

PRESS RELEASE ANNOUNCEMENT



In the spirit of Mandela

International Tribunal on US Human Rights Violations

spiritofmandela.org

Oct. 22-24, 2021

Virtual/New York

October 25, 2021, For Immediate Release

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Panel of Jurists Website Verification:
<https://www.tribunal2021.com/news>

GUILTY on ALL Counts!

After hearing from over 30 witnesses and receiving hundreds of documents, the Panel of Jurists found the US government and its subdivisions GUILTY of Genocide and Gross Human Rights Violations. The Executive Summary Verdict which follows is their preliminary report, with a detailed and cited ruling to appear in the near future.

International Tribunal on Human Rights Abuses
Against Black, Brown, and Indigenous Peoples

October 23-25, 2021

New York, NY, Turtle Island, Lenape land, USA

EXECUTIVE SUMMARY VERDICT

in the case of BLACK, BROWN, AND INDIGENOUS PEOPLES

Charging Human Rights Abuses and Genocide

Against the United States of America

As represented by its President, Department of State, federal and state policing agencies, and other governmental institutions.

As collected in evidence at the

2021 International Tribunal on US Human Rights Abuses

Against Black, Brown and Indigenous Peoples

EXECUTIVE SUMMARY VERDICT

Introduction: The Context of Our Work and Why We are Here

The fact that the United States has committed an array of human rights abuses against Black, Brown, and Indigenous Peoples should be as uncontroversial as it is incontrovertible. There is widespread agreement that settler colonialists committed genocide and other crimes against the Indigenous populations while taking their lands. No one would disagree that enslaved Africans were forced to work the settler colonial lands for hundreds of years in subhuman conditions.

The historical record tells the story of additional human rights abuses committed against Mexicans and other groups as the US expanded West and colonized countries like Puerto Rico. No one doubts that Japanese were forced into concentration camps during World War II or that Blacks were lynched and brutalized during Jim Crow. The current President of the United States acknowledges these crimes. His Secretary of State recently confirmed this while stating, "great nations such as ours do not hide from our shortcomings; they strive to improve with transparency."

If laudable, such sentiments ring hollow unless met by action. The Spirit of Mandela Coalition petitioned for the creation of this Tribunal because they believe that not only are US human rights abuse “shortcomings” not being fully acknowledged, but that the US has sought to bury a number of these crimes. The Coalition enlisted a prosecutor, Nkechi Taifa, to argue their case. Their indictment on behalf of Black, Brown, and Indigenous Peoples in the US charges the U.S. government and its state and local political subdivisions with crimes committed in five areas: police racism and violence, mass incarceration, political prisoners/prisoners of war, environmental racism, public health inequalities. Further, they argue that the US has committed genocide.

In 2021, the International Tribunal on US Human Rights Abuses against Black, Brown, and Indigenous Peoples convened as an independent body to hear the case. We did so as a quasi-legal body in the tradition of People’s Tribunals dating back to the Russell Tribunal and Permanent People’s Tribunal, among others. While evaluating the charges in terms of international and domestic human rights law and practice, we also recognize that such legal structures have limitations that can reinforce racism and deny voice and redress to Black, Brown, and Indigenous peoples as the prosecution in this case alleges.

To assess the merits of the case, the Tribunal convened from October 23-25, 2021. Over the course of two days, the Jurists heard eighteen attorneys and students of law solicit evidence from thirty witnesses from across the US.

Background

The Panel of Jurists heard testimony emphasizing the millions upon millions of Indigenous and African peoples murdered, disappeared, and nearly exterminated over a period from 1492 through the present. Further, the witnesses and prosecution argued that the wrongs have been historic and deliberate, with colonization, racism, militarism, imperialism, materialism, criminalization, patriarchy, neocolonialism, and internal colonialism as part of the larger process that now manifests itself in medical and digital apartheid, chemical warfare, environmental violence and racism, divestment, and a pandemic of accessible guns and drugs - with the majority of gun violence perpetrated by police and security forces in the false claim of upholding law and order. Statements were made testifying to new forms of colonialism which include the Prison Industrial Complex, the Military Industrial Complex, and the commercialization of our health and privatization/commodification of all social services.

