



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1997/NGO/80
21 March 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Indian
Treaty Council, a non-governmental organization in
special consultative status

The Secretary-General has received the following written statement,
which is circulated in accordance with Economic and Social Council
resolution 1296 (XLIV).

[18 March 1997]

On behalf of Mr. Peltier, the International Indian Treaty Council
submits his own testimony in his own words for the first time in his 21 years
of illegal incarceration and 20 years of IITC participation with this august
body via oral interventions for Mr. Peltier.

Testimony of Leonard Peltier

Greeting Mr. Chairman, United Nations officials, and all members of
indigenous delegations:

Many people have come to this human rights forum on my behalf. They
came with such dedication and love that they were willing to make a sacrifice
of their time to stand before you and ask for your intervention in my case.
Twenty-one years later, at this most critical point in my long incarceration,
I speak for myself. The state of my Native Peoples, sadly, remains dim. Our
traditional ways of life and personal freedoms are consistently threatened.
I, with so many others, worked tirelessly in trying to better life for my
Native brothers and sisters. These things live in my memory and remain my
hope, to once again experience the gratification of helping those in need and
put behind me this terrible nightmare. I have just begun my twenty-second

year of unjust imprisonment. The United States admits to being directly responsible for my fraudulent extradition from Canada in 1976. They have admitted to preparing and submitting falsified affidavits to Canadian officials. This alone violates treaty protocol, extradition, and international law. In addition, they extradited me on a charge of murder, fully aware that there was no direct evidence against me, and now keep me confined by calling me an aider and abettor.

My constitutional rights and right to due process under the law have been denied. These are rights that should be guaranteed and extended to all citizens. Since 1986, the United States Government and prosecuting attorneys have conceded that there is no direct evidence to prove guilt. They have repeatedly stated, on record, that they do not know who killed the FBI agents on 26 June 1975 on sovereign Lakota territory of the Pine Ridge Reservation in South Dakota. The trial and subsequent appeals were riddled with lies, fabrications, and coercion and reveal deep conflicts of interest. The parole process as well has been an embarrassment to the United States legal system. In fact, the parole board, within their internal notes, wrote that as I was the only one convicted, "unfortunately" I was the one who must remain in prison.

These numerous unjust actions have been formally and periodically challenged by human rights organizations around the world. Amnesty International, London, has issued a letter directly to our Attorney-General, Janet Reno. The letter supports and calls for presidential intervention. This represents a dramatic modification of past support as Amnesty takes their strongest position in two decades in asking for a decision directly from the President of the United States. How long does an organization ask for something before it must strengthen its request? We have petitioned the United Nations now for over 20 years.

My case is well documented in this place. Over 600 pages of documentation was received by the secretariat of the Working Group on Indigenous Populations in 1995. There have been significant developments regarding support for my release. Bill Richardson, the newly appointed Permanent Representative of the United States to the United Nations, has been my ardent advocate. It was at a 1995 session of a United Nations working group that a congressional press release from Mr. Richardson was submitted. In that release, he stated, "I do believe that the way the federal government conducted its investigation and prosecution of Mr. Peltier was wrong and inconsistent with the standards of due process afforded individuals under our Constitution. We need to be as vigilant as ever. And we must not forget that Leonard Peltier's executive clemency application remains under review ...". In addition, senior United States Federal Judge of the Eighth Circuit Court of Appeals Gerald Heanye has also appealed to the President on my behalf. "At some point, a healing process must begin ... favourable action by the President in the Leonard Peltier case would be an important step in this regard."

The facts are clear and the base of support is strong and growing. We have the support of so many, including the Dalai Lama, Mother Teresa, Desmond Tutu, Nelson Mandela, and the European Parliament. I ask for the official support of the United Nations, I ask a formal resolution be drafted,

passed, and that it be sent directly to the President of the United States. This resolution should call for executive clemency, a process which is currently under consideration. There is a great sense of urgency as the President will soon be due to make a decision. The Department of Justice is now inexcusably late with a recommendation to the President.

The voice of Native America can still be heard, despite the overwhelming oppression of my people. I am now 52 years old and have suffered the pain of missing my children, and now my grandchildren, growing up. They have suffered by having to mature without the regular touch and guidance of a father and grandfather's hand. My health has deteriorated as well, due to the long years of neglect, abuse, and false incarceration. I am currently improperly assigned on work detail. Here at Leavenworth Federal Penitentiary I am being forced to work at the furniture factory where I suffer severe headaches caused by unsuccessful surgery on my jaw which continues to swell and give me constant pain.

All life is sacred. I did not kill those agents. I pray for them and for those they left behind: parents, wives, children. I also pray for the prosecutors, judges, parole officers, and prison officials who have made so many hideous decisions in my case and in the cases of others. And I will pray for you, for your direct involvement, and that you will reaffirm your commitment to freedom and justice.

I am an Indian man. My simple request is to live like one.

In the spirit of Crazy Horse,

(Signed) Leonard Peltier
