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January 11, 2017

The Right Honourable Justin Trudeau
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON
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In the Interests of Justice and Humanitarian Grounds:

An Appeal to the Prime Minister of Canada for his Urgent Recommendation to the President of the United States to Grant Leonard Peltier Clemency and/or Commutation of Sentence

Re: Leonard Peltier, a Lakota-Anishnabe American Indigenous Prisoner #89637-132 incarcerated at U.S.P. Coleman 1, Florida, USA

Dear Prime Minister Justin Trudeau,

In a case of great urgency, I am appealing that you recommend to President Obama that he grant clemency and/or commutation of sentence to Leonard Peltier, a Native American indigenous prisoner who has served more than 40 years in maximum-security prisons, falsely extradited from Canada, and wrongly convicted in the United States.

The late Hon. Warren Allmand, M.C., Q.C., in his distinguished career as a Liberal Member of Parliament, had spent four decades in examining all the facts and circumstances of Mr. Peltier's extradition and his case of wrongful imprisonment.

He continuously petitioned Parliament, its members, the Canadian government, the American Pardon Attorney, and Presidents of the United States to grant Mr. Peltier a pardon, clemency or commutation of sentence.

In fact, Mr. Allmand, who was Solicitor General of Canada under the government of Pierre Elliot Trudeau at the time of Mr. Peltier's arrest in Canada in 1976 had been a leading force to repeal the extradition through courts and by political means in both the United States and Canada.

Mr. Allmand was deeply concerned of the serious constitutional violations in Mr. Peltier's trial and appeal hearings that took place after his extradition from Canada.

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Today, Canada's Justice Minister has recently confirmed her department's old position in 1999 that Mr. Peltier's extradition was legally conducted citing strong circumstantial evidence. To date, she has not recommended clemency nor has she addressed the concerns in her letter and in response to the Canadian Bar Association and its inquiry and recommendation of clemency.

Mr. Allmand had concluded in his own report to two Justice Ministers – that *there was no other evidence, circumstantial or otherwise, to warrant Mr. Peltier's extradition* along with the admitted to false affidavits created by the FBI after coercing a young Native American woman.

To this day, there has been no mention or referral to Mr. Allmand's report of the internal review initiated by the Hon. Allan Rock in 1994 and concluded by the Hon. Anne McLellan in 1999 that was conducted in coordination and with the approval by the United States Department of Justice.

This was long perceived to be an insurmountable bias and conflict of interest within Canada's own Department of Justice.

Prime Minister Trudeau, such a fraud perpetrated in Canada has left a stain in the history of good relations that relies on good faith between countries.

In 1982, Prime Minister Pierre Trudeau provided Canada with the Charter of Rights and Freedoms -- six years after Mr. Peltier's extradition.

In 2006, in response to Charter challenges, Chief Justice Beverley McLachlin of the Supreme Court of Canada amended the Extradition Act and ruled that extradition judges can now choose to refuse to extradite if there is *insufficiency* of evidence, and they can now *exclude* evidence obtained in an abusive fashion.

In addition, the Hon. Justice Fred Kaufman, C.M., Q.C., , a former Quebec Court of Appeal Justice, had concluded in an independent hearing in 2000 that if the false statements by the key extradition witness had been known when the extradition hearings took place, the request to extradite Peltier would likely have been refused.

Mr. Prime Minister, had Mr. Peltier fought extradition today, that under the Charter and Supreme Court Ruling, it is unlikely he would have been extradited.

While it is not possible for Canada to undo the fraud between two countries, it is possible now to seize the opportunity during the final days of President Obama's term in office to issue a strong, urgent recommendation for clemency directly with the President of the United States.

Forty years ago, Canada's Minister of Justice was assured by American authorities that Mr. Peltier would receive a fair trial. However, after 40 years Mr. Peltier's conviction of first-degree murder has never been proven. In fact, U.S. government prosecutors were forced to admit that they could not and did not prove that he actually shot the agents.

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The conviction was then changed to “aiding and abetting” (felony murder) without Mr. Peltier ever having been brought to trial on that charge.

Countless years and international representations to the United Nations Human Rights Commission, the European Parliament, Amnesty International, the Canadian Labour Congress and National Unions, their provincial and affiliated chapters, Nobel Laureates, Archbishop Desmond Tutu, the late Nelson Mandela, and a long list of dignitaries and political leaders are in strong support and encourage you to endorse and recommend the humanitarian release of Leonard Peltier.

Mr. Peltier is now 72 years old and is in poor critical health. He is suffering from diabetes and an abdominal aortic aneurysm that can burst at any time. He has recently been informed that he requires prostrate surgery. He has just lost his son at a prayer vigil for his father in Washington, D.C. He is currently housed in unwarranted, high security conditions for many years in Coleman 1, Florida despite being a model prisoner, an artist, father and grandfather to his children and family.

On February 6, 2017 he will have spent 41 years to the anniversary of his date of his arrest in Canada. He is not eligible for consideration for parole again until 2024.

Mike Palecek
National President
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