



In the Spirit of Mandela

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WE STILL CHARGE GENOCIDE: 2021 INTERNATIONAL TRIBUNAL 22-25 2021

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

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CHARGING GENOCIDE, BUILDING FOR CHANGE

By Jihad Abdulmumit, Matt Meyer and Nkechi Taifa

Any movement worthy of serious consideration understands its historical precedents, and the strategic contours of building from past realities towards future possibilities. The 21st Century has so far been through some devastating crises, and while mass mobilization has been a feature of the past years, consistent, militant, and revolutionary movements have yet to emerge. The call for a 2021 International Tribunal, based on international law and steeped in popular resistance, understands its place in history and the need to intensify all of our struggles, to deepen our unity as well as increase our militancy, if any progress is to be made. Like the Sankofa bird of the Ghanaian Akan clan, we look back in order to understand how best to move forward.

Seventy Year Anniversary

On December 17, 1951, beloved actor, vocalist, athlete and activist Paul Robeson and organizer and attorney William Patterson submitted a petition from the Civil Rights Congress (CRC) to the United Nations. Titled, "[We Charge Genocide: The Crime of Government Against the Negro People](#)," the petition was signed by almost 100 U.S. intellectuals and activists. Robeson led a delegation to present the document at U.N. Headquarters in New York, while CRC Secretary Patterson delivered it to a U.N. meeting in Paris. W. E. B. DuBois—preeminent sociologist, Harvard affiliate, and co-founder of the National Association for the Advancement of Colored People—was scheduled to accompany Patterson to Paris, but the U.S. State Department prevented him from leaving the country.

The [book-length petition](#) documented hundreds of lynching cases and other forms of brutality and discrimination, evincing a clear pattern of government inaction and complicity.

It charged that in the 85 years since the end of slavery more than 10,000 African Americans were known to have been lynched (an average of more than 100 per year), and that the full number can never be known because the murders were often unreported.

The petition cited the UN's definition of genocide, adopted December 9, 1948, in Article II, Convention on the Prevention and Punishment of the Crime of Genocide. It states:

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: a) Killing members of the group; b) Causing serious bodily or mental harm to members of the group; c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) Imposing measures intended to prevent births within the group; e) Forcibly transferring children of the group to another group."

Article 3 of the Convention goes on to clarify that "the following acts shall be punishable: a) Genocide; b) Conspiracy to commit genocide; c) Direct and public incitement to commit genocide; d) Attempt to commit genocide; and e) Complicity in genocide."

The authors of the We Charge Genocide, taking from these UN statutes, concluded therefore, that:

“...the oppressed Negro citizens of the United States, segregated, discriminated against, and long the target of violence, suffer from genocide as the result of the consistent, conscious, unified policies of every branch of government. If the General Assembly acts as the conscience of mankind and therefore acts favorably on our petition, it will have served the cause of peace.”

With the Cold War raging, the U.S. government maneuvered to prevent the United Nations from formally debating or even considering the charges brought in the petition. Working behind the scenes, they were able to prevent any discussion of the petition by the U.N. Commission on Human Rights. The CRC was considered a Communist "front group" and discredited, disrupted, or ignored by official US representatives.

When one of the American delegates to the U.N. criticized William Patterson for “attacking your government,” Patterson replied, “It’s *your* government. It’s my country. I am fighting to save my country’s democratic principles.” On his return to the United States, Patterson’s passport was seized by the State Department so he could no longer speak to foreign audiences about the denial of human rights endured by African Americans and other people of color. Robeson too was prevented from leaving the country and the two of them, along with many others, were harassed and persecuted by the FBI and other federal agencies for the rest of their lives.

Outside of the US, however, the petition was well received and extensively covered in news and movement circles. In Europe, Africa, and Asia, where the U.S. was competing against the Soviet Union and China for political influence, the document weakened American “Free World” claims and its assertion of global moral leadership, particularly among nonwhite peoples struggling against colonial rule.

Malcolm’s Internationalism and Legacy

The founding of the 2021 Tribunal conceived, at its foundational stage, that the charge of genocide was more relevant than ever seventy years after the initial outcry. In 2017, several pivotal events pushed us forward in the concrete development of our current work. First, Black Liberation movement and Black Panther political prisoner Jalil Muntaqim, who co-founded the Jericho Movement and several other initiatives while behind the prison walls (enemy lines), wrote an essay noting that:

“in the Spirit of Nelson Mandela, we are calling for a new investigation by the International Jurists on the human rights abuses of political prisoners. It is incumbent on freedom-loving peoples of the world to join this campaign to expose this incessant racial repression by US white supremacist practices on US political prisoners.”

Also in 2017, a great victory occurred. Based on decades of strategic planning, grassroots education and organization, and international alliance-building, Puerto Rican patriot Oscar Lopez Rivera was freed after over 36 years in prison. After years of petitioning the United Nations Committee on Decolonization and many other bodies, the 2016 UN Committee members stated that they would visit Oscar Lopez directly if the U.S. did not accept the global calls for his release. By the following year, the first speaker at the UN annual hearings, usually reserved for high level elected officials, was recently released Oscar

Lopez himself, who received a standing ovation from international governmental and non-governmental representatives alike! Among the participants were friend and also recently former political prisoner Sekou Odinga (a founder of the Black Panther Party International), Jericho Movement National Chair Jihad Abdulmumit, and solidarity activist/author Matt Meyer (who had helped organize several tribunals throughout the 1990s and 2000s). Jihad Abdulmumit took the opportunity—in the halls of the UN assembly—to advance the idea of setting the date and creating a Tribunal organization, which would extend the parameters of the initial idea to include all forms of U.S. human rights abuses against Black, Brown, and Indigenous peoples.

That vision could not have come about outside of the legacy of Minister Malcolm X, El Hajj Malik El-Shabazz. Baba Sekou Odinga was a Queens-based youth when he first met Minister Malcolm, and he later joined Malcolm's exciting Organization of Afro-American Unity initiative, based on the just-formed Organization of African Unity: a space for the newly independent nations of Africa to join together in Pan African development and peacebuilding. Minister Malcolm and Rev. Martin Luther King, Jr. both increased their internationalist perspectives and actions in their final years, with Malcolm planning to utilize the OAAU to bring the case of U.S. human rights abuses against Black folks to the arena of the United Nations.

Minister Malcolm asserted:

“One of our first programs is to take our problem out of the civil rights context and place it at the international level, of human rights, so that the entire world can have a voice in our struggle. If we keep it at civil rights, then the only place we can turn for allies is within the domestic confines of America. But when you make it a human rights struggle, it becomes international and then you can open the door for all types of advice and support from our brothers in Africa, Latin America, Asia, and elsewhere. So, it's very, very important—that's our international aim, that's our external aim.”

There is absolutely no coincidence that the 2021 International Tribunal is being held in New York City: both at the United Nations itself but starting at the place where Minister Malcolm drew his last breathes, the now renamed [Malcolm X and Dr. Betty Shabazz Memorial and Educational Center](#).

