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By Special to Workers World
03.11.2021

International Tribunal finds U.S. guilty of crimes against humanity

The International Tribunal on Human Rights Abuses Against Black, Brown and Indigenous Peoples was held Oct. 23-25 at The Malcolm X and Dr. Betty Shabazz Memorial and Educational Center in Washington Heights, New York City, aka Turtle Island, Lenape land. The main theme of the Tribunal was “We Still Charge Genocide” in recognition of the “We Charge Genocide: The Crime of Government Against the Negro People” — a 1951 petition to the United Nations signed by dozens of notables including Dr. W.E.B. DuBois, Claudia Jones, Harry Haywood and Paul Robeson.

The 2021 indictment is against the United States of America, represented by its President, Department of State, federal and state policing agencies and other governmental institutions. The following is an edited version of the findings presented at a press conference at the United Nations Church Center, Oct. 25. Go to the Spirit of Mandela Facebook page at tinyurl.com/75syh4px for video testimonies, findings and verdict. WW will be writing on the five indictments including testimonies of witnesses in future issues.

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,

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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 U.S. Human Rights Abuses Against Black, Brown and Indigenous Peoples was initiated by a U.S. 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 U.S. 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



Sharonne Salaam, mother of Yusef Salaam — one of the falsely accused and imprisoned Central Park 5 youth — provides testimony Oct. 23 on trauma her son, family suffered. WW PHOTO: Monica Moorehead

Testimony emphasized that in the case of U.S. 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 U.S. 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 U.S. 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 goes so far beyond the U.N.-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 U.S. is the only industrialized nation in the world that denies the existence of political prisoners.”



Oscar López Rivera, Puerto Rican freedom fighter and former political prisoner, gives testimony at Tribunal, Oct. 23. WW PHOTO: Monica Moorehead

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 U.S. 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 U.S. and its subdivisions GUILTY of all five counts. We find grounds that Acts of Genocide have been committed.

Signed, October 25, 2021, Panel of Jurists

Church Center of the United Nations

Chief: Her Honorable Magdalene Moonsamy (South Africa), former Member of Parliament (ANC)

Deputy Chief: Wilma E. Reveron Collazo (Puerto Rico), long-standing member and leader, Colegio de Abogados de Puerto Rico (Puerto Rican Bar Association)

Dr. Vickie Casanova-Willis (U.S.), Executive Director, U.S. Human Rights Network; past president, National Conference of Black Lawyers (NCBL); founding member of Black People Against Police Torture

Sherly Fabre (Haiti/U.S.), International Fellowship of Reconciliation United Nations Representative; member, Muslim Peace Fellowship/Community of Living Traditions

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 U.S. People of African Descent); 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

Chairman Brian Moskwetah Weeden (Mashpee Wampanoag), Chairman of the Mashpee Wampanoag Tribe; Co-President/Trustee of the United National Indian Tribal Youth (UNITY)

Binalakshmi “Bina” Nepram (Manipur/Northeast India), Founder-Director, Manipur Women Gun Survivors Network; Founder-Director, Global Alliance of Indigenous Peoples, Gender Justice and Peace

Workers World 01.11.2021