

Communication to the United Nations Human Rights Committee

In the case of

The January 6, 2021 Capitol Hill Events in Washington, D.C.

Office of the United Nations, High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit
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Re: Human Rights Complaint
August 27, 2021

I. THE AUTHOR:

To the Honorable Commission:

My name is Matt Braynard, an American citizen and Executive Director of *Look Ahead America* (hereinafter “LAA”), a non-partisan, non-profit organization based in the United States. Our mission is to advocate for disaffected Americans who fear their voices are not heard in the halls of the Executive, Legislative and Judiciary institutions of our country. Today I write in support of basic human rights for a specific group of Americans who have been disparately and inhumanely treated by their government – singled out, imprisoned, and even physically abused – because of their political beliefs. As outlined herein, LAA has sought relief from several members of the United States government, as well as other U.S.-based human rights advocacy groups. We have been largely ignored, and human rights violations continue unabated, with no relief in sight. Those avenues exhausted, and in recognition of the United Nations’ long and prestigious history of human rights advocacy, we ask for your review and consideration of these prisoners’ plight.

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II. THE VICTIMS:

Approximately 80 political prisoners (exact number unknown) unlawfully held and abused in custody throughout the United States of America because of alleged illegal activities occurring at the United States Capitol Building in Washington, D.C., on January 6, 2021.

III. RESPONSIBLE MEMBER STATE PARTY:

The United States of America

IV. RESPONSIBLE STATE OFFICIALS:

Joseph Biden, President of the United States, 1600 Pennsylvania Ave NW, Washington, D.C. 20500-0003
Merrick Garland, Attorney General of the United States, U.S. Dept. of Justice, 950 Pennsylvania Ave NW, Washington, D.C. 20535-001

Christopher Wray, Director, Federal Bureau of Investigation, 935 Pennsylvania Avenue, NW, Washington, D.C. 20535-001

Channing Phillips, Acting United States Attorney for the District of Columbia, 555 4th Street NW, Washington, D.C. 20001

V. RELIEF REQUESTED:

Request for the United Nations to support political prisoners being held and abused by the United States of America, and to urge the United States government to immediately release pretrial detainees, investigate and prosecute their abuse, and halt all further arrests and prosecutions pending a thorough and meaningful bipartisan investigation into the prosecutions of protesters.

VI. BACKGROUND:

1. On January 6, 2021, hundreds of thousands of Americans traveled to Washington, D.C., to attend a rally in peaceful support of free and fair elections. The scheduled events included several speeches by prominent members and spokespersons of the politically conservative movement. The days' events, all of which were peaceful and upbeat, culminated in a march to the Capitol building, where members of Congress were considering the certification of the November 2020 presidential election.
2. Upon arrival at the Capitol, a small number of people entered the Capitol building. A small percentage of those individuals are now alleged to have engaged in violent criminal acts and/or destruction of property, while the overwhelming majority of rally attendees remained outside, lawfully and peacefully rallying, and largely oblivious to the events transpiring inside the Capitol building.
3. The U.S. Department of Justice and the U.S. Attorney's Office for the District of Columbia, along with numerous law enforcement agencies, immediately began investigations into the alleged criminal activity at the Capitol. By the end of January 2021, the FBI had arrested over 150 protesters for alleged illegal acts committed during the event, labeled the "Capitol breach," on January 6. To date, no person has been charged with acts of sedition or insurrection, nor has the government charged anyone who entered the Capitol building with possession of a firearm. Most of those arrested were not alleged to have committed any violent acts, theft, destruction, or looting. Typical charges brought by the U.S. Justice Department include only "unlawful entry of a restricted building" or "disorderly conduct" on Capitol grounds, in violation of Title 18, United States Code, Section 1752(a).¹ Both offenses are just misdemeanors, punishable by up to one year in prison. To be convicted of such crimes, the government need not prove any violent intent.

¹ <https://www.justice.gov/usao-dc/six-months-january-6th-attack-capitol>.

However, the required elements of the offenses do include proof the defendants “knowingly entered” a federal building without consent. Legally this requirement is known as *mens rea*, in which the prosecution must show defendant knew about the. To date, the Justice Department boasts 615 arrests across the country.² Some of those cases have reached disposition; others are still pending in court.³ Approximately 80 people are currently being held in custody pending trial.