Facing Reality: Breaking Silos within the US Left

Fragmentation was inevitable following the FBI and US police collaborations aimed at destroying the Black liberation and radical Puerto Rican, American Indian, Mexican, anti-imperialist, and other movements. The assassinations of Minister Malcolm X, Rev. Dr. Martin Luther King, Jr., and countless members of the Black Panther Party were just the tip of the iceberg. In addition to forced exile, cooptation, and the massive drugging of Black, Brown, and Native peoples, incarceration was the most popular form of removing leaders from their communities and disempowering efforts for independent political thought and economic development. Current work spotlighting hyper-mass incarceration (according to Oxford defined as the current US experiment utilizing “comparatively and historically

extreme rates of imprisonment and by the concentration of imprisonment among young, African American men living in neighborhoods of concentrated disadvantage”), the Prison Industrial Complex, the “new Jim Crow” school-to-prison pipeline policies, and the Abolitionist connections between the criminalization of generations and the 13th amendment continuation of slavery-by-other-means and names is all rooted in the wave of illegal and immortal repression which signified U.S. response to efforts to free people from white supremacist control, and to “free the land.” The majority of those still in prison for their political work or beliefs—and recognized as political prisoners or prisoners of war from any international legal perspective—are not surprisingly those whose militant work called for full independence from U.S. racist and imperialist subjugation; those supporting the development of a Republic of New Afrika, the independence of Puerto Rico, the sovereignty of Indigenous nations, and the like. Similarly unsurprising (though heinous), the majority of those still languishing behind bars after forty and fifty years are of the same ilk: Sundiata Acoli, Dr. Mutulu Shakur, Kamau Sadiki, Maumin Khabir, and steadfast freedom fighters Leonard Peltier, Imam Jamil al-Amin, Mumia Abu-Jamal, Ruchell Cinque Magee, Veronza Bowers, Russell Maroon Shoatz, and many others.

Much work to spotlight the case of these political prisoners and the movement they represented was done even while the repression was intensifying. Some of the initial information about the FBI’s Counter-Intelligence Program (COINTELPRO), ultimately deemed illegal even by a US Senate Commission, came about in 1971 when Catholic leftists associated with prisoners of conscience and the draft resistance movement broke into the FBI field office in Medea, Pennsylvania, extracted files, and disseminated them to the media. Investigative work was conducted by framed New York Black Panther political prisoner Dhoruba bin-Wahad, who with his attorneys uncovered thousands of pages of COINTELPRO documents revealing human rights abuses and nefarious acts regarding trial preparation, jury tampering, torturous prison conditions and acts, denial of medical treatment, denial of religious rights, and other abuses. In 1979, a watershed series of events took place when an assembly of International Jurists convened in the US, visiting human rights petitioners brought together by the National Conference of Black Lawyers, the National Alliance Against Racist and Political Repression, and the United Church of Christ Commission for Racial Justice. Lennox Hinds, Esq, attorney for the petitioners, presented expert testimony to the group, including barristers from India, Sweden, Great Britain, Nigeria, Chile, Trinidad, and Senegal. Filed with and ultimately delivered to the United Nations Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities, the 1978-79 report concluded that:

“It is within the climate of US Government lawlessness that the situation of political prisoners in the US must be examined. The cases which are set forth in this petition are not exhaustive of the list of US political prisoners. Rather these cases are intended to serve as examples to the Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities that are representative of the class of political prisoners and the various ways and patterns in which the gross and consistent violations of human rights and fundamental freedoms alleged by the Petitioners are instituted and practiced by agents of the US government.”

The collected documents of the human rights abuses reviewed at that time were edited by Attorney Hinds in a book titled *Illusions of Justice*.

A decade later, as sectarianism and repression continued to set in, the U.S. denial of political prisoners and human rights abuses had become fully entrenched, with those working on the cases of the incarcerated fully mobilized and intent on release while the rest of the U.S. left and progressives ignored the plight of imprisoned leaders of liberation movements they might not be ideologically aligned with. This “silo” nature of left groups and coalitions was finally challenged in the late 1980s by the formation of the Freedom Now coalition and the planning for a major Tribunal on US Political Prisoners and Prisoners of War, to take place at New York’s Hunter College in January of 1990.

In the years leading up to the historic 1990 Tribunal, a series of activities set the context for the transformative event. Freedom Now brought New Afrikan independence movement organizers in direct and consistent contact with various sectors of the Puerto Rican movement, anti-imperialists and nonviolence-oriented prisoners of conscience advocates all joined forces and made a splash with the iconic “Face Reality: There Are Political Prisoners in the USA” poster, itself a sea of diverse faces from each of these movements. A “People’s Tribunal to Expose Control Units” was held in 1987, with groups such as the Committee to End the Marion Lockdown (focused on the most intense of the new breed of super-maximum-security prisons) at the fore. The successful campaign to close the Control Unit at Lexington Women’s prison, which oversaw the sexual harassment and torture of Alejandrina Torres, and ongoing sensory deprivation of anti-imperialist prisoners Sylvia Baraldini and Susan Rosenberg was a boost to these campaigns. Similarly, a strong verdict on behalf of self-determination for the Puerto Rican nation was delivered by the Permanent People’s Tribunal in Barcelona in 1989. In this same period, the Research Committee on International Law and Black Freedom Fighters considered and published papers such as “A Scientific Form of Genocide,” authored by Dr. Mutulu Shakur with Adolfo Matos, Tarik James Haskins, and others. The paper asserted:

“We specifically charge that the government of the United States is practicing genocide through behavior modification and counterinsurgency and low-intensity warfare techniques in its penal system, i.e., the state and federal prisons. We submit that behavior modification as practiced in United States prisons incorporates techniques from both counterinsurgency—low-intensity warfare and the science of psychology in the interest of political and military objectives...This program involves a scientific approach in targeting special prisoners with the aim of achieving political objectives. Each targeted prisoner is observed to determine his or her leadership potential, religious beliefs, aspirations, and most importantly, to record his or her reaction to the experiments being implemented. The sole purpose of the program is for government agents to learn lessons from experimenting with political prisoners, how they suffered and reacted, then use those findings to formulate a broad plan to be implemented against the people in society at large who are the ultimate targets. The oppressive conditions and the experiments conducted in the United States penal system, as implemented by this government through prison officials, are the evidence of a psychological war being waged against political prisoners who come

from a people who are involved in a struggle of resistance against oppression in all forms. When the behavior modification program conducted by the government is viewed in the light of the mandates contained in the “Geneva Accord,” one can only conclude that the United States Government’s actions are criminal and specifically violate the international laws concerning the rights of human beings. Accordingly, the United States Government’s acts should be regarded as war crimes.”

By December 1990, the key elements were in place. Eminent Puerto Rican educator, sociologist and author Dr. Luis Nieves Falcon—who had left a prominent tenured position at the University of Puerto Rico, where he founded and chaired the Department of Latin American and Caribbean Studies to return late in life to law school so he could better represent his imprisoned brethren—had relocated to New York City one year earlier to convene the effort, coming just off of his successes in Barcelona. Over a thousand participants gathered from around the world, mingling with groups and leaders from various national liberation movements within the U.S. The Tribunal was a serious political-judicial undertaking: Legal documents were carefully drawn up in accordance with international law, statutes and precedents. An indictment was written and delivered to U.S. officials, who were invited to attend and defend. An international panel of judges with distinguished legal and civic credentials was assembled. And the Tribunal itself was only the capstone of a carefully orchestrated set of multifaceted events throughout 1990. A large-scale poetry reading was held at New York’s prestigious Society for Ethical Culture; an art show was presented at Charas, a progressive community center. An Interfaith Summit was convened at the American Indian Community House. The Tribunal itself became a hotticket, public political event. By the end of it all, the issue of political prisoners was more clearly and definitively on the agenda of the U.S. left, and a verdict was available for the various movements to use in their base-building work.

