

# RIGHTS OF INDIGENOUS PEOPLES INTEREST GROUP NEWSLETTER

## Editorial

The Rights of Indigenous Peoples Interest Group (RIPIG) newsletter is changing its format commencing with 2025. The new format is for 4 issues per year, with each year having a volume number and each issue having an issue number. Each issue corresponds to a quarter of the year. In addition, issues 1 and 3 of each year will be dedicated to articles contributed by guest authors under the issue editor, and issues 2 and 4 of each year will be focused on highlights, events, developments, publications, and announcements compiled by newsletter editors from RIPIG members.

## Articles

### **30<sup>th</sup> Years After the Genocide Against the Tutsi in Rwanda: Remembering 1 Million Souls**

**By: Catherine van Kampen, Esq., Fellow, American Bar Foundation**

April 7, 2024 marked thirty years since the Rwandan genocide.<sup>1</sup> Some scholars call this genocide the worst atrocity of the late twentieth century.<sup>2</sup> This 30th anniversary is a reminder of the international community's, including the United Nations and the United States, failure to intervene and stop the mass killings.<sup>3</sup>

Genocide against the Tutsi in Rwanda was sparked by political unrest and ethnic hate. On the evening of April 6, 1994, the plane carrying Rwandan President Juvenal Habyarimana was shot down while approaching Kigali airport.<sup>4</sup> Though Habyarimana's assassins could not be identified, his death shattered the fragile peace between the Rwandan Patriotic Front (RPF) defending the cause of the Tutsi and the country's Hutu government.<sup>5</sup> During the 100 days that followed the

1 <https://www.cfr.org/in-brief/thirty-years-after-rwandas-genocide-where-country-stands-today> (last visited November 30, 2024.)

2 Id.

3 Id.

4 <https://www.aljazeera.com/opinions/2024/4/7/the-judicial-legacy-of-the-rwandan-genocide-30-years-of-double-standards> (last visited November 30, 2024.)

5 Id.

## INSIDE THIS ISSUE

### **30<sup>th</sup> Years After the Genocide Against the Tutsi in Rwanda: Remembering 1 Million Souls**

1

### **August 3, 2024 – Marking The 10th Anniversary of the Yezidi Genocide**

3

### **A Paler Shade of the Forgotten Roma Holocaust**

5

### **Championing Justice for Uyghurs: The Native People of East Turkistan**

7

### **Stumbling Stones And Stolen Futures: The Legacy of Indigenous Displacement**

10

.....

## **Rights of Indigenous Peoples Interest Group**

### **CO-CHAIRS**

Jonathan Liljeblad  
Yuri Mantilla

### **ISSUE EDITOR**

Catherine van Kampen

### **GUEST AUTHORS**

Catherine van Kampen  
Sophia Murashkovsky Romma  
Rashan Abbas  
Robert Jeffrey Powell

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attack, genocide, crimes against humanity, and war crimes were perpetrated on an unimaginable scale; nearly one million Tutsi civilians, as well as moderate Hutus, were slaughtered.<sup>6</sup>

The architects of the genocide — at least those who were caught — were tried in the International Criminal Tribunal for Rwanda.<sup>7</sup> The sheer volume of community participation in the genocide overwhelmed the local and national legal structures.<sup>8</sup> The government reinstated the precolonial gacaca courts in 2001.<sup>9</sup> Locals were elected by their communities and trained by law students and local magistrates to conduct informal trials nationwide.<sup>10</sup> The accused would listen to testimonies of survivors, ask forgiveness and then receive their sentence from a panel of nine judges.<sup>11</sup> By the end of 2012, over 1 million suspects had been tried in over 12,000 courts, and official government records indicate that the courts had a final conviction rate of 86%.<sup>12</sup> The trials were efficient, but they were also criticized for their informalities.<sup>13</sup> There was no legal representation for the accused.<sup>14</sup> Some survivors retaliated against their abusers.<sup>15</sup> Some perpetrators killed witnesses.<sup>16</sup> Human Rights Watch released a study in 2011 that criticized the gacaca courts for their corruption and bias, as well as for the omission of crimes committed by the Rwandan Patriotic Front (RPF).<sup>17</sup>

Every year, Rwandans observe one hundred days of commemoration, called *Kwibuka*, which translates to

“Remember” in the Kinyarwanda language.<sup>18</sup> The Kigali Genocide Memorial was founded in Rwanda’s capital city, with help from the Aegis Trust, as the center of memory and education.<sup>19</sup> The museum’s exhibits describe the history of Rwanda, from the pre-colonial era to the colonial era, leading up to the Genocide and its aftermath.<sup>20</sup>

Thirty years after the horrors of the 1994 Genocide Against the Tutsi, Rwanda has made leaps and bounds towards memorialization, reconciliation, and education, which encapsulates the theme of *Kwibuka*: “Remember. Unite. Renew.”<sup>21</sup> According to the *New Times*, a Rwandan newspaper, many survivors live with post-traumatic stress disorder.<sup>22</sup> Some of those who experienced sexual violence, a common weapon of genocide, are diagnosed with HIV/AIDS, a life-long and daily memory of the crimes committed against them.<sup>23</sup> Many perpetrators are still withholding the locations of their victims – hundreds of remains are being discovered by accident – which impedes survivors’ ability to find closure and provide their loved ones with dignified burials.<sup>24</sup>

Amid growing awareness and de-stigmatization of mental health, descendants of survivors and perpetrators report generational trauma and shame regarding their relatives’ experiences and crimes.<sup>25</sup> Rwandans in the diaspora are combatting revision and denial in the United States, which has yet to recognize the formal title of the 1994 Genocide Against the Tutsi in Rwanda.<sup>26</sup> United States officials continue to refer to it as the “Rwandan Genocide,” which erases the primary victims: the Tutsi people.<sup>27</sup> ■

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6 Id.