VII. LAW PERTAINING TO RIGHTS OF U.S. CITIZENS

4. All United States citizens enjoy numerous rights firmly rooted in history, precedent, codified laws and procedures, and the United States Constitution. Our most precious and protected rights are fundamentally based in citizens’ rights to be protected from governmental tyranny. The criminal justice system, in fact, is founded on the principle that we are better as a nation that “100 guilty Persons should escape than that one innocent Person should suffer.”⁴ “Equal Justice Under Law” is more than an ideal engraved above the entrance on the West Pediment of the United States Supreme Court building in Washington, D.C.; with just four words, it sweeps away any tolerance of disparate treatment and abuse regardless of an accused’s position, power, political affiliation, race, class or occupation.
5. The presumption of innocence, the government’s burden of proof, and the myriad Constitutional protections (i.e., the rights to reasonable bail, assistance of counsel, speedy and public trial, and due process)⁵ are among our most precious and protected rights as citizens.
6. Flowing from our general rights, and never inconsistent therewith, are specific criminal laws and procedures which codify and reinforce basic Constitutional and common law principles and protect citizens from potentially tyrannical government treatment. Case law also provides rulings and establishes legal precedent which limit unfair government activity. Selective enforcement of the law, for example, can lead to dismissal of criminal charges if a defendant can make a “colorable showing that he has been especially singled out, that there exist persons similarly situated who have not been prosecuted.”⁶ To prevail, the defendant must prove “discriminatory effect *and* discriminatory intent” in the prosecution.⁷
7. In all criminal cases brought in the United States these principles, laws and procedures must be followed.
8. Moreover, everyone held by the government in custody, whether pretrial or post-conviction, and irrespective of the nature of the charges brought, is entitled to basic human rights and humane treatment. To incarcerate, society takes from prisoners the means to provide for their own needs. Prisoners are dependent on prison officials to provide food, clothing, and necessary medical care.
9. The United States Supreme Court⁸ has firmly established that prisoners, even those convicted of criminal offenses, “do not forfeit all constitutional protections by reason of their conviction and confinement in prison.”⁹ Inmates may lose many of their freedoms at the prison gate, but they

² <https://www.insider.com/all-the-us-capitol-pro-trump-riot-arrests-charges-names-2021-1>.

³ LAA supports the prosecutions of those individuals who engaged in violence, theft, or destruction of property inside the Capitol building, and makes no request of this Commission regarding the specific charges or dispositions of these cases. However, those actually charged with such crimes are few.

⁴ Benjamin Franklin, letter to Benjamin Vaughan, March 14, 1785.

⁵ U.S. Constitution, Article III; Amendments 5, 6, 8 & 14.

⁶ *Attorney Gen. of U.S. v. Irish People, Inc.*, 684 F.2d 928, 946 (D.C. Cir. 1982).

⁷ *United States v. AT&T Inc.*, 290 F. Supp. 3d 1, 4 (D.D.C. 2018) (quoting *United States v. Armstrong*, 517 U.S. 456 (1996)).

⁸ The U.S. Supreme Court is the highest court in the United States and the final interpreter of Constitutional and Federal laws.

⁹ *Bell v. Wolfish*, 441 U.S. 520, 545 (1979).

retain “those rights not fundamentally inconsistent with imprisonment itself or incompatible with the objectives of incarceration.”¹⁰

10. Constitutional violations by the government against inmates are based on inappropriate or excessive use of force, inadequate access to medical care, failure to protect, overcrowding, and other conditions of confinement. The basic concept underlying these Constitutional protections is “nothing less than the dignity of man.”¹¹
11. Unlike convicted prisoners, the government has no right to punish pretrial detainees at all. Therefore, the proper standard for analyzing conditions of confinement for pretrial detainees arises under the “due process” clause of the Fifth and Fourteenth Amendments instead of the “punishment clause” of the Eighth Amendment. The inquiry is whether pretrial detainees have been denied their liberty without “due process.” Due process is denied when treatment and conditions of confinement amount to punishment of the detainee.¹² The Supreme Court has held that a pretrial detainee's rights are “at least as great as the Eighth Amendment protections available to a convicted prisoner.”¹³
12. A prison's failure to provide sustenance for inmates “may actually produce physical ‘torture or a lingering death.’”¹⁴ Malicious denial, or even deliberate indifference, to serious medical needs of prisoners constitutes the unnecessary and wanton infliction of pain, whether the indifference is manifested by “prison doctors in their response to the prisoner's needs, by prison guards in intentionally denying or delaying access to medical care, or intentionally interfering with the treatment once prescribed.”¹⁵
13. Prisoners also have a Constitutional right of access to courts and their attorneys. Prison authorities must assist inmates in the preparation and filing of meaningful legal papers by providing “adequate law libraries or adequate assistance from persons trained in the law”¹⁶ and must provide pretrial detainees with meaningful access to courts of law.¹⁷ The assistance must be sufficient to give inmates the means for challenging their sentence or conditions of confinement. This assistance must be in the form of adequate law libraries or persons trained in the law to assist inmates in filing suits.
14. The United States has historically enforced these rights primarily through long-accepted prison rules and case law which allow for liability for government agencies and allow for redress of grievances,¹⁸ compensation and the like for violations. If government fails to fulfill its obligation to provide for inmates, the courts have a “responsibility to remedy” the resulting violation.¹⁹
15. Those arrested and incarcerated for alleged activity during the January 6 rally are entitled to all these rights. They should be immediately and constantly protected against violations by the government, particularly when the harm caused by the government could be irreparable not just to themselves, but to family members and loved ones. As importantly, the U.S. criminal justice system is forever blighted by even one violation of human rights. As Martin Luther King, Jr. wrote in 1963 while incarcerated in Birmingham, Alabama, “injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects us all indirectly.”

¹⁰ *Hudson v. Palmer*, 468 U.S. 517, 523 (1984).

¹¹ *See Atkins v. Virginia*, 536 U.S. 304, 311 (2002) (quoting *Trop v. Dulles*, 356 U.S. 86, 100, (plurality opinion)).

¹² *See United States v Salerno*, 481 U.S. 739 (1987), on remand 829 F.2d. 345 (2d. Cir. 1987).

¹³ *See City of Revere v. Mass. Gen. Hosp.*, 463 U.S. 239, 244 (1983).

