

for a short time with members of the Prosecution team of the ICTR, they were ultimately dismissed when it became apparent that their research would not assist the Prosecution in presenting their cases. This dismissal effectively barred them from accessing information on the event at the ICTR. However, shortly after the authors dismissal from assistance to the prosecution at the ICTR, they were contacted by Peter Erlinder.

The authors describe how, a negotiation took place between them and Erlinder, for an exchange of their research efforts at contextualizing the 100 day conflict in Rwanda, and information on the event which Erlinder could access through the ICTR. Erlinder is quoted in the article as saying "My client may be guilty of some things, but he is not guilty of all the things that any in the Rwandan government and military during 1994 is accused of. They have all been made out to be devils."<sup>36</sup> All of the information from the author's independent research and from Erlinder, solidified and confirmed their initial suspicions that both the FAR as well as the RPF had been largely responsible for the violence and that of the total number of victims, only half could be accounted for as ethnically Tutsi. This leaves the conclusion of their research proposing that while a genocide of the Tutsi population did take place, it was simultaneously overshadowed by a larger number of Hutu murders.

- L. Classification: Unpublished Book Review  
 Date of Publication: N/A  
 Title: *"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.* The Rwandan Prosecutor also provided a French version of this article.  
 Author: Peter Erlinder  
 Publication: N/A  
 URL: [http://works.bepress.com/peter\\_erlinder/38/](http://works.bepress.com/peter_erlinder/38/)  
 Summary:

In this article, Erlinder discusses the implications of the memoirs of Florence Hartmann and Carla Del Ponte; both in the difficulty in producing the texts, and in the implications they describe for the tribunals and international criminal law. Erlinder "deconstructs" the language of these combined memoirs to propose that the implied conclusion of the texts illustrates that the political nature of the UN and the work of the tribunals has not been effectively divorced. He goes on to accuse the Security Council nations (specifically the US and UK) of manipulating the actions of the tribunals, particularly, of replacing the

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<sup>36</sup> Christian Davenport & Allan C. Stam, *What Really Happened in Rwanda?*, Miller-McCune Research at 66, October 6 (2009) available at: <http://www.miller-mccune.com/politics/what-really-happened-in-rwanda-3432>.

Prosecutor, in order to further their own political goals. "Since Jallow replaced Del Ponte, none of the members of the victorious RPF army or the Kagame government have been indicated at the ICTR."<sup>37</sup> Erlinder details his theory of a "cover-up" of the information revealing Kagame as the true assassin of President Habyarimana in an effort, with the RPF, to block the Arusha Accords political settlement and allow the RPF to violently overthrow the government. Erlinder asserts that the Rwandan government "continues the false assertion that Habyarimana's own military conspired to commit the assassination."<sup>38</sup> Erlinder claims that the coverup of Kagame's crimes, and the "super-power assisted juridical impunity"<sup>39</sup> it has created, have allowed Kagame and Museveni to invade the Congo twice, resulting in "six-million deaths and the 'resource rape' of the Eastern Congo."<sup>40</sup>

Importantly, Erlinder illustrates an analytical breakdown of the ethnic death-toll in Rwanda during the genocide, finding that nearly twice as many Hutu were victims than Tutsi, and that both sides of the military front were perpetrators of the violence. Erlinder concludes that the impetus for this violence depended more on local factors than a master plan. "If more Hutu than Tutsi were killed in total, the characterization of all the violence as "genocide" is inapt as a matter of law. And, if the "architects of the genocide" on trial in the Military-1 case did not plan or conspire to kill Tutsi civilians, or commit other crimes, it is necessary to entirely reconsider how to conceptualize and characterize the violence in Rwanda during April-July 1994."<sup>41</sup> Finally, Erlinder accuses the 2003 Rwandan elections of being biased to perpetuate the "Kagame Military-Dictatorship in Rwanda... Kagame's opponents were jailed and any person or political party that disagreed with Kagame's growing dictatorial role, were outlawed as "divisionist."<sup>42</sup>

M. Classification: News Article  
 Date of Publication: 12 July 2010  
 Title: *Lawsuit alleges Rwandan President triggered Rwandan Genocide*  
 Author: Ann Garrison  
 Publication: Globalresearch.ca  
 URL: <http://www.globalresearch.ca/index.php?context=va&aid=18955>  
 Summary:

<sup>37</sup> Peter Erlinder, "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*, PUBLISHING INFORMATION 28, (citing to *Genodynamics* website, [www.genodynamics.org](http://www.genodynamics.org), Davenport and Stam research shows progress of Rwanda War April-July 1994.).

<sup>38</sup> *Id.* at 19.

