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GENOCIDAIRE'S LAWYER WRITES CANADA

Open Letter to Prime Minister Harper:
 Regarding State Visit of Current President of Rwanda
 April 6, 2006

Dear Mr. Prime Minister,

I am writing from the United Nations Criminal Tribunal for Rwanda (ICTR) in Arusha, TZ on this, the 12th Anniversary of the assassination of President Habyarimana of Rwanda, which preceded the terrible massacres that occurred after the April 6 assassination. I have learned that your Government has agreed to host a state visit by the current President of Rwanda, Mr. Paul Kagame. To prevent future embarrassment to you and your Government, and to comply with the ethical principles to which I am bound as an Officer of the Court of the ICTR, I am obligated to bring recent developments at the ICTR to your attention.

By way of background, please note that the March/April 2004 issue of the UK Economist reported on the 10th Anniversary of the horrific events in Rwanda by noting that the Kagame Regime is the most repressive military dictatorship in Africa. At that time, the identity of those who carried out the "assassination by missile" of former President Habyarimana by shooting down the presidential plane on April 6, 1994 (which all agree touched off the massive civilian killings in April-July 1994) was not known.

However, this circumstance changed during the past month at the ICTR which saw multiple witnesses, including: an "Africanist" Belgian Catholic Priest and Historian, who lived in Rwanda for 18 years; former RPF/RPA officers who were either present when the missiles were fired, or present at RPF/RPA Headquarters during 1993-94; as well as, numerous never-before-public UN documents which confirm the following:

1. The RPF/Rwandan Patriotic Army (RPA) had a 3-4/1 military-force advantage, which was known to then-General Kagame at least as of February 1993 when the RPF/RPA broke the Arusha ceasefire and nearly captured the capital, that the RPF/RPA had the military power to take power in Rwanda at will. It was the 1,000,000-plus displaced, brutalized refugees who became an ungovernable force that later engaged in civilian-civilian massacres.
2. Between February 1993 and April 1994, while pretending to negotiate a power-sharing agreement set out in the Arusha Accords, Gen. Kagame openly declared to RPA troops that they should prepare for war and he also threatened war repeatedly when speaking with UN and international delegations in early 1994, as reflected in contemporary UN documents.
3. During this same period, hundreds of tons of weaponry and ammunition were illegally brought into Rwanda in preparation for the final assault to seize power and stored in numerous "weapons caches" around the country.

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4. By March 1994, UN documents show that the Rwandan Government Forces (RGF) had been decimated by the four-year war of invasion by elements of the Ugandan military, supported by the Ugandan government and military, and lacked the military capacity to fight an invading army AND use military force to stop civilian massacres by other civilians.
5. The former U.S. Ambassador to Rwanda, Hon. Robert Flaten, testified in June 2005 that he personally warned Gen. Kagame and Pres. Habyarimana that if either resumed war by breaking the Arusha Accords cease fire, they would be responsible for thousands of civilian casualties from retaliatory killings that U.S. State Department documents predicted should the war resume...similar to killings that swept Burundi/Rwanda in 1988.
6. On March 9-10, 2006 and again on April 3-6, 2006 the President of the ICTR heard testimony, with supporting U.N. and other documents, that Gen. Kagame ordered the assassination of President Habyarimana to de-stabilize his enemy, and that he ordered the final assault within minutes after learning of the successful missile attack...long BEFORE any retaliatory, civilian killings had occurred anywhere in Rwanda.
7. The evidence, confirmed in original UN documents, also shows that, between April 6, 1994 and the RPF military victory in mid-July 1994, the Rwandan Government and the RGF repeatedly asked for an unconditional cease-fire to permit its few, battle-hardened troops to use force to stop the massacres. When the RGF stated that it lacked the means to stop the massacres without a ceasefire, UN documents confirmed that this was known to be true by Gen. Dallaire and Gen. Kagame in March 1994, before the assassination of President Habyarimana.
8. Canadian General Dallaire testified in January 2004 that: (a) there were only about 5,000 dependable RGF troops; (b) the first obligation of all armies, including the Canadian Army and the RGF, is to defend the "security of the homeland;" (c) and, it was militarily impossible for the RGF/Gendarmes to fight a war of invasion AND stop long-predicted, retaliatory, civilian-civilian massacres.
9. Between April 1994 and July 1994, the RPF was the only military force in Rwanda which was militarily capable of stopping the massacres, with or without a cease-fire, however, on numerous occasions Gen. Kagame specifically ordered field officers NOT to use troops "to save civilians while RPF soldiers are dying" and, as Gen. Dallaire testified under oath, Gen. Kagame told him that civilian killings are "collateral damage" for his war plan.
10. According to sworn ICTR testimony, Gen. Kagame specifically ordered the creation of particular units responsible for "cleansing" civilians from areas controlled by the RPF and was personally present as tens of thousands of civilians were lured to Byumba Stadium in late April 1994 and massacred by RPF troops under his command, among other atrocities.

