

UNIVERSAL PERIODIC REVIEW SUBMISSION ON THE UNITED STATES OF AMERICA

HUMAN RIGHTS VIOLATIONS AGAINST NUMU/NUWU AND NEWE INDIGENOUS PEOPLES AT THACKER PASS

50th Session of the Universal Periodic Review; 4th Cycle (November 3-14, 2025)

April 7, 2025

I. Parties to the Submission

People of Red Mountain, the American Civil Liberties Union, Human Rights Watch United States Program

II. Executive Summary

This submission demonstrates that the United States of America (United States, U.S.) has violated its international human rights obligations toward the Numu/Nuwu and Newe Indigenous Peoples through its approval and ongoing support of the Thacker Pass Lithium Mine in Nevada. The mine infringes upon these Indigenous Peoples' rights to ancestral lands, religious freedom, cultural practices, and their right to free, prior, and informed consent. The mine also threatens the rights to health, a healthy environment, and clean water. These violations contravene binding international legal obligations the United States has assumed, including those under the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

The failure to respect these human rights of Indigenous Peoples, including their right to free, prior, and informed consent, contravenes the United States' support for a recommendation received during its previous Universal Periodic Review (UPR) cycle in November 2020 to "develop norms that ensure free, prior and informed consultations with indigenous communities in relation to projects with a potential impact on their territories and traditional ways of life," to the extent this requires the United States to "consult with indigenous communities... as consistent with our [U.S.] 2010 statement of support for the UN Declaration on the Rights of Indigenous Peoples."¹

III. Background

Peehee Mu'huh ("Rotten Moon") is the Numu/Nuwu and Newe Indigenous name for the area now known as Thacker Pass, which includes a former village site, a culturally significant rock formation called Sentinel Rock, and surrounding valleys in northwestern Nevada.² This land has been used by Indigenous Peoples for hunting, gathering, and ceremony since time immemorial.³ It is the site of a September 12, 1865 massacre when the U.S. First Nevada Cavalry Battalion attacked a sleeping Numu/Nuwu and Newe village, killing dozens of men, women, and children.⁴ Survivors fled as soldiers pursued them for miles, leaving the victims'

remains scattered across the pass.⁵

According to historical accounts, including newspaper reports from the time, the cavalry attacked at daybreak, shooting indiscriminately through dwellings while people slept.⁶ The Humboldt Register reported that “thirty-five Indians bit the dust, right there,” while the Owyhee Avalanche praised how “each officer and man went for scalps.”⁷ The massacre was brutal and extensive, with perpetrator Jim Sackett later recounting how soldiers killed small children, saying, “Make a clean-up. Nits make lice.”⁸ For the Numu/Nuwu and Newe, their ancestors’ bones and spirits remain at Peehee Mu’huh, as surrounding communities could not safely return to provide proper burials under threat of further violence.⁹

At least six Tribes have ancestral connections to the land, and likely more. The Fort McDermitt Paiute Shoshone Tribe, the Duck Valley Paiute and Shoshone Tribes, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Burns Paiute Tribe, and Winnemucca Indian Colony all prescribe cultural and ancestral significance to the land.¹⁰

The massacre exemplifies a broader pattern of colonial violence against Indigenous Peoples throughout Nevada and the Great Basin.¹¹ Following the U.S. acquisition of Nevada from Mexico in 1848 (without Indigenous consent), the Numu/Nuwu and Newe faced systematic dispossession, forced relocation to reservations, and cultural suppression.¹² Between 1863 and 1874 alone, the U.S. government seized over 126 million acres of Great Basin land from Indigenous Peoples without treaties or compensation.¹³ During the Snake War (1864-1868), U.S. forces conducted 111 reported massacres against Indigenous communities.¹⁴

Resource extraction has always dominated the relationship between the U.S. and Indigenous Peoples in the western United States.¹⁵ The 1872 Mining Law further facilitated land seizures by declaring mineral deposits “free and open” to exploitation, enabling the U.S. government to take unceded Indigenous lands and transfer them to mining interests. A 2023 U.S. government report found that this law has transferred approximately 3.2 million acres—an area the size of Connecticut—to mining companies, representing an estimated \$300 billion in mineral wealth. The report acknowledges that “a large number of Tribal displacements, forced relocations, and other tragedies were driven by mining.”¹⁶

