutions in 2016 and 2019.<sup>116</sup> As environmental degradation continues, EHRDs are frontline protectors that take risks in defense

<sup>112</sup> *Castillo González et al. v. Venezuela*, Judgment, Inter-Am. Ct. H.R. (ser. A) No. 12.605, ¶ 124 (Nov. 27, 2012).

<sup>113</sup> G.A. Res. 76/300 (Aug. 1, 2022) (The US government voted in favor of this resolution and it built on the Human Rights Council Resolution A/HRC/RES/48/13).

<sup>114</sup> UN Development Programme, UN Environmental Programme, and Office of the UN High Commissioner on Human Rights, “What is the Right to a Healthy Environment?” (Jan. 2023) (available at <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>).

<sup>115</sup> G.A. Res. 53/144 (Mar. 8, 1999) [hereinafter U.N. Declaration on Human Rights Defenders].

<sup>116</sup> Human Rights Council Res. 32/L.29, U.N. Doc. A/HRC/32/L.29 (June 27, 2016); Human Rights Council Res. 40/11, U.N. Doc. A/HRC/RES/40/11 (Mar. 21, 2019). In 2016, HRC identified “protecting the environment” as a critical issue for which HRDs are due state protection. In 2019, HRC goes further to enumerate the specific circumstances of EHRDs, noting with grave concern and strong condemnation the global threat against this group, especially “indigenous human rights defenders.” The resolution contains a thorough list of state obligations made urgent by the demands of pursuing the Sustainable Development Goals and confronting climate change.

of life itself, requiring the full enjoyment of rights and protections described in international human rights instruments.

Manuel was an EHRD and human rights defender as defined by the UN Declaration on human rights defenders.<sup>117</sup> Alongside other individuals in Atlanta defending the Weelaunee Forest with their bodies and protecting the land slated to be cleared to make way for a police militarization facility, Manuel individually and jointly acted to promote and protect human rights in a peaceful manner. Manuel's participation in environmental activism and in opposing the construction of Atlanta's "Cop City" is evidence of their role as an EHRD.

In light of Manuel's role as an EHRD, the United States bore them an obligation under Article I of the American Declaration to protect their life and liberty from the murderous actions of its agents. By permitting Georgia police to kill Manuel while they were sitting cross-legged, potentially with their hands raised, in peaceful protest of environmental destruction and racially discriminatory policing, the United States violated its obligation to protect their rights as a human rights defender.

### 3. Deprivation of Belkis Terán's Right to Mental and Moral Integrity

The United States also violated the right of Belkis Terán to mental and moral integrity by causing her extreme suffering by torturing and killing her child.

Article I of the Declaration guarantees "physical, mental, and moral integrity" to all, including the family of victims of serious human rights abuses.<sup>118</sup> The Inter-American Court has repeatedly found violations of "the right to mental and moral integrity of the next of kin of the victim" of human rights abuses when family experiences "suffering as a result of the specific circumstances of the violations perpetrated against their loved ones and the subsequent acts or omissions of the State authorities with regard to the events."<sup>119</sup> Family's rights to mental and moral integrity obligate public authorities to fully investigate human rights violations,<sup>120</sup> to punish those responsible,<sup>121</sup> and to provide recourse to surviving family members.<sup>122</sup>

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<sup>117</sup> U.N. Declaration on Human Rights Defenders, *supra* n.115.

<sup>118</sup> American Convention on Human Rights, article 5.

<sup>119</sup> *Pueblo Bello Massacre v. Colombia*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 140, ¶ 154 (Jan. 31, 2006); *Gómez Palomino Vs. Perú*, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C.) No. 136, ¶ 60 (Nov. 22, 2005); *Mapiripán Massacre v. Colombia*, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 134, ¶¶ 144, 146 (Sept. 15, 2005); *Serrano-Cruz Sisters v. El Salvador*, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 120, ¶¶ 113, 114 (Mar. 1, 2005) (emphasis added).

<sup>120</sup> *Villagrán Morales et. al v. Guatemala*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 63, ¶ 173 (Nov. 19, 1999).

<sup>121</sup> *Id.*

<sup>122</sup> *Pueblo Bello Massacre v. Colombia*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 140, ¶ 158 (Jan. 31, 2006); *Mapiripán Massacre v. Colombia*, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 134, ¶ 145 (Sept. 15, 2005); *Case of the Moiwana Community v. Suriname*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 124, ¶ 94 (June 15, 2005); *Serrano-Cruz Sisters v. El Salvador*, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 120, ¶¶ 113-115 (Mar. 1, 2005); *Valle Jaramillo et al v. Colombia*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 192 (Nov. 27, 2008).