¹⁴ *Estelle v. Gamble*, 429 U.S. 97, 103 (1976) (quoting *In re Kemmler*, 136 U.S. 436, 447 (1890)).

¹⁵ *Id.* at 104-05.

¹⁶ *Smith v. Bounds*, 538 F.2d 541 (4th Cir. 1975), *aff'd Bounds v. Smith*, 430 U.S. 817 (1977)

¹⁷ *See O'Bryan v. County of Saginaw, Michigan*, 437 F. Supp. 582 (E.D. Mich. 1977)

¹⁸ U.S. Constitution, Amendment 1.

¹⁹ *Hutto v. Finney*, 437 U.S. 678, 687 (1978).

16. But what happens when, through political malfeasance, deceit and the desire for revenge, the entirety of this system is derailed, and severe abuses are tolerated and even encouraged by the very government obligated to protect?
17. As will be shown herein, the United States is, in fact, engaging in appalling violations of protesters' legal and human rights, despite a history of condemning in other countries the very behavior in which it is now engaging. The harm is ongoing and irreparable, and it must stop. I implore you, the United Nations Commission on Human Rights, to consider the evidence, intervene on behalf of the abused, and make your significant voice heard.

VIII. HUMAN AND LEGAL RIGHTS VIOLATIONS

a. Pretrial Incarceration

18. Approximately 8 months have passed since the events of January 6, 2021. Many of the arrest cases have concluded, many others have been released on conditions of bond pending trial. However, many of the accused are still incarcerated, either because the government successfully sought pretrial detention, or because the accused were unable to meet onerous bail and bond conditions. Some have been held in custody for months on *misdemeanor* charges.
19. The United States Constitution speaks directly to the issue of bail, which is solidly grounded in its guarantee of a presumption of innocence until and unless proven guilty in a court of law. The Eighth Amendment of the U.S. Constitution states, "*Excessive bail shall not be required, nor excessive fines imposed....*" Federal law, consistent with this fundamental tenet, requires a strong preference for pretrial release, and the government must carry the burden of proving at a detention hearing in court that a defendant is either a danger to the community or a flight risk. Innocent people – as all these protesters are presumed to be until and unless convicted – must be released in accordance with the law unless and until the government proves no conditions or combination of conditions imposed by the court upon a defendant's conduct on release can ensure the safety of the community or the appearance of the defendant at future court proceedings. Factors in determining detention include the strength of the government's case, the seriousness of the charged offense, the defendant's criminal history, and personal factors such as family support and job history. Those accused of misdemeanors are rarely detained without bond, particularly when the length of pretrial incarceration could exceed the ultimate sentence imposed if convicted.
20. The government, when not in a position to successfully meet its burden for detention, can maliciously resort to requesting imposition of conditions of bond it knows the defendant cannot meet. Because the prosecutor is not seeking formal detention the burden is lower, but the outcome is identical.
21. The nature of the charges, backgrounds of the accused citizens, publicly known facts, and evidence presented during bond and detention hearings, do not support detention for the accused "trespassers" pending trial. Most had never been in jail before. Evidence and statements made public to date indicate many of the protesters who entered the Capitol reasonably believed they had permission. As video evidence of the events shows, police officers opened the protective fencing around the Capitol and stood aside as crowds entered the building.²⁰ Many of the men and women involved simply viewed this as an extension of the peaceful protest and behaved accordingly. They had no intention to destroy property or harm anyone. Yet, they have been denied the most basic of all human rights for months, with no end in sight. Moreover, the government failed to disclose to the courts considering the matter that the defendants may spend their incarceration in solitary confinement.

²⁰ <https://www.nbcnews.com/news/us-news/former-capitol-police-chief-shares-thoughts-why-officers-appeared-let-n1253273>.

22. It is incontrovertible that these heavy-handed prosecutions and pretrial detentions are politically motivated, designed to suppress political opposition and quash future First Amendment expression. Further, the ongoing scheme is designed and executed by the most powerful law enforcement force in the United States – the U.S. Department of Justice – using every tool at their vast disposal. The U.S. government has put unprecedented resources into apprehending January 6 protestors, even those accused merely of misdemeanor trespass. The FBI added a special section to its “most wanted” list for participants.²¹ The U.S. Attorney’s office said that it had “hundreds of prosecutors and agents working round-the-clock” to apprehend and prosecute these participants.²² And they’re not done.
23. Those who attended the rally, even those who did not enter the Capitol, have been branded as domestic terrorists, fired from their jobs, and threatened by social media mobs. The toll of this has already led Christopher Stanton Georgia, a married father of two, to commit suicide after his arrest for unauthorized entry on federal property. Stanton made a mistake but was not accused of looting or violence.
24. I see striking similarities between the January 6 protest and recent events happening in Cuba. The Cuban people are bravely protesting a repressive government, and many were jailed because of their vocal opposition. In response, on July 16, 2021, this Commission called for the release of the detained prisoners:

“...the UN High Commissioner for Human Rights Michelle Bachelet on Friday called for the prompt release of all those who have been detained for exercising their rights to freedom of peaceful assembly, or freedom of opinion and expression.