7 <https://newlinesmag.com/reportage/rwandas-younger-generation-still-deals-with-the-legacy-of-genocide/> (last visited November 30, 2024.)

8 Id.

9 Id.

10 Id.

11 Id.

12 Id.

13 Id.

14 Id.

15 Id.

16 Id.

17 Id.

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18 <https://standnow.org/2024/05/07/kwibuka-30-reflections-on-the-1994-genocide-against-the-tutsi-in-rwanda/> (last visit November 30, 2024.)

19 Id.

20 Id.

21 Id.

22 Id.

23 Id.

24 Id.

25 Id.

26 Id.

27 Id.



## August 3, 2024 – Marking The 10<sup>th</sup> Anniversary of the Yazidi Genocide

**By: Catherine van Kampen, Esq., Fellow, American Bar Foundation**

August 3, 2024 marked the tenth anniversary of the start of the genocide perpetrated by ISIS against the Yazidis as well as Christians and Shia Muslims.<sup>1</sup> ISIS committed crimes against humanity and ethnic cleansing against these groups and, in some cases, against Sunni Muslims, Kurds, and other vulnerable communities.<sup>2</sup>

A decade on, over 150,000 survivors continue to live in internally displaced person (IDP) camps in north-eastern Iraq, even as the Iraqi government seeks to close down the camps and force the Yazidi survivors home.<sup>3</sup>

Returning to their homes in the Sinjar region, where insecurity and ISIS remain active, risks a repetition of genocidal violence against Yazidi communities.<sup>4</sup> The Iraqi government has offered reparations to Yazidi survivors and other minorities, but paying monthly compensation is proving not enough to encourage people to reintegrate back into their homes and lives before ISIS.<sup>5</sup>

### The 2014 Yazidi Genocide

Before dawn on the 3rd of August 2014, hundreds of ISIS fighters attacked the mountainous Sinjar region in north-western Iraq.<sup>6</sup> Their target was the ancient Yazidi community, a religious group indigenous to the region, which ISIS deemed as blasphemous and aimed to wipe out.<sup>7</sup> Tens of thousands of Yazidi civilians were forced to

flee from their homes with little warning and few supplies, resulting in hundreds dying of dehydration and exposure on Mount Sinjar, the Yazidi's sacred homeland area.<sup>8</sup> Those who ISIS captured were separated into groups.<sup>9</sup> Yazidi men were executed in large numbers in front of their families.<sup>10</sup> Hundreds of elderly women and children were killed.<sup>11</sup> Some were buried alive.<sup>12</sup> The remaining women and children were enslaved and transported to Syria to be sold as slaves and were sexually tortured by ISIS fighters.<sup>13</sup> Members of other minority groups, such as the Shabak, Turkmen and Christians, were also abducted and killed by ISIS members.<sup>14</sup> Young boys who were captured were forcibly conscripted to fight for ISIS, leaving many killed or injured.<sup>15</sup>

### The Yazidi Survivor Law

In 2021, the Iraqi Parliament passed the Yazidi Survivor Law (YSL), which recognizes the crimes committed against the Yazidi, Shabak, Christian, and Turkmen communities by ISIS as genocide and crimes against humanity.<sup>16</sup> The YSL aims to provide a range of benefits to victims of sexual violence, sexual torture, and forced pregnancy, as well as children who were kidnapped, and those who survived massacres.<sup>17</sup> Iraq's General Directorate for Survivor Affairs is responsible for the delivery of measures under the YSL with a Committee to adjudicate on claims.<sup>18</sup> The law emerged out of the coalition of local and international civil society groups advocating for redress for Yazidi survivors, with organizations like the International Organization Migration (IOM) taking

1 <https://2021-2025.state.gov/10th-anniversary-of-isis-genocide-against-yazidis-christians-and-shia-muslims/> (last visited November 30, 2024.)

2 Id.

3 <https://www.icct.nl/publication/ten-years-yazidi-genocide-searching-redress-war-against-isis> (last visited November 30, 2024.)

4 Id.

5 Id.

6 Id.

7 Id.

8 Id.

9 Id.

10 Id.

11 Id.

12 Id.

13 Id.

14 Id.

15 Id.

16 Id.

17 Id.

18 Id.



a strong capacity-building role, drawing from its experience in reparation programs for the Holocaust, Sri Lanka, and Sierra Leone.<sup>19</sup> The law is ground-breaking for being the first law in a Muslim-majority country to redress sexual violence, as well as to implement a reparation program within a few years since the defeat of ISIS.<sup>20</sup>

### Benefits under the YSL

There are a several measures under the YSL for survivors including a monthly payment, access to land, employment opportunities, and rehabilitation efforts.<sup>21</sup> So far, out of 2,235 applicants, over 1,700 survivors have been deemed eligible and are currently receiving around six hundred dollars (US) per month as compensation.<sup>22</sup> The YSL also provides for eligible survivors to be granted a residential plot of land with a real estate loan or a free housing unit.<sup>23</sup> On the 29th of May 2024, the Directorate distributed the first 250 plots to Yazidi survivors in Sinjar and a further 12 to Turkmen survivors in Tel-Afar.<sup>24</sup>