<sup>39</sup> *Id.* at 36.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 36. (Erlinder notes in a footnote that "Raising such questions is impossible in Rwanda, given crimes of "genocide denial" and "negationism" which are no[w] sic being threatened to silence political candidates seeking to oppose Kagame in upcoming 2010 elections.").

<sup>42</sup> *Id.* at 38-39.

In this article, Garrison describes the law suit filed against Paul Kagame by Peter Erlinder and two other attorneys, acting on behalf of the widows of Juvenal Habyarimana and Cyprien Ntaryamira. The article describes Erlinder as the Lead Defense Counsel for the ICTR, and one of the acting attorneys in the wrongful death case. Erlinder is quoted as saying at the attempted process service in Oklahoma, “[t]he U.S. Secret Service and University staff informed Kagame that we had a valid summons and complaint that we wished to serve upon him. We were instructed we could not approach Kagame for security reasons, with which we agreed, but Secret Service informed us that security requirements permitted service on any authorized person on his staff. . . . [B]ecause the University has now involved itself in the conspiracy to cover-up Kagame’s crimes, they have exposed themselves to liability.”<sup>43</sup>

N. Classification: Open Letter  
 Date of Publication: 6 May 2010  
 Title: *Personally Hand Delivered – Open Letter*  
 Author: Peter Erlinder  
 Publication: N/A  
 URL: N/A  
 Summary:

In his letter to Representatives Betty McCullom, Deith Ellison, and Senators Al Franken, and Amy Klobuchar, Erlinder describes his security concerns in traveling to Rwanda to defend Victoire Ingabire against criminal charges. Additionally, the letter describes Erlinders Defense role at the ICTR and, in connection with his work on the Military I case, portrays Paul Kagame as the individual responsible for the Rwandan Genocide and violence in Congo. Erlinder requests assistance from these and other contacts, as well as the safety provided by media attention for his passage and investigations in Rwanda.

O. Classification: Internet Posting  
 Date of Publication: 13 February, 2009  
 Title: *Letters on Rwanda: Peter Erlinder’s response to the article “Rwanda: Perpetrators of Genocide Jailed”*  
 Author: Peter Erlinder  
 Publication: World Socialist Website  
 URL: <http://hungryoftruth.blogspot.com/2009/02/letters-on-rwanda-peter-erlinders.html>

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<sup>43</sup> Ann Garrison, Lawsuit alleges Rwandan President triggered Rwanda Genocide, July 12, 2010, *available at*: <http://www.globalresearch.ca/index.php?context=va&aid=18955>.

## Summary:

In this response, Erlinder describes the events in Rwanda as “tragedy . . . some call genocide.”<sup>44</sup> He also accuses the former assistant US attorney of continuing the “cover-up” of US/UK roles and interests in the Rwandan genocide.

P. Classification: New Article  
 Date of Publication: 23 April, 2010  
 Title: *U.S. Lawyers to Defend Victoire Ingabire, first female Presidential Candidate in Rwanda – Jailed by President Gen. Paul Kagame*  
 Author: International Humanitarian Law Institute  
 Publication: San Francisco Bay View  
 URL: <http://sfbayview.com/2010/u-s-lawyers-to-defend-victoire-ingabire-first-female-presidential-candidate-in-rwanda-%E2%80%93-jailed-by-president-gen-paul-kagame/>

## Summary:

In this article, describing Erlinders’ role as defense counsel, he is quoted as describing the charge as follows: “Ingabire was arrested on trumped-up, political thought crimes, including association with a terrorist group, propagating genocide ideology, genocide denial, revisionism and divisionism, all arising from the “crime” of publicly objecting to the Kagame military dictatorship and Kagame’s version of Rwandan civil war history.”<sup>45</sup> He goes on to describe the Rwanda election as a sham, and compares it to the Zimbabwe election of Mugabe. Erlinder further reiterates his claims regarding the analytical breakdown of the ethnic death-toll in Rwanda during the genocide finding that nearly twice as many Hutu were victims and Tutsi.

Q. Classification: Open Letter  
 Date of Publication: 6 April 2006  
 Title: *Open Letter to Prime Minister Harper: Regarding State Visit of Current President of Rwanda*  
 Author: Peter Erlinder  
 Publication: N/A  
 URL: N/A

<sup>44</sup> Letter from Peter Erlinder, Professor Wm. Mitchell College of Law, to the World Socialist Website, available at: <http://hungryoftruth.blogspot.com/2009/02/letters-on-rwanda-peter-erlinders.html>

<sup>45</sup> International Humanitarian Law Institute, *U.S. Lawyers to Defend Victoire Ingabire, first female Presidential Candidate in Rwanda – Jailed by President Gen. Paul Kagame*, SAN FRANCISCO BAY VIEW April 23, 2010, available at: <http://sfbayview.com/2010/u-s-lawyers-to-defend-victoire-ingabire-first-female-presidential-candidate-in-rwanda-%E2%80%93-jailed-by-president-gen-paul-kagame/>.