The Thacker Pass site remains unceded territory, as no treaty exists between the U.S. and the Numu/Nuwu and Newe peoples covering this area.¹⁷ For Indigenous communities, Peehee Mu’huh is not only a massacre site where ancestors’ remains lie scattered, but also a spiritually and culturally significant place for traditional food gathering, medicine collection, and ceremonial practices.¹⁸ Tribal members describe it as “essential to the survival of our traditions,” noting that some of their “last choke cherry orchards are found in Thacker Pass” alongside vital medicinal plants like toza root and sage brush used for ceremonies and healing.¹⁹

Today, Lithium Americas’ mining project at Thacker Pass—backed by a \$2.26 billion U.S. Department of Energy loan and substantial General Motors investment—threatens to perpetuate this legacy of dispossession and cultural erasure.²⁰ The project spans nearly 18,000 acres and involves an open-pit mine on one of the world’s largest lithium deposits.²¹ Current construction includes earthworks, excavations for a processing plant, and building development, with operations expected to commence in 2026.²² This mine is part of broader U.S. efforts to reduce reliance on foreign lithium sources, particularly from China.²³

As global demand for lithium increases due to the transition to renewable energy technologies necessary to preserve the livability of our planet for present and future generations, Indigenous advocates have noted that 79 percent of all known lithium reserves in the U.S. are located within 35 miles of Tribal reservations.²⁴ Without meaningful consultation and consent processes, obtaining minerals for the energy transition risks perpetuating historical injustices against Indigenous communities whose lands contain these critical minerals or who may be impacted by mining operations within proximity of their lands.

IV. Human Rights Concerns regarding the Thacker Pass Lithium Mine

A. THE UNITED STATES VIOLATES INDIGENOUS LAND RIGHTS BY SEVERING NUMU/NUWU AND NEWE ACCESS TO ANCESTRAL LANDS AT PEEHEE MU'HUH.

The United States has violated the Numu/Nuwu and Newe individuals' and peoples' internationally recognized right to access their ancestral lands at Thacker Pass by approving a lithium mine that has physically blocked access and created conditions effectively preventing these Indigenous Peoples from maintaining their relationship with their traditional territories.

International standards clearly establish that Indigenous Peoples have a right to access, use, and maintain connections to their traditional and ancestral lands. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the “distinctive spiritual relationship” Indigenous Peoples have with “their traditionally owned or otherwise occupied and used land” and affirms their right to “maintain and strengthen” this relationship.

²⁵ While initially opposing UNDRIP's adoption, the United States reversed its position in 2010, acknowledging the Declaration's “moral and political force.”²⁶

Additionally, the International Covenant on Civil and Political Rights (ICCPR), which the United States ratified in 1992, has been interpreted by the UN Human Rights Committee to protect the “strong cultural and spiritual link between Indigenous Peoples and their traditional lands.”²⁷ This establishes that access to ancestral lands is a fundamental right protected under binding international law.

Furthermore, Article 12 of the ICCPR and other international legal standards guarantees the right to freedom of movement, which includes the right to return to one's land.²⁸ This right persists even when sovereignty over the territory is contested or has changed hands.²⁹

These international legal standards require nations to ensure that Indigenous Peoples can maintain physical access to and connection with their ancestral lands. This connection is not merely cultural or spiritual, but is fundamental to Indigenous identity and continuity. When a state action severs this connection—whether through direct prohibition, physical barriers, or creating conditions that effectively prevent access—it violates these established rights. Even so, United States domestic law does not include any protections for ancestral land rights in areas that are not covered by treaty law.

The United States has a long history of depriving Indigenous Peoples of access to their land. Across the United States, Indigenous communities have lost 99 percent of their ancestral land to

settler colonialism.³⁰ The Thacker Pass lithium mine continues this pattern. The Thacker Pass lithium mine is being developed on land under the jurisdiction of the Bureau of Land Management (BLM).³¹ The Indigenous communities who occupied the land since time immemorial never ceded the land via treaty or otherwise.³² The United States captured this land through decades of massacres and internment.³³ The United States in permitting and funding the Thacker Pass lithium mine has directly violated the Numu/Nuwu and Newe peoples' right to access their traditional lands.