The YSL also provides for more public-facing reparations to officially acknowledge victims suffering through public commemoration on the 3rd of August for the crimes committed against the Yazidis and other ethnicities by ISIS.<sup>25</sup> Such commemoration for the tenth anniversary centered around the Yazidi Genocide Memorial in Sinjar, which was created and funded by victim organizations and international donors last year.<sup>26</sup> There are over 190 mass graves, of which only sixty have been exhumed, preventing closure for their families.<sup>27</sup> In addition, for those still missing or remaining in the Al-Hol camp in Syria, their return is not just the responsibility of Iraq, but of all governments who have nationals detained there.<sup>28</sup>

### Yazidis Seek Justice

Yazidi lawyer Natia Navrouzov of the Yazda organization, which supports genocide victims, said much of the response to Islamic State has been military “to take back territory,” but restorative justice for the victims is also needed.<sup>29</sup> “What we really need from Iraq and KRG [Kurdistan Regional Government] with support from the international community is a proper transitional justice legal framework. All the components of transitional justice. So, criminal accountability, truth-telling, reparations. And what is missing is guarantees on non-repetition. People are asked to go back but nothing guarantees that another genocide won’t happen in five, 10, two years,” she said.<sup>30</sup>

Navrouzov called for an international court to try the militants from more than 80 countries which committed atrocities against the Yazidis. Iraq, meanwhile, says it will shut down a U.N. investigation team, UNITAD, documenting crimes by September 17.<sup>31</sup> “All we got in Iraq is terrorism trials, so ISIS members are just being prosecuted for terrorism, membership to a terrorism group. Survivors are not aware, not involved, often the perpetrators clearly mentioned that they enslaved Yazidis, and this is completely disregarded. We don’t know if the evidence UNITAD collected will be accessible to continue at least these prosecutions by third states, like Germany and others. So that’s very worrying. What is missing now is the component of trust,” she said.<sup>32</sup> ■

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19 Id.

20 Id.

21 Id.

22 Id.

23 Id.

24 Id.

25 Id.

26 Id.

27 Id.

28 Id.

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29 <https://www.voanews.com/a/yazidis-seek-justice-on-10th-anniversary-of-islamic-state-genocide/7729458.html> (last visited November 30, 2024.)

30 Id.

31 Id.

32 Id.



## A Paler Shade of the Forgotten Roma Holocaust

By: *Sophia Murashkovsky Romma, Ph.D.*

The Roma people believe in protection of the spirits and in exorcism. They have faith that in conjuring up light or dark forces, dream spirits and that equipped with the sacred power of divination, they may be guarded against evil. The fortune-teller is accustomed for ages to gaze keenly and earnestly into the eyes of those whom she *dukkers* or “fortune-tells.” These spiritual mentalists are trained to guide credulous, imaginative and aspirational individuals from all walks of life and to make them feel that a mysterious mystical insight penetrates “with a power and with a sign” as it pulsates through the veins of the conjurer. Those who seek solace and absolution from the past, those who attempt to garner a tolerable comfort in the present and sojourn for a semblance of future, enter the zone of Roma prophetism. As the fortune-tellers examine palms, while conversing volubly with artful self-possession, unconsciously the *Dream Spirit* is awakened. It calls forth from the hidden halls of memory strange facts, associations, and with this metaphysical transformation, a fortune-teller Roma beckons the latent potion of perception—there is no clairvoyance, illumination or sorcery in reading palms or in glaring into deep pools of eyes brimming with life. There is divinity in the craft of fortune-telling, passed on from generation to generation, experience, observation at play. The Roma can read Tarot Cards, decipher lines etched deeply in hardened hands, read astrological signs, use rune stones for focal points, and indulge in a myriad of forms of divination. The Roma do indeed harbor *shovanis* who have stood the test of time for their remarkable prophetic skills. *Divinning* by definition is reading the past, present and predicting the future from signs and portents. However, much like dabbling in Jewish Mysticism and even for those who have seriously delved into the unwrapped gifts of the Kabballah to hone the role of the mystic—the Jews and the Roma have failed at predicting their own lamentable fates in a Holocaust which annihilated the prophecy of the pilgrims of hope and instead led to the sadistic murder of the marginalized, the shunned and the persecuted, at the hands of the Nazi regime.

## The Sanctity in the Preservation of History – Nazi Genocide Against the Roma People

It is an incredibly grueling task to evaluate how the Roma genocide has been represented since the end of the Second World War. Pursuant to the war, while acknowledging Nazi crimes, numerous governments failed to shed light on Roma suffering. This blatant neglect, rooted in political and racial biases, hindered the Roma community’s ability to record their experiences and memorialize those who valiantly expired. Survivors of the “invisible” paler shade of a genocide of the European Roma fell mute and solely left their searing mark on silent quivering lips, marred by history’s tyrant brutality. It was not until the 1990s that there appeared some dedication of Roma activists. Historians and journalists presented in depth information and oral histories regarding the Roma experiences under Hitler’s murderous reign. These early efforts paved the way for academic research into the often-veiled Roma genocide.

Between 1933 and 1945, Roma and Sinti in Europe were targets of Nazi persecution. Building on ancient prejudices, the Nazi regime viewed Roma as outside the “normal” society and as racially “inferiors.” During World War II, the Nazis, their allies and steadfast collaborators slaughtered hundreds of thousands of Roma men, women, and children across German-occupied Europe.<sup>1</sup> 500,000 Roma were systemically persecuted and eventually wiped out. Mass killings of Roma reached their pinnacle on July 3 through August 2, 1944, when the Germans began the liquidation of the *Zigeunerlager* (“Gypsy camp”) at Auschwitz-Birkenau. Almost 3,000 Roma were put to death in this single operation.<sup>2</sup> During one fateful night, men, women, and children were gassed. The Nazis slaughtered between twenty to fifty percent of the Sinti and Roma, who call this genocide, the *Porrajmon*, or “great devouring,” of their people.