Dr. Falcon, in preparatory essays before the Tribunal itself, noted that “the U.S. government has taken elaborate steps to confuse world public opinion as to the true character of these prisoners, because their existence exposes deep injustices in U.S. society. Furthermore, behind the screen of secrecy the jailers hope to break the prisoners’ bodies and spirits before an international conscience moves in a solidarity effort to demand an end to these abuses and for their immediate freedom.” In the unique New York setting, prominent Columbia University anti-apartheid activist Tanaquil Jones had befriended and then married well-known Panther prisoner Dhoruba bin-Wahad, whose dramatic release on his own recognizance scarcely six months before the start of the Tribunal aligned the two of them with the central organizing efforts. “Our fight is essentially a work of the heart and spirit,” Dhoruba noted in a pre-Tribunal event. “Back in the days of the [Panthers]...we didn’t realize that it was the *subjective* factor that was the dynamic factor. Before we can move ourselves, we have to change our hearts, and if we change our hearts, we can move other people because the human heart is universal, the human spirit is universal!”

Eight judges from Ghana, Palestine, Japan/Australia, Puerto Rico, Peru, Germany, the UK and the US—including a Member of the House of Lords and a Nobel Laureate—heard testimony based on a detailed 33-point indictment against the President of the United States, the US Attorney General, and the heads

of the FBI, CIA, and Bureau of Prisons. Their verdict unanimously condemned the US for flagrant human rights abuses against those recognized as political prisoners and prisoners of war.

Walls and Spirits: From There to Here

In the years following the 1990 Verdict, mass campaigns were organized in each of the “constituent” groups despite the fact that the coalition as a whole did not stay together. A perceived notion that the Puerto Rican organizers who helped center the effort received slightly clearer findings, with emphasis on the colonial nature of US control over Puerto Rico spotlighted in the verdict, did not help maintain unity in the ensuing years. Yet that organizing team went on to conduct similar Tribunals in 1992 in San Francisco centering Indigenous Peoples and the “quincentenary,” in 2000 in Puerto Rico and Vieques connecting the decolonization struggle and the anti-militarist struggle in the archipelago, and several additional smaller efforts. The dialectic use of international law as a basis for global solidarity and grassroots mass mobilization across ideological lines surely contributed substantially to the 1999 release of 14 Puerto Rican political prisoners and the 2017 release of Oscar Lopez Rivera.

Within the Black liberation movement, the reverberations of the post-Tribunal world led to many rebuilding initiatives, including the call for a New Afrikan Liberation Front put forth by Jalil Muntaqim. By 1998, the NALF and over 50 other organizations called for a march on Washington, and the Jericho Movement for Amnesty for all Political Prisoners was born. The tremendous outpouring on the streets of DC surprised many on the left, as a deeper commitment to “tear down the walls” was evident in the Jericho response. Veteran organizers and former political prisoners Herman Ferguson and Safiya Bukhari, both representatives of the Provisional Government of the Republic of New Afrika, were tasked with leading Jericho, and the long-term battle for freedom—of political prisoners and in general—gained a new organizational form.

The movement was not, of course, without its roadblocks. Safiya spoke often about the Post-Traumatic Stress that many former prisoners and veterans of the liberation had, just for surviving. In an essay reprinted in her posthumously-published *The War Before* (2010), Bukhari noted:

“I think I’m one of the lucky ones. In 1983, after serving eight years and eight months of a forty-year sentence, I was released on parole. While in prison I maintained my commitment to the struggle for the liberation of black and oppressed people. What kept me going was knowing that the reason they were killing and locking up Panthers was to break them and therefore to break the back of the struggle. I was determined that I would survive and, one way or the other, live to fight another day.”

When Spirit of Mandela first developed and the idea of hosting an International Tribunal based on the lessons of the past and moving the work forward effectively well into the future, these previous efforts were clear in our minds.

Black Power, Black Lawyer, and the People's Chief Attorney

As a young person during the late 1970's, Tribunal Chief Prosecutor Nkechi Taifa worked closely with Imari Abubakari Obadele I, first popularly elected President of the Provisional Government of the Republic of New Afrika (RNA) as part of the crusade of the New Afrikan Independence Movement to get Black political prisoners and prisoners of war recognized, both domestically and internationally. On October 12, 1978, a press release was issued by the Foreign Affairs Task Force of the Republic of New Afrika, titled, "RNA Asks United Nations Help for Black POWs and Independence." The press statement released the names of 17 people held in US state and federal prisons whom the RNA stated were not just political prisoners but prisoners of war within the meaning of the Geneva Convention of 1949. Accordingly, the RNA, in response to a public offer by Fidel Castro, then President of Cuba, that he would accept Black prisoners as an exchange, immediately seized upon the opportunity, providing names.

Several months later, in August 1978, while an Amnesty International acclaimed political prisoner himself, President Imari wrote to President Jimmy Carter, asking that Carter agree to exchange New Afrikan Prisoners of War for persons in jail in Cuba. And on October 1, 1978, President Imari sent a letter to Salim Ahmed Salim, Ambassador of the United Republic of Tanzania to the UN and Chair of the Special Committee of 24 on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. In this letter, the RNA President stated,

"The US government has never accorded the status of Prisoner of War to a single Black, Puerto Rican or Indian engaged in liberation struggles against the US. This is in violation of not only General Assembly Resolutions 2621 and 3103 with respect to the treatment of combatants captured in the course of struggles against colonial and alien domination and racist regimes, the US is in violation of Article Five of the Geneva Convention of 1949, Prisoners of War, which guarantees that all persons claiming status as POWs will be granted that status until a decision by a competent tribunal." Finally, the letter called upon the Special Committee to facilitate the exchange of New Afrikan Prisoners of War from the US to Cuba.

The request for prisoner transfer to a Third World country was one of the original demands from the 1971 Attica Rebellion. Today, the call must instead be for presidential and gubernatorial clemencies and commutations of sentence, particularly for COINTELPRO-era political prisoners. Pardons should also be granted for those who have been released and posthumous pardons given to those who were unjustly imprisoned and who have since passed. There is advocacy right now to the executive branch to release certain categories of prisoners: the elderly; those vulnerable to COVID-19; those who were sentenced before the federal sentencing guidelines went into effect and are still subject to non-functional parole boards; those serving marijuana sentences; and, importantly, the entire category and group of COINTELPRO-era political prisoners. Egregiously, not one government official from the

COINTELPRO ever served one day in prison for their crimes. Yet there are still political prisoners languishing behind bars, subject to parole, or in exile.

The Tribunal demands presidential or state gubernatorial commutation of sentence for those still incarcerated, including but not limited to: Mumia Abu-Jamal, Sundiata Acoli, Imam Jamil Al Amin, Joseph Bowen, Veronza Bowers, Fred Burton, Leonard Peltier, Mutulu Shakur, Ruchell Magee, Russell Maroon Shoats, the Virgin Island 3 and many others. We demand full pardons for those in exile, including but not limited to Pete O’Neal, Assata Shakur, and others. And we demand full pardons for those who have been released, including but not limited to: Jihad Abdulmumit, Ramona Africa, Herman Bell, Masai Ehehosi, formerly incarcerated members of the MOVE Family, Jalil Muntaquim, the Philadelphia Five, Dhoruba bin Wahad, the RNA-11, and others. We demand posthumous pardons for those already departed, including but not limited to: Safiya Bukhari, The Honorable Marcus Garvey, Geronimo JiJaga, President Imari Abubakari Obadele I, Atiba Shana, Albert Nuh Washington, Abdul Majid, Bashir Hameed, and more.