The United States Bureau of Land Management's decision to permit the mine has allowed Lithium Americas to erect fencing that "makes traditional and ancestral land completely inaccessible to the Numu/Nuwu and Newe, in violation of their rights."³⁴ The Bureau of Land Management has also, authorized Lithium Americas restriction of Indigenous Peoples from the land.³⁵

The Bureau of Land Management also authorized Lithium Americas to employ private security patrols to further restrict Indigenous Peoples from accessing the land. As a Fort McDermitt Tribal member and leader described:

"We can't even go up there without being chased off.... They gotta know what we're doing up there [and we don't want to tell them because these are our spiritual traditions]. Otherwise, they call the cops [on us]."³⁶ These actions have created an atmosphere that deters Tribal members from even attempting to access their lands. As the same community leader explained: "people don't want to go up there now. It's horrible."³⁷

Peehee Mu'huh, the site of the mine, is the ancestral land of these Indigenous communities. As one Numu/Nuwu, Newe person stated: "My connection to the land at Peehee Mu'huh goes back before recorded history."³⁸ By approving the mine without adequate protections for Indigenous access, the United States has violated its obligation to protect Indigenous peoples' right to maintain their connection to ancestral lands.

Recommendations

The United States should take immediate action to restore Indigenous Peoples' access to their ancestral lands at Thacker Pass by removing physical barriers and working with affected communities to establish protocols for ongoing access that respect both Indigenous rights and safety concerns.

B. THE UNITED STATES VIOLATES RELIGIOUS FREEDOM BY PREVENTING NUMU/NUWU AND NEWE PEOPLES FROM PRACTICING THEIR SACRED TRADITIONS AT THACKER PASS.

The United States has violated the right to freedom of religion of Numu/Nuwu and Newe peoples by approving a mine that prevents access to sacred sites, destroys religious landscapes, and endangers plants and animals integral to religious practices.

Article 18 of the ICCPR establishes that "everyone shall have the right to freedom of thought, conscience and religion," including the freedom to "manifest his religion or belief in worship, observance, practice and teaching."³⁹ This protection extends to Indigenous spiritual traditions

that are often intimately connected to specific lands.

Article 27 of the ICCPR further strengthens this protection by stating: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group... to profess and practice their religion.”⁴⁰

The UN Human Rights Committee explicitly recommended that the United States “[a]dopt measures to guarantee the access of Indigenous Peoples to their lands and sacred sites and to effectively protect their lands and sites from the adverse impact of extractive industries.”⁴¹

When religious practices are intrinsically tied to specific locations, preventing access to those locations effectively prohibits the practice of religion. For many Indigenous Peoples, including the Numu/Nuwu and Newe, religious practices cannot be transplanted to alternative locations without fundamentally altering their nature and significance. The U.S. government has an obligation to protect religious freedom by ensuring access to sacred sites and preserving the integrity of religious landscapes. United States domestic law includes a right to freedom of religion that has been consistently applied to exclude Indigenous religious practices.⁴²

The development of the Thacker Pass mine has gravely impacted the Numu/Nuwu and Newe peoples’ religious freedom. The mine prevents access to sacred sites where prayer ceremonies and religious commemorations for the 1865 massacre have traditionally been conducted. As one community member explained: “We go up there to pray, after that massacre, people go up there, as families, as groups... it seems like you gotta ask to go up there now. People go out there to honor their ancestors. That’s why we go up to pray because that’s how we are raised. That’s what our culture is.”⁴³

The physical transformation of the land also disrupts spiritual connections essential for religious ceremonies. Dorece Sam, a Numu/Nuwu and Newe woman, described how the mine’s construction has disrupted her ability to practice ceremony at Sentinel Rock within Peehee Mu’huh: “We look in that direction and it’s just, from sagebrush to now just... dirt... they’re just... digging it up.”⁴⁴

The mine threatens plants and animals that are integral to religious practices. A Fort McDermitt religious and traditional practices leader explained how certain plants are used “for spirits. If you’re... bothered by a spirit and you burn this plant, and it would keep them away.”⁴⁵

These concrete examples demonstrate that the Thacker Pass mine directly interferes with the religious practices of Indigenous communities, violating their rights under Articles 2(1), 18, and 27 of the ICCPR.

