



**Written Submission of the American Civil Liberties Union (ACLU) to the  
UN Committee on the Elimination of Racial Discrimination (CERD)**

**February 3, 2026**

The American Civil Liberties Union (ACLU) respectfully asks the Committee on the Elimination of Racial Discrimination (CERD) to consider this submission requesting early warning and urgent action procedures in response to the human rights crisis in the Minneapolis and St. Paul metropolitan area (hereinafter, “the Twin Cities”). Since the Trump administration launched “Operation Metro Surge” in December 2025, upwards of three thousand masked and armed federal agents from Immigration and Customs Enforcement (ICE) and other arms of the Department of Homeland Security (DHS), including Customs and Border Protection (CBP), have descended on the Twin Cities against the will of state and local leadership, including Minnesota Governor Tim Walz, Minnesota Attorney General Keith Ellison, and Minneapolis Mayor Jacob Frey. In the ensuing weeks, federal agents have engaged in widespread practices of unlawful and unconstitutional stops and arrests of Minnesotans, targeting Somali and Latino individuals and those perceived to be Somali or Latino, without any relevant information about the individuals’ citizenship or immigration status. ICE’s unlawful and unconstitutional stops and arrests of Minnesotans on the basis of race, ethnicity, and national origin represent flagrant violations of the freedoms and rights enshrined in the [International Convention on the Elimination of All Forms of Racial Discrimination \(ICERD\)](#), freedoms and rights that the United States is bound to uphold and protect at federal, state and local levels as a State Party to the treaty since 1994.

As the [U.N. High Commissioner for Human Rights](#) noted in his recent censure of U.S. immigration policy and enforcement, “[m]igration enforcement must always respect due process, protection from arbitrary detention, the principle of non-refoulement, equality and non-discrimination, and protection of the family.”

### **Background**

Since the inception of “Operation Metro Surge,” day-to-day life for individuals in the Twin Cities has been marked by profound uncertainty, ongoing trauma, and unprecedented levels of state violence. Masked and armed federal agents have stopped, detained, and arrested individuals at their homes, workplaces, houses of worship, and schools. In response, Minnesotans have exercised their First Amendment rights and engaged in acts of protest, including being present to observe, document, and voice their rejection of ICE’s unlawful and unconstitutional seizures and arrests of their neighbors. This protected First Amendment activity has been met with intimidation, harassment, and physical violence from federal agents. Indeed,

as part of the [ACLU's case \*Tincher v. Noem\*](#), individuals have detailed in sworn statements how federal agents aimed their guns at them, deployed pepper spray at close range, and followed them to their homes in retaliation for their protest. Others, in sworn statements, have [reported](#) being arrested after simply standing on a public street or being boxed in and surrounded by the cars of federal agents. Recently, the retaliatory violence has escalated to the use of lethal force against nonviolent protesters: [federal agents shot and killed Renee Good and Alex Pretti](#) in the month of January alone. In response to these extrajudicial killings, [the Trump administration has defamed the victims, Good and Pretti](#), wrongfully and harmfully alleging that these nonviolent protesters were "domestic terrorists." In stark contrast, the [U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions](#) has responded by voicing his profound concern in the aftermath of these killings, highlighting the absolute prohibition on the arbitrary deprivation of life and the need for an independent investigation.

Perhaps most relevant to the expertise and mandate of this Committee is the [well-documented systematic racial profiling of Somali and Latino individuals](#) and those perceived to be Somali and Latino by federal agents in their immigration enforcement actions as part of "Operation Metro Surge." Federal agents have and continue to explicitly defy constitutional and statutory requirements for carrying out investigatory stops and arrests of Somali and Latino individuals in direct breach of these individuals' Fourth and Fifth Amendment rights. More specifically, federal agents have lacked (1) particularized and articulable reasonable suspicion to conduct an investigatory stop, (2) an arrest warrant, and/or (3) probable cause to effectuate an arrest in the absence of a warrant (i.e., at no point did federal agents inquire into the community ties of these individuals or articulate grounds for their removability). Repeated [racist and dehumanizing rhetoric](#) from the highest echelons of the Trump administration, directed against Somali and Latino communities broadly and against specific individuals like Congresswoman Ilhan Omar, cannot be separated from the policies and practices of ICE and other federal agents in Minnesota. These statements have shaped and enabled ICE's unlawful conduct.

While the [ACLU-MN has received over 500 reports of constitutional violations](#) committed by federal agents since opening reporting portals in December 2025, the organization notes this statistic is likely a gross undercount of the violations as it fails to capture, for example, individuals who are unaware of the portal and those who may fear retaliation for reporting.

