

**Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Working Group of Experts on People of African Descent; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

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(Please use this reference in your reply)

19 February 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Working Group of Experts on People of African Descent; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 54/8, 45/24, 54/14, 53/4 and 52/36.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged lack of effective investigation, sanction, remedy and reparation for the serious human rights abuses and violations committed against people of African descent during the "Tulsa Race Massacre", as well as the insufficient measures in the fields of memorialization and satisfaction, and the insufficient progress in the search and identification and return of the remains of the victims.**

According to the information received:

The Tulsa Race Massacre

In 1921, Greenwood, located in Tulsa, Oklahoma, was a thriving African American neighborhood, with a population of approximately 10,000 residents and a wide range of institutions, including businesses, churches, schools, and stores. The neighborhood was segregated as a result of Jim Crow-era policies implemented in that State.

On 31 May 1921, violence erupted in Tulsa after local authorities arrested a Black man for allegedly assaulting a white woman. A local newspaper sensationalized the incident, prompting a mob of white Tulsa residents to gather outside the courthouse and demand his lynching. In response, Black residents from the Greenwood community arrived to protect him. The white mob responded to their presence rapidly growing in number. After a confrontation and the firing of a gunshot, violence escalated uncontrollably.

Reports indicate that for two days thousands of white Tulsa residents descended on Greenwood and carried out a coordinated assault on the African American residents. About 300 Black residents were reportedly murdered, while many others were arrested and forcibly detained in makeshift camps. The bodies of victims were buried in anonymous graves or disposed of in various other forms.

The attackers also looted and burned homes and businesses, destroying the neighborhood. Law enforcement officers failed to protect Greenwood's residents and properties, and reportedly participated actively in the attacks. Survivors of the attack were left without shelter or resources, and the vibrant community of Greenwood was decimated.

#### 1921 Grand Jury and informal federal investigation

In the immediate aftermath of the massacre, a local grand jury was summoned by the State. The Jury exonerated most white participants in the massacre, despite evidence that they had committed crimes, and cited the conduct of Black men as the direct cause of what they characterized as a "riot".

In June 1921, the U.S. Attorney General initiated an "informal" federal investigation to determine whether federal laws had been violated. The matter was assigned to the Department of Justice's Bureau of Investigation. Following a hastily 8-day investigation, the department issued a report minimizing the violence committed during the "riot", denying racial motivations and concluding that no federal laws had been violated by the attackers. Nonetheless, the report disclosed relevant information, including allegations that law enforcement had actively recruited white men from outside of Tulsa to participate in the raid. Federal prosecutors declined to pursue charges under the narrowly construed civil rights statutes that existed at the time.

#### Lack of assistance and redress in the aftermath of the massacre

Following the massacre, Greenwood homeowners and business were denied aid or insurance compensation for their losses. Tulsa officials promised assistance but didn't deliver. On the contrary, they rejected external aid, offered little financial support to affected persons, and attempted (eventually without success) to re-zone the district and impose restrictive fire codes to discourage rebuilding and force relocation elsewhere. In addition, insurance companies denied claims arguing the application of "riot clauses". More than one hundred people filed lawsuits against the city and insurance companies but were ultimately unsuccessful. In 1926, the Oklahoma Supreme Court issued a definitive ruling that precluded suits against insurance companies for damages from the massacre.

Early attempts to hold perpetrators and the city accountable through the courts were also unsuccessful. Families sought legal redress through tort claims against the city and its officials, but they were all dismissed. The legal system at the time of the events failed to hold Tulsans criminally responsible or provide remedy to victims, residents and property owners.

## Recent investigations and truth-seeking efforts

### *Oklahoma Commission to Study the Tulsa Race Riot of 1921*

In 1997, the Oklahoma State Legislature established the Oklahoma Commission to Study the Tulsa Race Riot of 1921. In 2001, the commission issued a report<sup>1</sup> with a detailed account of the events and concluded that whites had conducted a massacre against the African American community of Tulsa, for which the government shared culpability. The commission recommended reparations for victims and their descendants through direct payments, a scholarship fund for students, the establishment of an economic development enterprise zone in the former Greenwood district, and the creation of a memorial for the reburial of the remains of victims. However, the legislature failed to implement the recommendations. The report spawned acknowledgment of the massacre and led to its inclusion in school curricula.

