

**United Nations Permanent Forum on Indigenous Issues (UNPFII)
18th Session, 22 April – 3 May, 2019**

Item 11: Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples

Intervention by the Lenny Foster and Peter Clarke presented by Janene Yazzie

Madame Chair,

I'm delivering this on behalf of my elder Lenny Foster. In recognition of the growing concern over the criminalization of human rights defenders, the human rights council recently adopted a strong consensus resolution "Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development" (A/HRC/40/L.22/Rev.1). We welcome these advancements on the international level but are still waiting for progress to be made at the domestic level for similar meaningful action and full implementation of the rights and protections of human rights and land rights defenders in the United States. Towards this end we are requesting that the EMRIP exercise paragraph 2(c) of its revised mandate (A/HRC/RES/33/25) in seeking dialogue with the United States, appropriate human rights organizations and indigenous peoples to bring about a means for relief and justice for Leonard Peltier.¹

Every year we remind the forum that Leonard Peltier, Anishinaabe and Dakota, and an enrolled citizen of The Turtle Mountain Band of Chippewa Indians, has been in federal prison since 1976, although he was wrongly convicted for the deaths of two FBI agents. Last year, the US representatives wrongly asserted that the conviction was for murder, obscuring the complexities of Leonard's charge of aiding and abetting, showing the lack of concern for understanding and remedying this great injustice. Leonard Peltier is 74 years old and suffers from multiple serious health conditions. He should be granted parole, executive clemency or compassionate release immediately so that he may spend his remaining years with his family.

This case demonstrates how in the U.S. the courts and criminal justice system criminalizes dissent for purposes of political repression. The U.S. government has failed to address the staggering number of constitutional violations in the trial of Leonard Peltier including US government mishandling of key ballistics evidence and threatening of witnesses against Leonard who were coerced into signing statements used to convict him.

In public pronouncements and submissions to the U.S. Parole Commission, the Federal Bureau of Investigations, has arbitrarily attacked Peltier's honor and reputation alleging offenses for which he either was never charged or charges of which he was acquitted; and presenting uncorroborated testimony from criminal proceedings to which Leonard was not a party, and therefore, by a witness he has been unable to examine or have examined. Nor has Leonard Peltier been able to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.

Since March of 1985, IITC Board member and my elder Lenny Foster, has visited Leonard Peltier as his Spiritual Advisor. He last visited with Leonard on April 1st of his year. Leonard Peltier was still dealing with disappointment and frustration from an unjustifiable March 2019 denial of transfer to a lower security facility.

¹ A/HRC/RES/33/25 para.2(c) Upon request, assist Member States and/or indigenous peoples in identifying the need for and providing technical advice regarding the development of domestic legislation and policies relating to the rights of indigenous peoples, as relevant, which may include establishing contacts with other United Nations agencies, funds and programmes;

The case of Leonard Peltier demonstrates the failure of the U.S. criminal justice system to provide real justice for Native Peoples as well as the government-generated environment of racism that consistently leads to unjust convictions.

On behalf of Leonard Peltier, we invite UNSR Victoria Tauli-Corpuz, members of the UNPFII and EMRIP, to visit Leonard at United States Penitentiary, Coleman I, in Florida. We are happy to work with you to accommodate such a visit.

Thank you for your consideration.