

United Nations Human Rights Council 24th Session, September 9 – 27, 2013
Interactive Dialogue with the Special Rapporteur on the Rights of Indigenous Peoples and the
Expert Mechanism on the Rights of Indigenous Peoples, September 18th, 2013
Intervention by the International Indian Treaty Council, Presented by Leonard Foster

The International Indian Treaty Council expresses our support and appreciation for the reports of UN Rapporteur James Anaya and EMRIP Chairman Chief Wilton Littlechild. The work of these important mandates is a source of hope and inspiration in our continued efforts for justice, redress and recognition of our rights by States and the UN. In this regard, we strongly support the continuation for another year of the EMRIP Study on Access to Justice to build upon the excellent work to date, provide an opportunity to address aspects that have not been considered in adequate depth, and consider ongoing challenges facing Indigenous Peoples.

Access to Justice for Indigenous Peoples of Guatemala was a glimmer of hope when the first trial for genocide in that country produced the conviction in May 2013 of retired General José Efraín Ríos Montt, sentencing him to 80 years in prison for genocide against the Maya Ixil. Although Guatemala's Constitutional Court overturned his conviction 10 days later, this was an historic event because it demonstrated that when justice is applied without racial discrimination it is possible for courts to bring to justice even those who have held high government positions. Indigenous Peoples of Guatemala who lived through the genocide over which Rios Mott presided hope that the overturn of his conviction will not bring about a return to the impunity of the past. They call upon Guatemala to immediately investigate, bring to justice and punish by law those responsible for the slaughter on September 7th, 2013 in San José Nacahuil, Department of Guatemala, where 11 Mayan Caqchikel community members were massacred by yet-unidentified gunmen. The IITC strongly supports this call.

In Alberta Canada there has been an increase in violent and deadly incidents involving police and Indigenous Peoples which have not been fully investigated. To ensure Access to Justice and an end to impunity, we urge States, including Canada, to establish civilian oversight of law enforcement in partnership and collaboration with Indigenous Peoples, who continue to be vastly over-represented in criminal justice systems. A key area for further study by the EMRIP, highlighted by Canadian Indigenous Peoples, is how Indigenous legal orders and justice systems, including those reflected in Treaties, can contribute to the realization of Access to Justice.

Finally, we address the situation of Leonard Peltier imprisoned in the United States for more than 35 years. Although the U.S. courts as well as Amnesty International have acknowledged government misconduct, including forcing witnesses to lie and hiding ballistics evidence indicating his innocence, Mr. Peltier was denied a new trial on a legal technicality. Nelson Mandela, the late Mother Theresa, 55 Members of the U.S. Congress, the National Congress of American Indians, Assembly of First Nations and many others -- including a judge who sat as a member of the Court in two of Mr. Peltier's appeals -- have called for his release. We thank Special Rapporteur Anaya for the inclusion, in his September 2012 country report on the situation of Indigenous Peoples in the United States, of the need to address justice for Leonard Peltier. We encourage the Special Rapporteur to remain steadfast in his support and to assist where possible to further efforts towards gaining Mr. Peltier's release. Thank you.