## Summary:

In his letter of the Prime Minister, Erlinder advises Canada not to welcome President Paul Kagame for a state visit. Within the text of the letter, Erlinder describes the genocide as “the terrible massacres that occurred after the April 6<sup>th</sup> assassination.”<sup>46</sup> Erlinder goes on to describe the Kagame regime as “the most repressive military dictatorship in Africa.”<sup>47</sup> Finally, Erlinder cites to testimony heard at the ICTR stating the Kagame “ordered the final assault within minutes after learning of the successful missile attack. . . long BEFORE any retaliatory, civilian killings had occurred anywhere in Rwanda.”<sup>48</sup>

R. Classification: Court Documents  
 Date of Publication: N/A  
 Title: *Habyarimana v. Kagame, Complaint with Jury Demand*  
 Authors: John P. Zelbst, Peter Erlinder, Kurt P. Kerns  
 Publication: Submitted to US District Court for the Western District of Oklahoma, Case no. CIV-10-437-W

## Summary:

In this civil complaint, Erlinder and his co-counsel assert that Kagame and several RPF soldiers are jointly and severally liable for wrongful death; murder; crimes against humanity; violation of the rights to life; liberty and security; assault and battery; intentional infliction of emotional distress; violations of RICO; torture; and conspiracy to torture stemming from their involvement in the attack on President Habyarimana’s plane. Counsel makes specific allegations regarding the time and place at which Kagame gave the “final order to shoot down the President’s plane” and asserts that this was the “*first* cause of events that led to massacres that occurred between April and July 1994, and has resulted in more than seven million deaths in Central Africa since that time.”<sup>49</sup> In this regard, counsel characterized the so-called “Rwandan Genocide” as “long-predicted civilian killings”<sup>50</sup> and “massive civilian on civilian violence.”<sup>51</sup>

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<sup>46</sup> Letter from Peter Erlinder, Professor Wm. Mitchell College of Law, to Stephen Harper, Prime Minister of Canada, available at: <http://hungryoftruth.blogspot.com/2010/05/open-letter-to-prime-minister-harper.html>

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> Complaint with Jury Demand at 7, *Habyarimana v. Kagame*, No. CIV-10-437-W (W.D.Okla May 9, 2010).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 13.

Counsel asserts that Kagame and the RPA are also responsible for the “political killings’ of elites and leaders”<sup>52</sup> in the Remera area, the massacre of thousands at a stadium in Byumba, as well as the systematic massacre of civilians near Rusomo.

S. Classification: Internet Publication  
 Date of Publication: 30 May 2008  
 Title : *The International Criminal Tribunal for Rwanda: A model for Justice or Juridically Created “Victors Impunity”?*  
 Author: Peter Erlinder  
 Publication: La Justice International Aujourd’hui  
 URL : <http://www.rwandadocumentsproject.net/gsd/collect/comment/index/assoc/HASH0ac2.dir/erlinder-ictr-paris-eng.pdf>

Summary:

This article effectively summarizes Erlinders views on the problems with the ICTR and the Kagame government. Erlinder claims that, “[w]hile this 100-day period is usually called the “Rwandan genocide” recently revealed UN and U.S. government documents now make clear that the killing assigned to the “genocide” did not end with the change of governments in Kigali in July 1994 and is, in all likelihood the responsibility of both sides in the war.”<sup>53</sup> Erlinder goes on to describe the genocide as “civilian-on civilian killing,” which was “a predicted consequence of the resumption of the Rwanda war (*i.e.* war crimes or crimes against humanity), *not* because of planned killing of civilians for ethnic reasons (*i.e.* genocide).”<sup>54</sup> In Erlinder’s articulated theory, a portion of the blame for “the now well-established evidence of crimes committed by the victors in the Rwanda War” is attributable to the “invading force made up largely of English/Swahili-speaking Rwanda ex-patriots, members of the Ugandan National Resistance Army who broke-off to invade Rwanda, known as the Rwandan Patriotic Army (RPA).”<sup>55</sup>

Erlinder furthers his argument that the violence cannot be classified as genocide by describing the “mass killings without *any* consideration of pre-planned ethnic violence.”<sup>56</sup> Erlinder further proposes that “Former Ambassador Flaten also testified that he had no credible information that there was a plan afoot, by the Habyarimana government or military, or any other group in the country, to carry out a planned “genocide.”<sup>57</sup> “The European indictments confirm the evidence in the record at the ICTR that the US/UK-supported *current* Rwandan government is actually responsible for many

<sup>52</sup> *Id.* at 11.

<sup>53</sup> Peter Erlinder, *The International Criminal Tribunal for Rwanda: A Model for Justice or Juridically Created “Victor’s Impunity”?*, La Justice International Aujourd’hui, 7-8 (2008).