The report indicates that the bodies of victims were largely buried in mass graves, but some had been disposed of by rail, incineration or in the Arkansas River. As part of its mandate, between July 1998 and November 1999, the commission conducted geophysical investigations at three potential mass graves' locations: Newblock Park, the Booker T. Washington Cemetery, and the Oaklawn Cemetery. While examinations in the first two failed to reveal features suggestive of a mass grave, inspections of the latter revealed anomalies requiring further investigation.

### *The 1921 Graves Investigation*

In 2018, the City of Tulsa formally launched a multi-year forensic and archaeological investigation to locate, exhume, identify, and memorialize victims of the massacre buried in unmarked or poorly documented graves. The excavations began in 2020 and are ongoing. Numerous sets of remains have been fully exhumed and three victims have been identified. Most confirmed discoveries have been made in Oaklawn Cemetery, historically used for burying African American residents.

### *Investigation by the U.S. Department of Justice*

In 2024, the Cold Case Unit of the U.S. Department of Justice (DOJ)'s Civil Rights Division carried out the first high-level investigation of the 1921 Tulsa Race Massacre, under the Emmett Till Unsolved Civil Rights Crime Act. The investigation examined survivor testimony, family accounts and primary source materials, as well as the report of the Oklahoma Commission.

In January 2025, the DOJ issued its final report<sup>2</sup> concluding that the 1921 violence was a coordinated, military-style attack on the population of Greenwood, rather than spontaneous mob unrest, as previously claimed. The report indicates that up to 10,000 white perpetrators participated in the attack;

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<sup>1</sup> <https://www.okhistory.org/research/forms/freport.pdf>

<sup>2</sup> HYPERLINK

"<https://www.justice.gov/crt/media/1383756/dl>"<https://www.justice.gov/crt/media/1383756/dl>

as many as 300 Black residents were killed, and 35 blocks of Greenwood were destroyed. The report also refers to the disposal of victims' remains in unmarked mass graves, the Arkansas River and flatbed rail cars. It further established that white local officials and law enforcement actively participated in the attack, including deputizing white civilians and engaging in arrests, detention, arson, and killing. The report stressed that the case reflected the existing pattern of "systemic racism, state-sanctioned brutality, and the failure of government institutions to protect victims of color in the country". The DOJ established that had modern civil rights laws existed at the time of the events, federal prosecution would likely have been possible but indicated that no legal avenue exists today due to statutes of limitation and the death of all perpetrators.

### Recent judicial proceedings

In 2003, victims' families filed a suit and sought compensation from the State of Oklahoma and the City of Tulsa, alleging negligence, civil rights violations, and denial of equal protection. However, federal courts dismissed the case citing the application of statutes of limitations. The court rejected the plaintiff's claim that the suit filing period (two years according to domestic law) should have begun when the Oklahoma Commission issued its report (2001), as that is when they become aware of the involvement of state and city authorities. It also rejected their claim that statutes of limitations should be tolled (paused) due to the authorities concealment of this information. In 2020, another group of plaintiffs filed a suit against the city of Tulsa but was dismissed by the Oklahoma Supreme Court.

In the years since the massacre occurred, no individuals or institutions responsible for the aforementioned violations were held legally accountable, and neither victims nor their descendants have received any form of reparation.

We note with great concern the serious human rights abuses and violations committed against people of African descent during the Tulsa Race Massacre, which included unlawful killings, enforced disappearance, arbitrary detention, arson, looting, and violations of the rights to family life and property, as well as the alleged lack of accountability of the perpetrators and officials responsible for the violations, the alleged failure to provide redress and reparation to victims, and the alleged lack of public apologies, all of which reflect the context of systemic racism and state-sanctioned brutality against African Americans prevailing in the country at the time of the event and in successive years.

