



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

President Paul Kagame
Office of the President
BP 15
Urugwiro Village
Kigali
Rwanda

London, 09 June 2010

Dear President Kagame

RE: Professor Erlinder

I am writing on behalf of the Bar Human Rights Committee of England and Wales (BHRC). The BHRC is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to fair trial.

The BHRC is contacting you to express its concerns regarding the safety of Professor Erlinder, a U.S. lawyer, and academic who appeared and continues to be instructed as defence counsel before the International Criminal Tribunal for Rwanda (ICTR) in the Military 1 trial.

The BHRC has been informed that on 23 May 2010, Professor Erlinder travelled to the capital of Rwanda, Kigali to join the defence team of Rwandan presidential candidate, Victoire Ingabire Umuhoya. On 28 May, the Rwandan authorities arrested Professor Peter Erlinder on charges of “genocide ideology”.

The BHRC is deeply concerned at the course of action pursued against Professor Erlinder, which draws stark attention to the critical role lawyers play in ensuring fair trial rights. Not only does this course of action disrupt the function of international criminal justice, it appears to be in breach of the UN Basic Principles on the Role of Lawyers 1990. The BHRC would draw your attention to Article 16 of the Basic Principles which states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

A breach of these Basic Principles potentially jeopardises the integrity and fairness of the administration of justice in all international criminal proceedings, which must be upheld in the interests of the whole of the international community.

The BHRC therefore urges the Rwandan authorities to immediately abandon all charges against Professor Erlinder and release him without delay and to guarantee his physical and psychological integrity, and that of other lawyers, in all circumstances, in order to preserve the independence and integrity of the administration of justice.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mark Muller', written in a cursive style.

Mark Muller QC
Chairman
Bar Human Rights Committee of England and Wales

Copies sent to:

- Martin Ngoga, Prosecutor General, Rwanda
- Adama Dieng, The Registrar, International Criminal Tribunal for Rwanda
- The British High Commission to Rwanda
- The High Commission of Rwandan to the UK