Not only are federal agents acting in direct contravention of constitutional and federal law, but they are also ignoring binding directives from the courts. Just last week, the chief federal judge in Minnesota revealed an alarming statistic regarding habeas cases: since January 1<sup>st</sup>, [ICE "had violated nearly 100 court orders stemming from its aggressive crackdown."](#) In a separate [case brought by the state of Minnesota](#) against the Trump administration alleging violations of the Tenth Amendment as a result of "Operation Metro Surge," a federal judge denied the state's request for a preliminary injunction on January 31<sup>st</sup>.

In sum, current U.S. government policies and practices in Minnesota appear to violate ICERD and other international human rights obligations and pose a direct, continued imminent threat to the rights protected under the treaty, especially for the most marginalized members of racial, ethnic, refugee and migrant communities.

## Previous CERD Recommendations

CERD has previously underscored troubling U.S. policies and practices implicating the State's compliance with its treaty obligations in the [Committee's Concluding Observations](#), most recently in 2022. Several are worth foregrounding here, as they are pertinent to the urgent matter at hand:

- The “Committee remains concerned at the persistence of the practice of racial profiling by law enforcement officials, including Customs and Border Protection and from Immigration and Customs Enforcement, and at the lack of legislation explicitly prohibiting this practice;”
- The Committee “remains concerned at the brutality and excessive or deadly use of force by law enforcement officials against members of racial and ethnic minorities, including against unarmed individuals, which has a disparate impact on people of African descent, indigenous peoples, persons of Hispanic/Latino origin, persons of Asian descent and undocumented migrants;” and
- “The Committee remains concerned that, despite measures taken by the State party, impunity for abuses by police and Customs and Border Protection officers continues to be a widespread problem.”

In response, CERD outlined [recommendations](#) to facilitate U.S. compliance. Specifically, the Committee recommended that the U.S.:

- “Adopt[] and “implement[] legislation that specifically prohibits law enforcement from engaging in racial profiling;”
- “Promptly revis[e] policies insofar as they permit or enable racial profiling, illegal surveillance, monitoring and intelligence gathering;”
- “Undertak[e] prompt, thorough and impartial investigations into all allegations of racial profiling, illegal surveillance, monitoring and intelligence gathering; hold[] those responsible to account; and provid[e] effective remedies to victims;” and
- “Reinforce measures to prevent any excessive use of force and undertake prompt, independent, and thorough investigations into all allegations of excessive use of force and killings by Customs and Border Protection officers and by Immigration and Customs Enforcement officers, hold those responsible to account and provide effective remedies to victims and their families.”

The abuses of ICE and other federal agents in Minnesota demonstrate that the United States has not only failed to seriously address CERD's prior concerns, but has instead escalated its attacks against minority, migrant, and refugee communities under its jurisdiction.

## The Necessity of Early Warning and Urgent Action Procedures

Pursuant to [CERD's revised guidelines](#) for early warning and urgent procedures, “the Committee shall act...when it deems it necessary to address serious violations of the Convention in an urgent manner.” The [guidelines](#) specify that indicators of a serious treaty violation include “[p]resence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals

to racial intolerance by persons, groups or organizations, notably by elected or other State officials” and “policies or practice of impunity regarding: (a) Violence targeting members of a group identified on the basis of race, colour, descent or national or ethnic origin by State officials or private actors [and] (b) [g]rave statements by political leaders/prominent people that condone or justify violence against a group identified on the ground of race, colour, descent, national or ethnic origin,” among others.

The Trump administration’s recurrent racist and dehumanizing rhetoric directed against Somali and Latino communities, including high profile leaders from these communities like Congresswoman Ilhan Omar, and DHS’s ongoing unlawful conduct – including suspicion-less stops and warrantless arrests based on racial animus and racial profiling – in the Twin Cities fall squarely within CERD’s revised guidelines for early warning and urgent procedures, justifying immediate intervention from CERD.

[Art. 2\(1\)\(a\) of the Convention](#) stipulates that each state party “undertake[] to engage in no act or practice of racial discrimination against persons, groups of persons, or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.” The situation in Minnesota clearly demonstrates that the Trump administration and DHS agents are acting in direct contravention of this obligation. Rather than “undertak[ing] to engage in no act or practice of racial discrimination,” national public officials are explicitly targeting individuals based on race, ethnicity, and national origin in their immigration enforcement actions, thereby actively engaging in practices of racial discrimination.

*ICE’s campaign of unlawful and unconstitutional stops and arrests targeting Somali and Latino individuals is violating their right to equality before the law and their right to security of their persons (Art. 5 of the Convention)*

Pursuant to [Art. 5 of the Convention](#), “[s]tate [p]arties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee the right to everyone without distinction as to race, colour, or national or ethnic origin, to equality before the law” including “in the enjoyment of...the right to security of person.” While the Convention itself does not explicitly name racial profiling, the Committee has sanctioned the practice as a form of racial discrimination in subsequent analysis and reports. In [General Recommendation No. 36, CERD highlighted](#) how “the practice of racial profiling is incompatible with the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law and to equal treatment,” in direct reference to Art. 5 of the Convention. Furthermore, in separate general recommendations, CERD has foregrounded concerns around racial and ethnic profiling of [non-citizens](#) and of [people of African descent](#) by law enforcement. The Committee has also repeatedly condemned the practice of racial profiling by U.S. law enforcement, including federal immigration officials, in its concluding observations in [2008](#), [2014](#), and [2022](#).