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1 <https://www.opensocietyfoundations.org/explainers/what-roma-genocide>, (last visited November 30, 2024.)

2 Ibid.





### The Notorious Exclusion of Facts

There is a definitive reason behind labeling the Roma Genocide as the “*Forgotten Holocaust*.” This genocide was excluded from the history of World War II for decades after the end of the war.<sup>3</sup> There were no Roma witnesses at the Nuremberg Trials. In 1950, German judges hearing restitution claims were advised by the Württemberg Ministry for the Interior that “*Gypsies were persecuted under the National Socialist regime not for any racial reason, but because of an asocial and criminal record.*”<sup>4</sup>

Since the 1970s, activists and researchers have fought to have the genocide acknowledged as part of a wider movement for Roma rights. Crimes against the Roma during World War II were officially recognized by the German authorities in 1982.<sup>5</sup> Thirty years later, in 2012, Chancellor Angela Merkel unveiled a memorial to the Roma Genocide in Berlin. Today, Hungary, Poland, Slovakia, Ukraine, and Croatia observe the Second of August as Roma and Sinti Genocide Remembrance Day. On April 15, 2015, the European Parliament passed a similar resolution calling for August 2 to be recognized as European Roma Holocaust Memorial Day to commemorate the victims of the Roma genocide in World War II.<sup>6</sup>

The lack of recognition of the crime of genocide reflects the long-standing discrimination against Roma people in Europe. Properly acknowledging the past treatment of Roma is crucial not solely for the justice and dignity of those who died but also to confront ongoing anti-Roma rhetoric and behavior.<sup>7</sup>

### Sinti and Roma—an Unconscionable Conscience Persecution

Ever since their arrival in Central Europe in the 1400s, the Roma had been social outcasts. In the 1930’s when Heinrich Himmler promised to cleanse Germany of “asocial pariahs,” the Roma were one of the hounded communities living on the periphery of time. Consisting of

various “tribes,” these ethnic people were labeled as “Gitanos” or “Gypsies” for they were believed to originate from Egypt which was a fallacy. Historians trace the Roma’s ancestors to European settlers from northern India, who came through what is now Iran, Armenia and Turkey.<sup>8</sup> They gradually spread their way across the whole of Europe from the 9th century onwards. Traditionally, they travelled from place to place, although the majority of Roma are now “sedentary.” They included artisans, wood and copper craft workers, farm workers, blacksmiths, musicians, fortune-tellers and entertainers. At first, they were welcomed for their skills, but governments and the church soon began to view them as suspicious outsiders and ‘heathens’.<sup>9</sup>

In many regions, Roma were forced into slavery, a practice which continued into the 19th century in Romania and elsewhere. Roma were also sentenced to death throughout the medieval era in England, Switzerland and Denmark. This later grew into organized persecution. Many countries, including Germany, Poland and Italy, ordered the expulsion of all Roma. From the 1930s and after World War II, Roma continued to be discriminated against and oppressed, especially in the Soviet Union. Between the 1970s and 1990s, the Czech Republic and Slovakia sterilized around 90,000 Romani women against their will.<sup>10</sup>

The Sinti and Roma tribes once peacefully inhabited Germany and Austria but when the Fascists deemed the Roma and Sinti as “*inferior beings*” to the Aryan pure bloodied race and regarded them as unfit, Himmler’s circular of December 8, 1938, “**Combating the Gypsy Nuisance**,” promulgated “*the final solution of the Gypsy question.*” The Romani people were also subjected to criminal medical experiments, forced labor and torture.<sup>11</sup> Despite these

3 Ibid.

4 <https://www.opensocietyfoundations.org/explainers/what-roma-genocide> (last visited November 30, 2024.)

5 Ibid.

6 Ibid.

7 Ibid.

8 <https://www.amnesty.org/en/latest/campaigns/2015/04/roma-in-europe-11-things-you-always-wanted-to-know-but-were-afraid-to-ask/> (last visited November 30, 2024.)

9 Ibid.

10 <https://www.amnesty.org/en/latest/campaigns/2015/04/roma-in-europe-11-things-you-always-wanted-to-know-but-were-afraid-to-ask/> (last visited November 30, 2024.)

11 <https://www.unesco.org/en/articles/shedding-light-roma-genocide-take-part-protectthefacts-campaign> (last visited November 30, 2024.)

atrocities, the Roma genocide is still under-researched and widely unknown by the general public, often leading to denial and distortion of facts about this dark chapter of history. For decades following the war, the Roma were not recognized as victims of Nazi persecution and the crimes committed against them remained unacknowledged.<sup>12</sup>

### **Unmasking Denial of the Genocide of the Romani People**

Today, the Roma are Europe's largest minority. They continue to face racism and human rights violations. A recent survey conducted among Roma people in 10 European countries revealed that one in four reports having experienced discrimination in various areas of life based on their Roma identity.<sup>13</sup> Moreover, one in five Roma children face hate-motivated bullying and harassment while in school. While multiple governments and international organizations have designated the Second of August to pay tribute to the memory of "forgotten victims" during the Nazi era,<sup>14</sup> the genocide of the Roma was not internationally recognized until decades after the war, even though survivor testimony and forensic evidence continues to emerge to this day.

