

## ***The USA tolerates appalling prison conditions and shows total disregard for human dignity***

***To mark the 80th birthday of Leonard Peltier - the indigenous activist known worldwide has been in prison for over 48 years***

***Joint statement by the "European Alliance for the Self-Determination of Indigenous Peoples" and the "Europe for Peltier Coalition" on the present state of health and prison conditions of the most famous political prisoner in the USA.***

Leonard Peltier, the Lakota-Anishinabe activist of the American Indian Movement, will once again celebrate his 80th birthday on September 12, 2024, behind the high walls of a US maximum security prison (Federal Prisoner #89637-132 in USP Coleman I, Florida). It is with great concern that we look at his situation; at the beginning of the year, we were still hoping that the "Prisoner of Conscience", who has been imprisoned since 1976, would finally be released. This hope was shared by numerous other human rights groups around the world. But after the U.S. Parole Commission rejected parole and the Federal Bureau of Prisons rejected compassionate release shortly before Peltier's 80th birthday, we fear that Peltier will not survive his imprisonment.

### **Peltier celebrates his 49th birthday behind bars**

We know from decades of dealing with the Peltier case that this is precisely the FBI's declared aim, repeating the narrative of "Peltier as a cold-blooded, unrepentant killer" to this day. However, there is still no serious evidence that Peltier is responsible for the deaths of FBI agents Jack Coler and Ronald Williams, who were murdered in a shootout in 1975. There are indeed considerable legal doubts about Peltier's guilt and his continued imprisonment: this is shown simply by the statements of previous prosecutors and judges involved in the proceedings. James Reynold, the supervising public prosecutor at the time, has been calling for Peltier's release for many years. He wrote in a letter to U.S. President Joseph Biden: "I write to you today from a rare position for a former prosecutor to ask you to commute the sentence of a man I helped put behind bars. I have come to the conclusion that the prosecution and continued incarceration of Mr Peltier was and is unjust. We have been unable to prove that Mr Peltier personally committed a crime on the Pine Ridge Reservation.' And as early as 1991, Judge Gerald Heaney, who participated in the appeal, expressed in five points his doubts about the FBI having adopted fair trial and fair tactics and his belief that 'the FBI used improper tactics in extraditing Peltier from Canada and in the other investigation and trial of Peltier.'

### **The case of Leonard Peltier before the UN**

Even at the UN in Geneva, the doubts and shortcomings of Peltier's trial and conviction were presented to a twenty-member high-ranking U.S. delegation: on October 17, 2023, the U.S. met with civil society to review compliance with the International Covenant on Civil and Political Rights (ICCPR) and was confronted in this consultation with many political and legal abuses in U.S. politics. Several points were made about the case of Leonard Peltier:

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- The procedural deficiencies, for example the unconstitutional non-admission of exculpatory witness statements and arguments from the Robideau/Butler proceedings;
  - the withholding of exonerating evidence;
  - the non-disclosure of the results of important ballistics studies;
  - the impossibility of properly cross-examining witnesses;

- the FBI's intimidation of witnesses;
  - Influencing Judge Heany through a visit by the FBI after his commitment to Peltier in 2021;
  - the exchange by parole examiner Sam Robinson at the 1995 U.S. Parole Commission Hearing; he found that Peltier should be released based solely on the erroneous ballistics evidence;
  - the replaced parole examiner then refused to release Peltier.
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These points have contributed to the conviction and continued imprisonment of Leonard Peltier. The UN Working Group on Arbitrary Detention, which is under the supervision of the Human Rights Council, formulated these and other legal doubts in a 17-page letter in 2021, concluding that Leonard Peltier's civil and human rights have been and continue to be violated. In addition to significant legal and evidentiary deficiencies in his conviction, the final declaration contains further important reasons for release in points 85-99 and 101:

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- the absence of a release date;
  - Irregularities at several pardon hearings.
  - Insufficient medical care,
  - Almost permanent lockdown in the USP Coleman I prison;
  - ignoring his good conduct in prison.
  - failure to provide appropriate and necessary medical treatment;
  - disregard for his age and serious medical condition;
  - including the lack of any legitimate justification for the detention of an old and sick man who cannot pose a danger to others due to lack of evidence of his guilt.
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### **For a democracy like the USA, the conditions of detention are rather inglorious**

Peltier's social isolation and already poor health situation has worsened. This is against the backdrop of years of repeated lockdowns, the admissibility of which should be more than doubtful - the resulting significant adverse effects apply to all affected inmates in USP Coleman 1, including Leonard Peltier. For him as an old and sick prisoner, these permanent confinements mean, among other things, reduced telephone and email contact as well as limited opportunities to leave the cell to shower. Leisure and visiting facilities are also restricted, including visits from lawyers. The lack of exercise has contributed to the weakening of Peltier's muscles; he is much more likely to fall and is dependent on a walking aid. His eyesight suffers increasingly. Yet, he has to wait months for ophthalmologic and dental treatment. The last such treatments were over a decade ago.

He also has diabetes, high blood pressure, sleep apnoea and a life-threatening large abdominal aortic aneurysm. He had heart surgery in 2017 and survived a Covid infection in 2022. Since 2011 he has complained of pain in his prostate area, in 1986 he had a stroke and in 1995 he almost bled to death during an amateurish jaw operation. A single record of horror that continues to this day, unworthy of a state for which civil and human rights are apparently among the highest good.

### **Demand for release on humanitarian grounds alone**

We, the European Alliance for the Self-Determination of Indigenous Peoples, a long-standing coalition of 7 organizations from 4 European countries, and the Europe for Peltier Coalition, also a Europe-wide ad hoc initiative, are very concerned about the rapidly deteriorating health of Peltier. The inadequate diabetes medication has led to emergency treatment in hospital in recent weeks. It is to be feared that Peltier will become another

case of "death by incarceration", just as the FBI wants. Former Special Agent Coleen Rowley commented: "Retribution seems to be the primary, if not the only, reason for the continuation of what has become, on the face of it, an emotion-driven vendetta by the 'FBI family'."

We therefore ask the U.S. Senate Committee on the Judiciary and the Federal Bureau of Prisons to provide Leonard Peltier with immediate and comprehensive medical care and to We also ask the President of the United States, Joseph Biden, to pardon and release Peltier in the spirit of executive clemency.

For criminal, civil, human rights and humanitarian reasons, it is high time to release the prisoner who has been imprisoned for almost 49 years. For us, as representatives of human rights organizations from France, Austria, Switzerland, Italy, Spain, Poland and Germany, as well as for hundreds of thousands of people here in Europe and millions of people worldwide, this would be a birthday present for Leonard Peltier's 80th birthday that would combine justice and humanity.



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## **European Alliance for the Self Determination of Indigenous Peoples**

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## Europe for Peltier Coalition

Aktionsgruppe Indianer & Menschenrechte (AGIM), Munich, Germany

Arbeitskreis Indianer Nordamerikas (AKIN), Vienna, Austria

Comité de Solidarité avec les Indiens des Amériques (CSIA-NITASSINAN) / Groupe de Soutien à Leonard Peltier (LPSG-France), Paris, France

Internationales Komitee für die Indigenen Amerikas Schweiz (Incomindios), Zurich, Switzerland

Gesellschaft für bedrohte Völker (GfbV), Germany

Comitato di solidarietà con Leonard Peltier, Italy

PAIFM-Polish American Indian Friendship Movement, Poland

Comitè de Solidaritat amb Leonard Peltier, Spain

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