11. Much of this information can be found in: The Secret History of Rwanda by former RPF Officer Abdul Joshua Ruzibiza, recently published in Paris; the Report of Serge Desouter to the ICTR, an historian of the Belgian "White Fathers" century-old mission in Rwanda; the public and closed transcripts at the ICTR; and, original UN documents introduced as exhibits in the Military 1 case (Bagasora et al) at the ICTR.

12. In July 2003, then-ICTR Prosecutor Carla del Ponte announced that she had discovered enough evidence to prosecute BOTH sides in the Rwandan War. However, shortly thereafter, Pres. Kagame called for her resignation, as did Colin Powell and Kofi Annan. She was replaced two months later and, to this date, not ONE person associated with Gen. Kagame's successful seizure of power has been called to account at the ICTR (unlike the ICTY in which leaders associated with all major actors have been indicted).

13. In light of the evidence now in the public record of the Tribunal, a formal Motion is being prepared which requests the President of the Tribunal, and the Office of the Prosecutor, to draft the Indictment of Paul Kagame for Murder, Conspiracy to Commit Murder, various War Crimes and Crimes Against Humanity and Conspiracy to commit such crimes, all committed by him, and the troops he commanded in Rwanda in 1994.

14. Motions to dismiss charges presently pending against former RGF Officers for actions properly attributed to the victors of the 1994 RPF War of Accession to Power.

Since the ICTR has not been well-covered in the western media, I have no doubt that you and your advisors have not been made aware of the above before issuing the invitation to the current Rwandan President. However, since this information is already in the public record, and more is being accumulated daily, I could not permit an accused war-criminal, on the same order as the recently arrested former-president Charles Taylor, to receive the endorsement of the Canadian Government, without putting the record straight....and putting the matter before your Government for evaluation.

I would be pleased to direct your staff to relevant materials in the public record at the ICTR, if that would be convenient to the Canadian Government.

Respectfully,

Prof. Peter Erlinder, ICTR Lead Defence Counsel Past-President, National Lawyers Guild, N.Y.C. USA Wm. Mitchell College of Law 875 Summit Av. St. Paul, MN 55105 (651) 290-6384 @wmitchell.edu U.N. No. (212) 963-2850 (ext. 5073)

link to [Erlinder's letter to Harper](#); also at [Pakistan Christian Post](#)

[RWANDA REP DEFENDS KAGAME](#) and [KAGAME IS WELCOME IN CANADA](#)

[LOVE'S BLIND SAYS KAGAME HATER](#)

[ICTR 'shoots down' Genocide Defence Lawyer](#). All Africa, Apr 28, 2006
Barely days after the Rwandan government had sent a harsh missive to a defence lawyer at the International

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Criminal Tribunal for Rwanda (ICTR), the tribunal has gone against tradition and strongly rebuked the same lawyer. In a press release made public on Wednesday, the spokesperson of the ICTR Tim Gallimore said that an open letter by Professor Peter Erlinder, lead counsel for Major Aloys Ntabakuze who is on trial for genocide, did not express the views of the tribunal. "The letter is not a communication from, or on behalf of, the tribunal. The ICTR formally and officially disassociates itself from the views expressed in the letter", said Gallimore. "The professor is hired to defend his client, not to file motions unrelated to his case"...