‘I am very concerned at the alleged use of excessive force against demonstrators in Cuba and the arrest of a large number of people, including several journalists,’ Bachelet said. ‘It is particularly worrying that these include individuals allegedly held incommunicado and people whose whereabouts are unknown. All those detained for exercising their rights must be promptly released.’”²³

25. This Commission’s excellent response to the Cuban detentions expresses some of the same urgent issues facing January 6 protesters.
26. On July 31, 2021, the Biden administration’s Treasury Department echoed the UN’s concern for the pro-democracy protesters and sanctioned Cuban officials pursuant to the Global Magnitsky Human Rights Accountability Act²⁴ and Executive Order.²⁵ Calling for the immediate release of political prisoners, Biden’s Treasury Department also sanctioned those responsible for the Burmese coup in February 2021.²⁶ This administration’s ironic claims to be an advocate for freedom and human rights around the globe while ignoring its own outrageous violations against its citizenry clearly demonstrates its disingenuous and politically motivated approach to such atrocities.

b. Disparate Treatment

27. Simply put, January 6 protesters have been selectively targeted by the current administration for arrest and prosecution because of their political ideology and support for President Trump. That

²¹ <https://www.fbi.gov/wanted/capitol-violence>.

²² <https://wtop.com/dc/2021/01/federal-prosecutors-detail-initial-charges-in-capitol-riot/> .

Note that both the FBI and the U.S. Attorney’s Offices throughout the United States are all part of the U.S. Department of Justice and take direction from the Attorney General, who serves as a cabinet member “at the pleasure” of the President of the United States.

²³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27316&LangID=E>.

²⁴ <https://www.cnas.org/publications/reports/sanctions-by-the-numbers-human-rights>.

²⁵ <https://home.treasury.gov/news/press-releases/jy0298>.

²⁶ <https://home.treasury.gov/news/press-releases/jy0024>.

treatment of those arrested for January 6-related activity is far harsher than other protestors become obvious upon examination of other recent activity. In the summer of 2020, for example, rioters committed far more violence to Washington, D.C., tearing down statues, destroying businesses, and burning down buildings and churches in the name of BLM (*Black Lives Matter*). The D.C. government responded by christening “BLM” Plaza. No serious attempt was made to even identify the perpetrators of this violence. The few who were arrested received support from the Vice President of the current administration and several top staffers, who encouraged their followers to contribute to a bail fund.²⁷

28. Similarly, thousands of violent anarchists attacked police and attendees of Donald Trump’s inauguration on January 20, 2017. They destroyed property and burned police cars along the way. Only those engaged in violence were arrested, and prosecutors ended up dropping all charges for nearly all of them.²⁸
29. In September and October of 2018, left-wing protestors stormed the Capitol and Senate Office buildings on numerous occasions to try to stop confirmation of Brett Kavanaugh as Supreme Court Associate Justice. These rioters intimidated Senators, occupied offices, and refused to leave unless arrested. While Capitol police made hundreds of arrests for “crowding, obstructing, or incommoding,” the Washington Post reported that the rioters “were processed off site and released.”²⁹ In contrast, many of those arrested for January 6 activity have faced detention requests or unusually high monetary bonds (\$100,000 and even \$750,000), and prosecutors have been aggressively demanding revocation of conditions of bond for minor infractions in certain cases.³⁰
30. While prosecutors seem intent on subjecting January 6 protestors to pretrial incarceration and maximum sentences, NPR reported that most of the Kavanaugh rioters were “charged... with disorderly conduct, crowding or obstructing paid fines of \$35 or \$50.”³¹
31. Prosecutors are no doubt aware of the recent precedent involving cases of Capitol incursions, and the dismissed charges or light dispositions of those offenders. Yet, they now target non-violent January 6th protestors – solely because of their political viewpoints.
32. Attorneys for the incarcerated protestors have strongly and cogently advocated for their clients’ release. Attorney Joseph E. McBride, who represents defendant and prisoner Richard McBride, stated in an open letter on LinkedIn:

“The ultra-harsh treatment that January-sixers are enduring at the hands of the U.S. Government is unprecedented and entirely out of line with the way that other Capitol Protestors have been treated in the past. Make no mistake about it, this is not the first time that a group of protestors have breached the Capitol, nor is it the first time that acts of violence have taken place at the Capitol. This is however, the first time that a group of American citizens from one political party have been hunted down, rounded up, and thrown into prison absent any trial by the political party who is currently in power.”¹⁵

²⁷ <https://www.foxnews.com/politics/bail-fund-backed-by-kamala-harris-and-biden-staffers-bailed-out-alleged-child-abuser>.

²⁸ <https://www.nbcnews.com/news/us-news/government-drops-charges-against-all-inauguration-protesters-n889531>.

²⁹ https://www.washingtonpost.com/local/social-issues/most-of-the-protesters-arrested-during-kavanaugh-confirmation-have-been-released/2018/10/07/da7c76f0-ca46-11e8-a360-85875bac0b1f_story.html.

³⁰ <https://gothamist.com/news/insurrectionist-son-brooklyn-judge-released-100000-bond-animal-pelts-confiscated>; <https://apnews.com/article/pennsylvania-arrests-philadelphia-096d291d680da8399822777a990d3045>.

³¹ <https://www.npr.org/2018/09/08/645497667/the-resistance-at-the-kavanaugh-hearings-more-than-200-arrests>.