In this regard, we wish to recall the duty of the United States of America to investigate and sanction serious human rights violations and to provide remedy to victims. Impunity for such violations can be an important element contributing to the recurrence of violations. We also recall the obligation of the State to provide full reparation to victims, including their descendants. Reparations should aim at comprehensively addressing the multiple consequences and effects of the harm suffered by them, and should include measures in the areas of restitution, compensation, rehabilitation and satisfaction, as well as the full participation of the victims in the establishment and implementation of such measures. Measures of satisfaction should include the adoption of public apologies which encompass an official

acknowledgement of the plight of victims and of the responsibility of the State, and should be aimed at restoring the dignity of the victims. We further recall that descendants may suffer the transgenerational material and psychosocial impact of the trauma and dispossession endured by their predecessors and are therefore entitled to reparation as victims.

We note that although it has not been possible to criminally investigate and prosecute the persons responsible for these violations in recent decades due to the death of the offenders, this avenue was open for many decades after the massacre occurred during which no progress was made on the matter, thus entailing a serious breach of the responsibilities of the State. Moreover, the State continues to bear full responsibility for the provision of remedy and reparation to victims and their descendants for the violations committed by their officials through action or omission.

With regards to the application of statutory limitations to legal claims against the State for the violations and abuses committed in 1921, we note that although such statutes may have been applicable in domestic proceedings at the time of the events and its immediate aftermath, the new information made available since 2001 (regarding the responsibility of State officials) should have tolled limitations and opened avenues for domestic litigation. Moreover, considering that some of the violations described in the official reports may reach the threshold of crimes under international law, the application of statutes of limitations in effect in domestic law at the time of the offenses may be incompatible with international standards that preclude the application of prescription (statutes of limitations) to serious human rights violations that constitute crimes under international law, including extrajudicial executions and enforced disappearances. These standards further stipulate that prescription in criminal cases should not run for periods where no effective remedy is available, as may have been the case for African American plaintiffs affected by systemic racism or by the concealment of information about State responsibility. In addition, these standards preclude the application of statutes of limitations against civil or administrative actions brought by victims seeking reparation, or against the satisfaction of the right of victims and families to know the truth about such crimes or the fate and/or whereabouts of disappeared persons, as detailed in the legal annex. Moreover, considering the alleged nature of the offenses described in the reports, the application of statutes of limitations may also be incompatible with the imprescriptibility of crimes against humanity, which is a norm of *jus cogens*, i.e. a peremptory norm of international law that does not admit of any contrary provision. Furthermore, we recall that the crime of enforced disappearances is a continuous crime until the fate and whereabouts of the victim are clarified. As a result, statutes of limitations do not apply to this crime for as long as the person continues to be disappeared, as is the case with most of the victims of the massacre.

In addition, we express serious concern at the alleged failure of the State over a period of over 80 years to effectively investigate and establish the truth about the circumstances and responsibilities involved in the Tulsa Race Massacre, and about the fate and whereabouts of disappeared persons. We take note with appreciation of the efforts adopted by your Excellency's Government since the late 1990s to know the truth and to search and identify the remains of victims through the work of the Oklahoma Commission to Study the Tulsa Race Riot of 1921, the DOJ's high-level investigation of the 1921 Tulsa Race Massacre, and the 1921 Graves Investigation. These measures were critical to elucidate, document and acknowledge the crimes committed and the

harm endured by victims and their descendants. We also note with appreciation the recommendations for reparation outlined in the report of the Oklahoma Commission, but we express concern at the failure of the relevant authorities to implement them. Despite the progress in this field, we note that further measures are necessary to comprehensively memorialize the Tulsa Race Massacre and to transmit accurate accounts to present and future generations through measures in the fields of education, culture and the media. These measures are essential to restore the dignity of victims, foster reconciliation and prevent the recurrence of past violations.