As civil society remembers and honors the victims, there must be a call upon governments to encourage the most feasibly comprehensive documentation of this genocide, to cease the systemic ignoble discrimination against Roma and Sinti, and to ensure that their rights and dignity are protected and respected. It is vital to explore Roma and Sinti life in Germany and Austria prior to the Second World War, and genocidal policies beginning in German-occupied Poland in 1940. It is equally imperative to examine the post-war lives and legacies of the Roma and Sinti, who fought to obtain recognition and compensation for their oppression. ■

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12 Ibid.

13 Ibid.

14 Ibid.

### **Championing Justice for Uyghurs: The Native People of East Turkistan**

**By: Rashan Abbas, Founder and Executive Director,  
Campaign for Uyghurs**

*Who are the Uyghurs*

Imagine a thriving civilization along the ancient Silk Road, a crossroads of culture, commerce, and history. For over 2,000 years, the Uyghur people, a Turkic ethnic group native to East Turkistan—now called the Xinjiang Uyghur Autonomous Region (XUAR)—have enriched this region with their scholarship, art, and vibrant traditions<sup>1</sup>. Yet today, this cradle of culture is under siege. The Uyghurs face a brutal campaign of repression, their heritage erased, their freedoms crushed, and their very existence threatened.

You may have seen glimpses of our story in the news: reports of China's state-imposed forced labor, mass internment camps, and genocide. You might recognize the Uyghur Forced Labor Prevention Act, which aims to stop goods produced through modern slavery from reaching the United States. Or, perhaps you've encountered China's counter-narrative: propaganda videos flooding social media platforms of dancing Uyghurs, offering a deceptive veneer of harmony and freedom.

### **The History of Repression**

The Uyghur people, who are culturally, historically, and linguistically tied to the Turkic peoples of Central Asia, maintained their independence for nearly a millennium, evading Chinese rule. This changed in the mid-18th century when the Qing Dynasty established a fragile foothold in the Uyghur homeland, renaming it "Xinjiang," meaning "New Territory." After the fall of the Manchu Empire in 1911, the Uyghurs founded two independent East Turkistan Republics in 1933 and 1944, both of which were toppled with Soviet intervention. In 1949, Chinese communist forces seized East Turkistan following an "accidental" yet conveniently timed plane crash that claimed the lives of four top political and military leaders, including the President of the East Turkistan Republic, leading to the creation of the so-called Xinjiang Uyghur Autonomous Region.

Since then, the persecution and assimilation of Uyghurs have steadily intensified. The government views the region

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1 Roberts SR. The war on the Uyghurs : China's internal campaign against a Muslim minority. 2020;308.



as strategically important due to its abundant natural resources and location, which connects China with Central Asia and the Middle East. Uyghur identity and our faith to God are seen as threats to their plan to control the region, becoming grounds for punishment and assimilation for a “unified” China.

### **Uyghur Genocide**

In 2014, emboldened by the lack of response to its countless massacres in the Uyghur land, China embarked on a decimation campaign against the Uyghur people, which accelerated to a full-scale genocide and vicious crimes against humanity by 2017. Dr. Adrian Zenz, a leading China expert, estimated that China has detained up to 1.8 million Uyghurs and other Turkic groups in East Turkistan in as many as 1,300 to 1,400 camps.<sup>2</sup> These so-called “re-education” camps are not places of learning or reform. They are centers of abuse, torture, forced sterilization, and psychological indoctrination to erase the Uyghur identity, break our spirit, and dismantle our very existence.

In December 2021, the Uyghur Tribunal, an independent tribunal in London, determined that the People’s Republic of China (PRC) has committed genocide against Uyghurs and other Muslims in East Turkistan.<sup>3</sup> On August 31, 2022, a report from the United Nations Office of the High Commissioner for Human Rights (OHCHR) also confirmed the Uyghur plight with the conclusion of “crimes against humanity.”<sup>4</sup>

### **The Human Cost: An Unimaginable Scale of Suffering**

What does it mean to be Uyghur in East Turkistan today? It means to live in constant fear—fear of being detained, fear of being separated from your family, fear of being silenced forever because of your ethnic identity.

Our ancestral homeland has become an open-air prison, the most pervasive techno-authoritarian state in the world. Uyghurs face systematic erasure of their identity, subjected to constant surveillance and persecution. The Uyghur language is banned, our culture is labeled as

“backward,” and historical sites are demolished. Books written in Uyghur are burned. Possessing them is deemed an act of defiance against the Chinese Communist Party (CCP). Uyghur children are sent to state-run boarding schools, forcibly separated from their heritage and denied a connection to their language, culture, and roots, aimed at erasing our identity in future generations. Within these schools, they are subjected to indoctrination and forced to pledge full loyalty to the CCP. Uyghur women are subjected to forced abortions, sterilizations, and marriages to Han Chinese men, aimed at diluting the Uyghur population. Celebrating Uyghur historical, cultural, and religious holidays is forbidden; they are forced to adopt Han Chinese traditions and attire. Despite the name “Autonomous Region,” there is no autonomy, no respect for human rights, and no limit to the CCP’s oppression.

I know this reality too well. My sister, Dr. Gulshan Abbas, has been suffering in the CCP’s prisons for over six years.<sup>5</sup>

In September 2018, I participated in a panel organized by the Hudson Institute in Washington D.C., where I raised awareness about mass arrests—including the disappearance of 24 members of my husband’s family—ongoing genocidal policies, and the atrocities committed against the Uyghurs. On September 10, my sister, Dr. Gulshan Abbas, went missing. It wasn’t until December 2020 that we received indirect confirmation through a third party that she had been unjustly sentenced to 20 years on fabricated charges of “terrorism” and “social disruption.” The Chinese authorities subsequently acknowledged her existence during a press conference after relentless attempts to accuse me of inventing Gulshan. Her only “crime” was being the sister of me, someone who exercised their freedom of speech within the United States.