The testimonies include substantial evidence of the erasure of histories; distortion and cultural misappropriation contributes to and exacerbates the attempted invisibilization and denial of People's basic humanity. The profound impacts of all of these realities extend beyond the erasure and attempt to exterminate Black, Brown and Indigenous lives. Hence, as one witness stated, “the colonization of the spirit and mind continues to this day.”

The testimonies of this Tribunal reaffirm the traditional wisdom and knowledge of Black, Brown, and Indigenous Peoples. Strong evidence was presented on the indomitable, unbreakable resistance and resilience of the peoples' struggle for justice and dignity. In the face of egregious human rights violations and crimes against humanity, this spirit of collective survival shone through.

The 2021 International Tribunal on US Human Rights Abuses Against Black, Brown and Indigenous Peoples was initiated by a US coalition, In the Spirit of Mandela. Its own recognized legacy, based on efforts dating from the 1951 "We Charge Genocide" petition to the present, rests on the idea that any examination of US human rights must be done in an international context. The Panel of Jurists came together as an independent body made up of legal scholars, human rights advocates and activists, and community leaders. Utilizing the International Criminal Law on Genocide and other instruments, the Panel convened to hear and review the testimony organized by Spirit of Mandela Legal Team. The Accused, though informed, did not respond to the charges and indictment against them, nor did they appear as invited to present a defense.

Proceedings

The following is a summarized and preliminary presentation of the testimony.

Police Killings

Testimony was heard regarding an alarming pattern and practice of police murdering Black, Brown, and Indigenous people with impunity. We were informed that a recent Commission of Inquiry found that "Black people are 3.5 times more likely than white people to be killed by police when Blacks are not attacking or do not have a weapon." Disaggregated data for other Peoples is lacking.

Mass Incarceration

Testimony emphasized that in the case of US Constitutional law, while the 13th Amendment promised the abolition of the process of chattel slavery, it in fact created an exception incentivizing the incarceration of people of African descent and other peoples. Further they argued that a school-to-prison pipeline has been set in motion by the racialized policies and programs of the US federal and state governments. One testimonial noted, "the law is used as a weapon of war" against Black, Brown and Indigenous Peoples. Further testimony indicates that there are US policies of wars on poverty, wars on drugs, wars on terror, and others - amounting to a war on Black, Brown, and Indigenous Peoples as they disproportionately criminalize their youth and communities.

Political Prisoners/Prisoners of War

Arguments were made presenting the criminalization of legitimate political struggles, most particularly of Black, Brown and Indigenous Peoples. One witness testified that it is like a "Counter-Intelligence Program on steroids." Several witnesses testified that with regard to traditional torture techniques, there is ample evidence of solitary confinement lasting for decades, which go so far beyond the UN constituted definitions of torture that

they defy any modern standard of humane government. Further testimony was presented arguing that decades-long sentences have been imposed for those imprisoned for their political beliefs. One witness stated, “the US is the only industrialized nation in the world that denies the existence of political prisoners.”

Environmental Racism

Testimony was received arguing the impact of environmental violence. They asserted that the climate crisis disproportionately impacts Black, Brown and Indigenous Peoples, constituting environmental violence. The Prosecution contended that there is a deliberate and callous poisoning of land, water, air, and soil, reflecting the valuing of profits over peoples which threatens the survival of the planet and impacts most devastatingly the lives of Black, Brown and Indigenous peoples.

Public Health Inequities

The testimony highlighted deep public health inequities including both physical and mental health manifestations. Further assertions were made that the COVID-19 pandemic and an “inadequate and incompetent Federal response to this crisis” magnified the disparate impact of structural racism affecting access to health care. Moreover, testimony was heard regarding indifference to the suffering of groups of people considered expendable due to the profit model of US health care, leaving behind those most vulnerable. The Prosecution argued that, from forced sterilization to “food deserts” and chemical contamination, from toxic stress based on the environment in which one lives to the criminalization of mental illness, Black, Brown, and Indigenous people are neglected and left out of any illusion of the human right to health.

