
Subject: Re: UPR Follow-up Programme Submission for OAK

From: OAK Administration (oak@njcdlp.org)

To: jc.vignoli@upr-info.org;

Date: Wednesday, May 1, 2013 4:03 PM

Dear Jean-Claude:

I have understood your responses to indicate that OAK is not providing the "kind of information" desired and/or needed to assess implementation by the USA of UPR session 22 recommendations. Would you kindly explain how or why OAK's proposed follow-up submission "is too general" or otherwise "will not help to assess the implementation"?

Thank you,

Zena

From: Jean-Claude Vignoli <jc.vignoli@upr-info.org>

To: OAK Administration <oak@njcdlp.org>

Sent: Wednesday, May 1, 2013 3:03 AM

Subject: Re: UPR Follow-up Programme Submission for OAK

Hi Zena,

Thanks for your further explanation. However, your comment is too general, it will not help to assess the implementation.

Please allow me to share two contributions we have just received as examples. One in word format, one in excel. Maybe they can give you a better picture of what we need.

I strongly hope you will be able to provide this kind of information!

Kind regards

Jean-Claude

On 1 May 2013 05:35, OAK Administration <oak@njcdlp.org> wrote:

Hi Jean-Claude:

The reference to our 2010 submission simply reminds the reader of OAK's key concerns. Given those concerns, "OAK focuses on potential or theoretical . . . progress" as expecting to find ". . . substantial or even significant evidence (relevant to OAK's concerns) since November 2010 would be naïve at best." While the "diplomats who made . . . recommendations need (concrete) information to see whether the USA took measures (*sic*) to implement them", they are sure to appreciate learning, even if they did not previously contemplate related implications for the "environment promoting access to justice" or lack thereof in America as highlighted by OAK.

Thank you for your consideration. Feel free to contact me with any other questions or comments.

Zena

From: Jean-Claude Vignoli <jc.vignoli@upr-info.org>
To: OAK Administration <oak@njcdlp.org>
Sent: Tuesday, April 30, 2013 3:39 AM
Subject: Re: UPR Follow-up Programme Submission for OAK

Dear Zena,

Correct me if I am wrong: your comments refer to your previous 2010 submission (you quote your OAK UPR 2010 report); how could those explain how the situation is two years later in the US? Maybe I misunderstood your follow-up submission, so please explain.

Take into account that diplomats who made those recommendations need information to see whether the USA took measures in order to implement them. Input has therefore to be as concrete as possible.

Kind regards,

Jean-Claude

On 29 April 2013 23:27, OAK Administration <oak@njcdlp.org> wrote:

Dear Jean-Claude:

I endeavored to report the actions (or lack thereof) by the U.S.A. to redress the primary concerns of OAK coalition members as reflected by the country's acceptance of certain UPR session 22 recommendations. Hopefully the milestones that OAK highlights, represented by the language, parameters, and mere acceptance of these recommendations, are relevant and important for your assessment though it also measures patent steps taken or not taken to implement those recommendations. As my follow-up submission indicates, OAK gauges the latter developments only after they **clearly** advance, deter, or are inconsequential for "an **environment** promoting access to justice: the capacity of (usually) disadvantaged groups of citizens to gain access to courts (or alternative resolution mechanisms) by removing various institutional as well as corruption related barriers within the legal system". (*emphasis added*). Enough time has not passed since November 2010 to assess the corresponding impact of any UPR session 22 recommendation accepted by the U.S.A.

Please let me know whether OAK's input will be considered in assessing the implementation of UPR session 22 recommendations accepted by the U.S.A.

Thank you for your assistance.

Sincerely,

Zena

From: Jean-Claude Vignoli <jc.vignoli@upr-info.org>
To: OAK Administration <oak@njcdlp.org>
Sent: Monday, April 29, 2013 2:13 AM
Subject: Re: UPR Follow-up Programme Submission for OAK

Hi Zena,

You may definitely base your responses on your previous work. However, we aim at assessing the implementation 2 years after the UPR, which means the participants should comment the actions (or lack thereof) undertaken by the government. Your input was rather a comment on the quality of recommendations, instead of how the US comply with those recommendations.

