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**Press Release**  
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### **U.S. Government violates rights of Lipan Apache Peoples at the U.S.-Mexico Border**

AUSTIN, Texas – The Human Rights Clinic at The University of Texas School of Law have announced that the Ndé Peoples (‘Lipan Apache’; Lipan Apache Band of Texas), indigenous peoples living and from the border area, have had their rights systematically violated by the United States government. The Clinic reports that U.S. government actions in constructing the U.S.-Mexico border wall have restricted the Ndé Peoples from accessing their traditional land and resources without obtaining any prior consent from them, and have failed to provide any compensation or effective solution to the problems faced.

Earlier this month, the Clinic [filed a report](#) to the United Nations Committee on the Elimination of Racial Discrimination (CERD) on behalf of the Ndé Peoples. The Human Rights Clinic, the Lipan Apache Band of Texas and the Lipan Apache Women Defense are all cooperating together in this effort.

It is argued that the U.S. is in violation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Ariel Dulitzky, clinical professor of law and director of the UT Law Human Rights Clinic, contends that “the construction of the border wall has further discriminated against the indigenous peoples. The U.S. government’s actions have restricted access to traditional indigenous lands, resources and sacred places, not reflected the necessary free, prior and informed consent of indigenous peoples, and discriminated against indigenous peoples without providing effective compensation or remedies.” Dulitzky explains that “in many places the border wall has divided private property, including that of Lipan Apache landowners, so that portions of the land are now inaccessible to its rightful owners.”

The increased presence of U.S. Custom and Border Protection agents has troubled landowners such as Eloisa Tamez, a Lipan Apache landowner, who, in an affidavit, reported, “I am personally subjected to numerous and frequent invasions and assaults by the U.S. Customs Border Patrol in my private residence, at times, giving me much insecurity, fear and uncertainty about my personal safety.”

The wall has also blocked access to sacred sites and deprives the Lipan Apache of their First Amendment right to express their religious freedoms as certain traditional ceremonies are rendered impossible by the wall’s physical presence and the disturbing escalation of militarization. The Isanaklesh Gotal ceremony, a ritual which structures the celebratory transformation from youth to womanhood and which is central to all Ndé systems and existence,

cannot be conducted under current conditions as the ceremony must be held in a place free of hostile, negative or violent conditions.

Dr. Inés Talamantez, a Mescalero-Lipan Apache, reports that this is an issue of Ndé human rights to religious freedom and that if this ceremony is lost, then the Ndé way of life will be permanently damaged. In her affidavit, Margo Tamez, Ndé, and professor at the University of British Columbia, points out that half of her Nation's peoples are under the age of 17, making "it apparent that urgent action is required if the Lipan Apache tradition is to be preserved for this new generation who should not have to grow up in the shadow of the border wall."

The Clinic's report concludes with recommendations that CERD may consider in order to protect the rights of the Ndé. Facing a dearth of domestic remedies and future legislation that aims to expand and further militarize the border wall, the Ndé are left without remedy in the face of increased danger to their existence. The U.S. ratified ICERD in 1994, and requires that the U.S. encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language, religion, ethnicity or national origin. In light of what the discriminatory impact the border wall has had and will continue to impose on the Ndé, this report requests immediate attention of the U.S. government.

#### **About the Human Rights Clinic:**

The Human Rights Clinic is part of the University of Texas School of Law. In the Clinic, an interdisciplinary group of law students and graduate students work under the supervision of Clinic Director Ariel Dulitzky, on human rights projects through fact finding, reporting and other public advocacy. The Clinic is involved in a multitude of activities including supporting advocacy in domestic and international fora; investigating and documenting human rights violations; and engaging with global and local human rights campaigns.

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More information can be found here:

<http://www.utexas.edu/law/centers/humanrights/borderwall/>

*This report does not represent the official position of the School of Law or of the University of Texas, and the views presented here reflect only the opinions of the individual authors and of the Human Rights Clinic.*