

United States of America
Shadow Report Submission to the United Nations
**Convention against Torture and
Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)**
53rd Session in Geneva on November 12 and 13, 2014
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Tetuwán Treaty Council of the Grandmothers

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I. Issue Summary

1. The United States government, its States, law enforcement and penal institutions 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 indefinitely incarcerate Political Prisoners who fought against racial and political violence and repression, since European contact.
2. The US incarcerates those who question US authority to make it easier to coerce and intimidate Indigenous Peoples into subjugation, for the purpose of obtaining land and mineral rights, which rightfully belong to Indigenous Peoples collectively.
3. The US has used allotment since its invention in 1776, following the English system of individual allotment of land parcels within the boundaries of original nations, for the purposes of more easily transferring those allotments to non-indigenous.
4. The US claims that the Cobell case has settled the physical and mental torture specifically related to the Allotment era. However, this is not true. The Cobell case unlawfully limits royalties to a certain period instead of allotting Indigenous Peoples collective royalties in perpetuity from minerals unlawfully extracted from collectively held lands, for the benefit of health, education, housing, and food for future generations of Indigenous Peoples until the end of extraction.
5. The US refuses to release political prisoners and refuses to dialogue with Indigenous Peoples about a settlement to the

continued unlawful extraction of indigenous resources and the accompanying mental and physical torture.

6. The US historically and currently uses systematic distribution of incapacitating and torturing drugs (including alcohol) to Natives for the purpose of facilitating the transfer of individually allotted Native resources to non-Natives. This systematic abuse of Natives with drugs (alcohol) by the US is current visible as allotment checks become profits to non-Natives, thus furthering the US agenda of keeping Natives incapacitated and impoverishedⁱ through physical and mental torture of US drug (alcohol) distribution networks.
7. This coerced transfer of allotments through torture from Natives to non-Natives further tortures Indigenous Peoples by allotting collective resources of Indigenous Peoples to the US and its agents who then pollute and defile sacred winds, waters, lands, and fires that are part of Indigenous Peoples. Thus the pollution tortures each Indigenous People, Indigenous Peoples as intergovernmental organizations enacting laws for the protection of natural resources, and individual Natives, whom the US claims received allotments of Native resources, which often were converted to drugs used to torture and incapacitate Natives.

II. Concluding Observations

8. The US promotes allotment through the US BIA system, including the Cobell and other 'settlements' which are actually unilaterally arrived at by the US and then handed down to Indigenous Peoples. The US has historically since its invention in 1776 promoted allotment and US culture embraces allotment as a positive value while the vast majority of Indigenous Peoples view allotment as a negative value. This conflict results in the US torturing Indigenous Peoples to impose allotment on Indigenous Peoples through coercion and torture via incarceration, drugging, document leger de main, corruption, assault, rape, and murder, and the ubiquitous devaluing of indigenous life and culture in US society and legislative, judicial, and executive branches of government reflected in US education, health, housing, and food systems.
9. The US individualizing collective Indigenous Peoples tortures the indigenous individual human and other individual animals and plants, the collective Indigenous People and other indigenous species of life living with the lands, the original nation government protecting the Indigenous Peoples and the life they participate in with their

traditional lands, and all US Peoples who are also indirectly tortured by the loss of Indigenous Peoples' power to protect ecosystems.

III. U.S. Government Report

10. Tetuwan Council does not observe the US to respond in any way to the torture of Indigenous Peoples, however the US response on p 72, point 203, in response to query about electroshock to obtain information may be comparable to the systematic drugging of Indigenous Peoples as part of the US quest for indigenous resources. While the US maintains that use of electroshock for its own sake is not acceptable, it is acceptable where US officers are at risk. We expect the US to justify drugging Indigenous Peoples with the same sophistry. Thus we pre-emptively argue that Indigenous Peoples could not conceivably, under any ridiculous US arguments, put any US officers at risk if US officers would withdraw from indigenous lands.

IV. Legal Framework

11. CAT Article 1 defines torture as "severe pain or suffering, whether physical or mental" and this is what the US causes when it incarcerates Natives, individually allots Native resources for transfer to non-Native control, poisons our land, and poisons our People with drugs (alcohol) and the poisoned fruit of our polluted land.

V. Other UN Body Recommendations

12. UN Permanent Forum on Indigenous Issues directed the US to talk with Indigenous Peoples about this issue in May of 2014.

VI. Recommended Questions

13. Why has the US not withdrawn officers from original nations' territories, governed by Indigenous Peoples?

14. Why has the US continued to drug Indigenous Peoples through its drug distribution network, for the purpose of transferring allotted wealth from individual Natives to non-Natives and from collectively held Indigenous Peoples' 'asset's to US treasury assets?

15. Why has the US government continued to ignore the political and economic circumstances surrounding the mass incarceration of Natives who create obstacles to the US transfer of allotted wealth from Natives to non-Natives? When will the US examine each case of Native political prisoners?

VII. Suggested Recommendations

16. The US government should establish a commission to review each case of indigenous political prisoners in the individual, collective, national, and international context of wealth transfer and create an appeals process for review of each 'allotment' transfer to adjudicate whether the transfer of the resource should continue.
17. The US government should honor the jurisdiction of original nations protecting collective Indigenous Peoples and our natural resources from illegal allotments of indigenous resources. The US should recognize that payouts for past resources extracted without the collective consent of Indigenous Peoples does not legitimize the continued extraction of such resources and does not compensate for current or future resource extractions.

¹ <http://www.indianz.com/News/2013/010537.asp> "Eagle Bull addresses alcohol sales and Salazar payments" accessed on 9/22/14.