<sup>54</sup> *Id.* at 9.

<sup>55</sup> *Id.* at 3.

<sup>56</sup> *Id.* at 8.

<sup>57</sup> *Id.*

of the crimes that have been charged to the *former* government and military.”<sup>58</sup> Erlinder also casts doubt on the work of the ICTR describing it as, “in the business of creating impunity for war crimes, not exposing and prosecuting the *real* perpetrators” and responsible for creating “a *false* reconstruction of history.”<sup>59</sup>

T. Classification: Conference Attendance List  
 Date of Publication: 23 May 2010  
 Title: *Liste des présentations*  
 Author: Héritage du TPIR aux yeux de la défense  
 Publication: tpirheritagedefense.org  
 URL: [http://www.tpirheritagedefense.org/Conference2/Liste\\_presentations\\_conference2.html](http://www.tpirheritagedefense.org/Conference2/Liste_presentations_conference2.html)  
 Summary:

The document is a list of presentations given at an ICTR defence counsel conference in Brussels on 21-23 May 2010. Erlinder presented at the conference, discussing his complaint against Kagame in Oklahoma federal court. Charles Ndereyehe, whom the Rwandan authorities note is a “genocide fugitive,”<sup>60</sup> presented *Le processus électoral au Rwanda sous le régime FPR: quand une dictature s’habille d’une démocratie sur mesure*. Eugène Rwamucyo, also noted as a “genocide fugitive,”<sup>61</sup> presented *Le harcèlement des exiles rwandais*.

U. Classification: Internet Publication  
 Date of Publication: 2 February 2009  
 Title: *The Real Authors of the Congo Crimes: Nkunda has been arrested but who will arrest Kagame?*  
 Author: Peter Erlinder  
 Publication: Global Research  
 URL: <http://www.globalresearch.ca/index.php?context=va&aid=12139>  
 Summary:

In this article, Erlinder suggests that Congolese rebel leader and former Rwandan Army officer Laurent Nkunda was arrested by Rwandan forces in January 2009 because he “simply knows too much about Rwandan crimes in the Congo and during the 1994 Rwandan ‘genocide’ for Kagame to permit him to remain ‘on the loose.’”<sup>62</sup> The arrest

<sup>58</sup> *Id.* at 16.

<sup>59</sup> *Id.* at 29.

<sup>60</sup> *Liste des présentations*, [http://www.tpirheritagedefense.org/Conference2/Liste\\_presentations\\_conference2.html](http://www.tpirheritagedefense.org/Conference2/Liste_presentations_conference2.html) (last visited July 13, 2010).

<sup>61</sup> *Id.*

<sup>62</sup> Peter Erlinder, *The Real Authors of the Congo Crimes: Nkunda has been arrested but who will arrest Kagame?*, GLOBAL RESEARCH, Feb. 2, 2009, <http://www.globalresearch.ca/index.php?context=va&aid=12139>.

was a diversion to distract from “Kagame’s own responsibility for Nkunda’s crimes, as well as many, many others, committed over the past two-decades, including ‘genocide,’”<sup>63</sup> which has allowed Kagame to get “rich on the resources of the Congo, while killing more than 6 million Africans in the process.”<sup>64</sup>

Erlinder questions whether the Rwandan government’s motivation for military action in the Congo is really to uncover *genocidaires*, asserting that of the “2-million Rwandans who fled Kagame’s regime, only a small number could possibly have been involved in the 1994 crimes and it is their sons and grandsons who are in the camps in the Congo today.”<sup>65</sup>

Erlinder asserts that “Kagame and his RPF were the aggressors”<sup>66</sup> in 1994 and that Kagame’s assassination of President Habyarimana triggered “massive civilian-on-civilian violence [that] was predicted [by the US Ambassador] to erupt in Rwanda as a consequence of war.”<sup>67</sup> Erlinder claims that Kagame’s use of force and refusal to accept a ceasefire prevented both sides from stopping violence against civilians because civilians “were only collateral damage for [the RPF’s] war-plan.”<sup>68</sup>

Owing to Kagame’s role in the Congo War and the 1994 Rwandan Genocide, Erlinder urges the ICTR or ICC to prosecute Kagame and urges nations to arrest 40 RPF affiliates on INTERPOL warrants, claiming that it would “save *far more* African lives than any ‘foreign-aid for Africa’ program that President Obama or Secretary of State Clinton could possibly conceive.”<sup>69</sup>

V. Classification: Conference Report  
 Date of Publication: 16 November 2009  
 Title: *Compte-rendu de la conférence*  
 Authors: Héritage du TPIR aux yeux de la défense  
 Publication: tpirheritagedefense.org  
 URL: ---  
 Summary:

This document is the report of the first conference of international criminal defence lawyers which took place in the Hague from 14-16 November 2009. Statements by conference participants other than Erlinder include accusations against Kagame and

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<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*



questions about the characterization of the 1994 violence as genocide. Erlinder's contributions to the report are limited to suggesting that papers be submitted to the conference authorities in a timely manner;<sup>70</sup> urging the members to keep pressure on the United Nations to consider detainee rights in light of the ICTR's completion strategy;<sup>71</sup> urging the wide distribution of a report by the Commonwealth Human Rights Commission and pushing for diplomatic pressure against Rwanda joining the Commonwealth;<sup>72</sup> the long-term mobilization of public opinion regarding the situation of ICTR detainees;<sup>73</sup> and the necessity of an association for detainees and their families similar to one established by Laurent Ingabire.

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<sup>70</sup> Héritage TPIR défense, *Compte-rendu de la conférence TPIR : son héritage du point de vue de la Défense, La Haye, 14-16 novembre 2009*, at 6.

<sup>71</sup> *Id.* at 7.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.* at 8.

**Summary of materials used by the Prosecutor General of Rwandan as the Basis for  
the Arrest of Peter Erlinder**

**Introduction**

These summaries represent articles gathered by the Rwandan Prosecution team and used as the basis for the arrest of Peter Erlinder for the crimes of denying and minimizing of genocide by means of publications and conferences contrary to article 4 of Law N33 bis/2003 repressing the crime of genocide, crimes against humanity and war crimes and malicious spreading of rumors that threaten or could cause a threat to the national security, contrary to article 166 of the Rwandan Penal Code Book II. Erlinder, an American professor of Law and Lead Defense Counsel at the International Criminal Tribunal for Rwanda, was in Rwanda preparing a case for charges of Rwanda genocide-denial against opposition presidential candidate Victoire Ingabire when he was arrested. The following summaries represent the specific language of the full text documents which might be utilized by the Rwandan Prosecution team as evidence against Erlinder. The following summarized documents include published articles, interviews, conference notes, event attendance lists, court documents, and personal letters.

- A. Classification: Internet Publication  
 Date of Publication: 20 February 2008  
 Title : *Bush and Other War Criminals Meet in Rwanda: the Great "Rwanda Genocide" – Coverup*  
 Author: Peter Erlinder  
 Publication: Global Research  
 URL: <http://www.globalresearch.ca/index.php?context=va&aid=8137>  
 Summary:

In this article, Erlinder uses the occasion of then-President Bush's visit to Rwanda to outline what he sees as the complicity of the US, UK, and UN in covering up the true history of the Rwandan genocide. Erlinder describes the suppression of a report by former ICTR Lead Investigative Prosecutor Michael Hourigan that recommended that Kagame be prosecuted for the assassination of Habyarimana.

Erlinder also asserts that there was a meeting in October 1994 between Rwandan Foreign Minister Jean Marie Ndagiyimana, USAID Chief for Africa Brian Atwood, and UN Department of Peace Keeping Operations chief Kofi Annan wherein the US and UN officials urged Ndagiyimana to "assist in the 'cover-up' [of] the war-crimes committed by Kagame's forces."<sup>1</sup>

Erlinder further suggests that the RPF was funded and trained by the US Department of Defense without the knowledge of the State Department. In support of this theory, Erlinder cites the "Gersony Report" to bolster his claim that the Kagame "would be

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<sup>1</sup> Peter Erlinder, *Bush and Other War Criminals Meet in Rwanda: the Great "Rwanda Genocide" – Coverup*, GLOBAL RESEARCH, Feb. 20, 2008, <http://www.globalresearch.ca/index.php?context=va&aid=8137>.

responsible for massacres [just like] happened in Burundi, if Kagame broke the cease-fire and re-started the war.”<sup>2</sup> “Other de-classified State Department documents show that it was the invading Kagame forces that were the aggressors.”<sup>3</sup> Finally, Erlinder compares the situation of those charged at the ICTR to “the UN holding the Japanese responsible for Hiroshima and the Germans for the fire-bombing of Dresden.”<sup>4</sup>

B. Classification: Internet Publication  
 Date of Publication: 23 December 2008  
 Title: *No Conspiracy, No planning ... No Genocide?*  
 Author: Peter Erlinder  
 Publication: JURIST  
 URL: <http://jurist.law.pitt.edu/forumy/2008/12/rwanda-no-conspiracy-no-genocide.php>

Summary:

After the Trial Chamber rendered its verdict in *Military I*, Erlinder asks: “if there was no conspiracy and no planning to kill ethnic civilians, can the tragedy that engulfed Rwanda properly be called a ‘genocide’ at all?”<sup>5</sup> Erlinder suggests that the ICTR had found that the violence in Rwanda was “closer to a case of civilians being caught up in war-time violence, like the Eastern Front in WWII, rather than the planned behind-the-lines killings in Nazi death camps.”<sup>6</sup>

Erlinder contends that the US had created an impunity policy for Kagame from the beginning of the conflict. In support of this Erlinder points to memos directed toward then-US Secretary of State Warren Christopher. If this policy was not in place, Kagame “might well have been prosecuted along with Military-1 defendants,”<sup>7</sup> suggesting he is responsible for genocide, crimes against humanity, and serious violations of Common Article 3, including the killing of Habyarimana.

