

Admiral Michael S. Rogers
NSA/CSS
Fort Meade, MD 20755-6248

March 31, 2015

Admiral Rogers -

The undersigned organizations call on the National Security Agency to establish a single point of contact to field inquiries and complaints about potential human rights violations, as required by Executive Order 13107. Your agency should also publish the name and contact information for that point of contact for the public.

ability for those denied their fundamental rights under the instruments to challenge the denial and obtain a remedy.⁹

When the U.S. ratified the ICCPR it included a reservation describing the treaty as non-self-executing, which the government argues to mean that without legislation individuals cannot bring a formal challenge in U.S. courts against the government's failure to respect its provisions. Accordingly, the informal process established by EO 13107 is essential to ensuring that individuals have the ability to assert the fundamental rights set out in the ICCPR.¹⁰ However, so far heads of agencies have unlawfully avoided their responsibility in this respect, to the detriment of individuals.

As a matter of law, your department is required to establish a point of contact to process complaints about potential human rights violations.¹¹ We now call on you to fulfill your

⁹ In contrast to most other state parties of the ICCPR, the United States maintains that the Covenant does not obligate it to respect the rights of those not located within its territory. One such example is the chasm between the protections offered to U.S. persons with respect to electronic surveillance as compared to non-U.S. persons. NATIONAL SECURITY AGENCY, UNITED STATES SIGNALS INTELLIGENCE DIRECTIVE 18 (2011) <http://www.dni.gov/files/documents/1118/CLEANEDFinal%20USSID%20SP0018.pdf>. This interpretation of U.S. obligations has been criticized as under inclusive by various authorities, including the

legal obligations by establishing this point of contact and publishing the same in order to ensure that individuals have a path toward recognition of the U.S. failure to protect their rights.

If you have any questions or would like to further discuss the details of this letter, you can contact Amie Stepanovich at Access, and she will communicate with the other signatories.

Sincerely,

Access

Advocacy for Principled Action in Government

American-Arab Anti-Discrimination Committee

American Library Association

Center for Democracy and Technology

Center for Financial Privacy and Human Rights

Constitutional Alliance

Cyber Privacy Project

Electronic Frontier Foundation

Government Accountability Project

The Identity Project (PapersPlease.org)

International Modern Media Institute (IS)

New America's Open Technology Institute

Open Net Korea

OpenTheGovernment.org

Patient Privacy Rights

PEN American Center

Privacy Journal

Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC)

Web Foundation

Zimbabwe Human Rights NGO Forum