Recommendations

To fulfill its obligations under international human rights law, the United States should take immediate steps to ensure that Numu/Nuwu and Newe peoples can freely practice their religion at Thacker Pass, including communally, and by guaranteeing access to sacred sites, protecting religious landscapes from further destruction, and safeguarding the plants and animals necessary for religious practices.

C. THE UNITED STATES VIOLATES INDIGENOUS CULTURAL RIGHTS BY ENABLING THE DESTRUCTION OF NUMU/NUWU AND NEWE CULTURAL HERITAGE AT THACKER PASS.

The United States has violated the cultural rights of Numu/Nuwu and Newe peoples by permitting a mine that restricts access to cultural resources, destroys traditional food sources and medicines, threatens subsistence practices, and risks disturbance of ancestral remains.

Article 27 of the ICCPR guarantees that persons belonging to minorities “shall not be denied the right, in community with the other members of their group... to enjoy their own culture.”⁴⁶ The UN Human Rights Committee has interpreted this right to encompass Indigenous Peoples’ rights to practice their customary activities, maintain connections to their traditional lands and resources, and participate in decisions that impact their cultural rights.⁴⁷

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which the United States ratified in 1994, further protects the “right to equal participation in cultural activities” without racial discrimination.⁴⁸

The Inter-American Commission on Human Rights has emphasized: “The close ties of indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival.”⁴⁹

Indigenous cultural rights are inseparable from ancestral land rights and religious rights, as traditional cultures are often based on specific relationships with particular territories and their resources.⁵⁰ When development projects disrupt these relationships, they directly impact the ability of Indigenous Peoples to practice and transmit their cultures. U.S. government have an obligation to protect these cultural rights by ensuring that development projects do not undermine Indigenous cultural practices. United States domestic law includes various protections for specific cultural scenarios, but these protections fell short in the case of Thacker Pass.⁵¹

The mine has restricted access to cultural resources as the site is now closed to Indigenous community members, and many feel inhibited in their ability to practice their culture at a location central to their identity and collective memory.

The mine has destroyed traditional food sources and medicines. Inelda Sam, a Numu/Nuwu and Newe Elder, described: “We got... some cedar, and there’s an Eagle nest there too. And we got some choke cherries growing there and fish; they’re all sacred. Our sacred medicines, our food.... We saw it happening already this summer.... Traditional hunting grounds that are always going to [have] deer. There is not deer there anymore, and we’re only one... year into construction... and the sage, and... our sacred firewood that we use in our ceremonies [is no longer there].”⁵²

The mine threatens traditional subsistence practices. Another Numu/Nuwu and Newe traditional cultural practitioner expressed fear: “There’s families out there that live off [traditional food at Peehee Mu’huh]. I am one of them who lives off Native food in the winter. What am I eating? Or what’s going to happen to the land? Is it just gonna be nothing? Nothing growing there anymore?”⁵³

The mine also risks disturbing ancestral remains and cultural objects. “There are remains out there,” Michon Eben stated. “If there are human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal lands, [Bureau of Land Management] must take appropriate steps to identify the lineal descendant.”⁵⁴

By allowing these impacts on cultural practices, the United States has failed to protect the Numu/Nuwu and Newe peoples’ right to culture as guaranteed under international human rights law.

Recommendations

To fulfill its obligations, the United States should take immediate action to protect and restore Numu/Nuwu and Newe cultural rights at Thacker Pass, including ensuring access to cultural resources, protecting traditional food sources and medicines, preserving subsistence practices, and properly identifying and protecting ancestral remains and cultural objects.

D. THE UNITED STATES VIOLATES INDIGENOUS RIGHTS TO FREE, PRIOR, AND INFORMED CONSENT FOR THE THACKER PASS MINE.

The United States has violated the Numu/Nuwu and Newe peoples’ right to free, prior, and informed consent by engaging in a deeply flawed consultation process that excluded meaningful Indigenous participation and proceeded despite clear Indigenous opposition.

