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Expert Mechanism on the Rights of Indigenous Peoples
Tenth Session, 10-14 July 2017
Geneva, Switzerland
Intervention by Indigenous World Association and Indigenous Rights Center

This intervention has been endorsed by Navajo Nation Correction Project, National Native American Prisoners Rights Coalition, American Indian Law Alliance, The Red Nation, and Witness for Peace Southwest.

We are reiterating our May 1st, 2017 request made at the UNPFII that the EMRIP exercise paragraph 2(c) of its revised mandate A/HRC/RES/33/25 (1) 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. He is a member of the Turtle Mountain Band of Chippewa Indians who has been in federal prison since 1977.

We further submit a request that this esteemed body initiate and conduct a thematic study of the case of Leonard Peltier's prolonged and unjust incarceration, and to provide advice and assistance to remedy this urgent matter. Over 600 pages of documentation on the Peltier case were entered by the Secretariat of the Working Group for Indigenous Populations in 1995. Information has been submitted to the UPR, CERD, and EMRIP; and current and former Special Rapporteurs on the rights of indigenous peoples have implored the U.S. to release Peltier. All to no avail. Furthermore, we reuest it be studied as to how indigenous peoples are being treated as terrorists when confronting colonial domination on their homeland.

Mr. Peltier's case clearly demonstrates how in the United States, the courts and criminal justice systems are used for purposes of political repression with the express intent of silencing political dissent. Such judicial prejudice and conduct continues the long-standing colonial practice of subordinating indigenous peoples to an externally imposed legal system, especially those who champion and defend their human rights. This contradicts the Expert Mechanism's "Advice for States" in its 2013 Study on Access to Justice:

"6. States have an obligation to protect and support the work of Indigenous human rights defenders in the promotion of access to justice for Indigenous peoples, in accordance with Human Rights Council resolution 22/6." (2)

Leonard Peltier is 72 years old, and suffers from multiple serious health conditions. He should be released to spend his remaining years with his family. We look forward to the results of the dialogue and study with hopes that it can produce a solution resulting in freedom for Leonard Peltier and for providing analyses and remedies necessary to pursue due justice for indigenous peoples resisting colonialism.

Thank you for your time and attention.

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;

2. A/HRC/EMRIP/2014/3 Expert Mechanism's Advice No.6 (2014) B,6 p.22