While these crimes are well-documented, they have more rarely been acknowledged, remedied, and addressed with some very distant from public knowledge.

Judgement

Despite the need for further deliberation on the extensive submissions and documents from varied expert witnesses, a deep analysis from the Jurists found that the process did sufficiently cover the scope and elements of all five counts in the indictment as having legal standing and hence legitimacy.

The Jurists further establish that the grounds for each of the five counts in the indictment presented the basis for successful intervention due to the extensive testimonies of both witnesses and expert witnesses.

A full and detailed judgement will follow regarding our findings on these counts. Any minority position of the Jurists will be developed, with collective consensus on each count asserted to further advance our recommendations for remediation, reparations, and future actions.

After having heard the testimony of numerous victims of Police Racism, Mass Incarceration, Environmental Racism, Public Health Inequities and of Political

Prisoners/Prisoners of War, together with the expert testimonies and graphic presentations, as well as the copious documentation submitted and admitted in the record, the Panel of Jurists find the US and its subdivisions GUILTY of all five counts. We find grounds that Acts of Genocide have been committed.

Signed, 25 October 2021, Panel of Jurists
Church Center of the United Nations

Chief: Her Honorable Magdalene Moonsamy (South Africa), former Member of Parliament (ANC); Deputy Chair of the African Peer Review Mechanism, an instrument of the African Union; attorney-director of the Women's Justice Foundation; Admitted Attorney of the South African High Court; lecturer of the Law Society of South Africa's Legal Education and Development (LEAD) school

Deputy Chief: Wilma E. Reveron Collazo (Puerto Rico), long-standing member and leader, Colegio de Abogados de Puerto Rico (Puerto Rican Bar Association); former Executive Director of the Puerto Rico Center for Research assigned to the United Nations Office of Information on the Right to Self Determination; former Senior Staff Attorney, American Civil Liberties Union

Dr. Vickie Casanova-Willis (USA), Executive Director, US Human Rights Network; past president, National Conference of Black Lawyers (NCBL); founding member of Black People Against Police Torture; Co-organizer of the UN Working Group of Experts on People of African Descent and Working Group on Arbitrary Detention (US Visits); co-author of multiple historic policy-shaping reports including the first UN Universal Periodic Review raising the issue of US Political Prisoners and COINTELPRO

Kassahun Checole (Eritrea/USA), CEO and publisher, Africa World/Red Sea Press; renowned Pan Africanist and Pan American scholar; lifetime advisor of the Association of Concerned African Scholars and the African Studies Association

Sherly Fabre (Haiti/USA), International Fellowship of Reconciliation United Nations Representative; member, Muslim Peace Fellowship/Community of Living Traditions; co-founder, Proyecto Faro

Professor Mireille Fanon Mendès-France (France), former Chair of the United Nations Working Group on People of African Descent; former Commissioner of the 2020 International Commission on Inquiry (Systemic Racist Police Violence against US People of African Descent); Judge of Permanent Peoples Tribunal; Co-Chair of the Frantz Fanon Foundation

Dr. Alexander Hinton (USA), Director of the Center for the Study of Genocide and Human Rights, Rutgers University; UNESCO Chair on Genocide Prevention; Distinguished Professor of Anthropology

Chairman Brian Moskwetah Weeden (Mashpee Wampanoag), Chairman of the Mashpee Wampanoag Tribe; Bear Heart from Eel Clan; Co-President/Trustee of the United National Indian Tribal Youth (UNITY); Co-Vice President of the National Congress of American Indians (NCAI) Youth Commission

Binalakshmi "Bina" Nepram (Manipur/Northeast India), Founder-Director, Manipur Women Gun Survivors Network; Founder-Director, Global Alliance of Indigenous Peoples, Gender Justice and Peace; Board member of the International Peace Bureau (1910 Nobel Peace Laureate)

Special Advisor to the Panel of Jurists: Matt Meyer, Secretary-General, International Peace Research Association

