



# General Assembly

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## Human Rights Council

### Thirty-second session

Agenda item 9

**Racism, racial discrimination, xenophobia and related  
forms of intolerance, follow-up and implementation  
of the Durban Declaration and Programme of Action**

### **Written statement\* submitted by the December Twelfth Movement International Secretariat, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2016]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## The Worsening Situation of Black People in the United States

Human Rights Council  
32<sup>nd</sup> Session  
Geneva, Switzerland  
Item 9 of the Agenda

The 21<sup>st</sup> century has brought no fundamental, or even significant, change to the oppressive situation facing Black people in the United States. We are the historical and continuing victims of a four centuries long practice of crimes against humanity and human rights violations fueled by capitalist economic imperatives and rationalized by white supremacist ideology.

And similarly the US stance in the UN vis a vis these crimes and violations differ little from its position in 1989 when we began our annual participation at the Commission on Human Rights. At that point there was no Universal Periodic Review [UPR] and we were the lone NGO voice who consistently raised and documented the human rights violations faced by People of African Descent in the United States. There was no ease of internet and social media, just commitment and thorough research. We brought the police murder and torture of Black people, the Amadou Diallos, Rodney Kings, Abner Louimas, as well as the less known but just as lethal socio-economic strangulation of the Black masses to the world's attention.

Our participation and demands led to the first visit of a Special Rapporteur to the United States. In 1995, Dr. Maurice Glele, the first UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance visited the US and delivered a scathing critique of the country's racism.<sup>1</sup> 14 years later his successor, Doudou Diène, found little had changed.<sup>2</sup> The US position then and now remains, "We, the sole superpower, are the exemplar of democracy for the world and, despite a few minor flaws, are not accountable to our domestic population and certainly not to the United Nations." This imperious attitude is reflected in the US response to the criticisms raised in the 2010 and 2015 UPRs, the latter nearly a carbon copy of 2010's because there was no governmental implementation of the Review's recommendations.

On May 16, 2016, the National Urban League, a long-time, well-respected, moderate, civil rights organization issued its annual State of Black America Report<sup>3</sup>. Its President Marc Morial writes, "*As we observe the 40<sup>th</sup> anniversary of the State of Black America, the similarities in the nation in 2016 and that which then National Urban League Executive Director Vernon Jordan documented in 1976 are disheartening.*" The Report goes on to lay out a multitude of facts. And finally, in January, the UN Working Group of Experts on People of African Descent ended its second visit to the U.S. with these conclusions:

*"The colonial history, the legacy of enslavement, racial subordination and segregation, racial terrorism, and racial inequality in the US remains a serious challenge as there has been no real commitment to reparations and to truth and reconciliation for people of African descent. Despite substantial changes since the end of the enforcement of Jim Crow and the fight for civil rights, ideology ensuring the domination of one group over another, continues to negatively impact the civil, political, economic, social and cultural rights of African Americans today."*<sup>4</sup>

THERE IS NO LACK OF INFORMATION. THERE IS A FAILURE OF IMPLEMENTATION.

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<sup>1</sup> E/CN.4/1995/78/Add.1

<sup>22</sup> A/HRC/11/36/Add.3

<sup>3</sup> National Urban League, "2016 State of Black America: Locked Out – Education, Jobs &" Justice

<sup>4</sup> "Statement to the media by the United Nations' Working Group of Experts on People of African Descent, on the conclusion of its official visit to USA, 19-29 January 2016"

A genuine government sponsored reparations program, modeled on the post-World War II “Marshall Plan” is the only realistic solution to repairing the damage done to Black people and allowing them the full exercise of their right to self-determination.

#### INCARCERATION AS A RACIAL/POLITICAL/ECONOMIC ACT

It is no accident that Blacks and Latinos comprise 80% of the U.S. prison population. The 13<sup>th</sup> Amendment to the U.S. Constitution legalizes slavery for those who are incarcerated. Prisons have become profit making ventures and the only part of the US economy where blacks provide a return on the investment. And within the broad category of mass incarceration on the basis of race, there is a small group whose very existence gives the further lie to US democracy. They are the men and women who came out of the struggles of the Black Nation which was forged in the crucible of US racism and white nationalism. They are the spiritual descendants of Nat Turner, Harriet Tubman, Sojourner Truth, Frederick Douglass. They emerged from the civil rights and Black Power struggles to fight resolutely and unapologetically for their people’s national liberation. Their pursuit, capture, trial, sentencing and incarceration by the US government were politically motivated but, after the fact, classified as criminal behavior.

Dr. Mutulu Shakur has been incarcerated in US federal prisons since 1985. He is a Dr. of Acupuncture, a teacher, a healer and one of the pioneers in the movement for drug-free treatment of narcotics addiction. Although he has reached his conditional release time and had an exemplary record while incarcerated, the parole board refuses to release him. In their view he has not changed his mind, that he still views himself as a revolutionary committed to his people’s liberation. They are no longer holding him for any acts he allegedly committed but because of the beliefs they think he holds onto. Mutulu is not alone. Mumia Abu-Jamal, Oscar Lopez Rivera, Leonard Peltier, Imam Jamil Abdullah Al-Amin, and Sundiata Acoli are a few of those in a similar situation - unacknowledged victims of the US undeclared thought police.

#### Conclusion:

Resistance to slavery, Jim Crow, racism and national oppression have defined the existence of African People in the U.S. The HRC must demand that the US pay reparations and release its political prisoners.

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