33. Moreover, defendants' attorneys have been frustrated by a lack of access to their clients, and a lack of candor and potential violations of discovery laws as the government appears to be blocking the release of key information. Robert Morss was arrested in Pennsylvania upon issuance of an arrest warrant from Washington, D.C. As is his right, Morss requested discovery, which should have included many hours of surveillance footage from the Capitol. But, as reported in *American Greatness*, "...assistant U.S. Attorney Melissa Jackson hesitated when Judge Harvey asked to see the footage captured by the U.S. Capitol Police surveillance system cited as evidence in government charging documents. 'Why haven't I seen the video?' Harvey asked Jackson on Wednesday afternoon. She told the judge he could have access to the body-worn camera recordings and public source videos but that the USCP footage is under a protective order, which is common in most January 6 cases. The hearing is the latest example of how hard the USCP and Justice Department are fighting to keep more than 14,000 hours of surveillance video under wraps."³²
34. In this same article, reporter Julie Kelly notes even members of the press are joining forces with the attorney for another defendant, John Steven Anderson, to get the release of video being withheld by prosecutors in his case. Kelly writes:

"Defense lawyers and media companies are fighting for fuller access to videos used as evidence by the Justice Department. Cherry-picked clips produced by the government are released to the media to support the narrative that January 6 was an armed, violent insurrection perpetrated by domestic terrorists who supported Donald Trump. The Biden Justice Department, in other words, has full control over a massive trove of recordings that show exactly what happened on January 6...

[John Steven] Anderson, 61, suffered a medical emergency on January 6 after he was sprayed with a chemical irritant by an unidentified assailant inside the building. (He has several pre-existing conditions including asthma and hearing loss.) Although Anderson was arrested for trespassing that day and released, he was again arrested in February on a slew of new charges including assaulting a police officer and stealing government property.

His attorney, Marina Medvin, is asked the court to remove the "highly sensitive" designation on the brief clip which shows Anderson being sprayed and then begging for help. "This exculpatory video is of paramount importance to the defense as it contradicts the government's case and establishes Mr. Anderson's defense to the serious felony accusations which the government has indicted," Medvin wrote in a June filing."³³

35. The U.S. government's abusive behavior also greatly reduces the chances of obtaining a fair and impartial jury to try these cases, particularly in the Democrat stronghold of the D.C. area. Shockingly, the political left has from the inception referred to the January 6 rally as an "insurrection" and accused its participants of acting "seditiously," both highly inflammatory terms which evoke visions of revolution, death, and violently overthrown government bodies. The public is being led to falsely believe protesters were armed, acting violently, and committing assault of police. Mainstream media accounts, parroting the FBI and Department of Justice's prosecutorial narrative, are designed to carry that false narrative to the world.
36. To date, no individuals thus far have been charged with any offense even close to such a despicable intent, and no individuals inside the Capitol were found to be wielding any sort of firearm, a presumably essential tool for a successful coup attempt. In truth, a very few have been charged with any sort of assault or weapons possession (mostly pepper spray), and no protester inside the Capitol was found with a firearm of any kind. In fact, evidence suggests the FBI

³² July 15, 2021 <https://amgreatness.com/2021/07/15/the-capitol-cover-up/>.

³³ *Id.*

actually embedded informants in the crowd to create an illusion of violence.³⁴ Furthermore, non-lethal items (i.e. flag poles, walking sticks, etc.) have been routinely exaggerated and described as lethal as the basis for trumped up charges. This behavior, if true, is beyond outrageous. One can only conclude the intent for using such inflammatory and inaccurate phrasing is to bias the public and prejudice any potential juror.

37. Speaker of the House of Representatives Nancy Pelosi has also convened a politically motivated commission to “review” the events of January 6. In doing so, she purposely and systematically excluded any true representatives from the other side of the political aisle, and hand-picked witnesses to create the narrative which best suits her political purpose – to punish, intimidate, and suppress conservatives and their principles. The commission’s biased approach and subsequent report will also result in tainting the jury pool for any defendant who chooses to exercise their constitutional right to trial.
38. The pattern of prosecutions, the government’s obfuscation and deception, and its constant inundation of the public with a false narrative can only lead to the conclusion that these prosecutions are politically motivated, and the defendants have no chance for fairness and impartiality as they slog through the biased judicial D.C. machine.

c. Abuses during Incarceration

39. While these politically motivated prosecutions of unarmed protesters are appalling, the treatment of these individuals while being unconstitutionally imprisoned is worse.
40. Horrific accounts of abuse and assault at the hands of angry and partisan prison officials are filtering out of the jails. Reliable reports from attorneys, family members, and the prisoners themselves recount cruelty, verbal threats, and brutal beatings without provocation by prison guards. Prisoners are being held weeks or months in solitary confinement, maced, prohibited from family visitations, denied the ability to worship, and denied medications or medical treatments for chronic illnesses. The families of these prisoners are victimized because they fear serious harm to jailed loved ones. In fact, several prisoners are so concerned for their own lives, they have written their families urging them not to believe any reports of their potential premature deaths as “suicide” or “accident.” Compounding the tyranny is the financial ruin the families of these prisoners face due to lengthy pre-trial incarceration.
41. My staff and I have met with families of prisoners and have been in contact with their lawyers. We are in receipt of anonymous as well as signed letters from the prisoners and from their families. We have organized multiple rallies in Washington, D.C. and in several states across the country to bring visibility and awareness to their plight. Several family members joined us at our rallies to bear witness to the conditions of the prisoners and make public the abuse they are suffering at the hands of prison officials.
42. On June 19, 2021, LAA sponsored a rally in support of the January 6 political prisoners in front of the Department of Justice in Washington, D.C. LAA held a second rally on July 17, 2021, in front of the prison where most of these prisoners are held. Several representatives of the prisoners courageously chose to speak at these rallies, some for the first time. Ned Lang, father of prisoner Jacob Lang, attended both. Lang told attendees that, following the June rally, the “whole Patriot wing” of the prison that included his son, Jacob, were locked down in a place called “the hole” for 8 straight days. This unjust punitive measure was imposed without reason and apparently is more brutal than the standard solitary confinement to which they had been subjected. Being imprisoned in “the hole” means twenty-four hours of confinement, no human contact, no

