

URGENT ACTION

DEMAND CLEMENCY FOR NATIVE AMERICAN ACTIVIST

Native American activist Leonard Peltier has been imprisoned in the USA for over 40 years despite concerns over the fairness of his trial. President Obama must grant him clemency before he leaves office.

Leonard Peltier was a member of the American Indian Movement (AIM), which promotes Native American rights. In 1975, during a confrontation involving AIM members, two FBI agents were shot dead. Leonard Peltier was convicted for their murders but has always denied killing the agents.

There are serious concerns about the fairness of proceedings leading to his trial and conviction. A key eyewitness was allegedly coerced into testifying against Leonard Peltier following months of FBI harassment and threats. Her testimony was used as the basis to extradite Leonard Peltier from Canada. She later retracted her testimony, but was not allowed to be called as a defence witness at his trial. There are further concerns about the evidence linking Leonard Peltier to the shootings as well as the prosecution's withholding of evidence that might have assisted Leonard Peltier's defence. Parole examiners have thus far failed to take mitigating factors into account. In February 2016 Leonard Peltier's lawyers filed a petition for clemency with the U.S. Department of Justice.

Leonard Peltier is 72 years old. He is imprisoned in Florida, approximately 2,000 miles from his family in North Dakota. It is both a physical and financial hardship for his family to visit him. After decades of incarceration, some of which was spent in solitary confinement, there are serious concerns about Leonard Peltier's health. He suffers from diabetes, and in January 2016 was diagnosed with an abdominal aortic aneurysm, which can be fatal if it ruptures.

Given that all legal remedies have been exhausted and that Leonard Peltier has spent 40 years in prison and is in poor health, Leonard Peltier's lawyers filed a clemency petition with the Obama administration in March. President Obama must commute Leonard Peltier's sentence and release him on humanitarian grounds and in the interests of justice.

Please write immediately in English or your own language:

- Urging President Obama to grant Leonard Peltier's application for clemency on humanitarian grounds and in the interests of justice;
- Urging that he is given access to appropriate medical treatment in accordance with his wishes, and is moved to a facility that can address his medical needs as a matter of urgency until he is granted release.

PLEASE SEND APPEALS BEFORE 1 JANUARY 2017 TO:

President of the United States of America
Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500, USA
Phone: +1 202 456 1111
Fax: +1 202 456 2461
Email: <https://www.whitehouse.gov/contact>
Salutation: Dear Mr. President

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 33/16. Further information:

www.amnesty.org/en/documents/amr51/3419/2016/en/

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ADDITIONAL INFORMATION

On 26 June 1975, during a confrontation involving American Indian Movement members on the Pine Ridge Indian reservation in South Dakota, FBI agents Ronald Williams and Jack Coler were shot dead. Leonard Peltier was convicted of their murders in 1977 and sentenced to two consecutive life sentences. Leonard Peltier does not deny that he was present during the incident. However, he has always denied killing the agents as was alleged by the prosecution at his trial.

A key alleged eyewitness to the shootings was Myrtle Poor Bear, a Lakota Native woman who lived at Pine Ridge. On the basis of her statement that she had seen Leonard Peltier kill Ronald Williams and Jack Coler, Leonard Peltier was extradited from Canada, where he had fled following the shootings. However, Myrtle Poor Bear later retracted her testimony. Although not called as a prosecution witness at trial, the trial judge refused to allow Leonard Peltier's attorneys to call Myrtle Poor Bear as a defence witness on the grounds that her testimony "could be highly prejudicial to the government". In 2000, Myrtle Poor Bear issued a public statement to say that her original testimony was a result of months of threats and harassment from FBI agents.

In 1980 documents were released to Leonard Peltier's lawyers as a result of a lawsuit under the Freedom of Information Act. The documents contained evidence which might have assisted Leonard Peltier's case, but which had been withheld by the prosecution at trial. However in 1986, the U.S. Court of Appeal for the Eighth Circuit denied Leonard Peltier a retrial, stating that: "We recognize that there is some evidence in this record of improper conduct on the part of some FBI agents, but we are reluctant to impute even further improprieties to them."

The U.S. Parole Commission has held a number of parole hearings on Leonard Peltier's case. However, it has always denied parole on the grounds that Peltier did not accept criminal responsibility for the murders of the two FBI agents. This is despite the fact that, after one such hearing, the Commission acknowledged that, "the prosecution has conceded the lack of any direct evidence that you personally participated in the executions of two FBI agents".

Name: Leonard Peltier
Gender m/f: m

Further information on UA: 33/16 Index: AMR 51/5256/2016 Issue Date: 1 December 2016