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**STATEMENT OF DR. MICHAEL KOCH REGARDING LEONARD PELTIER TO  
THE UNITED STATES DELEGATION©**

*Where is the Justice?*

**ICCPR 2023 Civil Society Consultation**

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Good evening, I am Dr. Michael Koch, representing the Leonard Peltier Ad Hoc Committee in the case of 79 years old American Indian Movement, otherwise known as AIM, activist Leonard Peltier who has been unjustly imprisoned for almost 48 years.

In my function also as director of a German human rights NGO I did more than 23 years of research work on this case, being since 2002 nearly every year one or more times in the Pine Ridge Reservation, mainly for supporting social, environmental and human rights projects or organizing German-native American youth exchange projects or journeys for German adults to Native America and at last being author of a documentary book and a new reader about the case of Mr. Peltier and other indigenous issues. I welcome all efforts for justice, human and civil rights and so I am grateful for being here today.

But, ladies and gentlemen, at first I asked myself, how to present in 3 minutes a serious compressed summary about 48 years of all the injustice and irregularities in the case of Mr. Peltier. And so I decided to compress my oral presentation to a maximum. Some more facts, details, examples, data sources and information about my person you can read here in the handout of my speech.

Ladies and gentlemen, in Mr. Peltier's case, I asked myself "where and when there was and will be justice?" because there are a lot of doubts about the so-called administration of "justice" in his case.

The case of Mr. Peltier is framed by historical injustice against Indigenous people all over America. And so the American Indian Movement came 1968 into being as a result of this historical and persistent history of violence and injustice against Indigenous people in the USA and was asked 1975 to come to the Pine Ridge Reservation protect those people the law had abandoned.

In the 1970s the situation on Pine Ridge Reservation was called "The Reign of Terror" against traditional and young politically active Oglala Lakota, committed by a death squad called the GOONS, Guardians of the Oglala Nation. I know from firsthand accounts, the Goons killed over 50 people, including elders, mothers, fathers, adults and young people and injured many more on the rez- all under the eyes of the police and FBI, including munition and arms, they got from the FBI. These were the true rez murders. The justice department had the funding stopped and investigation closed and so to this day, no one has been charged for these crimes. Why?

**Directly relevant to Mr. Peltier:** the extradition from Canada, the fabrication of evidence and coercion of witnesses that went into the trial, sentencing, and the continuing detention show an abundance of injustices against Mr. Peltier and are a gross violation of his civil and human rights and lack of justice in America.

Some examples:

1) The violations in context with the extradition from Canada to the USA were a result of FBI misconduct, like extortion and coercion of false testimony and twisting facts into falsehoods under threat of violence. The Canadian government at first did not want to return Mr. Peltier as there was no evidence. The FBI/justice department then presented an affidavit of Myrtle Poor Bear, a mental retarded Lakota woman from the Pine Ridge Reservation, but the extradition court threw it out three times as being fraudulent. Documented evidence proves the US Government gave Canada 55 Mio. Dollars to extradite Mr. Peltier. Finally the prosecutors wrote crucial version of affidavit that the judge accepted.

2) The former supervisor for the prosecution, State Attorney James Reynolds, wrote in May 2021 to US-President Biden: "I write to you today from a rare position for a former prosecutor to ask you to commute the sentence of a man I helped put behind bars. .... I have come to realize that the prosecution and continued imprisonment of Mr. Peltier was and is unjust. We have not been able to prove that Mr. Peltier personally committed a crime on the Pine Ridge Reservation." How could this be ignored?

3) In 1995 parole hearing examiner Sam Robinson's determined that Mr. Peltier should be released on the faulty ballistics evidence alone. This determination led to Robinson's replacement with another parole examiner, who subsequently, yet unsurprisingly, denied Mr. Peltier's release. Who gave the order to replace Mr. Robinson?

4) In a letter from April 18<sup>th</sup> 1991 to Senator Daniel Inouye, Chair of the Senate Select Committee on Indian Affairs, Judge Heaney expressed In five points his doubts about a

fair trial and fair tactics of the FBI as well his belief that “the FBI used improper tactics in securing Peltier’s extradition from Canada and in otherwise investigating and trying the Peltier case. Although our court decided that these actions were not grounds for reversals, they are, in my view, factors that merit consideration in any petition for leniency filed” (Source: Ref.: AMR 51/160/99 by Amnesty International - 15 July 1999 APPEAL FOR THE RELEASE OF LEONARD PELTIER).. On May 21st 1992 he was invited to a conversation by FBI that was part of the FBI and state campaign against all Peltier supporters, due in part to the film releases of “Thunderheart” and “Incident at Oglala” and the ongoing clemency campaigns. (FBI Teletype 06, 26<sup>th</sup>, 1992). After that conversation Heaney at first stepped back from his public engagement for Peltiers release, but in a renewed letter to Senator Inouye dated Oct. 24, 2000, Heaney reiterated his 1991 position. This shows how the FBI is trying to suppress all relevant advocacy in Mr. Peltier's case. How could this be?

5) The defects at trial, for example, the unconstitutional failure to admit exculpatory testimony and arguments from the Robideau/Butler proceedings as well as withholding exculpatory evidences that would have exonerated him, misappropriation of critical ballistics data, not being able to properly cross-examine witnesses, bullying of witnesses by the FBI and the influencing of the judge by a visit from the FBI, among many other things, contributed to Mr. Peltier's conviction. To be clear, there is no evidence at all to support the case against Mr. Peltier.

Most important in my eyes is the report of the UN-Human Rights Council Working Group on Arbitrary Detention where you can find several points showing that the rights of Mr. Peltier were violated and that he is in arbitrary detention in two categories. This is the heart of injustice.

In the final statement in Points 85 – 99 and 101, you will find reasons of import for a release of Mr. Peltier aside from the substantial legal and evidentiary defects related to his conviction. Some of the important points are failure to include a release date, irregularities in multiple pardon hearings, inadequate medical care, nearly permanent lock downs at USP Coleman I, ignoring positive guidance, disregarding serious medical conditions, ignoring his age and vulnerable health situation, including the absence of any legitimate reason to detain an elderly and sick man who poses no danger to others, especially as there is no evidence of his guilt to begin with.

To conclude, in the case of Mr. Peltier, I cannot see any justice at all. What I see is a violation of justice and an ongoing practice of revenge on the part of the FBI.

Former Special Agent Coleen Rowley came forward and said, "Retribution seems to have emerged as the primary if not sole reason for continuing what looks from the outside to have become an emotion-driven 'FBI Family' vendetta."

My questions:

Why is the United States government allowing the FBI to operate outside of the law, outside of any semblance of justice, to persecute one man who is guilty of nothing but struggling for his people and standing up to oppression and murder?

Where and when will be justice?

What could and would the US Government do to end this injustice?

Enough is enough. It is highest time now to release Mr. Peltier, immediately. This would be a great sign of humanity, mercy, truth and justice. Thank you and I invite you for asking me questions at reception.

Dr. Michael Koch

Author, musician, university teacher, concert manager

Director of TOKATA-LPSG RheinMain e. V. – Support Group for Indigenous Social-, Cultural-, Environmental- and Human Rights Projects & Leonard Peltier Support Group Germany

Contact: [lpsgrheinmain@aol.com](mailto:lpsgrheinmain@aol.com)