

DATE  
01/06/2010

Mr. Ambassador Gérard Ntwari  
Embassy of Rwanda in Belgium  
Avenue des Fleurs, 1  
B - 1150 Bruxelles

## Re: **Concerns regarding the case of lawyer Mr. Peter Erlinder**

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents around one million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

We express our concern over the situation facing U.S. lawyer Mr. Peter Erlinder, member of the International Criminal Bar, University professor of law and the current President of the independent counsel association for the UN International Criminal Tribunal for Rwanda (ICTR), who has been arrested in Rwanda. He is a frequent litigator and consultant in cases involving the death penalty, civil rights, claims of government and police misconduct, and criminal defence of political activists. He was president of the U.S. National Lawyers Guild from 1993-1997, and is a current board member of the NLG Foundation. He has been a defence lawyer at the ICTR since 2003.

We have been informed that the Rwandan Police arrested Mr. Erlinder last week on charges of "genocide ideology." He had travelled to Rwanda's capital, Kigali, on May 23, to join the defence team of Rwandan presidential candidate Victoire Ingabire Umuhoya. We are also told that Mr. Erlinder is reportedly being interrogated at the Rwandan Police Force's Kacyiru headquarters.

The Rwandan Parliament adopted the "Law Relating to the Punishment of the Crime of Genocide Ideology" (Genocide Ideology Law), on July 23, 2008. It defines genocide ideology broadly, requires no link to any genocidal act, and can be used to include a wide range of legitimate forms of expression, prohibiting speech protected by international conventions such as the Genocide Convention of 1948 and the International Covenant on Civil and Political Rights 1966.

The CCBE is gravely concerned about the arrest of Mr. Peter Erlinder, which seems to us aimed at sanctioning his activity defending human rights.

In this context, the CCBE wishes to draw to your attention the following Article of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

*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*

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*threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Furthermore, Article 23 states that:

*Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.*

In view of the above, the CCBE urges the Rwandan authorities to release immediately Mr. Peter Erlinder, and to guarantee in all circumstances the physical and psychological integrity of lawyers and to stop any unjustified measure against them, in order to guarantee the free exercise of the profession of lawyer, and the independence and integrity of the administration of justice.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. M. Davó-Fernández', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ  
President