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15-07-2010
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Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Mehmet Güney
Judge Fausto Pocar
Judge Liu Daqun
Judge Theodor Meron

Registrar: Mr. Adama Dieng

Date: 14 July 2010

**Théoneste BAGOSORA
Aloys NTABAKUZE
Anatole NSENGIYUMVA
v.
THE PROSECUTOR**

Case No. ICTR-98-41-A

2010 JUL 15 10:23
JUDICIAL SECRETARIAT

**REGISTRAR'S SUBMISSIONS UNDER RULE 33 (B) OF THE RULES OF PROCEDURE
AND EVIDENCE ON THE FURTHER ORDER IN RELATION TO ALOYS
NTABAKUZE'S MOTION FOR INJUNCTIONS AGAINST THE GOVERNMENT OF
RWANDA REGARDING THE ARREST AND INVESTIGATION OF LEAD COUNSEL
PETER ERLINDER**

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1. The Registrar of the International Criminal Tribunal for Rwanda wishes to bring the following observations to the attention of the Appeals Chamber pursuant to Rule 33 (B) of the Rules of Procedure and Evidence.
2. The present submission relates to the Appeals Chamber's "*Further Order In Relation To Aloys Ntabakuze's Motion For Injunctions Against The Government Of Rwanda Regarding The Arrest And Investigation Of Lead Counsel Peter Erlinder*" dated 7 July 2010.

Introduction

3. Following the arrest of Counsel Peter Erlinder in Rwanda, on 9 June 2010, the Appeals Chamber issued an Order in which, among others, it instructed the Registrar, on an urgent basis, to request the assistance of Rwandan authorities for the purpose of obtaining all information relating to the exact nature and basis of the charges brought against Peter Erlinder.
4. On 7 July 2010, the Appeals Chamber, concerned that it had not yet received the information specified in its previous order, reiterated its request to the Republic of Rwanda. The Chamber also instructed the Registrar to provide any information that is furnished by the Republic of Rwanda in response to this request.

Registrar's submissions

5. The Registrar accordingly makes the following submissions.
6. The Registrar wishes to inform the Chamber that Rwanda has provided information regarding the exact nature and basis of the charges brought against Peter Erlinder. The Prosecutor General of the Rwanda Supreme Court, Mr. Martin Ngoga, during an official visit to the ICTR on 30 June 2010, advised that Mr. Erlinder had not been formally charged and that he was detained as a suspect pending the completion of the ongoing investigations of the Rwandan authorities and subsequently released on bail on health grounds.
7. The Prosecutor General of Rwanda has also disclosed to the Registrar the materials which were the basis of the investigations on genocide denial. The documentation, which is annexed to the present submission (Annex 1), includes published articles, interviews, conference notes, event attendance lists, court documents, and open letters. Some of the documents are authored by Mr. Erlinder himself, whereas others quote his public statements or refer to his views. The materials provided are writings and statements outside the ICTR judicial forum, although some of them raise issues similar to the line of defence of Aloys Ntabakuze and make reference to evidence brought before the Trial Chambers' Judges in this case.

8. The Registry has prepared a summary, also annexed to the present submission (Annex 2), of these documents, highlighting, in particular, references to Mr. Erlinder's public statements, as well as his work as a defence counsel at the ICTR.
9. The Registrar submits that the Rwandan Prosecutor General publicly reaffirmed Rwanda goodwill to continue cooperating with the Tribunal. The Rwandan Prosecutor General also stressed that Mr. Erlinder's arrest was not based on his work before this Tribunal and clarified that he would respect any conflicting judicial finding of the ICTR. In this respect, he indicated to the President of the ICTR that he stands ready to remove any disclosed documents that might be deemed to be linked to the ICTR business.

Respectfully submitted.

Done at Arusha this 14th July 2010.



Adama Dieng
Registrar

LIST OF ANNEXES

1. Materials provided by the Rwandan Prosecutor General:

- A: *Bush and Other War Criminals Meet in Rwanda: the Great "Rwanda Genocide" – Coverup*
- B: *No Conspiracy, No planning ... No Genocide?*
- C: *Military I – Convicting Major Ntabakuze would be "an offence to common sense*
- D: *Rwanda Presidential candidate Victoire Ingabire – punished for independent thinking?*
- E: *Africa's Female Mandela? Victoire Ingabiré Umuhoza on Trial*
- F: *Ngoga Confirms Purpose of 'Thought-Crime' Charges: "Shut-up Victoire Ingabire" and Political Opposition*
- G: *U.S./U.K. Allies Grab Congo Riches and Millions Die*
- H: *Former Chief UN Rwanda Prosecutor, Carla Del Ponte: "Obama War-Crimes Nominee – Complicit in War Crimes Cover-up." Does Obama Knowor Care?*
- I: *The Rwanda Hit List: Revisionism, Denial and the Genocide Conspiracy II*
- J: *The Second International Criminal Defense Conference: "Lessons from the Defense at the Ad Hoc UN Tribunals, and Prospects for International Justice at the ICC", Purpose and Scope of the Second Conference*
- K: *What Really Happened in Rwanda?*
- L: *"Genocide/War-Crimes Cover-up and UN Falsification of History:" The Untold Story of Suppressed UN Prosecutors' Memoirs and the Realpolitik of the UN International Criminal Tribunals. This article is also provided in its French version.*
- M: *Lawsuit alleges Rwandan President triggered Rwandan Genocide*
- N: *Personally Hand Delivered – Open Letter*
- O: *Letters on Rwanda: Peter Erlinder's response to the article "Rwanda: Perpetrators of Genocide Jailed"*
- P: *U.S. Lawyers to Defend Victoire Ingabire, first female Presidential Candidate in Rwanda – Jailed by President Gen. Paul Kagame*
- Q: *Open Letter to Prime Minister Harper: Regarding State Visit of Current President of Rwanda*
- R: *Habyarimana v. Kagame, Complaint with Jury Demand*
- S: *The International Criminal Tribunal for Rwanda: A model for Justice or Juridically Created "Victors Impunity"?*
- T: *Liste des présentations*
- U: *The Real Authors of the Congo Crimes: Nkunda has been arrested but who will arrest Kagame?*
- V: *Compte-rendu de la conférence*

2. Summary of materials used by the Prosecutor General of Rwandan in Support of Charges of Genocide Denial against Peter Erlinder.

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