International human rights law requires states to obtain the free, prior, and informed consent of Indigenous peoples for projects affecting their lands and territories.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) explicitly states that countries shall consult with Indigenous peoples “in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources.”⁵⁵

The UN Human Rights Committee has recommended that the United States: “Ensure meaningful and good faith consultations with Indigenous peoples, ensuring their active and effective participation, in order to obtain their free, prior and informed consent before adopting and implementing any measures that may substantially affect their rights, way of life and culture.”⁵⁶

The Committee on the Elimination of Racial Discrimination’s 1997 General Recommendation No. 23 on Indigenous Peoples further affirms this right, calling on States to “ensure that no decisions directly relating to their rights and interests are taken without their informed consent.”⁵⁷

True free, prior and informed consent consists of four essential elements: “Free” consent given without coercion; “Prior” consent sought before the project has been defined and approved; “Informed” consent based on full and accessible information; and “Consent” as the right to approve, reject, or conditionally approve a project.⁵⁸

The right to free, prior, and informed consent is fundamental to Indigenous self-determination and recognizes that Indigenous Peoples have the right to determine their own priorities for

development.⁵⁹ Superficial notification processes that do not allow for meaningful participation or influence over outcomes cannot satisfy this standard. True consent requires genuine dialogue and the possibility that a project might not proceed if Indigenous Peoples withhold their consent.

The Bureau of Land Management's approach to consultation for the Thacker Pass mine fell drastically short of the standards required for free, prior, and informed consent. United States domestic law does not include provisions for free, prior, and informed consent, but only encodes limited consultation that does not have to include a meaningful dialogue between Tribes and the federal government.⁶⁰

The BLM conducted no meaningful consultation, relying solely on three sets of mailings sent to Tribal offices for just three of the relevant Tribes, to which not a single reply was received.⁶¹ As Dean Barlese, an Elder knowledge holder and spiritual leader, explained: "Consultation is not a letter. You gotta sit there at the table, straight across the table. But that never happened, they said 'oh we sent letters.' Letters are not consultation... and if you don't answer your letter it's 'oh we consulted with them, they didn't reply back to us,' so they use that against us and say, 'oh they're giving us their approval.'"⁶²

The BLM sent these mailings predominately during the COVID-19 pandemic, conducting the consultation period during widespread office closures. As one Tribal member and leader explained: "As far as I know, they've never consulted with the Tribe because that was during COVID. And at that time, I was working for the Tribe... and I know there was no consultation. Our building closed down... and we really didn't open up until maybe September [2020], and then we had to close it again because of COVID, and we were on and off. But BLM, nobody ever came. BLM did not consult with us."⁶³

The BLM also ignored widespread Indigenous opposition. Five of the six Tribal governments involved—namely, Reno-Sparks Indian Colony, Burns Paiute Tribe, Summit Lake Paiute Tribe, Duck Valley Shoshone-Paiute Tribe, and Winnemucca Indian Colony—have consistently opposed the mine.⁶⁴

Shaina Gibson, a Numu/Nuwu and Newe woman, accurately summarized that the government "bypassed the whole consent from our people."⁶⁵ Rose Curtis, another community member, added: "There was no consultation on the Tribes' side. I just think it was very sneaky on their part."⁶⁶

To comply with international human rights standards, the United States should reform its consultation processes to ensure they obtain the free, prior, and informed consent of Indigenous Peoples, implementing face-to-face meetings, providing adequate time and information, and respecting Indigenous Peoples' right to withhold consent for harmful projects.

E. RISKS TO THE RIGHTS TO HEALTH AND A HEALTHY ENVIRONMENT PRESENTED BY THE THACKER PASS MINE.

Numu/Nuwu and Newe peoples' rights to health, a healthy environment, and clean water have been threatened due to the United States decision to approve a lithium mine that raises risks of water contamination, water scarcity, and air pollution.

International human rights law establishes clear obligations for States to respect, protect, and fulfill the rights to health, a healthy environment, and clean water. Every human being is entitled to “the enjoyment of the highest attainable standard of health conducive to living a life in dignity.”⁶⁷ The Universal Declaration of Human Rights guarantees “the right to a standard of living adequate for the health and well-being” of all people.⁶⁸

In 2022, the UN General Assembly adopted a resolution declaring access to a clean, healthy, and sustainable environment a universal human right, which the United States supported.⁶⁹ The Committee on the Elimination of Racial Discrimination has affirmed that ICERD enshrines the rights of “[r]acial and ethnic groups ... to a clean and healthy environment.”⁷⁰

The right to water has been affirmed in resolutions by both the UN General Assembly and Human Rights Council, establishing that everyone has the right to sufficient, safe, accessible, and affordable water.⁷¹

States have an obligation to prevent adverse impacts on the environment that could compromise the health and well-being of Indigenous communities, including protecting water sources from contamination, ensuring sufficient water access, preventing air pollution, and addressing safety concerns arising from development projects.

