

# Submission by Society for Threatened Peoples

a non-governmental organization in special consultative status

MAIN CONTACT PERSON:  
TILMAN ZUELCH

P. O. Box 2024  
D-37010 Göttingen

Phone: +49 (0)551 49906-0  
Fax: +49 (0)551 58028  
E-Mail: info@gfbv.de

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## United States of America

The Society for Threatened Peoples (STP) expressly endorses and welcomes the new relationship between the United States of America and the native nations since President Barack Obama came into office. The reception of representatives of all the 564 officially recognised tribes by President Obama at the White House in November 2009 is an encouraging proof for the readiness of the Obama administration to respect the native nations as equitable partners.

Nevertheless, there are still some critical topics on the human rights agenda we would like to mention.

### The Case of the Native American civil rights activist Leonard Peltier

Peltier, who has spent more than half of his life in prison, turned 65 on 12 September 2009. In 1976 he was given two consecutive life sentences after he was found guilty of killing two FBI agents in a shoot-out at the Lakota Sioux Indian Pine Ridge Reservation in the State of South Dakota. However a ballistics report found that the fatal shots had not been fired from Peltier's gun. An alleged eye-witness withdrew her testimony. Amnesty International criticized the trial as unfair. Celebrities like the late Simon Wiesenthal, one of STP's most distinguished counsellors, and the laureates of the Nobel Prize for Peace Nelson Mandela and Rigoberta Menchú as well as hundreds of thousands concerned citizens from all over the world have already advocated for Mr. Peltier's release.

Leonard Peltier does not represent a risk to the public. First, he has no prior convictions and has advocated non-violence throughout his prison term. Furthermore, Leonard Peltier has been a model prisoner. He has received excellent evaluations from his supervisors on a regular basis. He continues to mentor young Native prisoners, encouraging them to lead clean and sober lives. He has used his time productively becoming a talented painter and an expressive writer. Although Leonard Peltier sticks to his testimony that he did not kill the agents, he has openly expressed sadness over their deaths. While our organisation is aware of the seriousness of the conviction we would also like to emphasize the humanitarian work he has done during the 33 years of incarceration. He donated his artwork for charities and won several awards including the Spanish Human Rights Commission's International Human Rights Prize.

Regrettably, on 21 August 2009 the Parole Commission refused Peltier's application for a release on parole. The parole decision has been affirmed by the U.S. Parole Commission in February 2010. It is quite possible that he will not be alive anymore by

survive until his next full parole hearing, which is due in 2024. At that time he would be 80 years old. Peltier has suffered a stroke which left him partially blind in one eye. For many years, he has had a seriously debilitating jaw condition which left him unable to chew properly and caused consistent pain and headaches. Leonard Peltier suffers from diabetes, high blood pressure and a heart condition. He is at the risk of turning blind, suffering kidney failure, a stroke, and premature death as a result of his diet, living conditions, and health care. Therefore, in the name of humanity, we call on the UN Human Rights Council to reconsider the Peltier case and appeal to President Barack Obama to grant Executive Clemency to Leonard Peltier.

### **Uranium mining**

The Havasupai and Hualapai tribes have struggled for the protection of their land in the Grand Canyon area in Arizona from uranium mining for decades. Their sacred mountain Red Butte is situated on the Coconino Plateau which in the area of the Grand Canyon National Park is strewn with more than 1.000 claims for uranium mines. Along the Colorado River there are 10.6000 claims. The Colorado River and its tributaries provide drinking water to more than 30 million people in California, Arizona and Nevada – including Las Vegas, Phoenix, Tucson, Los Angeles, and San Diego.

The Havasupai and Hualapai depend on the river as a source for clean water. Tourism is one of the most important sources of income. But most likely uranium mining in this area would disrupt this economy. Moreover, Supai village in the Havasu Canyon is flooded at times of the year with water from the river. As soon as the mines would be in operation there would be a great risk for radioactive pollution for this smallest indigenous community in the US. As a result of past mining, the National Park Service now warns against drinking from several creeks in the Canyon exhibiting elevated uranium levels already now. Canyon Mine's owner Denison Mines Corporation still has to realise some environment impact studies but has completed the plans to open mine after the final permission.

Together with representatives of environment protection groups the Havasupai and Hualapai tribes support the legislation proposed by Congressman Raúl Grijalva, D-Ariz., the Grand Canyon Watersheds Protection Act, which would permanently protect Grand Canyon's watersheds from new uranium mining. It would permanently protect 1 million acres of public lands surrounding Grand Canyon National Park by prohibiting new mining claims and the exploration and mining of existing claims for which valid existing rights have not been established. The public lands protected by the bill are the last remaining public lands surrounding Grand Canyon National Park not protected from new uranium development (the Tusayan Ranger District of the Kaibab National Forest south of the Canyon, the Kanab Creek watershed north of the Park, and House Rock Valley, between Grand Canyon National Park and Vermilion Cliffs National Monument). The Grand Canyon Watersheds Protection Act should be ratified as soon as possible.

### **Safe water is a human right**

The Lakota in South Dakota suffer from radioactive pollution of the ground water they depend on as their source of water. In the Pine Ridge reservation 65 per cent of the

population and the schools depend on private wells. The main source of water is the Arikaree Aquifer. According to the Environment Protection Agency EPA, *individual private U.S. household well owners are responsible to test their own water. If home owners use their own private well as their source of drinking water, they are responsible for any remediation the water may need.* The Safe Drinking Water Act thereby fails to protect the water quality in the reservations, where most of the residents are too poor to finance the control of their water quality or pay for any remediation themselves. According to the Oglala Lakota Sioux Tribe (OST) there is a significant rise in cases of cancer, diabetes, kidney failures as well as miscarriages and newborns with abnormalities.

Groundwater pollution is supposed to be a major cause for these illnesses. But the Lakota Sioux do not have the means and do not receive any governmental support to assay the water. It was only due to the financial commitment of the German NGOs Lakota Village Fund and Voorman & Friends for Charity that in the summer 2009 across the reservations water samples were taken in 18 communities and analysed. The results of 64 probes that have been analysed so far are alarming: 29 probes prove radioactive pollution, 14 probes prove contamination with arsenic and lead. A number of reasons contributed to the groundwater pollution, among those are natural radioactivity in the surrounding of Aquifers and Uranium deposits, uranium mining in the Black Hills and neighbouring Nebraska, groundwater pollution caused by the former Badlands Bombing and Gunnery Range through US military. The Lakota Sioux like any other human being have a right to safe water. They should not be left alone with the consequences of water pollution they are not responsible for.