Indeed, there is no need to invent any new wheels. There is precedent for such actions. The Civil Liberties Act of 1988, which granted reparations to Japanese Americans for their unjust incarceration during World War II, explicitly included a pardon for all those who resisted detention camp internment. No reconciliation or community peace can be expected until these basic demands, addressing fundamental injustices in recent history and memory, are seriously and significantly addressed.

The Genocide Convention, Black Lives, and recognition of People of African Descent

There are just over two years remaining of the International Decade for People of African Descent. For centuries People of African Descent in the U.S. have not only dreamed of justice but demanded it. We have urged the country to provide not even grandiose opportunities, but just basic human rights that protect our life and liberty. The response, however, has been systemic racism through which we suffer through decreased life expectancy rates, health disparities, economic inequality, mass incarceration and more.

Tragic as it was, the explosion resulting from George Floyd’s death represented only the tip of Black people’s demands for justice. The deferred dream exploded with Emmett Till whose brutal 1955 murder shocked the nation. It exploded with the senseless slayings of Trayvon Martin and Michael Brown, Eric Garner and Philando Castile, Tamir Rice and Rekia Boyd, Freddie Gray and Breanna Taylor, Ahmaud Arvery and Rayshard Brooks, and the list seemingly grows daily.

With each death of a Black person by police or racist Whites, with each affront to voting rights, with each health disparity, with each trip down the school to prison pipeline, with each widening of the Black/White wealth gap, with each house pilfered by redlining, and with each intergenerationally-transmitted traumatic injury – there was and is a demand for justice.

The U.S. government has failed to protect Black people from systemic racism and police violence. The international community must bear witness. The U.S. must not be above scrutiny. It must meet its commitments, review its own record, be open to criticism, and rectify injustices.

Similarly, the U.S must fully embrace human rights conventions it is a party to and eliminate limitations to their use in U.S. courts. These include the Convention on the Elimination of All Forms of Racial Discrimination, the Convention Against Torture, the Convention on Political and Human Rights, the Office of the High Commissioner's Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Convention on the Prevention and Punishment of the Crime of Genocide. The International Convention on the Prevention and Punishment of the Crime of Genocide should be used in US courts! In today's environment, we think about systemic and structural racism, but what we should be discussing is the possible extermination of a people. This is because, we submit, the United States has moved beyond both overt Jim Crow and beyond unconscious bias to what Chief Prosecutor Taifa calls "institutionalized genocide." The coinage of this phrase represents a scientific framework through which to analyze what is happening to people of African descent in the 21st century, regardless of the system being scrutinized – education, health care, economics, criminal punishment, environment etc.

While genocide appears to many to singularly denote killings through massacre and annihilation, its international definition as well as codification in the US Code also includes the creation of "conditions of life" calculated to bring about the destruction of a people, in whole or in part. Unfortunately, seldom do people examine the internationally and US Code-adopted parameters of the term genocide and then compare them with the treatment of Black people in the U.S. If one were to do so, state-sponsored genocide against Black people is at least plausible, if not undeniable.

As noted, the General Assembly of the United Nations adopted the International Convention on the Prevention and Punishment of the Crime of Genocide in 1948, at its very origins. This Convention confirmed that "genocide, whether committed in time of peace or in time of war is a crime under international law which must be undertaken to prevent and punish." Genocide, the Convention declares, is the committing of certain acts with intent to destroy in whole or in part a national, ethnical, racial, or religious group. The international definition concludes by reminding the parties that those who commit genocide or any other of the related acts "shall be punished, whether they are constitutionally responsible rulers, public officials, or private individuals."

It took the US 38 long years to ratify the Convention. One fear was that Blacks in America would use the treaty to their advantage. Segregationists felt that American ratification would subject the United States to charges based on the treatment of Native American and Black people, and Ohio representative Senator John Bricker in particular was alarmed at the thought that literally thousands of discriminatory Federal and State laws could automatically be invalidated by application of international human rights law in U.S. courts.

Largely as the result of that, it has been said that the Genocide Convention set a record as "the most scrutinized and analyzed non-military treaty ever to be considered by the Senate...". Thirteen days of public hearings were held by the Senate Committee on Foreign Relations, generating testimony from over 200 witnesses representing divergent views, culminating in a hearing transcript of over 2,000 pages.

After nearly four decades, however, and feeling comfortable that enactment of anti-segregation laws mooted concern over attacks against U.S. racial practices of the 1950's and 1960's and inserting

language to limit the scope of the Convention within U.S. law, the U.S. Senate, nearly 40 years after its adoption by the United Nations, and after scores of other nations had already ratified it, finally gave its advice and consent to ratification in 1988.

What is so significant about the Genocide Convention to activists, advocates, and lawyers, is that it is the only international human rights treaty adopted by the United States that is fully actionable in U.S. law. Later international human rights treaties such as CERD, the International Covenant on Civil and Political Rights, and the Convention Against Torture, while symbolic, are not self-executing, meaning they have no enforceability in U.S. courts because there is no U.S. legislation to implement their provisions. Ratification of the Genocide Convention, however, required the adoption of implementing legislation, to ensure that the ratification not be a symbolic gesture, but have the full force of law and the authority to enact penalties.

On April 4, 1988, then President Ronald Reagan completed the final step to the ratification process by signing the treaty, The Genocide Convention Implementation Act. This Act codified the international Genocide Convention in U.S. law, although making various changes in an attempt to limit its applicability, such as adding the term “specific” before word intent.

It is important to recall the full title of the Genocide Act. The International Convention on the *Prevention and Punishment of the Crime of Genocide*. Using the criminal legal system as an example, there are necessary reforms that can prevent genocide and lead to systemic transformation, such as the use of force only as a necessary last resort; that all sorts of chokeholds be banned; that racial profiling be prohibited; that transfer of military equipment to law enforcement be ceased; that no-knock warrants be abolished; that there be a recklessness standard in the law so that killer cops can be held accountable; that a national public database be developed so that problematic police cannot easily move from one police agency to another; and that the doctrine of qualified immunity be ended, which shields police from being held legally accountable when they break the law.

In concert with such laws that could prevent the genocide from continuing, advocates and lawyers must also be in the courts, using provisions from the Genocide Convention to punish those with the intent to destroy in whole or in significant part, a national, racial, ethnic, or religious group. And while it is clear that few public officials, private individuals, or constitutionally responsible officials (much less police officers) will affirmatively state, ‘I have the specific intent to destroy, in whole or in substantial part, your racial, ethnic or religious group,’ there are still strong basis for using the statute. In reality, many of the disparities which are part and parcel of intent arise from institutional and structural racism, where bias is codified within the structural fabric of social institutions and manifests routinely without the need for a discrete actor to overtly perpetuate or announce a discriminatory act.

There is a broader social context which underlies the criminal punishment system in the U.S. It is a social context permeated by the poverty, rampant unemployment, poor housing and homelessness, inadequate education, harmful health outcomes, and diminished life opportunities and it is these unmet social needs which provide the fuel for the cycle of incarceration and the police as its first responders. These damaging conditions of life often result in the destruction of not only individuals, but entire families and generations. Are these conscious acts intended to cause destruction? Are they the unconscious effects of structural racism in the system? Or do they constitute institutionalized genocide?

There is a solution. The International Race Convention allows intent to be gleaned through actions and impact, regardless of specific intent, reaching both conscious and unconscious forms of racism. Thus, if the intent standard of the Genocide Convention as ratified by the United States were to be interpreted in accordance with the intent standard in the international Race Convention -- then a claim of genocide against a substantial portion of the Black populace in the United States resulting from institutionalized or structural racism control could, in fact, be actionable.

