**Questionnaire for Members, Observer States and National Human Rights Institutions**

 **by the UN Special Rapporteur on the situation of human rights defenders**

**Mary Lawlor, 9 February 2021**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites Members and Observer States and National Human Rigths Institutions to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of long term detention of human rights defenders, which will be presented to the UN General Assembly in September 2021.

The questionnaire on the report is available at OHCHR website in English (original language) as well as in French, Spanish, Russian and Arabic (unofficial translations): (<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>).

All submissions received will be published in the aforementioned website, unless clearly indicated that you do not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to defenders@ohchr.org

Deadline for submissions: **19 March 2021**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

|  |  |
| --- | --- |
| Type of Stakeholder (please select one) | [ ]  Member State [ ]  Observer State[ ]  National Human Rights Institution[ ]  Other (please specify) |
| Name of Stakeholder/Institution (if applicable)Name of Survey Respondent | Kimberly Hernandez |
| Email | Freeleonardpeltier2021@gmail.com |
| Can we attribute responses to this questionnaire to your State or Institution publicly\*? \*On OHCHR website, under the section of SR on the situation of human rights defenders. |  Yes X NoComments (if any): |

**Questions**

Human rights defenders are persons, who individually, or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental
freedoms, in accordance with the UN Declaration on Human Rights Defenders.

Defenders around the world peacefully promoting and defending human rights operate under national legal frameworks not always fully consistent with the United Nations Charter and international human rights law. In some instances, as echoed in multiple Human Rights Council and General Assembly resolutions,[[1]](#footnote-1)[1] national legislation, in particular national security and counter-terrorism laws, or regulations on civil society and public freedoms have been misused to target defenders in a manner contrary to international law that might result in long-term arbitrary deprivation of liberty.

1) Do you know of any human rights defender(s), currently detained by your State, who have been imprisoned on charges that carry a prison sentence of at least 10 years or more? Please provide a list of cases.

United States V. Leonard Peltier

**CR NO. C77-3003**

2) Do you know of any human rights defender(s), currently detained by your State, who have been imprisoned on continuous sentences amounting to 10 years or more?  For example, a defender who completes a sentence of four years in detention but instead of being released is given another six year sentence? Please provide a list of cases or examples if possible.

United States V. Leonard Peltier

**CR NO. C77-3003**

The submission of this paper is to show my support, love, and respect for Leonard Peltier #89637-132, an enrolled member of the Turtle Mountain Chippewa Nation, who is currently being imprisoned at the United States Penitentiary in Coleman, Florida, United States. Leonard has been incarcerated for forty-five years.

This case clearly demonstrates discrimination, racism and human rights violations against American Indians by the criminal justice system in the United States.

For many years, Leonard Peltier, has met every criterion for parole; yet, every petition has been denied. This non-compliance, by the United States Parole Commission, is evidence of bias and clear violations of due process.

I have witnessed first-hand the good that Leonard has done and continues to do for our communities. Throughout my life, he has been a mentor and a role model for me.

 Leonard Peltier was convicted and sentenced to two life sentences in connection with the June 26, 1975 shoot-out that resulted in the deaths of two FBI agents on the Pine Ridge Reservation in South Dakota.

The United States government admits that the affidavits which were used to arrest and extradite Mr. Peltier were falsified, that witnesses were coerced, evidence fabricated, and exculpatory evidence withheld in violation of his Constitutional rights. The government has stated numerous times that they do not know what involvement Leonard Peltier may have had in the death of the two FBI agents.

Bob Robideau and Dino Butler were both found not guilty due to self defense and FBI misconduct in a separate trial.

Worldwide, numerous and responsible law, political and religious groups including Amnesty International, members of the U.S. Congress and members of the Canadian Parliament, have filed “Friends of the Court” briefs calling for a re-evaluation of the Peltier case.

Leonard has been a model prisoner throughout his sentence. As a charitable painter and writer, Mr. Peltier is widely recognized for his good deeds and in turn has won awards including the North Star Frederick Douglas Award; the Federation of Labour (Ontario, Canada) Humanist of the Year Award; the Human Rights Commission of Spain International Human Rights Prize; and the 2004 Silver Arrow Award for Lifetime Achievement. Mr. Peltier has been nominated for the Nobel Peace Prize six times.

While in prison, Leonard has selflessly advocated for the rights of others. He has worked with helped to implement programs on the Rosebud Sioux Indian Reservation to deliver healthcare.

Leonard has also helped with a program to help American Indian business enterprises and to teach the youth about business ownership. Also, he helped established a scholarship at New York University for Native American students seeking a law degree. He has sponsored and organized emergency food drives and Toys for Tots on the Pine Ridge Indian Reservation in South Dakota.

He has become a very accomplished painter and has donated his paintings to causes that support human rights and social welfare programs.

Leonard’s current living conditions and inadequate healthcare will cause his health to deteriorate. He has a degenerative jaw disease which makes him unable to ingest and digest food properly, and causes him consistent pain and headaches. He has suffered a stroke which left him partially blind in one eye. He continues to suffer from diabetes, high blood pressure, recent heart surgery and an aortic aneurysm.

3) Do you know of any human rights defender(s), whose time in pre-trial detention and/or
administrative detention by your State combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.

4) Do you know of any human rights defenders falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.

5) What actions do you suggest the Special Rapporteur can take to:

1. Prevent defenders from being detained for long terms in connection to their human rights work?
2. Have those human rights defenders arbitrarily detained under long sentences released?

**NOTE**: When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of
detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).

1. [1] See [A/HRC/RES 22/6](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/6) (2013) and [A/RES/68/181(2014)](https://undocs.org/A/RES/68/181). See also: [A/HRC/RES/25/18 (2014),](https://undocs.org/A/HRC/RES/25/18) [A/HRC/RES/27/31 (2014),](https://undocs.org/A/HRC/RES/27/31) [A/HRC/RES/32/31](https://undocs.org/en/A/HRC/RES/32/31) (2016) and [A/HRC/RES/34/5 (2017)](https://undocs.org/en/A/HRC/RES/32/31)  [↑](#footnote-ref-1)