

Police Crimes prevent indigenous access to justice

I. Reporting Organization(s)

Natives Seeking Justice (1945 E Second St, Reno, Nevada 89502. sheripotts68@gmail.com. Phone: 775.378.9635) advocates for access to information regarding the investigation of Natives tortured and/or murdered, including those tortured by agents of US law enforcement. NSJ asserts the rights of Indigenous Peoples' and indigenous individuals to equal access to justice so those who torture and/or murder Natives are actually prosecuted. NSJ calls on public and private entities to support legal advocacy and resources for Natives seeking justice. NSJ started in Reno, Nevada, USA following the February 2013 murder of Sonny Lewisⁱ, which, like many other violent acts against Natives, has not been appropriately documented. NSJ includes members from more than a dozen Indigenous Peoples.

III. Issue Summary

Murder is torture to Natives and their survivors. The US does not investigate murders of Natives as appropriately as it does the murder of non-Natives. This creates an atmosphere of impunity for murder of Natives and results in the physical murder and psychological terror associated with state-condoned murder for individual Natives and collective Indigenous Peoples. This murder of Natives is part of the US pattern of discounting the collective and individual lives of Indigenous Peoples. Many Natives are tortured and murdered by US officials and their actors and agents, including confidential informants and corporate agents, working for the US. NSJ will detail one case as a study of this US pattern of torture.

Sonny Wayne Lewis was murdered on January 27, 2013 and his murder has not been accounted for because of law enforcement misconduct, corruption, and misinformation. The suspect's name is known to the community but the Paiute Council and Reno-Sparks Indian Colony tribal chairman, which governs the land that the Walmart is on, has been superseded by the Reno Sparks Tribal Police, US FBI, BIA, and US attorney, refuses to give an autopsy report, police report, or any accounting for their investigation in the 19 months since the murder. The Tribal Police of Reno Sparks, USFBI and BIA's unwillingness to give an account of its investigations, or to allow the Tribal police to give to the family the autopsy or police reports, has prevented traditional indigenous investigators from ruling out the possibility that the suspect was working for the US and its agents at the time the suspect allegedly murdered Sonny Lewis.

This case represents larger human rights issues: 1) Inability for Indigenous Peoples to police our lands at the same time violent crime, including torture, is increasing. 2) Inability of Indigenous Peoples to prosecute non-Natives while more non-Natives than ever are entering our lands. 3) Economic and political pressures denying Natives justice when crimes, including law enforcement agents torturing and murdering, are committed or suspected of being committed by non-Natives. 4) General and complete lack of access to justice for Natives.

The case of Sonny Lewis illustrates the lack of access to justice as there are no lawyers to help pursue information and assert indigenous rights to access justice. Because of US legal instruments, the victims

of torture do not have access to justice and information about the justice process from their own tribal police, but have to go through a non-Native controlled FBI that has obvious prejudices and economic and political pressures working to deny Indigenous Peoples jurisdiction and thus access to justice when torture of Natives is committed. The US system requires people to have dollars to have lawyers and most Natives victimized by US torture do not have dollars. This compounds the torture in the individual violent act of torture against an individual, as it creates an atmosphere of terror when entire Indigenous Peoples and networks of Indigenous Peoples are clearly shown that Natives can be tortured and murdered with impunity for their attackers.

The torture victims' family, People, and our Greatgrandmother Earth who he would be protecting today, are suffering torture because the victim is not here to be part of the community s/he was born into. Also we can expect more torture of all survivors to continue if, in this particular study of the Lewis murder, the police and walmart corporation get away with obstructing justice. =

III. U.S. Government Report

Under point 13 of p 7 of US Report, US states "Under U.S. law, officials of all government agencies are prohibited from engaging in torture, at all times, and in all places, not only in territory under U.S. jurisdiction." Thus all acts by all parties, officials and corporations chartered by US authority are responsible to respect the Rights of Indigenous Peoples, even walmart corporation, which the US promotes and protects.

IV. Legal Framework

Natives Seeking Justice is not limited to the issue of confidential informants working for law enforcement while they torture and murder. The issues are not limited to Transnational Corporations such as walmart, occupying tribal land while refusing to give the video file of the murder to show the face or license plate of the murderer to family or Tribal Police. Natives Seeking Justice is focused on increasing Natives access to the justice system to deter future torture, heal survivors of torture, including rape survivors. The healing comes when survivors and family get greater access to information and have more power to hold law enforcement accountable for proper investigations that result in justice for the individual wronged, and increased safety for the community in general. Thus Natives Seeking Justice seeks the implementation of international human rights instruments at the local level: UN Charter and Universal Declaration of Human Rights, Declaration on the Rights of Indigenous Peoples, Convention Against Torture, Convention against Transnational Organized Crime, Convention against Corruption, Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and Counter-Terrorism Convention. Article 1 of CAT is relevant to Sonny's murder and subsequent investigation as the US FBI is responsible for this investigation and the lack of documentation of the investigation. It is also relevant that Sonny was a citizen of an indigenous nation while the US position and the position of many indigenous nations conflicts over jurisdiction and political rights. Therefore the US and its FBI views Natives as political threats to US sovereignty and at conflict with US interests. When

a Native dies the US does not make it a priority to solve the murder or deter future murders with punishment of murderers of Natives.

V. Recommended Questions

1. Why doesn't the US properly investigate, document, and report on the progress of investigations of torturers of Natives, especially when the victim is Native and the torturer is non-Native?
2. Why do Natives have to abandon their traditional economy and enter the US economy and hire lawyers with dollars and offer dollar rewards for information about torture to enforce laws protecting Natives from torture?
3. Why doesn't the US value Native life and human rights equally with non-Native life, regardless of the continued US aggressive lust for Native resources and control over Native institutions?

VI. Suggested Recommendations

4. The US should work with Indigenous Peoples and IPOs to establish a commission reviewing the individual violent acts against Natives, which have not resulted in successful prosecutions. This commission should share information about the investigations and prosecutions of torture acts in good faith with Indigenous Peoples and families of indigenous victims in a proper manner, without each victim needing to pay for a lawyer.
5. The US should provide legal advocacy resources to Indigenous Peoples and Natives seeking justice so we can enforce the laws that the US fails to enforce so often when Natives are tortured.
6. The US should review in conjunction with Indigenous Peoples its use of confidential informants and share information freely with indigenous law enforcement so that confidential informants can not freely torture Natives while they are working for the US and its agents.

ⁱ <http://www.obitsforlife.com/obituary/648824/Lewis-Sonny-Wayne.php>

<http://murderreno.0catch.com/>

<http://www.blogtalkradio.com/unification-of-the-people/2013/03/11/justice-for-sonny-wayne-lewis>

<http://www.ktvn.com/story/21080541/fbi-release-sketch-of-reno-walmart-shooter>