It is clear that the horror of racism—overt as well as institutional—has not been repugnant enough for the fashioning of structural solutions to abate the problem. It is our own intent and hope that this Tribunal’s application of the intensified nomenclature of genocide will shock the conscience of the public to intensify actions to remedy the problem. Perhaps the stark correlation between the internationally accepted definition of genocide and the juxtaposition of that definition against the impact of racism in the U.S. will spark needed revolutionary change in policies and practices and move the country away from genocide.

Testimonies within this Tribunal will show that the United States violates not only elemental principles enshrined in the U.S. Constitution but basic human rights and fundamental freedoms outline in a myriad of international instruments as well. The Tribunal will present the case that the cumulative impact of destructive treatment against Black people, combined with the destructive conditions of life negatively impacting generations, are violations of international law, specifically the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Prevention and Punishment of the Crime of Genocide. These and all other international instruments must be used so that we may abate the human rights genocide crisis facing Black, Brown and Indigenous people in the 21st Century.

2021 Tribunal: Tools to be Used!

The October 2021 International Tribunal stands as a powerful and viable tool in the people’s movement to challenge and eradicate the historical and continued genocidal structures and practices established and perpetrated by the United States government and its states. The history of racism, exploitation, and oppression of Black, Brown, and Indigenous people in the United States is undisputed. What needs to be understood is that this history is rooted in America’s colonizing of African slaves and Indigenous people, and that genocide, in whole or in part, was and continues to be a necessary and functional mechanism of colonialism, neocolonialism, and capitalism. Colonialism, as universally understood, is the act of acquiring full or partial political-economic control over another country or people, occupying it with settlers, and exploiting it in a myriad of ways. It is the act of one nation subjugating another, conquering its population, exploiting it, and forcing its own language and cultural values upon the colonized. This is exactly what the white settlers imposed upon Indigenous people already living in America and the African slaves who were diverse peoples with their own religions, cultures, and languages.

American settlers from Europe—many who were tramps, vagabonds, criminals, and outcasts—
"discovered" a land already inhabited by Indigenous nations, and then imported captured Africans

forcing them into slavery. The often bragged about rough and rugged start of building a nation in North America began in earnest through theft and genocidal kidnapping, rape, and murder. As this budding nation grew, it continued to enslave more and more Africans, torturing and slaughtering thousands in the process. The control methods included rampant killing of members of the “group”, causing serious bodily and mental harm, deliberately inflicting conditions of life which were calculated to bring about people’s physical destruction, imposing measures intended to prevent births, and forcibly separating and transferring children from their parents and families. Hence, all the elements of the crime of genocide were committed.

As noted, these histories are hardly disputed. What we do with them, however, the people’s response, has been often unfocused or un-strategic, muted by the continuing forms of 21st policies which maintain the same intent regarding fundamental power imbalances but are put forth in forms which appear at times (and to those unenlightened or intoxicated) to be “kinder or gentler” than the original heinous acts.

The 2021 International Tribunal creates a space to spotlight the already proven facts of racial violence, exploitation and oppression. It is a space where we invoke international scrutiny; where we declare enormous documented human rights violations committed by the United States to the world; and where we prop up a mirror for the centuries old finger of white supremacist leadership, institutions, culture, and immoral values. The people’s tool is to shine this mirror as brightly as we can: to point back to itself in its accusations and criticisms of other countries’ treatment of its citizens.

It is the intention of the 2021 International Tribunal to expose the practice of genocide committed against Black, Brown, and Indigenous people, and demand that the United States government and its States reckon with the legal and political consequences of its genocidal actions. The Tribunal will smash the social and political narrative that such injustices no longer exist, and that now everything is better for everyone. The Tribunal brings to light the old saying that “the more things change, the more they remain the same.” Another truism also applies to our current and future work: the rich have gotten richer and fewer, and that the ranks of the poor and working-class people have grown and become disproportionately poorer.

The Tribunal will prove the fact that capitalism fueled by greed, corruption, and racism is destroying the environment. It will show that the lives of Black, Brown, and Indigenous people do not matter in the face of profits and the unbridled acquisition of wealth. That the legacy of slavery lingers and haunts the descendants of slaves in every aspect of their lives—mental health, chronic trauma, dysfunctional families, substance abuse, relentless poverty, marginalization, mass incarcerations, racial profiling, despair, ignorance, fratricide, self-hatred, health disparities, food apartheid, decadent and degrading lifestyles, and the creation of a culture that is calculated to maintain this reality and to ensure the continued existence of the powers that be.

The Tribunal will facilitate the legal and political presentation of accurate information to build a Peoples' Human Rights Movement with the eyes of the world watching. It will prove to the international community, and to US citizens themselves, how real democracy is or isn't.

The 2021 International Tribunal builds upon the shoulders and wonderful work of past Tribunals, as noted at the forefront of this essay. In closing, though, it is important to add: the 2021 International Tribunal is not only an educational political event, but also a people's judicial proceeding. We intend to establish a strong foundation to launch international solidarity campaigns, civil and legal proceedings in US Federal and State Courts, potential Congressional legislation, and multiple diverse grassroots-centered campaigns to right the wrongs outlined by the People.

The international community, including the United Nations, has been historically ineffective and non-responsive to the issues of oppression, racism, and exploitation of Black, Brown, and Indigenous people in the United States. The 2021 International Tribunal plans to go beyond basic presentation of the findings, understanding that the People cannot rely on administrative bodies, not even independent international ones, to do our work for us. The Spirit of Mandela coalition which initiated the Tribunal project has a unique set of outcomes planned which provide an opportunity for organizing on a mass level across many social justice arenas. We abide by the empowering cry proclaimed by our recently released Black Panther comrade Jalil Muntaqim: "We are our own liberators!"

We must all, in light of this work and these perspectives, take responsibility for building powerful and effective organizing tools to mobilize people from all walks of life. The Tribunal charges are expansive yet focused enough to embrace and address much of the oppression experienced by Black, Brown, Indigenous, poor, and working-class people throughout history to today. The 2021 International Tribunal not only vets the facts and proclaims a demand for justice; we also call for a plan of action, for two, three, many plans which Dare to Struggle, Dare to Win! Together, victory is certain!"

**International Panel of Jurists Convenes to Oversee Tribunal
on US Human Rights Abuses
Against Black, Brown and Indigenous Peoples,
22-25 October 2021**

"In the spirit and legacy of the Russell Courts on Vietnam (1966-67) and Latin America (1973-76), and the Permanent People's Tribunals which followed (1979-present), a newly constituted panel of Jurists from the fields of law and human rights has assembled to oversee the International Tribunal on US Human Rights Abuses Against Black, Brown, and Indigenous Peoples, to take place from 22-25 October 2021 in New York City and virtually. As experts in the inter-related fields of institutional and structural racism, colonialism and neocolonialism, women's and children's rights, minorities rights, Indigenous treaties and international law, self-determination and sovereignty processes, and the genocide

conventions, the Panel of Jurists asserts itself as an independent and non-governmental body which will convene to hear testimony based on a broad indictment served to the accused US federal and state parties.