Erlinder suggests that Rwanda’s military action in the Eastern Congo is evidence of Kagame’s aggression, and that Kagame has spent the last decade “getting rich from the resources of the Congo, and the blood of millions of Africans.”<sup>8</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Peter Erlinder, *No Conspiracy, No Planning ... No Genocide?*, JURIST, Dec. 23, 2008, <http://jurist.law.pitt.edu/forumy/2008/12/rwanda-no-conspiracy-no-genocide.php>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

C. Classification: News Article  
 Date of Publication: 31 May 2007  
 Title: *Military I – Convicting Major Ntabakuze would be “an offence to common sense”*  
 Author: N/A  
 Publication: Hironnelle News Agency  
 URL: <http://www.hirondellenews.com/content/view/9537/384>

Summary:

In closing arguments for *Military I*, Erlinder states that there is no credible proof that his client, Major Aloys Ntabakuze, participated in a plan to commit genocide. Erlinder asserts that Rwandan authorities had influenced the testimony of Rwanda witnesses before the ICTR.

Additionally, Erlinder asserts that there were “two genocides”<sup>9</sup> in Rwanda in 1994, with the genocide of Hutus by the Tutsi-led RPF going unpunished, and the vanquished former government being “accused of committing crimes committed by the two sides. It is as if the Japanese would have been blamed for Hiroshima.”<sup>10</sup> Erlinder also claims that waging war with the RPF hindered the governmental forces from preventing civilian massacres, suggesting that the RPF had facilitated the killings.

D. Classification: Internet Publication  
 Date of Publication: 14 May 2010  
 Title: *Rwanda Presidential candidate Victoire Ingabire – punished for independent thinking?*  
 Author: Peter Erlinder  
 Publication: Black Star News  
 URL: <http://blackstarnews.com/print.php?a=6539>  
 Summary:

Erlinder asserts that Rwandan Prosecutor General Ngoga revealed that “the real purpose of the criminal charges against [opposition politician] Madame Ingabire is to serve notice that any political opposition will not be tolerated in Rwanda”<sup>11</sup> when Ngoga threatened to

<sup>9</sup> *Military I – Convicting Major Ntabakuze would be “an offence to common sense*, HIRONDELLE, May 31, 2007, <http://www.hirondellenews.com/content/view/9537/384>.

<sup>10</sup> *Id.*

<sup>11</sup> Peter Erlinder, *Rwanda Presidential candidate Victoire Ingabire – punished for independent thinking?*, BLACK STAR NEWS, May 14, 2010, <http://blackstarnews.com/print.php?a=6539>.

jail Ingabire on charges of “‘associating with terrorist groups,’ ‘downplaying genocide’ and ‘divisionism.’”<sup>12</sup> Erlinder warns that the “sham elections”<sup>13</sup> of 2003, won by Kagame, would be repeated in 2010 if Rwanda insisted on this approach to “internationally-recognized”<sup>14</sup> freedom of speech.

E. Classification: Internet Publication  
 Date of Publication: 20 May 2010  
 Title: *Africa’s Female Mandela? Victoire Ingabiré Umuhoza on Trial*  
 Author: Annie Garrison  
 Publication: UnitedProgressives.org  
 URL: [http://www.unitedprogressives.org/pages/index.php?view=article&catid=295%3Aann-garrison&id=830%3Aafricas-female-mandela-victoire-ingabire-umuhoza-on-trial&tmpl=component&print=1&layout=default&page=&option=com\\_content&Itemid=160](http://www.unitedprogressives.org/pages/index.php?view=article&catid=295%3Aann-garrison&id=830%3Aafricas-female-mandela-victoire-ingabire-umuhoza-on-trial&tmpl=component&print=1&layout=default&page=&option=com_content&Itemid=160)

Summary:

This article quotes at length from Erlinder’s op-ed in JURIST (see *supra* #B above). Erlinder also asserts that opposition candidate Victoire Ingabire “was arrested on trumped-up, political thought crimes, ... all arising from the ‘crime’ of publicly objecting to the Kagame military dictatorship and Kagame’s version of the Rwandan Civil War.”<sup>15</sup> Acknowledging the 1994 bloodshed was “horrific,” Erlinder asserts that the “received history of Rwanda in 1994, and the ensuing war in neighboring D.R. Congo are history written by the victors, and their backers, the U.S. and the UK.”<sup>16</sup>

