



Water Protector Legal Collective

On-the-ground legal support for the Dakota Access Pipeline resistance at Standing Rock, ND
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March 6, 2019

Paulo Abrão
Executive Secretary
Inter-American Commission on Human Rights
1889 F Street, N.W.
Washington, D.C. 20006

Re: Request for a thematic hearing on “Suppression of Indigenous Resistance to Extractive Industries in North America” (United States, Canada & Mexico) during 172nd Period of Sessions

Dear Executive Secretary Abrão:

The Water Protector Legal Collective and the Indigenous Peoples Law and Policy Program, along with 61 co-sponsoring organizations and Indigenous governing institutions, submit this request for a thematic hearing to highlight the presence of a trend of suppression and repression of Indigenous resistance to extractive industries and the criminalization of Indigenous human rights defenders throughout the region.

A hearing would bring much needed international attention to the urgent situations escalating as governments and extractive industry corporations continue to attempt to suppress Indigenous resistance to pipelines, power plants, fracking and mining in the United States, Canada and Mexico, as well as Indigenous resistance to the U.S.-Mexico border wall, construction of which is tied to fossil fuel interests. The hearing would also provide an opportunity to update the Commission on the status of Indigenous human rights defenders criminalized for resisting the Dakota Access pipeline.

The purpose of the hearing would be to examine the militarized response, criminalization and use of wrongful arrests, abusive conditions of confinement, and excessive force against water and land protectors resisting pipeline, mining and other extractive industry projects, and to encourage U.S., Canadian and Mexican national and local agencies to protect the security of Indigenous human rights defenders and ensure their rights to free expression and assembly in accordance with their obligations under the American Declaration on the Rights and Duties of Man and American Declaration on the Rights of Indigenous Peoples. The Commission would hear directly from the human rights defenders arrested and injured by law enforcement to bring greater worldwide public attention to the abuses perpetrated by governments and extractive industries.

The information presented will follow-up on Commission hearings that have taken place on similar issues in the past few years and that remain unsettled (Situation of Environmental Rights Defenders in the Americas, National Protection System for Defenders and Justice Operators in the Americas, Situation of Defenders of Women’s Rights and the Environment in America, Human Rights Situation of Defenders of the Environment in the Context of Extractive Industries in America, Improper Use of Criminal Law to Criminalize Human Rights Defenders, and the Situation of Human Rights Defenders in the Americas). The nature of the hearing aligns with the important work of the Commission in recent years, specifically

the 2016 reports on *Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and on the Development Activities and the Criminalization of the Work of Human Rights Defenders*. The United Nations has also reported on this issue through the Special Rapporteur on the rights of Indigenous peoples in her *Mission to the United States of America* [A/HRC/36/46/Add.1](#) (paras. 72, 73 & 93) and *Annual Report to the Human Rights Council* [A/HRC/39/17](#) (para. 91-96), as well as the reports of the Expert Mechanism on the Rights of Indigenous Peoples [A/HRC/36/56](#) (para. 6) and [A/HRC/36/57](#) (para. 14) and the Permanent Forum on Indigenous Issues ECOSOC [E/2017/43-E/C.19/2017/11](#) (para. 23).

We would call upon the Commission to urge the United States to implement existing recommendations set out in the IACHR and UN reports highlighted and bring further international attention and pressure on the U.S., Canada and Mexico with the hopes of opening up avenues of redress and conciliation that have not previously been made available to the affected Indigenous peoples.

Please do not hesitate to contact us if you require further information. We thank the Commission in advance for its consideration of this request.

Sincerely,



Water Protector Legal Collective

Michelle Cook
Water Protector Legal Collective Board of Directors



JAMES E. ROGERS COLLEGE OF LAW
**Indigenous Peoples
Law & Policy**

Seánna Howard, Clinical Staff Attorney
Robert. A. Williams Jr., Professor & Director
Indigenous Peoples Law and Policy (IPLP) Program

Co-Sponsors:

350.org, multinational
American Civil Liberties Union (ACLU), U.S.
Americans for Indian Opportunity, U.S.
AIM-West (American Indian Movement), U.S.
Albuquerque Center for Peace and Justice, U.S.
American Indian Law Alliance, U.S.
Arbeitskreis Indianer Nordamerikas ((AKIN), Austria
BankTrack, Netherlands

Bismarck-Mandan Unitarian Universalist Congregation, U.S.
 Business & Human Rights Resource Centre, U.S. / U.K.
 California Native Vote Project, U.S.
 Carrizo/Comecrudo Tribe of Texas, located in U.S. / Mexico
 Center for Constitutional Rights, U.S.
 Climate Defense Project, U.S.
 Continental Network of Indigenous Women of the Americas, North Region
 Divest, Invest, Protect, U.S.
 Divest L.A., U.S.
 Dooda (NO) Desert Rock, U.S.
 Earthcare, U.S.
 EarthRights International, multinational*
 Ecumenical Catholic Communion, U.S.*
 Fair Trials (Americas)
 First Peoples Investment Engagement Program, University of Colorado, U.S.
 Food and Water Watch, U.S.
 Fundacion Semilla Warunkwa (FUNSEWA), Colombia
 Global Witness, U.S.
 Greenpeace, multinational*
 Honor the Earth, U.S.
 Hunkapi ONLUS Association, Italy
 INCOMINDIOS, Switzerland
 Indigenous Rights Center, U.S.
 International Association of Democratic Lawyers (IADL), multinational
 International Indian Treaty Council, U.S.
 Law Union of British Columbia, Canada
 Lipan Apache Women's Defense, U.S. / Mexico
 Mazaska Talks, U.S.
 Minnesota Unitarian Universalist Social Justice Alliance, U.S.
 NDN Collective, U.S.
 New Energy Economy, U.S.
 North Dakota Human Rights Coalition, U.S.
 Mike Smith, Lead Chair of the Climate Change Iwi Leadership Group, National Iwi Chairs Forum,
 New Zealand
 National Lawyers Guild International Committee
 Native American Community Academy, U.S.*
 Navajo Nation, located in U.S.*
 Native American Community Academy, U.S.*
 NACA-inspired Schools Network, U.S.
 O'odham Voice Against the Wall, U.S. / Mexico
 Palestine Legal, U.S.*
 Pascua Yaqui Tribe, located in U.S.
 Public Bank L.A., U.S.
 Rainforest Action Network, U.S.
 Red Nation Coalition, U.S.
 Rio Yaqui Pueblos, located in Mexico
 Santa Feans for Justice in Palestine
 SEEDs (Securing Economic and Energy Democracy) of Southwest New Mexico, U.S.

Seventh Generation Fund for Indigenous Peoples, U.S.
Sixth World Solutions, U.S.
Society for Threatened Peoples, Switzerland
Southwest Native Cultures, U.S.
Southwest Organizing Project*
St. Oscar Romero Catholic Community*
Tewa Women United, U.S.
Tthestonotine Dene & Dezcho Dene & Shutatine Dene & Aapaisitipi Sovereign Tribe, located in
Canada*
Unitarian Universalist Association*
Urgewald, Germany
U.S. Human Rights Network
We CopWatch, U.S.
Women's Earth and Climate Action Network (WECAN), U.S.

*Co-signers list updated April 5, 2019.