Belkis Terán has endured extreme suffering due to the torture and killing of her child. Upon learning of the circumstances of Manuel’s death, Belkis suffered shock, confusion, and anguish.<sup>123</sup> Later, when authorities publicly maligned Manuel’s reputation through release of their private diaries, she suffered social and emotional isolation from once-close family and friends, who turned their backs on her.<sup>124</sup> Belkis has also suffered grave injury to her mental and moral integrity due to the United States’ failure to fully investigate the death of her child, to punish those responsible, and to provide her recourse. On multiple occasions following her child’s death, Belkis petitioned Georgia authorities for information that would help her learn the truth of how her child was killed, including police body camera footage and investigatory findings. Authorities have refused to answer her. In October 2023, Georgia authorities announced their intention to abandon any further investigation into Manuel’s death and their refusal to prosecute any of the officers responsible, leaving Belkis hopeless that accountability for her child’s death would ever be achieved.

The United States refuses Belkis Terán’s call to fully investigate the circumstances of Manuel’s killing, denying her recourse for serious violations of her child’s human rights and causing her grave emotional harm. Under these circumstances, the United States has violated Belkis’ rights to mental and moral integrity under Article I of the American Declaration.

#### **B. Violations of obligations contained in Article IV**

The United States violated Manuel’s rights of opinion and expression by killing them for expressing opinions in defense of environmental preservation, in opposition to racially discriminatory policing, and in favor of social solidarity and mutual aid as means to ensure the enjoyment of human rights for all.

Article IV of the American Declaration guarantees “the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.” The right to freedom of expression has two dimensions: “an individual aspect, consisting of the right of each person to express his thoughts, ideas and information, and a collective or social aspect, consisting of society’s right to obtain and receive any information (information and ideas of any kind), to know the thoughts, ideas and information of others, and to be well-informed.”<sup>125</sup> Because freedom of expression “is indispensable for the formation of public opinion[,]” the Inter-American Court has called it “a cornerstone upon which the very existence of a democratic society rests.”<sup>126</sup>

By peacefully camping in a public park part of the South River Forest, Manuel was expressing a political opinion against the state’s proposal to destroy an environmental enclave

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<sup>123</sup> Ex. 1, *supra* n.96.

<sup>124</sup> *Id.*

<sup>125</sup> Office of the Special Rapporteur for Freedom of Expression, *A Hemispheric Agenda for the Defense of Freedom of Expression*, OEA/Ser.L/V/II.CIDH/RELE/INF.4/09, 5 (2009).

<sup>126</sup> *Claude Reyes et al. v. Chile*, Merits, Reparations, and Costs, Inter-Am. Ct. H.R. (ser. C) No 151, para. 85 (Sept. 19, 2006).

that had historically benefited low-income and racially marginalized individuals. Manuel was also expressing a political opinion in opposition to construction of a police militarization academy whose students would be trained to violently repress community members exercising their human right to speak out against racially discriminatory policing and environmental racism. Moreover, Manuel's presence in the forest, in mutually sustainable community with other human rights defenders, was an expression of their belief in social solidarity and mutual aid as essential elements of a peaceful and prosperous society.

Manuel's political expression served society's right to be well-informed about violations of federal environmental protection laws by Georgia authorities and the consequences to community members' health and safety of Georgia authorities' actions, including racially discriminatory policing. Finally, Manuel's expressive presence in the forest, in social solidarity with other activists, educated the community on a model for societal well-being based on mutual aid and care for one's neighbors.

By killing Manuel in retaliation for expressing these opinions, the United States violated their rights under Article IV of the American Declaration. Further, after killing Manuel, the State then used their and fellow activists' belief in "collectivism, mutualism/mutual aid, and social solidarity" as evidence of participation in a criminal enterprise in an indictment charging surviving activists with racketeering.<sup>127</sup> The United States' ongoing criminalization of this expression of social solidarity and mutual aid also violates Article IV of the American Declaration.

### **C. Violations of obligations contained in Articles V and X**

The United States violated the Terán family's right to honor and reputation and the right to the inviolability and transmission of correspondence by maligning Manuel's reputation in the press and by using their private, intimate diaries in the prosecution of other human rights defenders. Article V of the American Declaration provides that "Every person has the right to the protection of the law against abusive attacks upon his honor, his reputation, and his private and family life." Article X states "Every person has the right to the inviolability and transmission of his correspondence."