Sworn testimony from individuals of Somali and Latino ethnicity involved in the [ACLU’s case Hussen v. Noem](#) about their encounters with ICE and other federal agents in Minnesota is damning, clearly demonstrating a policy and practice of racial profiling by these federal agents. Below are just a few representative examples of ICE’s unconstitutional and unlawful stops and arrests:

- One Minnesotan of Somali ethnicity described being violently apprehended and detained by ICE agents despite his multiple attempts to affirmatively demonstrate U.S. citizenship.
- A Minnesotan of Latino ethnicity relayed a similar encounter: He was violently arrested outside of his place of work while repeatedly expressing to agents that he was a U.S. citizen. Prior to his arrest, federal agents repeatedly asked him and his coworker, also of Latino ethnicity, whether they were U.S. citizens and if they were from here, a line of questioning that seemed to be based solely on their ethnicity. Additionally, a white coworker, who had yelled at the agents during this incident, was not stopped or apprehended.
- Another Minnesotan of Somali ethnicity described how ICE agents showed up at his place of work and demanded that he produce proof of identification to demonstrate that he was “not illegal.” During this unlawful stop, agents asked why this individual and his mother were “speaking that foreign language” (Somali).
- Another Minnesotan of Latina ethnicity described an encounter during which federal agents ordered her to show identification while they surrounded her coworker’s car; her coworker was also of Latina ethnicity. The agents did not ask for identification from several bystanders who were white during this incident.
- During another unlawful stop in a predominantly Somali-American neighborhood, federal agents told a legal permanent resident of Somali ethnicity, who was dressed in Muslim attire, that “Trump is the president. This is what he wants.”

For further testimonies from impacted individuals, please see [further declarations filed more recently to federal court](#).

*Racist statements by Trump and administration officials violate U.S. obligations under CERD (Art. 4 of the Convention)*

Pursuant to [Art. 4 of the Convention](#), “[s]tate [p]arties...shall not permit public authorities or public institutions, national or local to promote or incite racial discrimination.” In conjunction with this obligation, the Committee has explained in its joint [General Recommendation No. 39](#) with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families that “State Parties should take measures to abstain from directly or indirectly producing or spreading narrow, biased, prejudiced and stereotyped narratives, including those that describe migrants as the problem, threat or risk or in any dehumanizing manner.” [President Trump has referred to the Somali community](#) as “garbage,” claimed “they are completely taking over” Minnesota, and stated that he does not want them in the U.S. For years, [Trump has attacked](#) Congresswoman Ilhan Omar, herself a Somali refugee, referring to her as “garbage” and calling her a “[total crook](#).” [He has attacked the Latino community](#), stating that Latino migrants are “poisoning the blood of our country” and are here to “prey upon innocent, American citizens.” Other members of his administration have made similarly reprehensible and unfounded remarks. For example, without evidence to support her assertions, [DHS Secretary Kristi Noem claimed](#) that “50% of [Somali Minnesotans] are fraudulent.”

## Conclusion

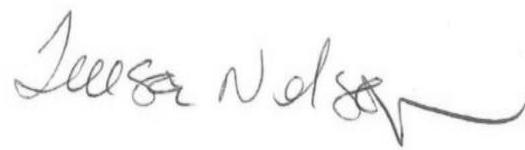
As documented above, the unconstitutional and unlawful actions of ICE and other federal agents represent a clear and imminent threat to the human rights of Somali and Latino individuals and those perceived to be Somali or Latino in the Twin Cities. This human rights crisis, fueled by the Trump administration's racist rhetoric, continues to unfold and expand. As we write this, Minnesotans are still being stopped, detained, and arrested on the unlawful basis of race, ethnicity, and national origin, nonviolent protesters and observers continue to be harassed, intimidated, and subjected to violence, elected officials are being physically attacked, and journalists have been arrested because of their reporting. As such, the ACLU respectfully requests that the Committee:

- Issue a decision under its early warning and urgent action procedures demanding the immediate end to the U.S.'s grave violations of ICERD; and
- Send a delegation of independent experts from the Committee to Minnesota to conduct an official visit to observe, document and report on U.S. government gross violations of its CERD and other human rights obligations.

Sincerely,



Jamil Dakwar  
Director, Human Rights Program



Terri Nelson  
Legal Director, ACLU of Minnesota