Section III: Violations of the Rights of Citizens of the Tohono O'odham Nation and other Indigenous Persons

Convention or International Legal Instrument	UN Declaration of the Rights of Indigenous People			
	Type of violation	**Persons affected**	**Org. / Indiv. Key**	**Source**
Article 3: Indigenous peoples have the right to self-determination by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.	The US Border patrolman's disregard for the TON tribal ID card violated their right to maintain and strengthen a legal institution of the State, the Tohono O'odham Nation. (1)	Citizens of the TON	GENTE DE I'ITOI,A.C.	GENTE DE I'ITOI, A.C. Interviews with TON Citizens June 11th, 2010 June 18th, 2010
Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to	The US Border patrolman's disregard for the TON tribal ID card violated their right to maintain and strengthen a legal institution of the State, the Tohono O'odham Nation. (1)	Citizens of the TON	GENTE DE I'ITOI,A.C.	GENTE DE I'ITOI,A.C. Interviews with TON Citizens June 11th, 2010 June 18th, 2010

their internal and local affairs, as well as ways and means for financing their autonomous functions.				
Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.	The US Border patrolman's disregard for the TON tribal ID card violated their right to maintain and strengthen a legal institution of the State, the Tohono O'odham Nation. (1) Residents not allowed to participate fully in social and cultural life (1)	Citizens of the TON	GENTE DE I'ITOI,A.C.	GENTE DE I'ITOI,A.C. Interviews with TON Citizens June 11th, 2010 June 18th, 2010
Article 6: Every indigenous individual has the right to a nationality.	The instruction of the border patrolman to the individual to return to Mexico and not to the territory of the individuals' indigenous homeland was a violation of those individuals' right to a nationality. (1)	Citizens of the TON	GENTE DE I'ITOI,A.C.	GENTE DE I'ITOI,A.C. Interviews with TON Citizens June 11th, 2010 June 18th, 2010
Article 8 2. States shall provide effective	a) On June 7th, 2010, Three TON citizens from Sonora, Mexico were in transit in their vehicle from Sells, Arizona to St. Mary's Hospital in Tucson along highway 86 to visit	Citizens of the Tohono	GENTE DE I'ITOI,A.C.	GENTE DE I'ITOI,A.C. Interviews with TON Citizens: June 11th, 2010, June 18th, 2010, and July 12,

mechanisms for prevention of, and redress or: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; *b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources.*	a relative in the ICU: a minor of 17 years old, his 43 years old uncle, and his 76 year old grandmother with a heart condition. The male minor had a tribal ID and a school ID (from Caborca). The 43 year old male carried his tribal identification, a driver's license, and a current US visa. The 76 year old female carried her US visa, border permit, and tribal identification. They stopped at the temporary immigration control station on highway 86 and were questioned by Officer C. Blank who handcuffed the minor prompting one of the adults to call a third party for assistance who called the assistant to the chairman of the TON who spoke to the border patrol upon which they were allowed to continue to St. Mary's hospital. Returning the same day, again on highway 86 at the immigration stop the male minor was detained for half an hour and placed in handcuffs by the border patrol man C. Blank. After they asserted their right to legal counsel, they released him to continue with the other two persons. As of June 18th, the niece is still in ICU and the family is afraid to see the hospitalized niece in ICU. So they are not traveling due to the abuse of officer blank. A third party who assisted the detained individuals over the phone then called to file a complaint on June 17, 2010, to a number supplied by an ICE Officer for contact with an investigation unit of ICE (520) 510-9365. The number does not identify the office, only a non-descript answer message is present. No ICE personnel has contacted the person who attempted to make the report. (1)	O'odham Nation		2010.

	b) On July 7, 2010, in the Northern area of the Tohono O'odham Nation in the District of *Sif Odiak* District on route 15, a car going north towards Casa Grande with a TON Tribal member, a 23 year old young man, was driving with his father when Border Patrol Officer Frasier stopped the …			
	driving with his father when Border Patrol Officer Frasier stopped the car and asked, once the youth got out of the car, to show the officer the "drugs"; the officer repeatedly making this assertion. The young man has SMI. The officer was very aggressive in asserting that the young man had drugs. The youth and the father opened the trunk of their car to allow the officer to inspect, and nothing was found, nevertheless, *the officer began physically pushing the young man* repeatedly *while the youth was outside the car and standing up.* The father asked the BP officer several times to stop, and the BP officer did not stop until traffic starting piling up. And			

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Article 11 **1**. Indigenous peoples have the right to practice and revitalize their cultural traditions	The existence of the current vehicle barrier along the Southern Border of the Tohono O'odham Nation in the area know as Managers' Dam forces the TON citizens to use the port of entry at Lukeville, Arizona as the entry point for return from accessing an historical and religious	Citizens of the Tohono O'odham Nation	GENTE DE I'ITOI,A.C.	GENTE DE I'ITOI,A.C. Interviews with TON Citizens June 11th, 2010 June 18th, 2010

and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.	sight, increasing the distance to access the sight by double the distance and double the time. If Ton citizens cannot reach their historical sites, they cannot practice and revitalize their cultural customs. A 55 year old female traveled from TON in Arizona to Caborca, Sonora, Mexico through the Lukeville / Sonoita to attend an Elders conference and to visit an historic cultural site containing petro-glyphs. Upon returning she was stopped and asked for her identification at the US border crossing at Lukeville, AZ, USA. She provided her TON tribal citizen ID and Arizona Drivers license. The patrolman insisted that she produce a passport or have her vehicle impounded. The female said that she would just return to the Tohono O'odham territory in Mexico. The border patrolman detained her for over an hour, before releasing her. (1)			