The Commission has observed that these types of campaigns "delegitimize and discredit"<sup>128</sup> the work of human rights defenders "and increase their vulnerability."<sup>129</sup> Finally, they "send the message that acts of violence aimed at silencing human rights defenders and their organizations have the acquiescence of the Government."<sup>130</sup>

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<sup>127</sup> See RICO Indictment, *supra* n.89, at 25.

<sup>128</sup> IACHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, para. 176.

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

## 1. The United States Engaged in a Smear Campaign Against Manuel Terán

Various agencies at the state and federal level denigrated Manuel's honor and reputation after the killing, creating additional anguish for the Terán family. As if losing a loved one to state-sanctioned violence was not detrimental enough, Belkis has had to suffer through attacks on her child's honor and reputation after their death.

First, within hours of Manuel's death, the police began portraying Manuel as a violent terrorist. Statements from the police alleged that Manuel first shot at Georgia troopers during a raid of the forest land.<sup>131</sup> The Georgia district attorney repeated the same narrative when he announced that criminal charges would not be brought against officers because the police's actions were "objectively reasonable."<sup>132</sup> However, separate autopsies revealed that Manuel did not have gunpowder residue on their hands, and likely sat cross-legged with arms raised when shot and killed.<sup>133</sup> Despite Belkis' pleas for access to the information underlying the GBI's investigation, the State has refused to turn over any information. Manuel's brother, Daniel, noted that the lack of transparency is like "a delay in the grieving process."<sup>134</sup> Belkis noted that the police's refusal to turn over information hindered her ability to defend Manuel's honor and reputation.<sup>135</sup>

Second, the federal government's characterization of Atlanta activists as violent terrorists has harmed Manuel's honor and reputation. In addition to grieving the death, Belkis also faces more agony in having to protect her child's name from the federal government's character assassination. Georgia state officials cited the DHS's characterization of Atlanta activists as terrorists to justify its use of serious, felony domestic terrorism charges against human rights defenders. In its May 2023 public terrorism bulletin, the DHS referred to Atlanta activists as "domestic violent extremists."<sup>136</sup> The characterization of human rights defenders as violent extremists tarnishes their reputations in an attempt to garner the ire of a potentially sympathetic public. Consequently, Belkis has suffered loss of close friends, family, and community due to the government's mischaracterization of Manuel.

## 2. The United States Used Manuel's Intimate Diaries to Denigrate Them

The State violated Manuel's privacy when it publicized their intimate diary entries in an attempt to sway public opinion and demonize both Manuel and other activists.

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<sup>131</sup> GBI Press Release, *supra* n.62.

<sup>132</sup> GBI Oct. 6 Report, *supra* n.75, at 31.

<sup>133</sup> Lennard, *supra* n.80.

<sup>134</sup> Pratt Georgia Refuses, *supra* n.70.

<sup>135</sup> Ex. 1, *supra* n.96.

<sup>136</sup> NTA Sys. Bull. May 2023, *supra* n.101; Reynolds, *supra* n.102.

In *Escher et al. v. Brazil*, the Inter-American Court stated that the right to privacy implies the prohibition of any arbitrary or abusive interference in the private life of individuals, including the private life of their family members, their homes or their correspondence.<sup>137</sup> The Court emphasized that “the sphere of privacy is characterized by being exempt and immune from invasion or abusive or arbitrary aggression by third parties or public authorities.”<sup>138</sup>

Here, the State used Manuel’s intimate, personal diaries to publicly humiliate Manuel, even in death, and to create public outrage against the movement they belonged to. On November 15, 2023, the State entered Manuel’s personal diary into the official court record as evidence against the 61 people charged under Georgia’s RICO statutes. While most motions for admission of evidence are filed under seal, the prosecutors in the RICO case attached Manuel’s diary, allowing the media and the general public to view the document.<sup>139</sup> Private thoughts from the diary were introduced in an attempt to convince the public that Manuel was a violent extremist whose killing was justified, despite the fact that Manuel is deceased and not on trial.<sup>140</sup> Observers of the case noted that the State is “employing smear tactics and falsehoods.”<sup>141</sup> Professor Dan Berger of the University of Washington Bothell, a historian on social movements, remarked, “They’re trying to use the diary of somebody police killed to criminalize a whole movement. ... The legal system obviously has no respect for privacy when the government seeks to criminalize thoughts and feelings. It’s very alarming.”<sup>142</sup>

#### **D. Violations of obligations contained in Article XVIII**

The U.S. government has also violated the right to a fair trial under Article XVIII of the American Declaration, which states, “Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.”

The right to a fair trial includes both subjective and objective factors. Subjectively, there must be a lack of personal bias in the proceedings. Objectively, the court “must inspire the

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<sup>137</sup> I/A Court H.R., *Case of Escher et al. v. Brazil*. Preliminary Objections, Merits, Reparations and Costs. Judgment of July 6, 2009. Series C No. 200, para. 113; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, para. 58.

