

US Apartheid and Occupation Promotes Torture

Shadow Report Submission to the United Nations on USA

Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

53rd Session in Geneva on November 12 and 13, 2014

Geneva, Switzerland

- I. From: Yamasi People
Drafted: September 22, 2014
Contact: Lori Johnston, Leader – Yamasi People
international@yamasi.org; Phone: 912.976.9786

- II. Issue Summary
 1. The United States government, its States, law enforcement; health, education and welfare agencies; penal and community monitoring institutions; and affiliated corporations are in violation of its signed treaty obligations under the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment by continuing to systematically rape, assault, torture, kidnap, imprison, enslave, torture, incarcerate and murder Yamasi indefinitely as political prisoners of the occupying US government who do not have human rights.
 2. The US will not investigate, prosecute, or respond to any requests relating to the torture of Yamasi
 3. Yamasi are a human southeast Indigenous People in north America where the US occupies and are protected by the Geneva Conventions as having human rights and as such are protected by CAT which pertains to torturing humans.
 4. The US uses apartheid ‘Indian Law’ through many US agencies, especially through the US Bureau of Indian Affairs, to torture Yamasi and other Natives living with Yamasi lands for the purpose of coercing and intimidating Natives into subordination as ‘dependent’ and ‘domestic’ ‘Tribes’ controlled by the US and denied rights and title to natural blessings.
 5. This apartheid ‘Indian Law’ prevents Indigenous Peoples and the original nations governing us from enforcing ecosystem protections and mitigating climate change. Because original nations cannot protect ecosystems, Indigenous Peoples and US Peoples are tortured by poisoned and dysfunctional ecosystems causing floods, drought, increased storm frequency and intensity, pollution, failure of traditional medicine, food, and water systems that leads to starvation, sickness, and death, all of which meets the definition of Article 1 of CAT as torture.

- III. U.S. Government Report
 6. Under point 49 p 17 “When evaluating the adequacy of any treatment assurances, U.S. officials consider, inter alia, the foreign government’s past practice and capacity to fulfill its assurances, relevant political or legal developments in the foreign country concerned, and U.S. diplomatic relations with that country.” to respect the Rights of Indigenous Peoples.” Thus the US in accordance with Article 5 of CAT is responsible for all its state actors, including

local officials and corporations claiming rights to control the activities of Indigenous Peoples and each IP's individual citizens protected by original nations, which the US occupies without agreement in the southeast of North America and/or other areas where the US claims jurisdiction.

IV. Legal Framework

7. Article 5 of CAT states that the US is responsible for all acts committed by its nationals in foreign lands, which includes the territory protected by Yamasi and our ancestors since time immemorial. The US has never demonstrated how it has lawfully acquired jurisdiction or title to these lands. Thus the US occupies lands foreign to the US when it occupies Yamasi lands. Thus all acts of physical and mental torture, including psychological torture involved with the US hate speech of using Natives as sports mascots and related degrading depictions of Natives in media, whether originating from the US Department of Education, the National Collegiate Athletic Association, or National Football League, or any other entity using Natives as mascots in any way with Yamasi lands, is protected and promoted by US officials. Also Article 8, 4 holds that the offence shall be considered to have happened where they occurred, in the case, with Yamasi lands, and also to have occurred in the place where the officials permitted it, which would be the US District of Columbia.
8. Articles 5 and 1 prohibit the systematic mental torture of Yamasi and other Natives living with Yamasi lands through the application of US patriarchy, the assignation of a father's surname to children, individualized European inheritance laws, the US BIA's contrivance, with US officials in children services and other agencies to coerce Yamasi and other southeast Natives living with Yamasi lands to engage in incest for the purpose of destroying the individual's association with the cultural and thus destroying the political collective identity with their own southeast Indigenous People. This special form of sexual abuse developed by the USBIA and deliberately practiced by the US through fraud and contrivance causes citizens of a southeast original nation to engage in sexual activity with someone of their own clan, which has destructive consequences to the cultural and political integrity of the entire People affected for countless generations into the future. Where children are born to these incestuous relationships the descendants experience physical torture in the form of birth defects for generations to come. Destruction of traditional matrilineal indigenous society in the Southeast, especially documented with Yamasi, is used to coerce and intimidate southeast Indigenous Peoples, including Yamasi, to acquiesce to US domination, assimilate, and forfeit their independent culture and government where Yamasi and others have lived since time immemorial. This is cruel, degrading, retaliatory, and unwarranted punishment for Indigenous Peoples asserting our rights under UDHR and ICCPR.
9. Article 1 of CAT defines torture as inflicting physical pain, or coercion or intimidation to produce a political result with the acquiescence of public officials. The US coerces Yamasi People into involvement with the BIA by kidnapping, raping, enslaving, torturing, assaulting, incarcerating, and murdering Yamasi. The US continues to directly financially support corporations claiming the identities of

individual and/or collective Yamasi as beneficiaries of BIA-related entities, including casino racket corporations. The US continues to consistently refuse to dialogue with Yamasi to work for an end to this systematic torture of Yamasi, who will not agree to involvement with the BIA. The US continues to fund, plan, instigate, and protect the actors of violence against Yamasi, including rape and other torture for the purpose of claiming title and rights to Yamasi blessings, including water, land, air, and resource rights. The US uses torture against Yamasi to claim to the world that Yamasi lands are under US jurisdiction. This torture of Yamasi is coercion and intimidation through the USBIA to keep us from asserting our rights to protect our ecosystems and all our blessings.