³⁴ <https://www.revolver.news/2021/06/federal-foreknowledge-jan-6-unindicted-co-conspirators-raise-disturbing-questions/>.

showers, no shaving, no hygiene of any kind.³⁵ Lang also said a “sergeant” opened Jacob’s cell door and maced him without cause. They also took his clothes and all his legal papers for his defense.

43. According to an anonymous letter received by LAA from inside the Washington, D.C. prison, the prisoners are subjected to solitary confinement regularly for days, weeks and in some cases months at a time.³⁶ They live under constant threats of violence and actual violence perpetrated by spiteful guards who, under cover of night, turn off their body cameras and commit acts of violence against the prisoners. They also have been threatened with undefined retribution if they file reports of their abuse. Prisoner Richard Barnett reported they threatened to attack his wife if he spoke of his abuse. In fact, retaliation was promised if any lawsuits were filed against the prison or its guards for the inhumane treatments they are routinely inflicting. Barnett’s attorney, Joseph McBride, spoke about the conditions and mistreatment facing the prisoners of January 6th to Newsmax’s Greg Kelly:

Joseph McBride: What I can say about the Jan. 6 protesters who remain incarcerated or detained at this point, is that their constitutional rights and human rights are being violated by the Department of Justice and the Federal Government at this very moment. The law is clear that no type of punishment is appropriate for a detainee. Despite that numerous detainees are being held in solitary confinement for long periods of time. They’re being denied medical care. They’re taking beatings. They’re being denied sleep. They’re being psychologically, emotionally, and physically tortured on a regular basis,

Greg Kelly: Hold on a second. Who’s beating them up?

Joseph McBride: I am alleging that the guards are beating them up. The staff are beating prisoners on a regular basis and have been doing so for a long time. This is no exaggeration.

Greg Kelly: Was your client Richard Barnett beaten up by staff?

Joseph McBride: He absolutely was. He was beaten. He was dragged. He was hog-tied. One time his pants dropped below his ankles exposing his private parts while he was taking a beating in front of a female officer. And he had to beg and plead to pull his pants up.”³⁷

44. Joe Biggs is currently being held without bail on January 6-related charges in a Florida jail. Biggs recounts his horrific treatment:

“Every cell has a Small window that has been sand blasted so you can never see outside. Breaking any rules can result In losing ability to talk to family or a trip the hole for a few weeks where you are stripped naked a left in a bright freezing room. I have anxiety bad now. Panic attacks so bad I black out. ... In the end I just pray people see the truth. I had nothing to do with that day. I never planned what happened. I was in the wrong place at the wrong time. ~Joe Biggs political prisoner aka inmate 202100002744”³⁸

45. One of the most egregious acts of violence by guards against a prisoner is the case of Ryan Samsel. What happened to him was reported in a court hearing in April 2021 by another prisoner under oath and confirmed by defense attorneys. Ryan Samsel was not only beaten, but tortured: “During a court appearance via Zoom on Tuesday, an inmate named Ronald Sandlin told U.S. District Court Judge Dabney Friedrich that guards at the Correctional Treatment Facility in Washington, D.C.,

³⁵ <https://www.youtube.com/watch?v=Z3b4aDhTBv0> (approximate time stamp 54:25 thru 57:30).

³⁶ <https://storage.courtlistener.com/recap/gov.uscourts.dcd.226696/gov.uscourts.dcd.226696.28.0.pdf>; <https://www.youtube.com/watch?v=Z3b4aDhTBv0> (approximate time stamp 54:25 thru 57:30).

³⁷ <https://www.thegatewaypundit.com/2021/07/attorney-jan-6-prisoners-brutally-beaten-stripped-hogtied-humiliated-guards-one-prisoner-blinded-one-eye-worse-abuse-gitmo-video/>.

³⁸ <https://nationalfile.com/joe-biggs-letter-from-jail-describes-the-life-of-a-january-6-political-prisoner/>.

were allegedly subjecting those held in connection to the Jan. 6 attack to violence, threats and verbal harassment. Sandlin described an attack that allegedly happened last month to another defendant charged in the Jan. 6 event, Ryan Samsel, while held at the facility operated by the D.C. Department of Corrections.