The International Tribunal itself derives from an historic legacy and trajectory, initiated by a US- based coalition, In the Spirit of Mandela. Created in 2018, the coalition recognizes and affirms the rich history of diverse activists including Nelson Mandela, Winnie Mandela, Graca Machel Mandela, Ella Baker, Dennis Banks, Cesar Chavez, Fannie Lou Hamer, Fred Korematsu, Lolita Lebron, Rosa Parks, Ingrid Washinawatok, and many more in the resistance traditions of Black, Brown and Indigenous Peoples. Though fully independent and separate from the In the Spirit of Mandela coalition, the Panel of Jurists recognizes the important experiences which have shaped the petitioners' charges against US government agencies.

2021 marks the 70th anniversary of the campaign in which African American leaders Paul Robeson and William Patterson, with the support of eminent sociologist Dr. WEB DuBois, presented the "We Charge Genocide" petition to the burgeoning United Nations headquarters. A decade later, Minister Malcolm X (El Hajj Malik el-Shabazz) formed the Organization of Afro-American Unity, in part to bring the case of US human rights abuses to the attention of the UN. The Tribunal itself will be held at UN headquarters and the Church Center for the UN, but hearings and community testimony will also take place at the site of Malcolm X's assassination, the now-refurbished and Columbia University-affiliated Malcolm and Betty Shabazz Memorial and Educational Center in Harlem.

The Panel of Jurists is composed of nine members, with representatives including a South African former Member of Parliament; a Board Member of the distinguished Nobel Peace Laureate organization with an unprecedented dozen Nobel Peace officer awardees; a Puerto Rican legal scholar who serves as an expert for the UN Special Committee on Decolonization; a UN representative of the oldest inter-faith pacifist organization in the world; an internationally-accredited expert on genocide; the director of the only peoples-centered US human rights network with ECOSOC status and consistent UN advocacy; the youngest elected Chairman of the Mashpee Wampanoag Tribe and leader of UNITY/the United National Indian Tribal Youth; and the former Chair of the United Nations Working Group on People of African Descent and a judge of the Permanent People's Tribunal. They are majority women and majority global south rooted, from India, Eritrea, Haiti, France, Puerto Rico, the USA and elsewhere.

These jurists will preside over two days of testimonies from impacted victims, expert witnesses, and attorneys with firsthand knowledge of specific incidences raised in the charges/indictment. The Tribunal will be evaluating charges of human and civil rights violations on the basis of the following five areas:

- Police killings of Black, Brown, and Indigenous people,
- Hyper/mass incarcerations of Black, Brown, and Indigenous people,
- Political incarceration of Civil Rights/National Liberation era revolutionaries and revolutionaries and activists, as well as present day activists,

Environmental racism and its impact disparities and its impact on Black, Brown, and Indigenous people,

Public health racism and its traumatic impacts

As a result of the historic and systemic charges of all the above, the overarching charge of genocide is also being evaluated. The Panel of Jurists will announce its Verdict following deliberations and discussions, planned for delivery at the United Nations on Monday, 25 October 2021.” (1)

OPENING STATEMENT

OPENING STATEMENT

Nkechi Taifa

October 23, 2021

INTERNATIONAL TRIBUNAL ON US HUMAN RIGHTS ABUSES

“May it please this Honorable and Historic Tribunal; esteemed members of this International Panel of Jurists; Black, Brown and Indigenous People Residing in the United States; allies, and the world at large. My name is Nkechi Taifa, and I am serving as Chief People’s Counsel for this auspicious proceeding which is charging the U.S. government with violations of international human rights. The Plaintiff class which I represent consists of Black, Brown, and Indigenous people comprising the following racial and national groups:

- 1) People of African descent brought to the U.S. by 400 years of chattel enslavement, or by immigration from former slave territories, often as a result of additional economic oppression brought upon them post slavery by defendant US government and co-conspirator former colonial powers, following the independence of the lands of their birth.
- 2) People of Latinx descent, both natives of territories taken or acquired by the expanding US and those who migrated to US territory often as a result of further economic oppression brought upon them by the Defendant US government and the former colonial powers following their independence. And
- 3) First Nation Peoples, original to the lands now occupied by Defendant US, mostly taken by force and or breach of genuine and fraudulent Treaties with Indigenous Nations and /or interlopers.

The Defendant class consists of the executive, legislative and judicial branches of all levels of the US government, as well as state, county, and local political subdivisions.

Thus, on behalf of the plaintiffs – the Black, Brown and Indigenous People Residing in the United States, I present the following Opening Statement:

In 1903, upon the launch of his seminal treatise, *The Souls of Black Folk*, historian W.E.B. DuBois prophesized that “the problem of the 20th century is the problem of the color-line,” referring to the

pernicious role of race in U.S. society. And now, more than 100 years later, his prognosis is even more ominous as the evidence from this Tribunal will show that conditions facing Black, Brown and Indigenous people residing in the U.S. during the 21st century U.S. amount to genocide.

This charge is not the ranting and raving of wild-eyed militancy, but, as you will see from testimony and exhibits during this Tribunal, results from a careful and methodical analyses of over 400 years of examination and study. This tribunal is, however, by far not the first such inquiry.

It comes on the heels of the Jan-Feb 2021 - International Commission of Inquiry on Systemic Racist Police Violence against People of African Descent in the United States

The 1992 – International Tribunal of Indigenous Peoples and Oppressed Nations (San Francisco);

The 1990 - International Tribunal on the Human Rights Violations of Political Prisoners and Prisoners of War in the United States (New York)

The 1979 - International Jurists Report to the UN Human Rights Commission on Visit with Human Rights Petitioners in the U.S.

This tribunal stands on the shoulders of El Hajj Malik El Shabazz, Malcolm X, whose mottos were land, self-determination, self-defense and internationalization, and it is in this very sacred space, this building formerly known as the Audubon Ballroom, where his DNA still manifests as we gather to continue to honor his sacrifice and carry on the tradition of his work.

And then last, but most major – this October 2021 Tribunal stands on the shoulders of the seminal 1951 - Civil Rights Congress Petition to the UN (Paris): “We Charge Genocide: The Crime of Government Against the Negro People” – twenty years later published as *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People*.

So, this Tribunal today, while not unique, seeks to once again, unabashedly, Charge Genocide, but this time, rather than a sole reliance on the international treaty, the Convention to Prevent and Punish the Crime of Genocide, the only vehicle available when the original 1951 petition was brought to the U.N., today, we also seek jurisdiction based on the implementation of that international Treaty as documented in the U.S. Code.

Although this Tribunal seeks to use the international definition of genocide as a lens to scrutinize 5 key issue areas -- policing, mass incarceration, political prisoners, environmental racism and public health system inequities and their impact on Black, Brown, and Indigenous communities, the genocidal impact in other systems, such as education and the racial wealth gap, could likewise be so examined.

I would be remiss if I did not unfortunately acknowledge that the term genocide appears to singularly conjure in most minds images of fiery ovens and atrocious massacres. As such, there is often a blanket denunciation of the applicability of the term to the United States. This censure, while understandable from the colonizer’s standpoint, is myopic from the viewpoint of the colonized. Seldom does the colonizer class dispassionately examine the internationally accepted parameters of the term “genocide,” and then methodically apply that definition to the impact of United States’ policies and practices on particular racial groups. For if one were to do so, and this Tribunal attempts such, we hope that you will agree that the definition of genocide against a substantial segment of the Black, Brown, and Indigenous populace in the United States is a reality.

This evidence you will hear and review will specifically and unabashedly address the issue of genocide with both testimony and documentary evidence. In this Tribunal we will present the definition of

genocide embraced by the international community and analyze its adoption as ratified by the United States. We will tackle a presumptively fundamental barrier -- the issue of intent --- and discuss how that hurdle might be overcome. This Tribunal will demonstrate far-reaching and grave implications which in many respects parallel the definition of genocide against substantial segments of the U.S. Black, Brown, and Indigenous communities, within the framework of both international and domestic law.