I attach a previous input provided by an NGO on Armenia; while quite lengthy, I hope it will provide you better example of how to comment the recommendations.

Should you need any further explanation, please do not hesitate.

Jean-Claude

On 26 April 2013 16:56, OAK Administration <oak@njcdlp.org> wrote:

Hi Jean-Claude:

In quoting from the 2010 report, it was only my intent to provide context for our assessment of progress since then. Should I not do that?

Zena

From: Jean-Claude Vignoli <jc.vignoli@upr-info.org>
To: OAK Administration <oak@njcdlp.org>
Sent: Friday, April 26, 2013 2:34 AM
Subject: Re: UPR Follow-up Programme Submission for OAK

Dear Zena,

Thank you very much for the comment provided.

However, your comment is quoting your 2010 report. We would like rather to look into the implementation; a 2010 comment does not help in assessing the situation since the UPR.

Do you think you could provide comments on the implementation of recommendations since the UPR?

Kind regards,

Jean-Claude

On 26 April 2013 04:08, OAK Administration <oak@njcdlp.org> wrote:

Dear Jean-Claude:

Attached is my submission on behalf of OAK (Organizations Associating for the Kind of Change America Really Needs), as part of the UPR Follow-up Programme .

I provided a six (6) paragraph narrative that responds to several UPR recommendations accepted by the USA. The narrative is submitted as a comment to recommendation 72 (*given space limitations*), and then

referenced by all subsequent recommendations that I address.

In case you have difficulty accessing or reading my comment at paragraph 72, I set it out below.

Please feel free to contact me with any questions or comments at 1 (219) 865-6248 Ext. 3; oak@njcdlp.org; and/or OAK - 7519 W. 77th Avenue - Crown Point, Indiana 46307 USA.

Again, thank you for your efforts and for providing me an opportunity to be part of the UPR Follow-up Programme. I look forward to related updates.

Best regards,

Zena

OAK (Organizations Associating for the Kind of Change America Really Needs)

by: Zena Crenshaw-Logal, Co-Administrator

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USA recommendations - session 22

OAK (Organizations Associating for the Kind of Change America Really Needs)

A central assertion of OAK's 2010 Joint Stakeholders' Universal Periodic Review Submission – U.S. of America, is that “. . . no amount of legal training, talent, skill, or experience guarantees any American appropriate relief” when contending with “. . . rogue agents of America's local, state, and / or federal government” aligned to subvert the law. *OAK UPR 2010, p 1*. The submission accordingly references the “Transactional Records Access Clearinghouse (TRAC) of Syracuse University” and reports that “. . . the role of . . . (U.S.) federal government as the court of last resort when it comes to dealing with abusive government officials has long been spotty, with almost all of the matters recommended for prosecution by the FBI being declined by the assistant U. S. Attorneys.” *OAK UPR 2010, p 4, ¶ 10*. So OAK evaluates progress on recommendations accepted by the U.S. at the Human Rights Council, primarily by considering whether at any stage of implementation, they might redress the shared concerns of its coalition members.

OAK focuses on potential or theoretical as opposed to actual progress because it defines “meaningful citizen oversight” as the hallmark of “respect for human rights” and submits that as a democracy, America “is so heavily weighted against the disenfranchised” that suggesting substantial or even significant evidence to the contrary has accumulated since November 2010 would be naïve at best. *See, OAK UPR 2010, pp1 & 9, ¶41*. Perhaps the best description of OAK's task at hand is “a consideration of whether any UPR recommendation accepted by the U.S. serves to enfranchise its citizens in combating serious government waste, fraud, and abuse.” Reasonable minds may differ about the corresponding benefit of UPR recommendations that the U.S. enact legislation and standards outlawing conduct it already condemns through existing, but poorly enforced laws and regulations. The reality-based cynicism of most OAK coalition

members works against enthusiastically applauding such measures.

