



**International Indian Treaty Council**  
**Consejo Internacional de Tratados Indios**  
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**INTERNATIONAL INDIAN TREATY COUNCIL**  
**35<sup>th</sup> ANNUAL CONFERENCE**  
**USTUPU, KUNA YALA, PANAMA**  
**August 29<sup>th</sup> – 31<sup>st</sup>, 2009**  
**“DII BURBA NIKI DII ANMAR SABED BURBA”**  
**“WATER IS SACRED, WATER IS LIFE”**

**Resolution on Combating Racial Discrimination, including**  
**Prisoners’ Rights, and Discrimination within the**  
**Criminal Justice System and Leonard Peltier**

*Recalling* the CERD<sup>1</sup> Committee’s General Recommendation XXIII on Indigenous Peoples, that “3. The Committee is conscious of the fact that in many regions of the world indigenous peoples have been, and are still being, discriminated against and deprived of their human rights and fundamental freedoms and in particular that they have lost their land and resources to colonists, commercial companies and State enterprises. Consequently, the preservation of their culture and their historical identity has been and still is jeopardized.”

*Also recalling* that racial discrimination is a weapon in the hands of dominant societies to oppress indigenous peoples and rationalize the theft of their lands and natural resources with impunity, and that Indigenous human rights defenders and their struggles have been criminalized, prosecuted as common criminals or terrorists to deny them their rights under law and to denigrate their issues,

*Keeping in mind* that historically colonialists have prosecuted and persecuted our warriors and targeted the defenders of indigenous human rights, and used the criminal justice system to suppress the legitimate aspirations of Indigenous Peoples;

*Alarmed* that Native prisoners, men, women and juveniles, highly disproportionately represented as prisoners compared to the general population, and that their convictions are many times based on racism and their vulnerability to racial profiling, the lack of timely, efficient and effective assistance of counsel, their poverty, and failures of the criminal justice systems and its almost total disregard for indigenous cultures and values;

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<sup>1</sup> The Committee on the Elimination of Racial Discrimination is the Treaty Monitoring Body of the International Convention on the Elimination of all forms of Racial Discrimination.

Particularly alarmed that Indigenous children are highly disproportionately held in juvenile detention centers or state custody under civil processes;

*Concerned* that although religious and spiritual practices and ceremonies that are purification and cleansing are positive therapies, the human right of religious and cultural practice are frequently denied Indigenous Prisoners; *also concerned* about forced haircutting and lack of equal access to sacred items such as sage, cedar, mountain tobacco, corn husks, sweet grass, Pipe, drum, gourd, eagle feathers and other items necessary for sweat lodge ceremony;

*Aware* that indigenous ceremonies in prisons are many times misused by non-indigenous prisoners with the approval of Prison administrations;

*Whereas* there are no uniform prison policies requiring prisons to allow indigenous spiritual practice, leaving the issue of the human rights to religious and spiritual practices of indigenous prisoners to the individual judgment and whims of prison chaplains and wardens,

*Recognizing* the continuing need to protect the free exercise of religion by indigenous prisoners who will be returning to their tribal communities upon release and the important aspects of rehabilitation;

Recognizing a need to protect the legal, cultural and human rights of indigenous children incarcerated in state prisons and federal correctional institutions and demand the United Nations implement and enforce the Declaration of Human Rights of the child;

*Recalling* that the criminal justice system, the prosecutors and court system used perjured and manufactured evidence, in effect, **lies**, to convict Leonard Peltier of crimes he did not commit, in violation of all international and notions of due process;

*Painfully Aware* that after having served over 33 years in prison, and now in poor health, Leonard Peltier was recently denied parole in spite of world wide support for his release; also aware that his next parole hearing date is 2024, when Leonard Peltier will be 79 years old;

Be it resolved:

1. That the IITC continue its work toward the release of Leonard Peltier, including seeking meetings with US federal government officials to the end of executive clemency or any other means for his release.
2. That the IITC use its web page, newsletter and other media in solidarity with struggles and individual cases of Indigenous political prisoners to inform indigenous Peoples and the public on their cases and issues;

3. That the IITC continue its work on behalf of Indigenous human rights defenders with the appropriate special procedures and other appropriate UN fora.
4. That the IITC follow up with the United Nations Permanent Forum on Indigenous Issues and promote an expert seminar at the United Nations concerning Indigenous children in detention or state custody.

*Adopted by Consensus August 31<sup>st</sup>, 2009, Ustupu Kuna Yala Panama*