10. Article 10 says that law enforcement will be trained to address torture. This has not happened in Yamasi lands. When law enforcement June 9, 2008 arrested a Yamasi leader at the time she was a registered patient in a hospital, for 'trespassing' by entering the State-owned hospital, assaulted her, deprived her of food, water, and medicine, US law enforcement stole her data drive, inserted it in a state-owned computer and read the political documents, quoting sections of writing through the cell door to mock, deride, and threaten the tortured Yamasi. The US to date has refused to address this or any other torture of Yamasi or to work with Yamasi on ways that it could educate law enforcement to avoid such political intimidation and coercion.
11. Article 1 defines torture as physical harm, which includes rape. The US refuses to respond through any of the contacted agencies, including Bureau of Indian Affairs, Federal Bureau of Investigation, and Department of Justice, in any way or form to Yamasi documenting the systematic rape of Yamasi and ways the US could stop it. This is a clear violation of Article 1. The US does nothing to stop and everything to ensure the systematic rape of Yamasi. The US could immediately and absolutely stop the systematic rape of Yamasi by ending US apartheid "Indian law" that allows corporations to claim individuals of indigenous descent (without their knowledge, consent, or access to such illegally claimed benefits) as members of a fake "Indian Tribe" benefiting from unsustainable development, which is often casinos.

V. Concluding Observations

12. The United States fails to address the issue of torture and political prisoners held both directly and indirectly through war profiteers. The US refuses to comply with the Declaration on the Rights of Indigenous Peoples, which interprets Indigenous Peoples' rights identified in the Universal Declaration on Human Rights. Thus the US refuses to acknowledge the political nature of the systematic physical and cultural torture of Indigenous Peoples collectively and individually.
13. The CAT has not reviewed the US since the US declared that 'endorses' and that the US would sign the DRIP.
14. The CAT has the opportunity to assess the systematic torture of Indigenous Peoples in the political context of a war of aggression using coercion and intimidation to subjugate original nations through their cultural identity as Indigenous Peoples with particular mores, relations, and religious contexts that uphold their governmental function.

VI. Other UN Body Recommendations

15. 2011 UN UPR Recommendation to Release U.S. Political Prisoners, Recommendations Numbers 92.153 and 92.154. This would free many Yamasi held without cause, fair trial, or justification by the US.

VII. Recommended Questions

16. Why has the US government refused to end US apartheid 'Indian Law' and the criminal agency commissioned to implement this apartheid, the USBIA, which enables public officials and organized criminals to jointly appropriate the identity of Indigenous Peoples, such as Yamasi, through physical and mental torture?
17. Why has the US government refused to respond to requests from Yamasi to end the systematic rape, torture, assault, kidnapping, imprisonment, incarceration, forced labor, slavery, and murder of Yamasi? Why does US not hold its officials accountable for torture and other crimes against Yamasi?
18. Why has the US government refused to end the mental anguish and physical violence incited against Natives through the hate speech of using Natives as mascots and associated dehumanizing media? Why does the US spend US tax money and collective resources, including those illegally appropriated from the actual Indigenous Peoples victimized by mascots, to promote hate speech against Natives in the form of mascots to incite mental and physical torture of Natives by US officials and other torturers exposed to this degrading media?

VIII. Suggested Recommendations

19. The US government should end its practice of apartheid "Indian Law" and its mental and physical torture of Natives and Indigenous Peoples to coerce and intimidate Indigenous Peoples to become 'dependent' nations governed by the USBIA. This would also end the use of Natives as sports mascot and related degrading state-sponsored hate speech and media. This would also end the appropriation of Indigenous Peoples' identity by organized crime, including the USBIA, and the torture used to silence Natives asserting our rights not to be claimed as BIA beneficiaries. The end of apartheid would also significantly mitigate climate change as original nations would be free to enforce ecosystem protections without being tortured by the US.
20. The US government should investigate all instances of torture and cruel, inhuman, and degrading treatment and punishment of indigenous political prisoners. The results of the investigation must be reported to affected Indigenous Peoples for review by our own judicial systems. The US should develop a means of collaborating with Indigenous Peoples and our governments to prevent torture and enforce laws, including the laws of original nations.
21. The US government should establish a Truth and Reconciliation Commission to address the systematic and ongoing torture of southeast Indigenous Peoples, including culturally-based torture, slavery, organized crime networks including but not limited to plantation, reservation, casino or other related slavery and allotment systems with the goal of (a) reviewing the causes, consequences, contributors, and continuation of this historical oppression through torture (b)

freeing current indigenous political prisoners held both publicly and through tacit and/or secret collusion with war profiteers, including but not limited to casino rackets (c) providing for the health, welfare, sustenance, and education of indigenous torture victims in a culturally appropriate manner by working with Indigenous Peoples affected (d) Investigating, monitoring, and ending the ongoing torture of Indigenous Peoples through the poisoning of our Greatgrandmother Earth, Waters, Winds, and other natural blessings, with which we participate in life.