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USA URGE CLEMENCY FOR NATIVE AMERICAN ACTIVIST

Native American activist Leonard Peltier has been imprisoned in the USA for over 46 years, some of which was spent in solitary confinement, serving two life sentences for murder despite concerns over the fairness of his trial. He has always maintained his innocence. Now 78 years old, he contracted COVID-19 in 2022 and suffers from several chronic health ailments, including one that is potentially fatal. Not eligible for parole again until 2024, his lawyers submitted a new petition for clemency in 2021. President Biden must grant Leonard Peltier clemency on humanitarian grounds and as a matter of justice.

There are serious concerns about the fairness of proceedings leading to his trial and conviction, including for example the prosecution's withholding of evidence that might have assisted Leonard Peltier's defense. In light of these concerns, the former US Attorney who supervised the prosecution team post-trial, James Reynolds, has since called for clemency.

Write to the President of the United States of America urging him to:

- grant Leonard Peltier clemency on humanitarian grounds and as a matter of justice.

Write to:

President Joseph Biden

The White House

1600 Pennsylvania Ave NW

Washington, DC 20500

USA

White House Comment line: (202) 456-1111

Webform*: <https://www.whitehouse.gov/contact/>

*** A US-based address is needed for the White House webform. International action takers, please use AI USA's address when filling out:**

Amnesty International USA

311 West 43rd St. 7th Floor,

New York, NY 10036 USA

And copy:

His Excellency David Louis COHEN

Ambassador

Embassy of the United States of America

490 Sussex Drive

Ottawa, ON K1N 1G8

Tel: (613) 238-5335 / 688-5335 (24h)

ADDITIONAL INFORMATION

Leonard Peltier, an Anishinaabe-Lakota Native American, was a member of the American Indian Movement (AIM), which promotes Native American rights. On June 26, 1975, during a confrontation involving AIM 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 has always denied killing the agents.

A key alleged eyewitness to the shootings was Myrtle Poor Bear, a Lakota Native woman who lived at Pine Ridge. Based on her statement that she saw Leonard Peltier kill both FBI agents, 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 defense 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 ballistics 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 always denied parole to Leonard Peltier on the grounds that he did not accept criminal responsibility for the murders of the two FBI agents. This is even though, 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". Leonard Peltier would not be eligible for another parole hearing until 2024. Furthermore, James H. Reynolds, the US Attorney whose office handled the criminal case prosecution and appeal of Leonard Peltier, wrote that he supported clemency "in the best interest of Justice in considering the totality of all matters involved."

Leonard Peltier suffers from a variety of ailments, including kidney disease, Type 2 diabetes, high blood pressure, a heart condition, a degenerative joint disease, and constant shortness of breath and dizziness. A stroke in 1986 left him virtually blind in one eye. In January 2016, doctors diagnosed him with a life-threatening condition: a large and potentially fatal abdominal aortic aneurysm that could rupture at any time and would result in his death. He currently uses a walker due to limited mobility and contracted COVID-19 in 2022. He continues to be at risk of re-infection while in detention.

In 2015, several Nobel Peace Prize winners—including Archbishop Desmond Tutu—called for Leonard Peltier's release. The Standing Rock Sioux Tribe and the National Congress of American Indians have also called for his release. Leonard Peltier's attorney applied for clemency to President Biden in July 2021. President Biden committed to granting clemency on a rolling basis during his administration. However, as of February 2023, no decision has been made on his application. He has previously sought clemency, most recently from President Obama in 2016, but his petition has been denied each time. Due to the numerous

issues at trial, the exhaustion of all his legal avenues for appeal, the amount of time he has already served, his continued maintenance of innocence along with his chronic health issues, Amnesty International supports calls for clemency for Leonard Peltier.

Please take action at your earliest convenience!