Every day, I wake up with a tremendous weight of guilt, realizing that my advocacy for my people in my homeland had cost Gulshan’s freedom.

### **But my family’s plight is only one of millions.**

A recent report by Yale University’s Genocide Studies Program revealed a staggering figure: the Chinese government has sentenced Uyghurs to a cumulative total of 4.4 million years of imprisonment. Those the state claims to

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2 Adrian Zenz, “Thoroughly reforming them towards a healthy heart attitude’: China’s political re-education campaign in Xinjiang. *Center Asian Surv.* 2019 Jan 2;38(1):102–28.

3 <https://uyghurtribunal.com/>

4 OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>

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5 Gulshan Abbas | Tom Lantos Human Rights Commission [Internet]. Available from: <https://humanrightscommission.house.gov/DFP/Countries/China/Gulshan-Abbas>





have “graduated” from re-education camps or are released from prison are not set free but are instead funneled into forced labor facilities. No one is free, their every movement is surveilled, their freedom restricted, and their futures controlled.

### **Uyghur Genocide to World's Order**

The persecution of the Uyghur people is not an isolated issue—it is closely connected with the struggle of other communities under China's oppression, including Tibetans and Mongols. Although these abuses take place over 6,600 miles away, they remain a pressing concern for us as we are unwittingly being made complicit in their plight through the systems and products that sustain these injustices in our everyday lives.

From cotton<sup>6</sup>, seafood<sup>7</sup>, polysilicon for solar panels<sup>8</sup>, lithium for electric vehicles<sup>9</sup>, pharmaceuticals<sup>10</sup>, and aluminum for batteries, vehicle bodies, and wheels<sup>11</sup>, more than 17 sectors are linked to Uyghur forced labor. The consequences of China's genocide are integrating into every aspect of our daily lives—from the food we eat and the clothes we wear to the toys our children play with and even the medications we use. This is not merely about profiting from the exploitation of Uyghur lives; it is part of a calculated strategy to alter the demographic makeup of our homeland. While Uyghurs are shipped like commodities across China to work in forced labor, Han Chinese migrants

are encouraged to settle in the region, further eroding the cultural and demographic identity of the Uyghur people.

The Uyghur people are not just a statistic or a footnote in history—they are a resilient and vibrant community whose existence is a testament to the power of culture, faith, and identity. Their survival against centuries of repression is remarkable, but today, their very existence hangs by a thread. The world cannot afford to look away. We must amplify their voices, and demand an end to this genocide.

When innocent people are oppressed, and we fail to help or speak out, we sacrifice our fundamental values. Recognizing one another's pain makes it all the more important to stand together and advocate for our shared rights. Every action we take—from refusing to buy goods tainted by forced labor to calling for policies that hold China accountable—sends a powerful message: we will not be complicit in this atrocity. Change starts with awareness, but it cannot end there.

The Uyghur people have an inherent right to live with dignity and to have their human rights fully respected in their homeland. Their religion, culture, and heritage should be preserved and celebrated, not persecuted. Uyghur intellectuals, who are unjustly languishing in prisons under life sentences, deserve recognition and honor on the global stage, not silence and neglect.

If we allow the Chinese regime to erase Uyghur identity and voices, it will be a tremendous loss for humanity, and its oppressive policies will spread beyond East Turkistan and even beyond China.

The regime's prominence on the world stage might create the impression that we cannot change the status quo. That is not the case. Each of us has a powerful voice, and together, we can contribute to ending the suffering of the Uyghur people and other communities once and for all.

Irish statesman Edmund Burke once said, “The only thing necessary for the triumph of evil is for good men to do nothing.”

Empathy is appreciated, but it is not enough to help. We must amplify their voices, share their stories, and advocate for their democratic freedom. If we fail to hold the CCP accountable now, the only thing we'll be left with are words of regret. Together, we can ensure that the Uyghur story is one of survival, resistance, and, ultimately, justice. ■

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6 <https://newlinesinstitute.org/rules-based-international-order/genocide/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/> Adrian Zenz, “Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton”

7 <https://www.newyorker.com/news/news-desk/the-uyghurs-forced-to-process-the-worlds-fish> “The Uyghurs Forced to Process the World's Fish”

8 <https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/over-exposed/crawford-murphy-et-al---over-exposed-xuar-assessment-aug-2023.pdf> “Over-Exposed: Uyghur Region Exposure Assessment for Solar Industry Sourcing”

9 <https://c4ads.org/reports/fractured-veins/> “Fractured Veins The World's Reliance On Minerals From the Uyghur Region”

10 <https://c4ads.org/reports/side-effects/> Mishel Kondi, “Side Effects The Human Rights Implications of Global Pharmaceutical Supply Chain Linkages to XUAR”

11 <https://www.hrw.org/report/2024/02/01/asleep-wheel/car-companies-complicity-forced-labor-china> “Asleep at the Wheel: Car Companies' Complicity in Forced Labor in China”



## Stumbling Stones and Stolen Futures: The Legacy of Indigenous Displacement

By: **Robert Jeffrey Powell, Attorney at Law**

Across Europe, more than 100,000 *Stolpersteine*, or “stumbling stones,” have been laid to memorialize victims of Nazi totalitarianism. These small brass plaques, embedded in the pavement outside the last freely chosen homes of those persecuted, form a poignant and personal form of remembrance. In cases where entire families were killed, the *Stolpersteine* create an almost genealogical tribute; for example, one residence in Brussels is marked by 16 plaques at its entrance.<sup>1</sup>

