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Mandate of the Special Rapporteur on the rights of indigenous peoples

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 15/14.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding concerns over the current living and health conditions of **Mr. Leonard Peltier**, who is currently incarcerated in the United States penitentiary in Lewisburg, Pennsylvania.

Mr. Leonard Peltier is an indigenous Anishinabe/Lakota activist who is currently serving two life sentences in United States federal prison, after being convicted in 1977 for the murder of two agents of the Federal Bureau of Investigation (FBI), which occurred on the Pine Ridge Indian Reservation. Over the years, Mr. Peltier has maintained his innocence, asserting that he was politically persecuted for his activities as a member of the American Indian Movement. Mr. Peltier's case has attracted national and international attention from attorneys, human rights advocates, and others, who have expressed concern about alleged irregularities in Mr. Peltier's arrest, trial and conviction, his ongoing denial of parole, and the conditions at the prisons in which he has been incarcerated. My immediate concern is with allegations I have received about Mr. Peltier's living and health conditions in the Lewisburg penitentiary.

According to information received:

At 66 years of age, Mr. Peltier is currently suffering from severe health problems that require urgent and immediate medical treatment. For years, he has suffered from lockjaw and congenital jaw problems, diabetes, and hypertension. In July 2009, he was detected with an enlarged prostate and had shown several symptoms of prostate cancer including blood in his urine, dark stool, and enlargement and hardening of the prostate. After more than a year, on 8 November 2010, a doctor finally ordered a biopsy, but this has not occurred to date.

Mr. Peltier has requested authorities at the Bureau of Prisons to allow him to obtain medical treatment at the Mayo Clinic in Rochester, Minnesota where he had previously received successful treatment for his lockjaw problem. He does not trust the medical facilities provided by the Bureau of Prisons due to a previous traumatic experience, which was recounted in a 1998 report by the United Nations Special Rapporteur on Torture (E/CN.4/1999/61), during which, as a result of a botched surgery, Mr. Peltier needed a transfusion of 11 litres of blood and lapsed into a 14-hour coma. Subsequently, Mr. Peltier was taken to a small prison cell infested with insects and was refused further medical treatment.

In addition to his health situation, Mr. Peltier also lives in substandard conditions at the maximum security prison in Lewisburg, Pennsylvania where he is held. He lives in a 6 foot by 9 foot cell, with a cement floor and no ceiling fan or air condition. The toilet system in the prison is deteriorated to the point that the toilet in Mr. Peltier's cell overflows with faeces when other toilets are flushed. At times, he has had to share that small cell with another prisoner.

The Lewisburg prison is also particularly known for violence among inmates. In the past year, two prisoners were murdered. The prison is reserved for especially difficult and aggressive prisoners. Yet, Mr. Peltier has been neither difficult nor aggressive, with a record that has been clean for over 15 years. He has been able to endure incarceration through his writing and artistic expression, for which he is well-known worldwide.

Finally, the Lewisburg prison is located some 1400 miles from Mr. Peltier's homeland. This has damaged his family relationships, including his relationships with his siblings, children, grandchildren and great grandchildren— most who cannot afford to visit him. The Bureau of Prisons' own guidelines state a preference for housing prisoners within 500 miles of their home in recognition of the importance of maintaining relationships between prisoners and their families. The long distance from family and lack of family contact is particularly damaging to members of indigenous cultures, to whom extended family is important. There are at least two prison facilities, located in Oxford, Wisconsin or Sandstone, Minnesota, which would bring Mr. Peltier closer to home.

I respectfully request your Excellency's Government to provide information regarding the accuracy of the above allegations and about any additional relevant information or clarification. In particular, I would like to know how the concerns related to Mr. Peltier's health and living conditions are being addressed, and specifically, if measures have been taken to provide Mr. Peltier with any urgent medical attention needed. I am also interested in whether any consideration is being given to placing Mr. Peltier in an alternative prison facility, one closer to his family and that might be better suited to his health conditions and record of non-violent and non-aggressive behaviour.

I would appreciate a response from your Excellency's Government within 60 days. I undertake to ensure that your Excellency's Government's response is duly taken into account in my assessment of this situation and in developing any recommendations that I may make for your Excellency's Government's consideration pursuant to the terms of my mandate to contribute to overcoming obstacles to the enjoyment of human rights by indigenous peoples.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya
Special Rapporteur on the rights of indigenous peoples