Because the issue is so major and because of the limited white ethnocentric nature of the education system in the U.S., PERMIT ME TO delve a little deeper into this background and history.

You will hear in either testimony or documentary evidence that the UN General Assembly In 1948 adopted the International Convention on the Prevention and Punishment of the Crime of Genocide. You will hear that the Convention confirmed **that** genocide, whether committed in time of peace or in time of war, is a crime under international law which the Contracting parties undertake to prevent and to punish. Genocide, the Convention declares, is the committing of certain acts, “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” **You will learn that according to the international convention, the following acts constitute genocide:**

- (a) Killing members of the group
- (b) Causing serious bodily or mental harm to members of the group
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- (d) Imposing measures intended to prevent births within the group [or]
- (e) Forcibly transferring children of the group to another group.

You will hear that pursuant to the Genocide Convention, however, genocide is not the only punishable act. Related acts, such as conspiracy, incitement or attempts to commit genocide, and complicity in genocide, are equally punishable. Furthermore, the international definition concludes by reminding the Parties that those who commit genocide or any other of the related acts “Shall be punished, whether they are constitutionally responsible rulers, public officials, or private individuals.”

The US General Assembly adopted the Genocide Convention in 1948 without dissent, with the U.S. being the first nation to sign. Indeed, the U.S. delegation played a pivotal role in drafting the international Convention. However, it took the United States 38 years to give its advice and consent to ratification. One of the articulated reasons for this unconscionable delay was the fear that Black folk in the United States would use the treaty to their advantage.

That fear was not without substance. Why? Because In 1951, three years after the passage of the Genocide Convention by the United Nations, W.E.B. DuBois, William Patterson, Mary Church Terrell, Paul Robeson and over 90 others presented the United Nations with that historic petition chronicling the genocidal sufferings, murder, mental assault, and crimes against humanity inflicted against Black people.

So, what were the reasons for delay? The documentary evidence you will review will reveal that the anxieties of segregationists that ratification would subject the United States to punishment under the Convention, based on the country’s treatment of Native and Black people was no longer relevant. According to an American Bar Association scholar whose committee chronicled the history of the Genocide Convention’s ratification process, the Genocide Convention had set a record as the most scrutinized and analyzed non-military treaty ever to be considered by the U.S. Senate. Indeed, the Senate Foreign Relations Committee held hearings for 13 days. More than 200 witnesses, representing divergent views, testified. The hearing’s transcript was more than 2,000 pages long.

So nearly 40 years after its adoption by the United Nations, and after scores of other nations had already ratified it, the U.S. Senate finally gave its advice and consent to ratification, subject to the enactment of implementing legislation under federal law. Implementing legislation was now critical because the Genocide Convention, distinct from later international human rights treaties such as the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination, incorporated a provision that the Contracting parties agree to enact the necessary legislation in their respective jurisdictions prior to depositing the ratification documents with the United Nations. This provision was significant, in that it ensured that ratification of the Genocide Convention would not be a symbolic gesture but would have the full force of laws and the authority to enact penalties.

On April 4, 1988, President Ronald Reagan signed the Genocide Convention Implementation Act, codifying the international Genocide Convention in U.S. law, making various changes to limit its applicability. These changes included 1) adding the terms “specific” before “intent” and substantial in front of “part, and (2) defining “mental harm” as the permanent impairment of mental faculties, particularly referring to the application of narcotic drugs. Thus, the Genocide Convention, as codified in U.S. law, 18 U.S. Code section 1091, reads as follows:

Whoever whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the SPECIFIC intent to destroy, in whole or in SUBSTANTIAL part, a national, ethnic, racial, or religious group as such –

- (a) Kills members of the group
- (b) Causes serious bodily injury to members of the group
- (c) Causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques.
- (d) Subjects the group to condition of life that are intended to cause the physical destruction of the group in whole or in part
- (e) Imposing measures intended to prevent births within the group, or
- (f) Transfers by force children of the group to another group,

Shall be punished.

Jurists, I found it important to go over this procedural history as part of the Tribunal’s Opening framing, because it is not the history normally taught in schools in general or law schools. In fact, the very fact of U.S. codification, has essentially remained hidden from the general public.

Esteemed jurists, much of what you will hear during this Tribunal arise from institutional and structural racism, in which public policies, institutional practices, cultural representations and other norms work in various, often reinforcing ways, to perpetuate racial and ethnic group inequity. As such, the “specific intent” prong, as inserted by the United States, admittedly could be a fundamental hurdle to use of this treaty as codified by U.S. law. Indeed, it is a difficult hurdle, given the restrictive manner in which U.S. courts have historically construed the intent requirement within a general equal protection analysis. Jurists, as you listen to the testimony during this weekend’s Tribunal and review the documentary exhibits, ask yourself, are these conscious acts intended to cause destruction? Are they the unconscious effects of structural racism? Or do they, in fact, constitute genocide?

During this Tribunal you will learn that the United States inflicts police racism and violence against Black, Brown, and Indigenous communities. Specifically, you will both hear and review through witness and documentary evidence that the United States systemically executes Black, Brown, and Indigenous

communities through the unchecked practices of Police Brutality, the manufacturing of hyper-criminalization, and the perpetuation of slow death conditions. Indeed, racially – biased and extrajudicial killings against Black people, whether by lynch mobs or officers of the law, fall within the definitional prongs of the Genocide convention.

You will learn that the United States perpetuates a criminal legal system that results in a mass incarceration unparalleled in the world. You will hear testimony that the United States has refused to acknowledge, and subsequently address, clear evidence of systemic racial bias while systematically criminalizing poverty to the specific detriment of Black, Brown, and Indigenous communities.

You will also learn that the oppression and struggle against oppression in the United States has resulted in a class of political prisoners and prisoners of war peculiar to the historic, ongoing, and now normalized reality of colonialism and genocide in the United States imposed upon Black, Brown and Indigenous people, which started with the incursion and occupation of the Americas by white settlers from Europe in 1619 and continues structurally and systematically until this present day. I direct your attention specifically to Appendix A – detailing cases of Political Prisoners in the U.S. You will hear the definition of political prisoners as defined by the then 1990 Special International Tribunal on the Violation of Human Rights of Political Prisoners and Prisoners of War in the United States Prisons and Jails.

You will hear testimony about the Cointelpro, how the U.S. government's once secret illegal campaign seeking to disrupt and destroy movements in general and those led by Black, Brown and Indigenous populations in particular was manifest.

You will hear comparisons that US political prisoners, who fought against United States apartheid, are no different than the late President Nelson Mandela, who headed South Africa's African National Congress and eventually was forced to lead armed struggle against the sustained and the systematic racial violence, abuse and oppression of South African apartheid. The US CIA played a significant role in Mr. Mandela's 1962 capture and put him on their terrorist watch list. Mandela served nearly 27 years in prison. This Tribunal would like you to take special note that many of the political prisoners you will either hear about during this Tribunal as well as those testimonies incorporated in the appendix, have served over 40 years behind bars. You will hear that they have been subjected to lengthy sentences as a result of their politics, beliefs, and conscious actions against their oppression, and many after having served their court ordered time have been repeatedly denied parole; how they have experienced torture and cruel, inhuman, and degrading treatment and punishment; many serving decades in solitary confinement, suffering from medical conditions and neglect – all causing serious bodily and mental harm, all in contravention to international human rights treaties in general, and the Genocide Convention in particular.