Tribal members said they feared that the Thacker Pass lithium mine would threaten their rights to health, a clean environment, and water of Numu/Nuwu and Newe peoples.

Communities fear that mine could cause water contamination, which will store waste in a tailings stack 350 feet high containing approximately 353.6 million cubic yards of clay tailings.⁷² Testing indicated that leakage could contain toxic materials, including mercury, arsenic, and radioactive elements.⁷³ The U.S. Environmental Protection Agency (EPA) itself warned that “a plume of groundwater exceeding the Nevada Division of Environmental Protection Profile I Reference Values for antimony is expected to flow uncontrolled from the backfilled pit.”⁷⁴

Indigenous leaders also feared that the mine could exacerbate water scarcity, consuming 2,600 acre-feet/year initially and 5,200 acre-feet/year in the second phase in an already arid region.⁷⁵ Great Basin Resource Watch has raised concerns that “both the Kings Valley and Quinn Valley water basins where the water will be pumped from appear to already be over-allocated.”⁷⁶ A Fort McDermitt religious and traditional practices leader expressed this concern: “[The mine] is just going to dry everything. Maybe our whole mountain is gonna ... go dry. Maybe the whole valley is gonna go dry.”⁷⁷

Communities also said that the mine could produce air pollution, including sulfur dioxide from the production of 5,800 tons of sulfuric acid per day in Phase II.⁷⁸ Even short-term exposures to sulfur dioxide can harm the human respiratory system.⁷⁹

Communities also worried that the mine could increase the risk of gender-based violence through the influx of workers, exacerbating the missing and murdered Indigenous women, girls, and Two Spirit crisis.⁸⁰ Extractive projects often bring a large influx of mostly non-Indigenous men to temporarily reside near project sites in “workforce hubs” or “man camps,” a pattern associated with increased gender-based violence against Indigenous women and girls.⁸¹ Lithium Americas will build a “workforce hub” around 75 miles from the Fort McDermitt reservation.⁸²

The company's response—stating only that it has “no tolerance for violence against anyone”⁸³—fails to address the documented patterns of increased violence associated with extractive industry projects and offers no preventative measures.

Recommendations

To fulfill its obligations under international human rights law, the United States should conduct a new, thorough, and independent assessment of the environmental and health impacts of the Thacker Pass mine, implement robust monitoring and mitigation measures, and take decisive action to prevent gender-based violence in the region.

V. Remedies Requested: The United States Should Act Immediately to Protect Indigenous Rights at Thacker Pass

The United States should take the following actions to remedy its violations of international human rights law:

1. Halt operations at the Thacker Pass mine unless and until free, prior, and informed consent is obtained from all affected Indigenous communities.
2. Restore access to Indigenous Peoples' traditional and ancestral lands at Peehee Mu'huh and guarantee their right to practice their religion and culture.
3. Reform consultation processes to meet international standards for free, prior, and informed consent, including face-to-face meetings with affected communities.
4. Assess environmental impacts through a thorough and independent assessment of the mine's effects on the availability, accessibility, acceptability and quality of water and air.
5. Implement prevention measures to address the increased risk of gender-based violence associated with the influx of workers to the region.
6. Incorporate UNDRIP into domestic law and policy, particularly provisions related to land rights, cultural practices, and free, prior, and informed consent.
7. Ensure corporate accountability by requiring that companies operating in the United States, including Lithium Nevada, respect Indigenous peoples' rights in accordance with UNDRIP and other international standards.⁸⁴
8. Implement the recommendations contained in the joint ACLU / HRW report, “The Land of Our People, Forever.”⁸⁵

¹ Human Rights Council, Working Group on the Universal Periodic Review, United States of America, A/HRC/46/15, December 15, 2020, Recommendation 26-326, <https://undocs.org/en/A/HRC/46/15> ; and Human Rights Council, Working Group on the Universal Periodic Review, United States of America, “[United States] Views on Conclusions and/or Recommendations,” A/HRC/46/15/Add.1, March 4, 2021, <https://undocs.org/en/A/HRC/46/15/Add.1>..

