

## UN testimony reflects on human rights toll

By Kathy Helms March 6, 2017

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ALBUQUERQUE — Although the focus of U.N. Special Rapporteur Victoria Tauli-Corpuz's recent trip to the United States focused on energy development and its impact on indigenous peoples, she welcomed testimony that would give her a wider range of views.

Maria-Fernanda Samida Straits, the youngest in a room full of adults, sat in her mother's lap and shyly spoke into the microphone at the University of New Mexico School of Law during the Feb. 25 consultation in Albuquerque.

"Hello, my name is Maria-Fernanda, and I see how people are hurt by taking drugs, and I don't want them to have car accidents," she said. "It affects me because my family used to drink and take drugs and it made me feel scared."

Kee Straits, a psychologist, followed up on her daughter's words regarding alcoholism in Native communities and its genesis.

"My daughter is adopted from Peru, and I also am adopted from Peru," she said. "My daughter was taken from her original community, as was I, and we see that all over the world with indigenous people. We are losing the most precious resource to them, which is our children."

Straits believes alcoholism is actually a point of resistance to the atrocities, oppression and colonization suffered by indigenous nations.



Maria-Fernanda Samida Straits, foreground, and Kee Straits, of Peru, speak to Special Rapporteur Victoria Tauli-Corpuz at a consultation on energy development at the University of New Mexico School of Law in Albuquerque Feb. 25.

## **UN hearing**

“Native people have suffered so many types of losses — the land loss, the water loss, the loss of our children — that these are pieces that affect our mental health. We’ve seen that in Standing Rock (North Dakota),” she said.

During protests of the Dakota Access oil pipeline, the state would not allow a crisis to be named so that the Red Cross could step in and provide services, she said, so the call went out through Native mental health providers who would be able to understand and work with Native peoples.

“But then there was this place of being put in, where your licensure would be under threat of being removed, in going in and trying to meet that need,” Straits said.  
Post-traumatic stress disorder

Leoyla Cowboy, a Navajo woman from Bread Springs, left UNM School of Law in her final semester to go to Standing Rock with her family and just returned after several months.

“We were so blessed to come back in one piece,” she said.

Her family went to Standing Rock in hopes of stopping the pipeline, but Cowboy said she learned that capitalism is king.

“The whole issue behind Standing Rock is bigger than us,” Cowboy said. “The fight is here as well. We have Chaco Canyon at stake right now.”

What Navajo and other indigenous communities have in common with Standing Rock is the violence they face every day from law enforcement protecting corporate interests, Cowboy said.

“When we were in Standing Rock we were constantly under threat,” she said. “I have nightmares every single night now.

“This is my land. This is my daughter’s land. For us to have a gun in our face every single day, for us to have Humvees constantly surrounding us, for them to constantly target my partner because he is considered a warrior, that’s traumatic and is unfair and is actually a human rights violation,” Cowboy said. “And for me to say that I’m considered a terrorist. So now we’re marked as bad people through the government. It’s so unfair that people forget history.”

## **A seat at the table?**

Melvina McCabe, a professor in the Department of Family and Community Medicine at UNM, spoke to the special rapporteur in her capacity as a Navajo woman, a grandmother and physician.

“I have always wondered why American Indians and Alaskan Natives, as sovereign nations, do not have an official seat at the United Nations’ table,” she said. “We are sovereign nations, and as such, we should be represented as official members of the United Nations.”

Regarding the use of excessive force at Standing Rock, Mc-Cabe said the U.N.’s universal declaration of human rights states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. But according to the Standing Rock Medic Healers Council, which was onsite in the camps, blunt force trauma was common, which led to near amputation, retinal detachment, multiple fractures, concussions, lacerations and contusions.

“Attack dogs were released resulting in physical harm because of the dog bites to the protectors,” she said. “There was exposure to chemical weapons, and water cannons were used, leading to hypothermia in freezing temperatures.”

Michelle Cook, a Navajo human rights lawyer and alumni of the UNM School of Law, was conducting human rights observations at the encampment. Some individuals left the camp and walked a few hundred yards to go pray, she said. Soon thereafter, a Navajo woman came running back.

“She said, ‘Michelle, they are catching people with dogs.’ I said, ‘Oh, surely that can’t be true. That’s not confirmed.’ More and more people started to come back and we began to take witness declarations of what was happening,” Cook said. “I had never seen my peers bitten and bloodied by dogs. I have never seen anything like that in my life. But that is what I had to see, and I had to counsel those clients. I held clients in my arms who were just puddles of tears.

“We witnessed the state unleash and bring to bear all of the might of its prison-military-industrial complex on a peaceful and unarmed people,” she said.

Based on the testimony heard in Window Rock, Arizona, the previous day and at UNM, Special Rapporteur Tauli-Corpuz said that from what she had heard, energy development on indigenous lands is a source of serious concern.

“Clearly the adverse impacts of mining for uranium and gold, and now the fracking that’s happening and the leases that are being given, a lot of this was done without going through the process of meaningful consultation, as well as obtaining the free, prior and informed consent of the indigenous people who are going to be affected,” she said.

She also noted that a pattern of environmental justice and human rights violations by the energy industry was beginning to emerge, which she said the U.S. government should think about and rectify.

“Clearly this new administration also seems to be aligned with the oil and gas industry, so that’s the other factor that needs to be taken into account,” she said.



Special Rapporteur Victoria Tauli-Corpuz, left, and Hee-Kyong Yoo listen to testimony at a consultation on energy development at the University of New Mexico School of Law in Albuquerque Feb. 25.  
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