<sup>138</sup> IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, 2011, para. 59; I/A Court H.R., *Case of Escher et al. v. Brazil*. Preliminary Objections, Merits, Reparations and Costs. Judgment of July 6, 2009. Series C No. 200, para. 113; in the same sense, *Case of Tristán Donoso v. Panama*, Preliminary Objections, Merits, Reparations and Costs. Judgment of January 27, 2009. Series C No. 193, para. 55.

<sup>139</sup> Pratt Alarming, *supra* n.95.

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

necessary confidence in the parties to the case, as well as citizens in a democratic society”<sup>143</sup> through its commitment to impartiality. The “impartiality of the tribunal implies that its members do not have a direct interest, a position taken, or a preference for any of the parties and that they are not involved in the controversy.”<sup>144</sup> Guarantees of objectivity must remove any doubt that the defendant or the community have regarding the impartiality of the proceedings.

The right to a fair trial also includes access to an effective remedy, which requires States to sufficiently investigate allegations of human rights abuses. The due process requirements of Article XVIII afford every person the right “to resort to a court when any of his or her rights have been violated and the right to a judicial investigation by a competent, impartial, and independent court in order to ascertain whether the right was violated and if so to uphold the right to reparation for the damage inflicted.”<sup>145</sup> The state must show that it conducted an “immediate, exhaustive, serious, and impartial” investigation.<sup>146</sup>

In the case of Manuel, neither the subjective nor the objective factors of the right to a fair trial have been satisfied. Not only did the Georgia Bureau of Investigation fail to account for evidence that conflicted with the police’s narrative, they also withheld the underlying evidence of their investigation from Manuel’s family and the public, thereby calling into question the impartiality of the findings.

### 1. The Right to Truth and Impartiality in Investigations

Additionally, the Commission has recognized the right to truth. The right to truth stems from the right to a fair trial and is fulfilled when a proper investigation of a human right violation is conducted by the State. This right to truth “is a just expectation that the State must satisfy for victims of human rights violations and their family members.”<sup>147</sup> It requires States to clarify, investigate, prosecute, and punish those responsible for human rights violations and, where appropriate, “guarantee access to information on serious human rights violations held in state facilities and archives.”<sup>148</sup>

In *Lenahan v. United States*, the Commission stated while “the State is ultimately the one responsible for ascertaining the truth on its own initiative,”<sup>149</sup> “investigations must be serious, prompt, thorough and impartial, and must be conducted in accordance with international

<sup>143</sup> *Ramiro Ibarra Rubi v. United States*, Case No. 13.829, Inter-Am. Comm’n H.R., OEA/Ser.L/V/II doc. 470 ¶ 87 (2021).

<sup>144</sup> *Id.*

<sup>145</sup> *José Isabel Salas Galindo v. United States*, Case No. 10.573, Inter-Am. Comm’n H.R., OEA/Ser.L/V/1.169 doc. 138 ¶ 433 (2018).

<sup>146</sup> *Id.* at ¶ 434.

<sup>147</sup> *Id.*

<sup>148</sup> IACHR, Right to the Truth in the Americas (2014). para. 70.

<http://www.oas.org/es/cidh/informes/pdfs/Derecho-Verdad-es.pdf>.

<sup>149</sup> *Lenahan*, *supra* n.103, at ¶ 181.

standards.”<sup>150</sup> If victims or their kin are not afforded this protection, their rights under the American Declaration are violated. In *Lenahan*, the lack of investigation by the State of the circumstances surrounding the death of the three young daughters of Jessica Lenahan constituted a violation of Ms. Lenahan’s rights under Article XVIII.<sup>151</sup> The Commission specifically cited the continued dearth of information regarding the cause, time, and place of the deaths of the three girls as a failure of the investigatory responsibility of the State.<sup>152</sup>

In Manuel’s case, the investigation conducted by the Georgia Bureau of Investigation is similarly flawed. The GBI was part of the operation that resulted in Manuel’s death, and yet they were the agency charged with investigating the shooting given that officers were involved. “Stop Cop City” activists and Manuel’s family have consistently questioned GBI’s involvement and demanded an independent investigation, with no success thus far. Manuel’s mother was forced to pay for a private autopsy to get more information about the death of her child and she was not allowed access to the information gathered by GBI. Even local politicians are questioning the veracity of the investigation by GBI, noting “serious questions” that still exist.<sup>153</sup>

In short, the investigation by GBI fails both the subjective and objective analysis of Article XVIII, as it has been interpreted by this Commission. The presence of GBI officers in the operation and their subsequent control of the investigation is a clear conflict of interest, and, as is clear from the pleas from the public, government officials, and Manuel’s family, there is no confidence that the investigation was impartial.