Cynicism of its members notwithstanding, OAK expressly commends America's acceptance of these proposed legislative, rule-making, and standard setting initiatives that relate to its administration of justice, though some are vague, rely on terribly subjective terms, and/or may prove disingenuous: U.S. session 22 recommendations, paragraphs 72-73, 76, 79-82, 104-105, 124, 129-130, 137, 141, 270, and 276.

Certain UPR recommendations accepted by the U.S. contemplate important, concrete action as part of the country's administration of justice. However, some [*such as U.S. session 22 recommendations, paragraphs 74, 80-82, 103-104, 124, 129-130, 132, 134, 136, 143, 145-146, 191-192, 205, 218, 220, 225, 248, 268, and 276*] could precipitate crackdowns on blue to the exclusion of white collar crime, or similar class-based discrimination. In 2010, OAK noted that "(a)nyone legitimately pressing beyond local officials to America's federal government for relief, needs a DOJ committed to First Amendment protection as much if not more than anti-discrimination enforcement", and reported "(i)t seems at best that commitment finds expression in unwarranted disparities in prosecuting white and blue collar crimes." *OAK UPR 2010, p 5, ¶16.*

The following UPR recommendations accepted by the U.S. are particularly encouraging as they contemplate precise, helpful, concrete action: the humane "action" pledged by paragraph 72; prevention anticipated by paragraph 73; effectiveness pledged by paragraph 74; "(r)evue" of "law and practices" promised by paragraph 78; "practical measures" envisioned by paragraph 84; attempts to restrain contemplated by paragraph 102; evaluation referenced by paragraph 103; cessation of acts described by paragraph 105; concrete measures anticipated by paragraph 106; "awareness-raising campaigns" of paragraph 109; "training and education" referenced by paragraph 110; "(e)nd" of discrimination promised by paragraph 122; "studies" pledged by paragraph 123; "practical measures" proposed by paragraph 124; "(r)evue" and assessment promised by paragraph 125; "programs" contemplated by paragraph 126; "(e)nd" of "all forms of racial discrimination" contemplated by paragraph 128; assurance extended by paragraph 132; enhanced "efforts" proposed by paragraph 134; "training" highlighted by paragraph 135; "measures" anticipated by paragraph 136; effectiveness linked to measures described by paragraph 137; promotion of equality promised by paragraph 139; comprehensiveness contemplated by paragraphs 141-142; categoricalness of paragraphs 143 and 145-146; the bans forecasted by paragraphs 175-176, and 186; "measures" envisioned by paragraph 191; enhanced efforts promised by paragraphs 192, 205-207, 218, 220, and 223; voting rights promised by paragraph 224; "(r)evue" referenced by paragraph 225; guarantees extended by paragraph 235-236; unprecedented action promised by paragraphs 237, 248, 268, and 270; and inclusivity suggested by paragraph 276.

Unfortunately very few of the foregoing provisions come close to explicitly forbidding high-echelon government misconduct and elitism. In fact the USA's rejection of recommendations 70 and 219 facilitate oppression directly perpetrated or subsequently ratified by top government officials. As a result, the country could implement every UPR, session 22 recommendation it accepted and fall short of "(a)ll . . . prerequisites for an environment promoting access to justice: the capacity of (usually) disadvantaged groups of citizens to gain access to courts (or alternative resolution mechanisms) by removing various institutional as well as corruption related barriers within the legal system.

Transparency International 2007 Global Corruption Report.” *OAK UPR 2010*, p 9, ¶39.
“When even a relatively few (Americans) experience, but find it virtually impossible to overcome their government’s oppression, the majority of their countrymen enjoy a freedom too tenuous to be more than illusory”. See, *OAK UPR 2010*.

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