You will hear that in more recent years more political prisoners, largely supporters of modern-day movements such as climate action, Black Lives matter and other movements, are being illegally surveilled and detained by the government under the pretext of rooting out extremist groups disproportionately composed of people who publicly challenge the dehumanization and oppression of communities of color.

You will learn that the United States intentionally inflicts bodily harm on Black, Brown, and Indigenous people through environmental racism. Specifically, you will hear witness testimony that the United States knowingly created and negligently ignored the Flint water crisis, failed to produce and enforce

environmental regulations in Louisiana's "Cancer Alley", and deliberately inflicted conditions of life that would bring about physical destruction in the face of natural disasters.

Finally, you will learn that the United States has created a health crisis that aids in the destruction, in whole or in part, of Black, Brown, and Indigenous communities, creating conditions of genocide through the promulgation of an environment that results in inequitable health conditions that disproportionately and deliberately impact members of the plaintiff class. Through these conditions US has created a mental health crisis, increased infant and mortality rates, and increased rates of disease and death. You will hear testimony that the United States has created the mental health crises through historically oppressive systems, facilitated an inaccessible healthcare system resulting in disproportionate health issues in the Black community, and constructed harmful living spaces that triggers disease, delays in biological developments, and often death, and has done so intentionally.

And the US has imposed measures meant to prevent births to Black Brown and Indigenous people being held in detention and coerced those facing charges into sterilization. And finally, the US has intentionally and forcibly transferred the children of BLACK incarcerated parents and Brown immigrants as part of policy.

Esteemed Jurists, in closing. You have before you an awesome responsibility, and a courageous task. Just as in 1954 when Mamie Till Mobley, the mother of Emmett Till demanded an open casket for the world to see the image of her 14-year-old son Emmett, savagely mutilated and dumped in Mississippi's Tallahatchie River, the duty of this Tribunal is to likewise present an open casket for the world to see and hear the testimonies of Black, Brown and Indigenous Peoples who have been subjected to human rights abuses.

"Open it up," Mamie Till demanded. "Let the world see what they did to my boy," she demanded as her son's mangled and battered body was thrust on public view. Indeed, her decision forced the nation and the world to face in shocked disbelief the horror of racism. This Tribunal will likewise open the voluminous body of evidence, for the world to see and hopefully, with your verdict, begin the process to hold those responsible, accountable.

Dr. MLK once stated that the ultimate test of a person is not where she stands in moments of comfort and moments of convenience, but where he stands in moments of challenge and moments of controversy. Yes, it may be challenging to the U.S. that we are using not only an international human rights frame through which to present domestic harms but quite intentionally a genocide frame. It may be controversial for some to hear mere whispers that crimes against humanity were perpetrated domestically or that the plaintiffs in this Tribunal still charge genocide. But these are not comfortable or convenient times.

Just as Mamie Till commanded in 1955, there is a time when we must Open up the casket. There is a time when we must right the wrong. It is once again time for the world to see and act. The time is now. Moments of crisis also represent moments of opportunity. I humbly ask that this new set of international jurists listen to all the evidence, both testamentary and documentary, and return a verdict for justice, rooted in International human rights law."

VERDICT: 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 (IPE)

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

**Panel of International Jurists
Render Verdict that U.S. is Guilty of Genocide
by The Taifa Group LLC**

<https://www.prlog.org/12891307-panel-of-international-jurists-render-verdict-that-us-is-guilty-of-genocide.html>

**Listen to the 55-minute radio show by
COVID, Race & Democracy with Co-host Bob Lederer
(Pacifica show airing different days on 15 different stations)**

“Co-hosts **Bob Lederer**, one of the producers of Out-FM covering anti-racist LGBTQ+ issues on WBAI in New York and Akua Holt, host of Pan African Journal on KPFT in Houston share excerpts of an historic people’s tribunal that happened from Oct. 22nd to 25th, 2021 in New York City.” See <https://covidtaskforce.pacifica.org/2021/11/08/in-the-spirit-of-mandela-international-tribunal-on-u-s-human-rights-violations-against-people-of-color/>

Closing Statement

On behalf of the Spirit of Mandela Tribunal Coordinating Committee, we thank each and every one of you for making this historic Tribunal possible. Needless to say, there is quite a bit of work to be done in reaching our stated outcomes, viz. building the movement for reparations, developing the "Peoples' Senate", filing in federal court, completing and widely circulating the Jurist's detailed Final Verdict (to be completed by the end of the year). We hope that you find your place in and continue to support these efforts.

In terms of schedules, Spirit of Mandela general meetings will continue to be on the 3rd Saturday of the month, from 12 noon to 2pm Eastern time. There we will have pertinent updates of when and how to proceed with all of this organizing, building up to the Peoples Senate. This will also be an excellent opportunity to begin the process of discussing all strategic initiatives moving forward. Please share the Zoom invite when it comes out (usually shortly before the meeting itself), and if you know of anyone new wanting to join in and participate, please feel free to invite them. The Coordinating Committee, the Media Committee, and the Outreach Committee have already been meeting and we are all looking forward to being together on Saturday, November 20th at our next general meeting.

We are super excited about the opportunities and prospects that lie before us. The next few months will be critical for us. The issue with any movement that has experienced terrific momentum is its sustainability. We can sustain this movement and meet all expectations and more. Key elements for success will include, but not be limited to: sharing responsibilities, patience with one another, and maintaining positive vibes and attitudes.

Let's Maintain!

Jihad Abdulmumit, Sekou Odinga, A'isha Mohammed, Jalil Muntaqim, Emok Quint, Eileen Weitzman, and Matt Meyer
Spirit of Mandela Coordinating Committee

There is Work to be Done! What You Can Do!

1. Continue to spread the Tribunal Verdict via this Information Packet to any and all social media contacts and platforms
2. Commit to work on the Media and Outreach Committees by sending your contact information to: spiritofmandela1@gmail.com
3. Participate in the General Zoom Meeting every 3rd Saturday of the month where updates are given and you can share your input. If your name is not on the general Spirit of Mandela listserv, please send your contact information to spiritofmandela1@gmail.com

Contacts/Questions

1. Nkechi Taifa, Esq., Chief People's Attorney for the Case of Black, Brown, and Indigenous Peoples against the US Government and its Subdivisions
nkechi@thetaifagroup.com
2. Prof. Matt Meyer, Special Advisor to the Panel of Jurists;
Secretary-General, International Peace Research Association
internationalpeaceresearch.sg@gmail.com
3. Jihad Abdulmumit, Tribunal Coordinating Committee
[Spiritofmandela1@gmail.com](mailto:spiritofmandela1@gmail.com)
4. Dr. A'isha Mohammed, Tribunal Press Agent
Aishamohammed72@gmail.com
5. Panel of Jurists Website Verification:
<https://www.tribunal2021.com/news>

References

1. <https://www.tribunal2021.com/press-releases>
2. <https://www.tribunal2021.com/news>

Links

Website: <https://spiritofmandela.org/>

Linktree: <https://linktr.ee/SpiritofMandela>

Instagram: @SpiritofMandela

Twitter: <https://twitter.com/spiritofmandel1/>

Facebook: <https://www.facebook.com/Spirit-Of-Mandela-105492791756066/>

PayPal: @spiritofmandela

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 US 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.

Zolanini

HRH Princess Zenani N Dlamini

16 October 2021