F. Classification: Political Party Webpage  
 Date of Publication: 14 May 2010  
 Title: *Ngoga Confirms Purpose of ‘Thought-Crime’ Charges: “Shut-up Victoire Ingabire” and Political Opposition!*  
 Author: FDU-UDF Inkingi  
 Publication: FDU Party Website

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Annie Garrison, *Africa’s Female Mandela? Victoire Ingabiré Umuhoza on Trial*, UNITED PROGRESSIVES, <http://www.unitedprogressives.org/pages/index.php?view=article&id=830>.

<sup>16</sup> *Id.*

URL: <http://www.fdu-rwanda.org/fr/rwanda/detail/article/ngoga-confirms-purpose-of-thought-crime-charges-shut-up-victoire-ingabire-and-political-opposi/index.html>

Summary:

This article is a summation of the Hironnelle story regarding Prosecutor Ngoga's threats to jail Victoire Ingabire (see *supra* #C above). No unique content.

G. Classification: Internet Publication  
 Date of Publication: 4 November 2008  
 Title: *U.S./U.K. Allies Grab Congo Riches and Millions Die*  
 Author: Peter Erlinder  
 Publication: Global Research  
 URL: <http://www.globalresearch.ca/index.php?context=va&aid=10815>  
 Summary:

In this article, Erlinder outlines the connections between U.S./U.K. sponsorship of the Rwandan and Ugandan government, the Congo War, and the Rwandan Genocide. In so doing, Erlinder asserts that Kagame has used the "Genocide"<sup>17</sup> as a convenient pretext to seize control over Congolese natural resources, thus questioning whether the combatants are genocidaires or were "children or not yet born, when civilians-killed-civilians in Rwanda in 1994."<sup>18</sup> Erlinder says that Western powers have prevented or hindered UN action against the "Museveni/Kagame/Nkunda 'axis of evil' in Central Africa" despite UN reports, State Department documents, and human rights NGO reports detailing their involvement in civilian killings. "The U.S. has permitted Kagame's crimes to be blamed on others ... and to be re-characterized by Kagame and the ICTR as a 'genocide' committed by Kagame's enemies."<sup>19</sup>

Erlinder asserts that "Kagame, himself, touched off the 'Rwanda genocide' by assassinating [the] former Rwandan President and launching an assault to seize power minutes after the shooting down of President Habyarimana's plane ... long before any of the alleged civilian killings began, in response to the assassination."<sup>20</sup> Urging a reinvestigation into "the story of the Congo War, as well as the 'Rwanda Genocide',"<sup>21</sup> Erlinder asserts that the ICTR should follow the lead of Spanish and French judges who

<sup>17</sup> Peter Erlinder, *U.S./U.K. Allies Grab Congo Riches and Millions Die*, GLOBAL RESEARCH, Nov. 4, 2008, <http://www.globalresearch.ca/index.php?context=va&aid=10815>.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

have issued “INTERPOL warrants for Kagame and his associates”<sup>22</sup> on genocide charges. “If the role of Rwanda and Uganda in the Congo have been distorted, how can we be sure of Kagame’s version of how he came to power in Rwanda in 1994, as a ‘savior’ . . . when the Security Council knew that, less than two years later, Kagame and Museveni invaded the Congo to enrich themselves and are responsible for more than 5 million deaths since that time.”<sup>23</sup>

H. Classification: Internet Publication  
 Date of Publication: 3 September 2008  
 Title: *Former Chief UN Rwanda Prosecutor, Carla Del Ponte: “Obama War-Crimes Nominee – Complicit in War Crimes Cover-up.” Does Obama Know ....or Care?*  
 Author: Peter Erlinder  
 Publication: Rwanda Documents Project  
 URL: <http://www.rwandadocumentsproject.net/gsd/collect/comment/index/assoc/HASH0b58.dir/erlinder-obama-war-crimes-ambassador.pdf>

Summary:

Erlinder uses the occasion of President Obama’s appointment of Stephen Rapp as US Ambassador-at-Large for War Crimes to discuss the “systematic U.S.-initiated cover-up of crimes committed by the current Rwandan government during the 1994 Rwanda Genocide”<sup>24</sup> as put forward by former ICTR Prosecutor Carla Del Ponte. Erlinder asserts that Kagame is responsible for the assassination of Presidents Habyarimana and Ntaryamira; that ICTR prosecutors including Rapp, del Ponte and Jallow are aware of this fact; and that the U.S. has extended political benefits to Rapp and retribution to del Ponte as a result of their approaches to this evidence. Erlinder calls the idea that “the identity of the assassins of Habyarimana is unknown”<sup>25</sup> a “well-publicized canard”<sup>26</sup> and a “bald-faced lie.”<sup>27</sup>

