

Free Peter Erlinder!

Why is Peter Erlinder in Prison in Rwanda?

Peter Erlinder, Professor of Law at William Mitchell College of Law in St. Paul, MN and lead defense counsel at the International Criminal Tribunal for Rwanda (ICTR) was arrested in Kigali, Rwanda on May 28, 2010. On June 7, 2010, his application for bail was denied and he remains in Kigali Central Prison.

Although no indictment has been issued, the bail decision indicates that Erlinder will be charged under Rwanda's law "Relating to Punishment of the Crime of Genocide Ideology"¹ for allegedly denying genocide and addition to spreading rumors capable of endangering the security of the Rwandan people -- a crime punishable in Rwanda by up to 20 years' imprisonment.



Among the grounds cited by the court for its decision was his successful defense before the ICTR of Aloys Ntabakuze, who was acquitted of planning and executing genocide. The ICTR was created by the United Nations Security Council in 1994 to prosecute accused war criminals from events in Rwanda in 1994. The tribunal's spokesman, Roland Amoussouga, stated that, "ICTR will not allow anyone to be prosecuted for the work that it has done for it."¹ More than 30 ICTR defense lawyers have called on the tribunal to act on Erlinder's behalf, saying it is impossible for them to carry out their missions as zealous advocates for their clients when one of their own is jailed for his work.

The court also referred to articles, press releases and open letters to public officials he had written, calling for a deeper examination of the events that happened in 1994 and Erlinder's suggestion that there could be a different narrative based on factual evidence. Finally, the court noted that Erlinder had filed a wrongful death lawsuit filed against Rwanda's president, Paul Kagame, in the Oklahoma federal court under the Alien Tort Claims Act on behalf of Agathe Habyarimana, the widow of the former Rwandan president.

Erlinder was in the Rwandan capital, Kigali, to represent Victoire Ingabire, chairperson of the United Democratic Forces political party. Ingabire, who is seeking to run against President Kagame in the 9 August presidential elections, herself has been charged with propagating genocide ideology and ethnic divisionism.

Erlinder is a former president of the National Lawyers Guild, the first of many human rights and legal organizations to rally to his defense. The Guild points out that his prosecution reflects more on Rwanda than it does on Erlinder, saying that "a government that seeks to prevent lawyers from being vigorous advocates for their clients cannot be trusted."

The American Bar Association has urged the government of Rwanda to observe the U.N. Basic Principles on the Role of Lawyers, which state that lawyers "shall not be identified with their clients or their client's causes as a result of discharging their functions" and that "governments shall ensure that lawyers are able to perform all of their functions without intimidation, hindrance, harassment or improper influence." These principals also provide that "lawyers like other citizens are entitled to freedom of expression, belief, association and assembly." Among others who have called for Erlinder's release are the International Association of Democratic Lawyers, the National Association of Criminal Defense Lawyers and Lawyers Rights Watch Canada. Paul Rusesabagina, the real-life hero of *Hotel Rwanda*, has also strongly advocated for Erlinder's immediate release.

Find more information www.nlg.org/news/free-peter-erlinder and www.freepeternow.org.

¹ http://www.ecoi.net/file_upload/1504_1256556631_law-relating-to-the-punishment-of-the-crime-of-genocide-ideology.pdf

¹ Josh Kron, *American Lawyer Denied Bail in Rwanda* (New York Times, June 13, 2010).