## 2. Lack of Federal Action

Finally, Manuel’s death has been largely ignored by the federal government. There has been no call to investigate from the DOJ, leaving Manuel’s family at the mercy of the local system, a system whose officers played a role in the operation that killed Manuel. This lack of federal action constitutes a breach of the State’s duty to honor the right to a fair trial and guarantee access to an effective remedy.

### **E. Violations of obligations contained in Articles XXI and XXII**

The United States violated the rights enshrined in Articles XXI and XXII by failing to stop officers from harassing environmental defenders, including Manuel, peacefully camping on

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<sup>150</sup> *Id.* at ¶ 181.

<sup>151</sup> *Id.* at ¶ 184, 192.

<sup>152</sup> *Id.*

<sup>153</sup> Dyana Bagby, *GBI Wraps Fatal ‘Cop City’ Shooting Investigation; Autopsy Reports Activist Had 57 Gunshot Wounds*, RoughDraft Atlanta (Apr. 20, 2023), <https://roughdraftatlanta.com/2023/04/20/gbi-wraps-fatal-cop-city-shooting-investigation-autopsy-reports-activist-had-57-gunshot-wounds/>.

public forest land and using Manuel’s personal diaries to criminalize a social movement.<sup>154</sup> Article XXI reads “Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.” Article XXII states “Every person has the right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature.”

The Commission has pointed out that the right to assembly and the right to freedom of association “are fundamental for the defense of human rights, since they protect the means through which the demands of human rights defenders are commonly made. Therefore, restrictions on the exercise of these rights are serious obstacles to the possibility that people have of claiming their rights, making their petitions known and promoting the search for changes or solutions to the problems that affect them.”<sup>155</sup> As a result, “the protection of such rights entails not only the obligation of the State not to interfere with the exercise of the right of assembly or association, but the obligation to require, in certain circumstances, positive measures on the part of the State to ensure the effective exercise of the freedom, for example, by protecting participants in a demonstration against physical violence by persons who may hold opposing views.”<sup>156</sup> The First Amendment of the U.S. Constitution protects the freedom to peaceably assemble and the freedom of association.<sup>157</sup>

Here, the State routinely raided encampments of environmental defenders, eventually culminating in Manuel’s death. In December 2021, a few dozen environmental defenders began camping in the forest, campaigning to stop the construction of Cop City.<sup>158</sup> Over the course of several months, various government agencies ramped up efforts to destroy the camps and arrest these human rights defenders.<sup>159</sup> A month before Manuel’s death, the police conducted another raid, resulting in several environmental defenders being charged with “domestic terrorism.” Charging hefty, burdensome criminal charges for these non-violent acts of protest is an attempt by the State to suppress civic space and punish human rights defenders for their ideological viewpoints. Furthermore, the State using Manuel’s diaries in the criminal prosecution of activists is a blatant attack on freedom of association, a right protected both under U.S. and international law. As justification for introducing the diaries as evidence, the prosecution argues that the journal entries show that people opposed to construction of the militarized police training facility are engaged in a “criminal conspiracy.”<sup>160</sup> In reality, the State is irresponsibly weaponizing the

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<sup>154</sup> Aja Arnold, *Prosecutors Smearing Dead ‘Cop City’ Activist by Publicizing Their Diary, Organizers Say*, The Appeal (Nov. 22, 2023), <https://theappeal.org/manuel-tortuguita-teran-diary-cop-city/>.

<sup>155</sup> IACHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, para. 51.

<sup>156</sup> IACHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, para. 50.

<sup>157</sup> U.S. Constit. amend. I.

<sup>158</sup> Peer, *supra* n.29.

<sup>159</sup> Rocks, *supra* n.35.

<sup>160</sup> Pratt Alarming, *supra* n.95.

immense powers bestowed upon them to intimidate activists and suppress civic space through criminal charges.

#### **F. Violations of obligations contained in Article XXV**

The United States violated Manuel’s right against arbitrary arrest and humane treatment by torturing and killing them while in police custody. It then used material obtained by that torture—Manuel’s diaries—in a subsequent criminal proceeding.

