

Cultural Survival

Indigenous Peoples' Rights

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Campaign and Advocacy

By Kim Maida

On March 16, 2018, the International Human Rights Advocacy Workshop at the University of Arizona, Rogers College of Law submitted a report to the United Nations, titled [*Indigenous Resistance to the Dakota Access Pipeline: Criminalization of Dissent and Suppression of Protest*](#). The report was produced on behalf of the Water Protectors Legal Collective, the legal team that is providing support for Dakota Access Pipeline (DAPL) resisters including legal advocacy, jail and court support, criminal defense, and human rights protection.

Professor Seanna Howard, Director of the International Human Rights Advocacy Workshop, hosted a panel discussion at the 17th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) on April 19, 2018, where the report was presented to human rights scholars and UN experts. The event covered the criminalization of Indigenous protesters both in the context of DAPL and more broadly across the world. Panelists at the event included Professor Howard, Indigenous human rights lawyer Michelle Cook (Navajo/Dine), host of the Sacred Stone Camp at Standing Rock LaDonna Brave Bull Allard (Lakota), UNPFII member Elifuraha Laltaika, member of the African Commission on Human and Peoples Rights Kanyinke Sena, and American Indian Law Clinic Director at the University of Colorado Carla Fredericks.

The report was submitted in response to a call for contributions to a thematic report on the criminalization of Indigenous human rights defenders worldwide made by the UN Special Rapporteur on Indigenous Issues, Victoria Tauli-Corpuz. In a report about her visit to the United States in February 2017, Tauli-Corpuz highlighted human rights violations committed against water protectors during the DAPL protests. Echoing Tauli-Corpuz's concerns over the criminalization of Indigenous peaceful protesters, the report submitted by the International Human Rights Advocacy Workshop calls for further attention by UN human rights bodies.

It details the governments use of excessive force and mass arrests to threaten, intimidate, and silence water protectors seeking to defend their lands, resources, and culture. It notes that between September 2016 and February 2017, 76 law enforcement agencies, federal agencies and private security firms hired by the oil company were present at the Standing Rock camp where thousands of Indigenous water protectors resisted the construction of the Dakota Access Pipeline. These law enforcement agencies and private security groups used heavy-duty riot gear and military grade weapons against peaceful water protectors. Atrocities were carried out against the protesters by law enforcement using a Long Range Acoustic Device sound weapon, explosive tear gas grenades, chemical agents, tasers, rubber bullets and batons. The report notes that the most violent attacks occurred on November 20, 2016 when law enforcement used high pressure fire hoses to spray water protectors, and shot Specialty Impact Munitions (SIM), chemical canisters, explosive tear gas and stinger grenades indiscriminately into the crowd over a period of about ten hours, without any warning. Over 200 people were injured as a result of this violent onslaught. There is currently a class action suit advancing in the U.S. District Court in Bismarck, North Dakota on behalf of those injured on November 20.

In addition to facing violent attacks, hundreds of water protectors are currently facing charges for exercising their rights to free expression and peaceful assembly. According to the report, the seven federal defendants facing the most severe charges are all Indigenous. Based off of information provided by the Water Protectors Legal Collective, the report notes that many of the criminal cases should never have been brought or continued due to lack of evidence and witnesses, lack of probable cause and legal defenses or privilege and lawful conduct. It notes that of the 832 initial cases, 300 remain opened and unsolved.

Both at the UN event and in the report, it is emphasized that Indigenous peoples are particularly vulnerable human rights defenders who are targeted by state and non-state actors. The horrors that occurred at Standing Rock fit into a pattern of violence and discrimination seen worldwide committed against Indigenous peoples fighting to protect their lands and way of life. There is a desperate need for States to not only uphold the rights of Indigenous peoples but to also hold those responsible for carrying out human rights violations accountable. The report ends with the following list of recommendations to the United States:

[Historic Number of Native Americans Elected to U.S. Congress](#)

[Mashpee Wampanoag Tribe Continues Fight for Land](#)

[Honoring the Spiritual Legacy, Resiliency, & Healing Power of Our Ancestors Through Indigenous Customary Hair Traditions](#)

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Cultural Survival envisions a future that respects and honors Indigenous Peoples' inherent rights and dynamic cultures, deeply and richly interwoven in lands, languages, spiritual traditions, and artistic expression, rooted in self-determination and self-governance.

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