He told the judge that Samsel "was severely beaten by correctional officers, [is now] blind in one eye, has a skull fracture and detached retina," [Politico](#) reported. Richard Barnett, also charged in connection to the riot, was tackled "to the ground" by guards, Sandlin said."³⁹

46. Steven Metcalf, Samsel's attorney, reported in the now-removed Politico article that his client, after he complained in March about slow delivery of toilet paper, was zip-tied, moved to a cell outside the view of surveillance cameras and brutally beaten by guards.⁴⁰
47. Prisoners are also subjected to medical abuse and neglect. At the Florida rally held by Look Ahead America on July 17, 2021, Trish Worrell said her husband, prisoner Christopher Worrell, has Non-Hodgkin's Lymphoma (cancer) and he has been refused any medical treatment for his condition in the six months he has been held. His condition is worsening. His confinement, let alone his lack of treatment, are unwarranted. Worrell never entered the Capitol building on January 6th.⁴¹ Guy Wesley Reffit, while in custody, required hospitalization for three days in an intensive care unit because jail personnel did not provide him his prescribed medicine.⁴²
48. Statements of family members describing just some of the abuses in detail are attached hereto as Exhibits 1 and 2.
49. These accounts represent a small percentage of the abuse, neglect, and mistreatment meted out to January 6 detainees. Many are afraid to speak out for fear of retaliation against themselves or their families.
50. Chapter 17 of the UN document entitled "Human Rights and Prisons: Manual on Human Rights Training for Prison Officials" provides an excellent list of "Essential Principles" pertaining to treatment, discipline and punishment of prisoners:

"All disciplinary offences and punishments must be specified by law or by published legal regulations. No prisoner shall be punished before being informed of the alleged offence and before being given the opportunity to present a proper defence. No prisoner shall be employed in any disciplinary capacity. All cruel, inhuman or degrading punishments are completely prohibited, including corporal punishment or placing the prisoner in a dark cell. Punishment by close confinement or reduction of diet shall never be inflicted unless the prisoner is certified by the medical officer as medically fit to sustain it. Instruments of restraint, such as handcuffs, chains, irons and straitjackets, shall never be applied as a punishment. Prisoners who are subject to disciplinary action should have the right of appeal to a higher authority."

51. The treatment of January 6 protester prisoners violates nearly all of these clear and unequivocal standards.

IX. EXHAUSTION OF DOMESTIC REMEDIES

52. To date, LAA has presented the facts and arguments contained herein via correspondence dated January 29, 2021, to the then-acting Attorney General of the United States and the Director of the FBI. LAA specifically requested the release of non-violent protestors.⁴³ As of the writing of this letter, LAA has received no response to our correspondence. To the contrary, the FBI continues to

³⁹ <https://www.foxnews.com/us/capitol-suspect-jan-6-riot-beaten-dc-jail-guards>.

⁴⁰ <https://web.archive.org/web/20210412053449/https://www.politico.com/news/2021/04/06/capitol-riot-defendant-alleges-beating-by-jail-guards-479413>.

⁴¹ <https://www.youtube.com/watch?v=8Ku1JGyd2bs> (approximate time stamp 10:25 thru 12:50).

⁴² <https://storage.courtlistener.com/recap/gov.uscourts.dcd.226696/gov.uscourts.dcd.226696.28.0.pdf>.

⁴³ https://lookahead.s3.amazonaws.com/LAA_CapitolProtestors.pdf.

hunt down non-violent protestors⁴⁴ and dozens are still held indefinitely without bail or chance of bail.

53. In addition to our January correspondence, LAA has done the following to obtain relief for the political prisoners:
- LAA has organized rallies at the U.S. Department of Justice and the jail in Washington, D.C. as well as satellite rally locations across the country in other states, and obtained the participation of local, state and federal officials who attended and spoke;
 - LAA has organized and facilitated letter-writing campaigns for concerned citizens to express their concern and demand action to stop this selective persecution. Letters have gone out to U.S. Senator Warnock from Georgia, Senators Gillibrand and Schumer from New York, Senators Cornyn and Cruz from Texas, Senator Lummis from Wyoming, Senators Scott and Rubio from Florida, and Congresspersons Bergman of Michigan and Posey of Florida. We have also appealed to Govern DeSantis on behalf of the prisoners held in Florida jails;
 - As Executive Director of Look Ahead America, I have participated in over 29 various media interviews about this pressing issue, including but not limited to One America News, the Jay Lawrence Show, The People's Pundit, The Daily Caller, and many more.
54. Because of our efforts to bring awareness to protester abuses, more citizen groups are organizing and speaking out. In addition, a select few elected representatives have begun pressing for answers from Attorney General Garland and the Biden Department of Justice.⁴⁵ But the abuse and the extent of the government's dragnet continues to grow. To date, LAA has not received any relief or acknowledgement of the political prisoner abuse as described herein from any United States branch, department, or person responsible for the acts described herein, nor from anyone in a position to order it to cease.
55. We will not cease in seeking relief for the prisoners and will continue to be a voice for them until the abuse stops. Much more can and must be done, domestically and globally. The time has come for international pressure on the Biden administration to stop the atrocities. Even Russian President Vladimir Putin challenged this issue in a June 2021 interview: "Did you order the assassination of the woman who walked into the Congress and who was shot and killed by a policeman? Do you know that 450 individuals were arrested after entering the Congress? And they didn't go there to steal a laptop. They came with political demands...And they came to the Congress with political demands. Isn't that persecution for political opinions?"⁴⁶

X. CONCLUSION

56. In an affront to basic human and Constitutional rights, the left wing of the United States political machine has begun a purge of its opponents which runs unabated today. The United States government, specifically the U.S. Department of Justice and its many component offices and bureaus, ignore U.S. and International law by and through its treatment of those who participated in a rally in support of freedom, fair elections, and right-wing conservative values. Those being hunted down and viciously punished through selective prosecutions, Constitutional rights abuses, criminal law and procedure violations, and actual physical torture are victims of nothing less than an out-of-control political machine bent on annihilation of their supposed opponents. If left

⁴⁴ <https://www.cbsnews.com/news/capitol-riot-arrests-latest-2021-07-20/>.