Article XXV of the American Declaration guarantees the right to be free from arbitrary arrest, including inhumane treatment while in state custody. Article 5 of the American Convention defines the right to humane treatment, specifying that “[e]very person has the right to have his physical, mental, and moral integrity respected” and prohibiting “torture or . . . cruel, inhuman, or degrading punishment or treatment.”<sup>161</sup> The Inter-American Convention to Prevent and Punish Torture (“IACPPT”) defines torture, in part, as “any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as a personal punishment, as a preventive measure, as a penalty, or for any other purpose.”<sup>162</sup> The IACPPT, like the United Nations Convention Against Torture,<sup>163</sup> also prohibits the introduction of statements “obtained through torture . . . as evidence in a legal proceeding . . . .”<sup>164</sup> The Inter-American Court has found that “an international juridical system of absolute prohibition of all forms of torture, both physical and psychological, has been established, and is today part of the sphere of international *jus cogens*.”<sup>165</sup>

The United States violated Manuel’s right to freedom from arbitrary arrest under Article XXV of the American Declaration by torturing and killing them while under state custody. To silence Manuel’s political protests against environmental destruction, racially discriminatory policing, and police militarization, officials placed the activist under state custody by cornering their tent and preventing them from freely leaving. Officers then shot Manuel with at least 14 bullets, mutilating Manuel’s body with over 50 wounds, while they likely sat cross-legged, engaged in peaceful protest. After killing Manuel, the officers entered the tent and confiscated

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<sup>161</sup> Organization of American States, American Convention on Human Rights art. 5, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.T.T.S. 123.

<sup>162</sup> Organization of American States, Inter-American Convention to Prevent and Punish Torture, Art. 2, Dec. 9, 1985, O.A.S.T.S. No. 67.

<sup>163</sup> The United States has signed and ratified the United Nations Convention Against Torture, but not the Inter-American Convention to Prevent and Punish Torture.

<sup>164</sup> Organization of American States, Inter-American Convention to Prevent and Punish Torture, Art. 10, Dec. 9, 1985, O.A.S.T.S. No. 67. The only exception to this bar on the use of evidence obtained through torture is for “a legal action taken against a person or persons accused of having elicited it through acts of torture, and only as evidence that the accused obtained such statement by such means.” *See also* Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 15, Dec. 10, 1984, *entered into force* June 26, 1987, 1465 U.N.T.S. 85 (statements obtained through torture “shall not be invoked as evidence in any proceedings”).

<sup>165</sup> Case of the *Gómez Paquiyauri Brothers v. Peru*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (Ser. C) No 110, para. 112 (July 8, 2024).

their diary, a book full of statements that the state obtained through Manuel's fatal torture. Prosecutors then introduced those statements as supposed evidence of a criminal conspiracy at trial against Manuel's fellow activists. Taken together, these acts violated Manuel's right to freedom from torture and cruel, inhuman, or degrading treatment.

## **VI. CONCLUSION AND PETITION**

The facts stated herein establish that the United States of America violated Manuel's rights under Articles I, IV, V, X, XVIII, XXI, XXII, and XXV and Belkis' rights under Article I and V of the American Declaration. To address such violations against humanity, the petitioners respectfully request that the Inter-American Commission on Human Rights provide the following necessary remedies:

- 1) Declare this petition admissible.
- 2) Acknowledge the breach of human rights under the American Declaration and accompany it with a public apology about the United States government's role in this human rights violation.
- 3) Call for the Georgia Bureau of Investigation (GBI) to release the requested records to the family.
- 4) Direct the government to implement preventative measures that combat future human rights violations, further ensuring a more equitable society free of systemic violence.
- 5) Instruct the United States to:
  - a. Issue a public apology for its violent crimes against humanity that resulted in the loss of Manuel and the grief of their family.
  - b. Conduct a comprehensive and fully transparent investigation into the killing of Manuel Paez Terán, and the agencies that coordinated the raid resulting in their death, including the Georgia State Patrol, Atlanta Police Department and DeKalb County Police Department.
  - c. Provide reparations to Manuel's family, including financial compensation and a formal apology.
  - d. Meet and fulfill the demands outlined by the StopCopCity campaign, including, but not limited to, dismissing all charges against protestors immediately.

- e. Establish a national, publicly available database tracking police killings and all law enforcement uses of force. Data should be disaggregated by race, nationality, gender, age, sexuality, location, and disability.

Respectfully submitted on behalf of Manuel Esteban Paez Terán and Belkis Terán,

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**Ex. 1**

April 5, 2024

To the Honorable Commission:

I write to share with you my personal story of loss, turmoil, and grief as a mother. On January 18, 2023, my life forever changed when I received news that my child, Manuel Esteban PaezTerán—my “Tortuguita”—was killed by Georgia police.