² The Tribes that contested BLM’s administrative decision making on the Thacker Pass mine project site explained that the swath of land to which they attached significance included: “all of the land from [and including] Sentinel Rock in the east, to the Kings River Valley in the west, to the tops of the Montana Mountains in the north, and the tops of the Double H mountains in the south.” *Reno-Sparks Indian Colony v. Haaland*, Plaintiffs’ Appendix of Exhibits in Support of Complaint, Exhibit 4, (Tribes’ National Register of Historic Places – eligibility Submission); US Deputy Surveyor Abed Alley Palmer’s United States General Land Office 1868 Field Notes Journal (Rectangular Survey Field Notes, approved on January 15, 1869 in Volume R 0046, Intro Page 295, Survey Pages 296-317, Cert. Pages 317-320); Bill Haywood, *The Autobiography of Big Bill Haywood*, (New York: International Publishers, 1929); September 14, 1865 letter sent by federal cavalryman Corporal Clark Stilges to Captain J.C. Doughty of the 1st Nevada Cavalry stationed near McDermitt describing the aftermath of the massacre (available through the U.S. National Archives and Records Administration); “The Recent ‘Indian’ Fight in Queen’s River Valley,” *Humboldt Register*, September 23, 1865; “‘Indian’ Fight in Queen River Valley,” *Owyhee Avalanche*, September 30, 1865 (The Kings River is a tributary of the Quinn River, which used to be referred to as the Queen River. See Nevada State Board on Geographic Names, Minutes, May 16, 2017, https://nbgm.unr.edu/geonames/Meeting_Minutes/5-16-2017_minutes.pdf (accessed October 22, 2024)).

³ *Id.*

⁴ Human Rights Watch/ACLU interviews with Inelda Sam, Fort McDermitt Indian Reservation, March 25, 2024; Dorece Sam, McDermitt, Nevada, March 25, 2024; and 62-year-old concerned Tribal resident, Cordero Mine, McDermitt, Nevada, March 24, 2024; Haywood, *The Autobiography of Big Bill Haywood*, p. 26-29.

⁵ Human Rights Watch/ACLU interviews with Inelda Sam, Dorece Sam, and 62-year-old concerned Tribal resident; Human Rights Watch/ACLU telephone interview with Dean Barlese, February 15, 2024; Haywood, *The Autobiography of Big Bill Haywood*, p. 26-29; September 14, 1865 letter sent by federal cavalryman Corporal Clark Stilges to Captain J.C. Doughty of the 1st Nevada Cavalry; “The Recent ‘Indian’ Fight in Queen’s River Valley,” *Humboldt Register*; “‘Indian’ Fight in Queen River Valley,” *Owyhee Avalanche*.

⁶ Human Rights Watch and ACLU, “Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe,” February 6, 2025, <https://www.hrw.org/report/2025/02/06/land-our-people-forever/united-states-human-rights-violations-against-numu/nuwu>.

⁷ “‘Indian’ Fight in Queen River Valley,” *Owyhee Avalanche*.

⁸ “‘The Recent ‘Indian’ Fight in Queen’s River Valley,” *Humboldt Register*.

⁹ Human Rights Watch and ACLU, “Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe,” February 6, 2025, <https://www.hrw.org/report/2025/02/06/land-our-people-forever/united-states-human-rights-violations-against-numu/nuwu>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Biden-Harris Administration’s Interagency Working Group on Mining Laws, Regulations, and Permitting, “Recommendations to Improve Mining on Public Lands,” September 2023, <https://www.doi.gov/media/document/mriwg-report-final-508-pdf> (accessed June 5, 2024).

¹⁷ Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025, <https://www.hrw.org/report/2025/02/06/land-our-people-forever/united-states-human-rights-violations-against-numu/nuwu>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), G.A. Res. 61/295, UN Doc. A/RES/61/295 (Sept. 13, 2007), Arts. 25, 26.

²⁶ U.S. Department of State, "Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples," December 16, 2010.

²⁷ Human Rights Committee, General Comment No. 23: Article 27 (Rights of Minorities), UN Doc. CCPR/C/21/Rev.1/Add.5 (April 8, 1994).

²⁸ International Covenant on Civil and Political Rights (ICCPR), G.A. Res. 2200A (XXI), UN Doc. A/6316 (Dec. 16, 1966), Art. 12.