***Article 12**:* Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.	The existence of the current border fence along the Southern Border of the Tohono O'odham Nation in the area know as Managers' Dam forces the TON citizens to use the port of entry at Lukeville, Arizona as the entry point for return from accessing an historical and religious sight, increasing the distance to access the sight by double the distance and double the time. If Ton citizens cannot exercise their right to maintain, protect, and have access in privacy to their religious and cultural sites given the border fence. A 55 year old female traveled from TON in Arizona to Caborca, Sonora, Mexico through the Lukeville / Sonoita to attend an Elders conference and to visit an historic cultural site containing petro-glyphs. Upon returning she was stopped and asked for her identification at the US border crossing at Lukeville, AZ, USA. She provided her TON tribal citizen ID and Arizona Drivers license. The patrolman insisted that she produce a passport or have her vehicle impounded. The female said that she would just return to the Tohono O'odham territory in Mexico. The border patrolman detained her for over an hour, before releasing her.	Citizens of the Tohono O'odham Nation	GENTE DE I'ITOI,A.C.	GENTE DE I'ITOI,A.C. Interviews with TON Citizens June 11th, 2010 June 18th, 2010
Article 30: 1. **Military activities shall not take place in the lands or**	1. The justification of the occupation of TON Main reservation on grounds of National Security , are unfounded: The sole report issued in 2006 to substantiate the claims,	Citizens of the Tohono O'odham Nation	A Line in the Sand: Confronting the Threat at	Strengthening Border Security Between Ports of Entry: The Use of Technology to Protect Our Borders: Hearing Before the Subcommittee On Immigration, Border Security and Citizenship and the

territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned. 2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.	reports ***of a single verified case of a known terrorist*** was Mahmoud Youssef Kourani who pleaded guilty to providing material support to Hezbollah. _____ 2. The possible violation rests upon the lack of an effective consultation prior to their lands being used for military operations: Department of Homeland Security and Tohono O'odham Nation Announce Agreement to Develop Enhanced Tribal Card, Release Date: November 3, 2009. Sarah Kuban (Homeland Security) and (Pete Delgado, TON) http://www.dhs.gov/ynews/releases/pr_1257272243349.shtm	_____ Citizens of the Tohono O'odham Nation	the Southwest Border, Majority Staff of the House Committee on Home-land Security, Sub-Committee on Investigations. Michael T. Mccaul, Chairman. _____ US Dept. of Homeland Security	Subcommittee On Terrorism, Technology and Homeland Security of the Senate Comm. On the Judiciary, 109th Cong. (Apr. 28, 2005) (written statement of David Aguilar, Chief, Border Patrol, U.S. Department of Homeland Security), cited in A Line in the Sand: Confronting the Threat at the Southwest Border, Majority Staff of the House Committee on Homeland Security, Sub-Committee on Investigations. Michael T. Mccaul, Chairman. 27, 29 _____ US Department of Homeland Security website: http://www.dhs.gov/ynews/releases/pr_1257272243349.shtm accessed 7-10-10
	On three occasions the traditional leaders of the	Tribal	OIM	Traditional Leaders of the

Article 36 1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders. 2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the	O'odham in Mexico have requested a consultation using previously established protocols approved by the Tohono O'odham legislative counsel for Tohono O'odham nation officials when meeting with the traditional leadership of the O'odham in Mexico; TON legislative counsel resolution no. 05-725, (Dec. 6th, 2005) and with the Chairman Ned Norris of the Tohono O'odham Nation to discuss the issue of the citizenship status of O'odham of Sonora and U.S. jurisdictions. Correspondence dated 12-2-08,1-5-09, and 4-2-09 was sent form the Governor of the O'odham in Mexico Felix Antone and the Lieutenant Governor Jose M. G. Lewis to the tribal chairman Ned Norris of the Tohono O'odham Nation.	members of the Tohono O'odham Nation in Sonora, Mexico	Governor Felix Antone, Lieutenant Governor Joseph M. G. Lewis.	O'odham in Mexico (OIM)

implementation of this right.				
Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measure, including legislative cooperation, for the enjoyment of the rights contained in this Declaration.	Synopsis of Article: Maricopa County Sheriff Arpaio saturated Guadalupe's approximately 6,000 Yaqui Indians and Latinos outside of Phoenix with more than one hundred deputies, a volunteer posse, and a helicopter for two days, stopping residents and chasing them into their homes. In the end, nine undocumented immigrants were arrested. The community was so traumatized from this event that families are still terrified to leave their homes when they see the Sheriff's patrol cars.	Tribal Members of the Pasqua Yaqui Nation	Ryan Gabrielson & Pau Giblin of the East Valley Tribune	*Reasonable Doubt: Key dates in the Maricopa County Sheriff's Office and illegal immigration enforcement.* East Valley Tribune, July 10, 2008, *available* at: http://www.eastvalleytribune.com/story/120464. accessed 7-1-10 http://www.eastvalleytribune.com/article_270b4c6b-b712-5fb4-b17b-b9ec8e293ee6.html accessed 7-12-10
Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the	Sif Odiak District Tactical Checkpoint Reauthorization, June 22, 2009, TON Leg. Council 2008 extension bill: 08399, And Resolution Of The Tohono O'odham Legislative Council (Supporting National Guard Deployment in a Manner that	Tribal members of the Tohono O'odham Nation	Tohono O'odham Legislative Council	Tohono O'odham Legislative Council Website: http://www.tolc-nsn.org/res.htm accessed July 8, 2020

resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.	Furthers Government to-Government Relationship Between the Nation, Federal Border Enforcement Agencies, and the National Guard) Resolution No. 06-428.,June 22, 2006.			