Special Advisory Committee convened to assist Panel of Jurists

Nozizwe Madlala-Routledge, Chair
Director, Quaker United Nations Office (Geneva); Former Deputy Speaker of the South African Parliament, South African former Deputy Minister of Health; South African former Deputy Minister of Defense

Matt Meyer, Co-Chair

Members:

Diana Marcela Agudelo-Ortiz (Colombia), Professor/Psychologist, Universidad Externado de Colombia; IPRA Executive Committee

Celia Cook-Huffman (USA), Vice President for Academic Affairs, Manchester University

Richard Falk (USA), Professor Emeritus of International Law, Princeton University; UN Special Rapporteur

Sahar Francis (Palestine), Lawyer/Director, Addameer Prisoner's Support and Human Rights Association

Ela Gandhi (South Africa), Founder/Director, Gandhi Development Trust; South African Member of Parliament (1994-2004)

Janet Gerson (USA), Educational Director, International Institute on Peace Education (IIPE)

Lennox Hinds (Trinidad/USA), African Bar Association; UN Representative of the International Association of Democratic Lawyers; counsel for Nelson Mandela, the African National Congress, and the South African government

Mairead Corrigan Maguire (Northern Ireland), Nobel Peace Laureate (1976); co-founder, Community for Peace People, Northern Ireland

Gustave Massiah (France), Founder, France ATTAC; Secretary General, International League for the Rights and Liberation of Peoples; International Council of the World Social Forum; member, Permanent People's Tribunal

Marie-Lou Nahhas (Lebanon), Actress, Orange is the New Black, UN Population Fund spokesperson on girl's and women's rights

Moses John Monday (South Sudan), Convener, Pan African Nonviolence and Peacebuilding Network

Sri Nuryanti (Indonesia), Co-chair, Asia-Pacific Peace Research Association; Researcher, Indonesian Institute of Sciences

Betty Reardon (USA), Founding Director of Peace Education Center, Columbia University; co-founder of IPRA, the International Institute on Peace Education, and the Global Network of Women Peacebuilders

Stellan Vinthagen (Sweden), Endowed Chair of the Study of Nonviolent Direct Action, UMass Amherst; IPRA Council member

Polly Walker (Cherokee/USA), Chair, Indigenous Educators Network; former Director, Baker Institute of Juniata College

Hakim Williams (Trinidad), Professor, Africana Studies and Director, Peace and Justice Studies, Gettysburg College

As Opening to the 2021 International Tribunal on US Human Rights Abuses Against Black, Brown, and Indigenous Peoples, convened by the US-based Spirit of Mandela coalition, the attached special message of endorsement was presented, from Her Royal Highness Princess Zenani Mandela-Dlamini, South African Ambassador and daughter of Winnie and Nelson Mandela:



MESSAGE OF ENDORSEMENT
FOR
THE INTERNATIONAL TRIBUNAL ON HUMAN RIGHTS ABUSES AGAINST BLACK,
BROWN & INDIGENOUS PEOPLES

I am honoured to give my endorsement to this important initiative at a time when global intolerance and prejudice is on the rise which has not only been exacerbated by the impact of COVID-19 but COVID-19 has also shone the spotlight on global systemic prejudice and inequality.

Through this initiative, which I hope will compel world leaders to show the political will to act on these vile injustices perpetrated against the most vulnerable and disadvantaged, which my mom and dad, Winnie Madikizela and Nelson Mandela fought tirelessly and selflessly to eradicate.

In addressing these issues, which have now become more than ever pervasive in our society. The actions of the International Tribunal will not only bring to the fore the plight of the world's disenfranchised, marginalised, and poor but in the process will continue to champion the very causes that were very important to my parents and other struggle activists.

As a child of political activists, who suffered not only from my parents' incarceration but also from the pain and trauma of being separated from them, I understand the sacrifices and meaning of what it takes to stand up to social injustices and speak truth to power.

As such I am committed to the principles and ideals of restorative justice and the inalienable rights for all. My family and I are committed to a world free of prejudice, social and gender injustices where human rights for all are respectively acknowledged and applied.

Always in Solidarity.

Zolani
HRH Princess Zenani N Dlamini

16 October 2021