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International human rights body issues final decision finding the US in violation of Western Shoshone human rights.

The **Inter-American Commission on Human Rights** affirmed in an exhaustive review that the United States has been violating international human rights laws in its handling of the longtime land dispute between the government and the Western Shoshone Indians of Nevada. The Commission concluded that US claims to Western Shoshone ancestral lands are illegal according to international human rights law. The US used illegitimate means to assert ownership of the lands. The Commission concluded that US must:

1. Make available a fair legal process to determine the Danns' (and other Western Shoshone) land rights, which includes adopting the legislative or other measures necessary to ensure respect for the Danns' right to property.
2. Review its laws, procedures and practices to ensure that the property rights of indigenous persons are determined in accordance with the rights established in the American Declaration on the Rights and Duties of Man.

It is the first time that the United States has been found in violation of international human rights laws in its treatment of American Indians.

The Commission's decision is the latest development in a land battle that has been going on for years. Mary and Carrie Dann, two elderly Western Shoshone sisters, brought the case before the Commission in 1993 after many attempts to be heard in the U.S. courts. The dispute ultimately involves millions of acres of land in and around Nevada. The Western Shoshone have long insisted that they never relinquished their ancestral lands to the US and that US claims to the land are based on discriminatory and illegitimate processes. The Commission agreed.

The [Inter-American Commission on Human Rights](#), an autonomous body of the Organization of American States, investigates human rights complaints against states, prepares reports on the status of human rights in member countries and guides member governments in the adoption of measures that would contribute to human rights protections. The US is a member of the OAS and has often been seen as a frontrunner on human rights protections in the hemisphere's community of nations.

The US State Department has not yet issued an official statement about whether it will comply with the Commission's decision.

The Inter-American Commission on Human Rights released the report to the public in January after the US failed to take any measures to follow the Commission's recommendations. The government, through the Bureau of Land Management, continues to charge the Danns and other Western Shoshone for grazing cows and horses on the disputed lands. In September armed BLM cowboys seized over 200 of the Danns' cattle and sold them at public auction, and in December the Danns were served with yet another notice in regard to their "unauthorized use of federal lands" and ordered them to remove remaining livestock or face another impoundment action.

The Commission's ruling criticizes the unfair procedures used by the Indian Claims Commission (ICC), a controversial administrative agency set up by Congress in 1946 to compensate Indian tribes for claims against the United States. The ICC ultimately declared that the Western Shoshone had lost their land to "white encroachment", despite protests from the Indians that they still lived on, used and controlled the land the agency said they had lost. In 1962, the ICC awarded the Western Shoshone around 15 cents an acre – 1872 land values – for more than 23 million acres of land. When the Western Shoshone tribes refused to accept the money, the funds were deposited in the US Treasury trust account. Sen. Harry Reid (D-Nev.) has encountered stiff resistance to his efforts to distribute the money to Shoshone individuals without first addressing the land rights issues. Many Western Shoshone fear that distribution of the money would further hamper their efforts to legally resolve their claims to their ancestral land.

The report concluded that US ran afoul of its human rights obligations because the Indian Claims Commission:

1. Did not respect the Danns right to property;
2. Did not comply with international human rights norms;
3. Did not fully and accurately inform the Indians about its processes;
4. Did not allow the Indians to participate in the process as nations and individuals;
5. Did not afford the Danns and other Western Shoshone equal treatment under the law; and
6. Did not afford the Danns and other Western Shoshone due process.

In response to a preliminary report outlining these human rights violations, the U.S. informed the panel that the Danns' claims had been "fully and fairly" litigated in domestic courts. But the final report disagreed with that contention and reissued its call for the United States to give the Danns a full and fair hearing on the legal merits of Western Shoshone land claims.

For a full copy of the report, please go to www.indianlaw.org. On the homepage, you will find "See Final Report" under "Current Topics". You can also access a summary of the report and a press release regarding current BLM activities against the Danns. For more background information, contact

Background Source

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