In January of 2023, I received a phone call that no mother ever wants to receive—that my precious child had been killed. When I learned of Manuel’s death, the first emotion that I remember feeling was shock. I was in a state of shock for an entire week. I simply could not understand what was going on. The next feeling that overcame me was hopelessness. I felt as if a part of me had died too.

In the very beginning, all I could think to myself was, “How are we going to get through this as a family?” I consider myself to be a strong woman so I knew I would need to support my other two children, Pedro and Daniel, and Manuel’s father, Joel. My children have suffered greatly. Daniel lost his best friend, but he can’t stop working because he has children to feed. Joel has terrible moments and is struggling with depression. I am the strong one. I have been carrying all of them through this. Initially, I did not realize that Manuel’s death, and the police’s actions afterwards, would result in the loss of family, friends, and community.

The police have destroyed my family’s reputation. Within hours of Manuel’s death, the police began portraying Manuel as a violent terrorist. Later, they released Manuel’s most personal, intimate diaries in order to turn the public against us and the others who had been arrested. Manuel is not who the police are trying to portray. Instead of trying to help our family, the authorities have treated Manuel like a criminal from the very start. The police’s disinformation campaign has hurt me and my family. The way the police publicized this case has been traumatizing. Because of the police’s actions, friends and family members who I thought would support us through this difficult time have turned their backs on Daniel, Pedro, Joel, and I. They’ve distanced themselves from us. It has been an isolating experience.

We’ve repeatedly asked the district attorneys and police for information, body camera footage, and other records about what happened that day. We’ve received nothing from them. Their refusal to turn over information has delayed our grieving process. More importantly, the lack of information in addition to the police’s attempts to destroy Manuel’s reputation has doubled our grief. Without more information, I feel that I haven’t had a fair opportunity to defend Manuel.

Despite the false narratives from the police, I would like to share with you who Manuel really was. My Tortuguita was a brilliant scholar. Manuel graduated Magna Cum Laude from Florida State University in 2021. Manuel’s intellect was matched by an even greater kindness and a tremendous heart. At age six, during Christmas, I remember Manuel giving away new gifts and toys to poorer neighbors. Manuel told me, “I already have a bunch of toys. They need some toys too.” Manuel would go on to do that for many Christmases. Manuel was an incredibly

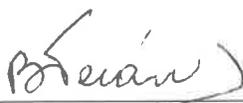
thoughtful, deeply generous person and had always been that way. Manuel grew up with means and privilege and has traveled all over the world but would give their last dollar and the shirt off their back to help a person in need. As a young adult, Manuel would share money with anyone who needed it. I have too many stories of Manuel's love and generosity to recount but one moment in particular sticks out to me. While in Atlanta, Manuel took a mom of three to the grocery store and bought her whatever she needed. Clothes. Shoes. Food. Baby formula. I cried that day because of how kind-hearted my Tortuguita was. I was so proud to be their mother.

Manuel's death was not only a loss to me and my family, but also to an entire community. Without Manuel, the other earth defenders were lost. Manuel was an organizer and gave the earth defenders structure. Manuel ensured everyone did their part to make sure that the Weelaunee Forest was clean. That the earth was taken care of. Manuel did a lot of things that were important for the forest. For the community.

Manuel had a deep, spiritual connection to the earth and to other people. Sometimes the injustices of the world felt overwhelming, so I taught Manuel how to meditate. How to breathe. How to sit with silence. Manuel sat cross-legged and meditated everyday while in the forest and enjoyed a cup of coffee afterwards. My child was a peaceful person who wanted a more peaceful, just world.

I lost one of the loves of my life—my dear Tortuguita. I am trying my best to cope. Through my faith, natural medicines, and meditation, I am able to get by day to day. I am recently retired. The retirement years are supposed to be happy times but now I must spend these years without my beloved child. Additionally, I must now make time to travel back and forth to Atlanta, which I did not anticipate. However, I've gained new community in Georgia. Atlanta activists have been so supportive of my family and me. They even helped me buy land here in Panama so I can start the Tortuguita Healing Center, which is a way to honor Manuel's legacy through healing the forest. What happened to my family is unjust. We have been deprived of information from Georgia authorities. We have suffered great losses and immeasurable pain. I want answers. I want the truth. I want justice.

I hope hearing my words inspires you to heal the earth and protect other families from what we have endured.

  
Belkis Terán

**Ex. 2**

April 5, 2024

To the Honorable Commission:

My name is Reverend Keyanna Jones. I serve as co-pastor at Park Avenue Baptist Church, an abolitionist church in Atlanta, Georgia. My work centers around free speech, civil rights, children's human rights, and the abolition of mass incarceration, the death penalty, and death by incarceration.