To conclude, we would like to recall that the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, established that to properly address the legacy of serious human rights violations committed in States where the oppression of people of African descent persists in various forms, the relevant authorities should: i) establish mechanisms of investigation and truth-seeking to shed light on the oppression, racism, discrimination and exclusion that affect those peoples today; ii) adopt memorialization measures that comprehensively address the patterns, the causes and the consequences of rights violations and their impact today, in order to preserve the memory of these events and their dissemination to present and future generations; and iii) consider mechanisms to redress the harm caused to victims and affected communities through the provision of reparations that encompass measures of satisfaction, restitution, compensation and rehabilitation (A/76/180 paras. 103, 107, and 110).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about any measures adopted by your Excellency's Government since the date of commission of the Tulsa race Massacre to criminally investigate, prosecute and sanction the aforementioned crimes. If such measures have never been adopted, please explain why.
3. Please indicate any other measures adopted by your Excellency's Government, since the date of the commission of the Tulsa Race Massacre, to establish the truth about the facts and circumstances surrounding these violations. If no additional measures have been adopted, please explain why.
4. Please indicate if any measures have been adopted by your Excellency's Government since the date of commission of the Tulsa Race Massacre to provide reparation to victims and their descendants, including

restitution, compensation, satisfaction, and psychosocial and physical rehabilitation.

5. Please indicate if any measures have been adopted to issue public apologies to the victims of the Tulsa Race Massacre and their descendants.
6. Please indicate if any measures have been adopted by your Excellency's Government since the date of commission of the Tulsa Race Massacre to memorialize and to transmit to present and future generations accurate accounts about those violations and the harm endured by victims and their descendants, through measures in the fields of education, culture and the media
7. Please provide information about any further measures adopted to search for and identify the victims of the Tulsa Race Massacre who remain disappeared, and the progress made in this field, as well as about the specific measures adopted to locate, exhume, respect, identify and return the mortal remains of the victims.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to ensure truth, justice, reparation, memorialization and guarantees of non-recurrence of the aforementioned violations in compliance with international standards.

Please accept, Excellency, the assurances of our highest consideration.

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## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, and without prejudging the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

We would like to refer to article 2 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America in 1992, which establishes that States must undertake measures to ensure that persons whose rights or freedoms are violated shall have an effective remedy. In its general comment No. 31, the Human Rights Committee clarified that this obligation includes the duty to investigate, prosecute and sanction serious human rights violations, such as extrajudicial killings and enforced disappearances (paragraph 18).

In addition, we would like to refer to article 6 of the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which was ratified by the United States of America in 1994. Article 6 outlines that States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Furthermore, we would like to recall the right of victims of human rights violations to receive full reparation for the harm suffered. The Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (Updated Set of Principles, articles 31-34) recall the duty of States to make reparation to victims of serious human rights violations. Similarly, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles and Guidelines) establish the right of victims to receive adequate, effective and prompt reparation for the harm suffered. Reparation should be proportional to the gravity of the violations and the harm suffered. Victims should be provided with full and effective reparation, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (paragraphs 10, 11, 15, and 18). Measures of satisfaction should include a public apology, which encompasses acknowledgement of the facts and acceptance of responsibility (principle 22). The nature of the apology and the nature of the acknowledgement of the facts and responsibilities, as well as the authority offering the apology and the context of the apology, should be carefully assessed and designed with the effective participation and agreement of the victims. (A/74/147)

Moreover, we would like to refer to the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes, as established in the Updated Set of Principles (principle 2). Full and effective exercise of the right to truth provides a vital safeguard against the recurrence of violations (principle 5).

In addition, we wish to recall the duty of States to preserve memory about those violations and their responsibility in the transmission of such history. Principle 3 of the Updated Set of Principles underscores that "people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights [...] and to facilitate knowledge of those violations". Such measures shall aim at "preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments". Interpretation of past events that have the effect of denying or misrepresenting violations are incompatible with the aforementioned obligations of the State.