Reflecting on *Stolpersteine* while driving through the southern foothills of Appalachia, I noticed a troubling parallel—not markers commemorating those displaced, but inscriptions memorializing their replacements. In towns like Cave Spring, founding dates appear proudly on murals and signs: “Welcome to Cave Spring, Est. 1832.” A local church proclaims, “First Presbyterian Church, Established 1833,” while across the street and down a block another reads “First United Methodist, Est. 1840.” Along a rural highway: “Sardis Presbyterian Church, Orig. 1836.” These dates are a form of *utsilvhisdi gesdv*,<sup>2</sup> as stumbling stones might be called in Tsalagi, the Cherokee language—silent markers of the dismantling of the Cherokee Nation, whose “civilization” program had culminated in the invention and adoption of a Cherokee syllabary and its 1827 written constitution modeled upon that of the United States.<sup>3</sup>

The next decade will bring bicentennial remembrances of this systemic dismantling: the 1827 Cherokee constitution; the 1828 discovery of gold on Cherokee land; Georgia’s and Alabama’s 1829 nullifications of Cherokee laws; the 1830 Indian Removal Act authorizing removal of the Cherokee westward across the Mississippi River; the 1832 Georgia Land Lottery, redistributing Cherokee landholdings to European settlers; and the 1838 erection of

forts and stockades to detain Cherokee citizens ahead of the forced expulsion westward.<sup>4</sup> Approximately 15,500 Cherokee citizens and 1,500 enslaved individuals were removed on what became the Trail of Tears; more than 20% perished on the journey.<sup>5</sup>

These historical events, archived and mythologized, will undoubtedly be commemorated as profound injustices. Yet the forces that drove these displacements persist today: economic exploitation, illegal resource extraction, violence, lack of government protection, and insufficient legal recourse. These pressures continue to erode Indigenous communities, driving deculturation, poverty, inequality, and environmental degradation. In Brazil, the Philippines, and Congo, as a small set of examples, echoes of the Cherokee Removal can be heard in the ongoing struggles of Indigenous peoples facing similar forces of erasure.

### Brazil: Violence, Impunity, and Cultural Erasure

In Brazil, the “rainforest mafias” operate with near-total impunity, using violence to intimidate Indigenous leaders and environmental activists. Driven by profit to clear forests for illegal logging, cattle grazing, and agriculture, these groups displace Indigenous groups who rely on the land for their cultural and physical survival. Between 2009 and 2018, at least 300 people were killed in conflicts over land and resources in the Amazon, yet only cases ultimately went to trial.<sup>6</sup> The Cherokee faced similar violence during their displacement, as gold discovered on their lands in Georgia triggered an influx of settlers. Today, Brazil’s Indigenous communities face an eerily parallel situation: illegal miners and loggers invade their territories, armed and emboldened by weak enforcement of laws designed to protect Indigenous rights.<sup>7</sup>

1 The Economist. “Stolpersteine Grieve for Victims of the Nazis, One at a Time.” *The Economist*, December 14, 2023. <https://www.economist.com/europe/2023/12/14/stolpersteine-grieve-for-victims-of-the-nazis-one-at-a-time>.

2 OpenAI. Translation of “stumbling stones” from English to Tsalagi. ChatGPT. Accessed December 2, 2024.

3 Perdue, Theda, and Michael D. Green. *The Cherokee Removal: A Brief History with Documents*. 3rd ed. Boston: Bedford/St. Martin’s, 2016, pp. 47, 143, 393.

4 Id. 390.

5 Wikipedia. “Cherokee Removal.” Accessed December 3, 2024. [https://en.wikipedia.org/wiki/Cherokee\\_removal](https://en.wikipedia.org/wiki/Cherokee_removal).

6 Human Rights Watch. “Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon.” September 2019. <https://www.hrw.org/report/2019/09/17/rainforest-mafias/how-violence-and-impunity-fuel-deforestation-brazils-amazon>.

7 CSIS. “Deforestation Hits Home: Indigenous Communities Fight for the Future of Their Amazon.” 2023. <https://journalism.csis.org/deforestation-hits-home-indigenous-communities-fight-for-the-future-of-their-amazon/>.



Under the preceding federal administration of President Jair Bolsonaro, Brazil's environmental enforcement was significantly weakened. Agencies tasked with protecting the Amazon faced budget cuts, senior officials were dismissed, and anti-logging operations were scaled back.<sup>8</sup> The resulting deforestation reached a 12-year high in 2020, threatening both the global climate and the livelihoods of over 400 Indigenous communities. Although Brazil's constitution guarantees Indigenous land rights, enforcement remains insufficient.<sup>9</sup>

Although the reelection of President Luiz Inácio Lula reversed many of Bolsonaro's destructive policies, violence against Indigenous people has continued unabated. There were 208 murders of Indigenous people in 2023, compared to the previous highest number on record of 182 murders in 2020. Police are involved in private militias, provide escorts for farmers, share information, and support attacks against Indigenous communities.<sup>10</sup> This decimation is often framed as economic development,<sup>11</sup> mirroring the rhetoric of the 19th-century United States, where Cherokee land was seized under the guise of progress and opportunity.<sup>12</sup> For Indigenous groups, the destruction of the forest is not just an environmental crisis—it is a cultural one.<sup>13</sup> Their deep connection to the land is eroded, and with it, the knowledge, languages, and traditions that have defined their communities for centuries. This cultural erasure echoes the loss experienced by the Cherokees as they were removed from the lands that had sustained their identity and governance.