Erlinder asserts that the Trial Chamber’s decision in *Military I*, acquitting all four accused on charges of conspiracy to commit genocide, evidences the ICTR’s acceptance

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Peter Erlinder, *Former Chief UN Rwanda Prosecutor, Carla Del Ponte: “Obama War-Crimes Nominee – Complicit in War Crimes Cover-up.” Does Obama Know ....or Care?*, RWANDA DOCUMENTS PROJECT, <http://www.rwandadocumentsproject.net/gsd/collect/comment/index/assoc/HASH0b58.dir/erlinder-obama-war-crimes-ambassador.pdf>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

that “blaming only one side for the violence WAS a falsehood.”<sup>28</sup> Erlinder notes that Rapp represented the prosecution in that case, and called the defendants “architects of the killing machine.”<sup>29</sup> Erlinder alleges that Rapp and other ICTR prosecutors have

[1] withheld evidence that would be beneficial to the defense, contrary to Tribunal Rules; [2] prosecuted Kagame’s vanquished opponents for crimes they knew were committed by Kagame’s forces; and, [3] created a system of “judicial impunity” at the ICTR, that has permitted Kagame to kill millions in the eastern Congo since 1994.<sup>30</sup>

Erlinder cites a 2004 *Economist* article to support his assertion that “in 2003, Kagame was effectively elected President-for-Life with 95% of the vote.”<sup>31</sup> The article claims that “Rwanda today is a thinly-disguised autocracy, where dissidents are usually accused of genocidal tendencies, live in fear, or exile, or both,”<sup>32</sup> and that Kagame “tolerates no serious domestic opposition, nor much in the way of free speech.”<sup>33</sup>

I. Classification: Internet Publication  
 Date of Publication: 12 March 2010  
 Title: *The Rwanda Hit List: Revisionism, Denial and the Genocide Conspiracy II*  
 Author: Keith Harmon Snow  
 Publication: Editions Sources du Nil  
 URL: <http://editions-sources-du-nil.over-blog.com/article-the-rwanda-hit-list-revisionism-denial-and-the-genocide-conspiracy-46785584.html>

Summary:

In his article, Snow describes the morphologic transition of ethnic categorization, and various demonizing labels such as “interhamwe” and “genocide” as an elaborate façade of legitimate genocide prosecution utilized by Kigame governmental forces to mask the “climate of absolute terror . . . and profound ethnic divisions leading towards war.”<sup>34</sup>

While Snow supports his opinion with various points of data from a plethora of candid sources including NGO’s, UN Panels, and individual international academics, the articles reference to Peter Erlinder’s comments on the situation is one of the most minimalistic

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Keith Harmon Snow, *The Rwanda Hit List: Revisionism, Denial and the Genocide Conspiracy II*, Editions Sources du Nil at 1 12 March (2010).



citations in the piece. Erlinder is cited in the article as the ninth “eminent Rwandan expert” in a list of approximately 15 individual sources who agree with the opinion that there exists in Kagame’s government, “a criminal parallel structure behind the Rwandan government.”<sup>35</sup> The article goes on to accuse Kagame’s government of utilizing the justice mechanism developed for the genocide to persecute and detain individuals out of favor with the Kagame regime for reasons other than those inspired by ethnicity. Erlinder is not cited in this developed opinion nor is he referenced in footnotes throughout the piece.

- J. Classification: Conference Invitation  
 Date of Publication: 21-23 May 2010 (Brussels Belgium)  
 Title: *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*  
 Author: Librairie UOPC  
 Publication: Conference pamphlet for members of the ICTR Defense Bar and other attendees.  
 URL: N/A  
 Summary:

This brief invitation outlines the purpose of the 2<sup>nd</sup> conference funded by members of the ICTR Defense to discuss both the positive and negative aspects of the developing jurisprudence of the Rwanda Tribunal. The event description also includes in invitation for paper proposals to be sent to members of the Ad Hoc Organizing Committee, of which Peter Erlinder is a listed member.

- K. Classification: Research Essay/Internet Publication  
 Date of Publication: 6 October 2009  
 Title: *What Really Happened in Rwanda?*  
 Author: Christian Davenport and Allan C. Stam  
 Publication: Miller-McCune Research Essay  
 URL: <http://www.miller-mccune.com/politics/what-really-happened-in-rwanda-3432/>  
 Summary:

In this research essay, the authors describe how their traditional views on the Rwandan conflict were significantly changed by discoveries made during their investigations, both while working with the ICTR and independently in Rwanda. While the authors worked

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<sup>35</sup> *Id.* at 2.