For the past two years, I've primarily worked with the movement to stop construction of Cop City, a militarized police training facility. I was born and raised a mile from where the proposed facility is slated for construction. I initially did not think Cop City would move past the preliminary stage because concerned residents provided over 17 hours of public comment opposing the facility. Yet, the Atlanta City Council was determined to move forward despite the overwhelming lack of support from the community. The more I learned of Cop City, the more alarmed I became. I had already been working with families in Atlanta and around Georgia with children and loved ones who were murdered by police. The thought of an urban warfare training facility terrified me.

I first met Ms. Belkis Terán and her family at Manuel's memorial in the Weelaunee Forest shortly after Manuel's death. I did not have the opportunity and pleasure to meet Manuel in person, but I knew of them due to their dogged determination to fight for environmental justice. I was touched by Manny's sacrifice because the environmental racism implications of Cop City are often overlooked. When I first spoke to Daniel, Manny's brother, his first words to me were, "I never thought that someone who didn't even know my brother could fight so hard for him." Meeting Belkis and her family has been life-changing for me. We have a precious bond. Belkis was ordained at our church, and I feel like Pedro and Daniel are my brothers too. We, across the Stop Cop City Movement refer to Belkis as the "Mother of the Movement." She is a mother figure to many and provides so much inspiration to keep going when we feel down. The fact that she understands what Manny's sacrifice means, not just for this campaign but for environmental justice globally, moves us all. We are family. We are here for each other, to hold each other in movement, and in life.

Manny's death fueled the movement against Cop City in Atlanta. Many people previously believed that people were only killed by police if they were doing something wrong. But realizing that Manny was killed simply for sitting in a public park shifted perspectives. Manny was a peaceful person. Their death made people realize that you don't have to break the law for police to kill you. Simply dissenting and inspiring others to stand up against injustice is enough of a reason for police to kill a person.

There has been increased police presence at rallies and marches. The amount of force used against protesters would be difficult for people to comprehend. Protestors who were simply marching in November 2023 were tear-gassed, pepper-sprayed, and shoved by officers equipped with shields and riot gear. Silent protests are met with high levels of force by officers. Countless

numbers of police officers dressed in riot gear roam city hall and the outside of the Atlanta mayor's office. They act as private security for the mayor, who refuses to engage with activists.

In recent months, there have been so many instances of surveillance. There is still ongoing, almost 24/7-hour surveillance of the activists who were raided and unjustly prosecuted under the state's RICO statute. One resident, Amy Taylor, who filed a lawsuit against the Atlanta Police Foundation, Inc. regarding the land disturbance permit for Cop City, has been under constant surveillance. People have had their bank accounts monitored and seized with no notice, simply for being activists. Operators of the Atlanta Solidarity Fund, a charitable bail fund, had their homes raided and were prosecuted under the state's RICO statute. People are scared to protest now. Activities protected by the First Amendment are met with harassment by the police and criminalization by the state.

There's been a chilling effect on free speech. People who formerly brought their children to protests, myself included, have stopped bringing them. At one protest, a peaceful concert, families were held at gunpoint. Mothers holding their babies in their arms pled with officers to be let go, but officers refused and continued to hold them at gunpoint. My son is scared and nervous around police now. He was terrified to see the police surround me at a march and thought they might hurt me. My daughters stay home because they are fearful that I might get arrested. As a movement, we have been intentional about creating child-friendly, safe protests. We want our children to know that despite government repression, there is always a way to resist.

With dozens of "Cop Cities" now being proposed across the United States, it is imperative that we are mindful of proposed legislation that would criminalize civic space. During Georgia's most recent legislative session, lawmakers introduced legislation that would retroactively criminalize people under "domestic terrorism" and RICO statutes. The Georgia state legislature seeks to expand these statutes, as well as to also criminalize bail funds through the expansion of the cash bail statute. What's happening in Georgia could have a ripple effect across the United States.

There is an unprecedented level of police terror against Black people in Atlanta, and the United States more broadly. There is a concerted level of repression against protestors. The police terror is being fueled by the U.S. ruling capitalist class. Major corporations now have private policing, as the police protect profits not people. Police foundations, which are non-profits primarily made up of corporations, are largely responsible for the creation of Cop Cities across the nation. This gives corporations significant influence on how policing occurs, despite their critical lack of expertise on public safety. Cop City is detrimental to the environment but backed by extremely wealthy sponsors. Similar to the assassinations of environmental protestors in other countries, Manuel's death marks a new, terrifying trend as it relates to capitalism and environmental justice. I implore the Commission to examine this petition, as human rights defenders in the United States need support of the international community.

  
Reverend Keyanna Jones