### The Philippines: Economic Pressures and Environmental Degradation

In the Philippines, Indigenous communities face multifaceted threats to their ancestral domains—lands traditionally

stewarded by Indigenous communities—from land grabs, mining, and agricultural expansion, and particularly from the expansion of oil palm plantations, often justified under the guise of economic development. The loss of biodiversity and medicinal plants further impoverishes these communities, and mining activities have devastated ecosystems, polluted water sources, and displaced communities.<sup>14</sup>

Beyond environmental degradation, oil palm plantations physically restrict Indigenous peoples' access to forests and upland fields. Fenced-off "no trespassing" zones force communities to take longer, less accessible routes to sustain their traditional livelihoods. These disruptions collapse family-based economies and sever communities from their cultural practices.<sup>15</sup>

Despite constitutional protections for Indigenous peoples, loopholes and weak enforcement leave communities vulnerable to exploitation. Like the Cherokee Nation, which was legally recognized and governed by its own constitution before removal, the Tagbanua and Palawan peoples have governance systems and land claims rooted in centuries of tradition. Yet these systems are routinely overridden by state and corporate interests.<sup>16</sup> The parallels to the Cherokee Removal are stark. The 1830 Indian Removal Act formalized the process of dispossession, giving legal cover to actions that violated existing treaties and Indigenous sovereignty. Similarly, in the Philippines, laws meant to protect Indigenous lands, such as the Indigenous Peoples' Rights Act (IPRA), are undermined by bureaucratic delays and corruption, enabling encroachment and displacement.<sup>17</sup>

8 Human Rights Watch (n 6).

9 CSIS (n 7).

10 Boadle, Anthony. "Violence Against Brazil's Indigenous People Unabated under Lula, Report Says." Reuters, July 22, 2024. <https://www.reuters.com/world/americas/violence-against-brazils-indigenous-people-unabated-under-lula-report-says-2024-07-22/>.

11 Human Rights Watch (n 6).

12 Pratt, Adam J. *Toward Cherokee Removal: Land, Violence, and the White Man's Chance*. Athens: University of Georgia Press, 2020, p. 16.

13 *Id.* and CSIS (n 7).

14 Gata, Ma. Larissa Lelu P. "Environmental Inequalities among Indigenous People in the Philippines: The Case of the Tagbanua in Tara Islands, Palawan." *Ecosystems & Development Journal* 5, no. 1 (October 2014): 31–38. <https://ovcre.uplb.edu.ph/journals-uplb/index.php/EDI/article/view/209>; and ICCA Consortium. *Palawan Geo-Tagged Report*. 2013. <https://www.iccaconsortium.org/wp-content/uploads/2015/08/alert-2013-palawan-geotagged-report-1.pdf>.

15 ICCA Consortium (n 14).

16 Gata (n 14).

17 ICCA Consortium (n 14).



### **Congo: Resource Exploitation and Human Rights Violations**

In Congo, Indigenous groups' dependence on forests for sustenance and cultural identity places them in direct conflict with illegal logging and land-grabbing operations. The extraction of minerals like coltan, cobalt, and gold has displaced Indigenous communities, destroyed habitats, and fueled armed conflict. Companies and militias exploit the land without consultation or compensation to its traditional custodians. The burning of villages and torture are reported methods used to suppress resistance and appropriate traditional knowledge of biodiversity.<sup>18</sup>

The Indigenous groups' plight resonates with the Cherokee experience. The forced removal of the Cherokee was catalyzed by the discovery of gold, a resource that invited speculation, greed, and violence.<sup>19</sup> In Congo, mineral wealth has had a similarly destabilizing effect, transforming land from a source of cultural identity and sustenance into a battleground for competing interests. Their traditional lands are often classified as "protected areas" for conservation purposes, effectively criminalizing their way of life.<sup>20</sup> This legal deception mirrors the way Cherokee lands were reclassified and redistributed during the Georgia Land Lottery, stripping them of autonomy and connection to their ancestral territories.<sup>21</sup>

The human rights abuses in Congo extend to modern forms of slavery and trafficking. Indigenous children are particularly vulnerable, subjected to forced labor and sexual exploitation. These practices, driven by economic desperation and criminal networks, exploit the absence of legal protection.<sup>22</sup> Such systemic dehumanization recalls the treatment of enslaved individuals during the Cherokee Removal, highlighting the enduring intersections of race, economics, and violence.

### **The Legacy of Removal: A Global Context**

The Cherokee Removal, often viewed as a historical tragedy, is not an isolated event. It is part of a continuum of dispossession that stretches across continents and centuries. The bicentennial commemorations of the Cherokee Removal should serve as a reminder that the injustices of the past are not confined to history books; they persist in the struggles of Indigenous communities today. In Brazil, the Philippines, Congo, and around the world, Indigenous communities face displacement and violence eerily reminiscent of the Cherokee Removal. The systemic forces that drive Indigenous displacement—economic exploitation, environmental degradation, and legal disenfranchisement—transcend geography and time. ■

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18 Cultural Survival. Universal Periodic Review: Congo 2018. 2018. <https://www.culturalsurvival.org/sites/default/files/Congo%202018%20UPR%20Report.pdf>.

19 Pratt at 37, 72 (n 12).

20 Cultural Survival (n 18).

21 Pratt at 46 (n 12).

22 Cultural Survival (n 18).