²⁹ Human Rights Committee, General Comment No. 27: Article 12 (Freedom of Movement), UN Doc. CCPR/C/21/Rev.1/Add.9 (November 2, 1999).

³⁰ Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ ICCPR, Art. 18.

⁴⁰ ICCPR, Art. 27.

⁴¹ Human Rights Committee, Concluding observations on the fourth periodic report of the United States of America, UN Doc. CCPR/C/USA/CO/4 (April 23, 2014).

⁴² Kristen A. Carpenter, *Living the Sacred: Indigenous Peoples and Religious Freedom*, 134 Harv. L. Rev. 2103 (2021) (reviewing Michael D. McNally, *Defend the Sacred: Native American Religious Freedom Beyond the First Amendment* (2020)).

⁴³ Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025, <https://www.hrw.org/report/2025/02/06/land-our-people-forever/united-states-human-rights-violations-against-numu/nuwu>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ ICCPR, Art. 27.

⁴⁷ Human Rights Committee, General Comment No. 23: Article 27 (Rights of Minorities), UN Doc. CCPR/C/21/Rev.1/Add.5 (April 8, 1994).

⁴⁸ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), G.A. Res. 2106 (XX), UN Doc. A/6014 (Dec. 21, 1965), Art. 5(e)(vi).

⁴⁹ Inter-American Commission on Human Rights, Report No. 75/02, Case 11.140, Mary and Carrie Dann (United States), Dec. 27, 2002.

⁵⁰ Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025, <https://www.hrw.org/report/2025/02/06/land-our-people-forever/united-states-human-rights-violations-against-numu/nuwu>.

⁵¹ *Reno-Sparks Indian Colony v. Haaland*, United States District Court for the District of Nevada, Case No. 3:23-cv-00070- MMD-CLB, 663 F.Supp.3d 1188 (US District Court, Nevada), March 23, 2023, 201291, November 9, 2023.

⁵² Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025, <https://www.hrw.org/report/2025/02/06/land-our-people-forever/united->

states-human-rights-violations-against-numu/nuwu.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ UNDRIP, Art. 32(2).

⁵⁶ Human Rights Committee, Concluding observations on the fourth periodic report of the United States of America, UN Doc. CCPR/C/USA/CO/4 (April 23, 2014).

⁵⁷ Committee on the Elimination of Racial Discrimination, General Recommendation 23, Rights of indigenous peoples (Fifty-first session, 1997), U.N. Doc. A/52/18, annex V at 122 (1997).

⁵⁸ UN Expert Mechanism on the Rights of Indigenous Peoples, "Free, prior and informed consent: a human rights-based approach," UN Doc. A/HRC/39/62 (August 10, 2018).

⁵⁹ Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 25(1).

⁶⁹ UN General Assembly Resolution, The human right to a clean, healthy and sustainable environment, U.N. Doc. A/RES/76/300. (July 28, 2022), <https://documents.un.org/doc/undoc/gen/n22/442/77/pdf/n2244277.pdf> (accessed January 8, 2025).

⁷⁰ CERD, General Recommendation No. 37, Racial Discrimination in the Enjoyment of the Right to Health, U.N. Doc. CERD/C/GC/37, August 23, 2024, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/generalrecommendation-no-37-2024-racial> (accessed January 8, 2025).

⁷¹ Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ US Environmental Protection Agency, EPA Comments on the Final Environmental Impact Statement for the Thacker Pass Lithium Mine Project, Humboldt County, Nevada (EIS Number 20200247), January 4, 2021, <https://cdxapps.epa.gov/cdxenepa-II/public/action/eis/details?eisId=315942> (accessed January 7, 2025)

⁷⁵ Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025, <https://www.hrw.org/report/2025/02/06/land-our-people-forever/united-states-human-rights-violations-against-numu/nuwu>.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ United Nations Human Rights Council, "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework," 2011, http://www.ohchr.org/documents/publications/GuidingprinciplesBusinessshr_en.pdf (accessed January 12, 2025).

⁸⁵ Human Rights Watch and ACLU, "Land of Our People Forever: United States Human Rights Violations Against Numu/Nuwu/Newe," February 6, 2025, <https://www.hrw.org/report/2025/02/06/land-our-people-forever/united-states-human-rights-violations-against-numu/nuwu>.