⁴⁵ <https://nationalfile.com/gosar-gohmert-gaetz-mtg-send-letter-to-doj-demanding-they-stop-stonewalling-release-of-14000-hours-of-1-6-video/>.
<https://nationalfile.com/abomination-gohmert-greene-gaetz-hold-press-conference-after-being-denied-access-to-dc-jail-holding-1-6-prisoners/>.

⁴⁶ *Id.*

unabated and unchecked, these abuses will only escalate as the perpetrators become more emboldened by the apathetic and powerless.

57. We at LAA represent patriotic, non-violent Americans who are beginning to perceive themselves as powerless, voiceless, and helpless. This perception is quickly becoming reality as the most powerful law enforcement apparatus in the United States bears down on the rights and freedoms of those whose “crime” is their political opinions and points of view, while allowing leftist groups to destroy, harm and threaten with impunity.

a. Remedies

We ask the United Nations to see beyond politics and partisanship, steel itself from the inevitable pressure to defend the indefensible, and join our fight for the human rights and dignity of the mistreated and abused January 6 political prisoners. Be a voice of reason and urge the United States government to immediately release pretrial detainees, investigate and prosecute their abuse, and halt all further arrests and prosecutions pending a thorough and meaningful bipartisan investigation into the prosecutions of these protesters.

b. Submission of Communication to Other Human Rights Bodies

LAA has not submitted this communication to any other human rights bodies.

c. Request for Confidentiality

LAA understands this letter will be transmitted to the United States and its departments and agencies named herein, so as to obtain their views on the allegations contained herein. LAA does NOT request confidentiality of our identity nor of any specific information contained within this complaint.

Respectfully submitted,



Matt Braynard
Executive Director
Look Ahead America



Cara Castronuova
Executive Director
Citizens Against Political Persecution

August 27, 2021

Exhibit One: Email to the *New York Post*

From: Ned Lang <ned.enviroventure@gmail.com>
Date: May 21, 2021 at 1:51:01 PM EDT
To: mdevine@newyorkpost.com
Cc: metcalflawnyc@gmail.com
Subject: **Shawshank for January 6 Detainees > American Greatness**

Good afternoon Miranda,

My son Jake Lang is a J6 incarcerated American in the Washington DC DOC's. He has been held in solitary confinement since his arrest on January 13th along with approx 400 other J6 detainees. These guys are kept in their cells for 23 hours per day with only one hour out unless of course a guard makes some sort of issue with one of them so they all loose their one hour of time outside their cells. They have also beat one detainee badly and constantly threaten my son and the other detainees with physical abuse. It is a human rights and American civil rights travesty and the story is being told by many, thankfully! I would ask that you also look into this horrendous treatment of political prisoners whom aren't even convicted of a crime. This is how China and other totalitarian countries treat those whom speak out about their government and are punished to attempt to re-educate them so they don't dare speak out about an election that was stolen, the corruption that is rampant throughout the DOJ, FBI, and our government led by the Democratic Party. I have called Rep DelGado's office many times and only once did a staffer named Matt call me back. He is useless unless you are a Democrat which I am not! Here is a recent article that I wanted to share with you if you aren't aware of it. I would be happy to talk with you if you like. I live in Narrowsburg NY and my cell is [914-799-0691](tel:914-799-0691)
Thank-you for your time and any assistance you can offer
Best regards,
Ned Lang

Exhibit 2: Email to *Look Ahead America*

From: Nicole Reffitt <mrsreffitt@hotmail.com>

Sent: Aug 1, 2021 1:46 PM

To: Kimmie Gonzalez <rally@lookaheadamerica.org>

Subject: My name is Nicole Reffitt, my husband is Guy Reffitt, inmate 376782...

My name is Nicole Reffitt, my husband is Guy Reffitt, inmate 376782. My Country The United States of America is one of the only democracies in the world that has no independent authority to monitor prison conditions and enforce minimal standards of health and safety, that is why I am writing my statement to The United Nations. Those that are incarcerated should be treated with inherent dignity and valued as a human being, but this is not the case for my husband. He is being persecuted for his political ideology and has been discriminated and ridiculed because of it. He spends most of his time locked down for 23-24 hours a day, with limited exposure to sunlight and exercise. This has had a significant impact on his health and mental health. He has become more lethargic and depressed. The isolation and lack of social interaction has affected his confidence and self worth. He has been denied basic medical care, and spent four days in ICU because of the lack care given to his medical needs. He has limited access to religious material, and worship, which has directly impacted his spiritual comfort and growth. He has spent days in dirty clothing and linens, he has been denied barber services which has changed his normal appearance and is dehumanizing. He and others incarcerated deserve the basic treatment afforded to them as human beings. In The Universal Declaration of Human Rights it states that, "Whereas recognition of the human rights of all members of the human family is the foundation of freedom, justice, and peace in the world." That declaration by the United Nations signed in 1948 compels this council to investigate this complaint.

Nicole Reffitt

August 01, 2021