In report [A/HRC/45/45](#), the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted that a good use of memory aims to create the conditions for a debate to develop in society on the causes, direct and indirect responsibilities and consequences of past crimes and violence. He stressed that memory is a vital tool for enabling societies to emerge from cycles of hatred and conflict, change toxic cultures of political violence, and begin taking definite steps towards building a culture of peace. The Special Rapporteur warned that memory processes cannot, under any circumstances, deny or attempt to diminish the importance of the violations and crimes committed that were established by truth commissions and/or judicial proceedings (paragraphs 107-108). In addition, he expressed grave concern about the possible dangerous manipulation of information and memory to the detriment of human rights, as well as the stigmatisation of certain communities and the proliferation of hate speech that promotes the commission of violent acts, including mass violence (para. 79). At the same time, he stressed that the voices of the victims must occupy a privileged space in the construction of memory, as this will help to counteract denialist and/or revisionist attempts and manipulations by perpetrators of violations and by groups or political interests seeking to revive violence (paragraph 109).

Finally, we wish to recall the duty of States to take measures to prevent the recurrence of human rights violations. The Basic Principles and Guidelines stipulate that States must take appropriate measures to ensure that victims are not subjected to further violations of their rights. In particular, States must undertake institutional and legal reforms and other necessary measures (such as in the field of education) to ensure respect for the rule of law, promote and maintain a culture of respect for human rights, and restore or establish public confidence in government institutions (principles 18 and 23). Negligence in this regard, whether through action or omission, may lead the State to be in breach of international law.

The prohibition of enforced disappearance has attained the status of *jus cogens*. The United Nations Declaration on the Protection of All Persons from Enforced Disappearances establishes that no State shall practice, permit or tolerate enforced disappearances (article 2), that States shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that

authority (article 13), and that the victims or family relatives have the right to obtain redress, including adequate compensation (article 19).

Similarly, we draw the attention of Your Excellency's Government to the General Comment of the Working Group on Enforced or Involuntary Disappearances on "the right to truth in relation to enforced disappearances", which states that the right to truth also ensures that the State has an obligation to provide protection and assistance to victims, witnesses, and other interested parties. The pursuit of truth often leads perpetrators and others to attempt to prevent its disclosure through threats and even attacks against those involved in the investigation. Therefore, the State has an obligation to ensure effective protection for those affected.

Its General Comment on the right to the truth in relation to enforced disappearance states that the right to know the truth about the fate and the whereabouts includes, when the disappeared person is found to be dead, the right of the family to have the remains of their loved one returned to them, and to dispose of those remains according to their own tradition, religion or culture. The remains of the person should be clearly and indisputably identified, including through DNA analysis. The State, or any other authority, should not undertake the process of identification of the remains, and should not dispose of those remains, without the full participation of the family and without fully informing the general public of such measures. States ought to take the necessary steps to use forensic expertise and scientific methods of identification to the maximum of its available resources, including through international assistance and cooperation.

With regards to the time that has elapsed since the Tulsa Race Massacre, we would like to recall that, as established in international standards, statutory limitations shall not apply to serious violations of human rights and international humanitarian law which constitute crimes under international law. The Updated Set of Principles stipulates that States must adopt and enforce safeguards against any abuse of restrictive rules, such as those pertaining to prescription (statute of limitations) that fosters or contributes to impunity for serious human rights violations (principle 22). The instrument establishes that the rule of prescription (statute of limitations) shall not apply to crimes under international law that are by their nature imprescriptible; that prescription in criminal cases shall not run for periods where no effective remedy is available; and that prescription shall not be effective against civil or administrative actions brought by victims seeking reparation for their injuries, nor shall it apply to the rights of victims and their families to know the truth about past violations or about the fate and/or whereabouts of disappeared persons (principles 4, 23 and 34). Similarly, the Basic Principles and Guidelines stipulate that "statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law" (principle 6).

Furthermore, we would like to recall that the imprescriptibility of crimes against humanity is a norm of *jus cogens*, i.e. a peremptory norm of international law that does not admit of any contrary provision. The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, of 26 November 1968, establishes the imprescriptibility of crimes against humanity committed both in wartime and in peacetime, whenever they were committed. According to this instrument, States must adopt the necessary legislative or other measures so that the

statute of limitations for criminal action or punishment, established by law or otherwise, does not apply to those crimes, and in the event of that they exist, be abolished.