

Das FORUM MENSCHENRECHTE unterstützt beiliegenden internationalen Appell für den Anwalt am ICTR, Peter Erlinder.

Englischer Text des Appells:

CALL FOR SUPPORT FOR PETER ERLINDER AND FOR THE PRESERVATION OF RIGHTS OF THE DEFENCE AT THE ICTR

The undersigned organisations.

- ***Referring*** to earlier communications and resolutions and for the appeal for the immediate release of Peter Erlinder and the withdrawal of charges against all ICTR lawyers
- ***Considering*** the declaration and the appeal of 45 defence counsel presently working at the ICTR
- ***Considering*** the proceedings against Professor Erlinder which followed the ruling of the High Court of Gasabo on 7 June 2010
- ***Considering*** that it was only after legal initiatives undertaken by the Defence in different proceedings (namely injunctions and suspension) that the Office of Legal Affairs of the Security Council of the UN asked the Registrar of the ICTR to require the immediate release of Peter Erlinder
- ***Considering*** the 'note verbale' sent by the Registrar following this request
- ***Considering*** the statements of the Prosecutor of Rwanda in which he opposed the 'note verbal' and confirmed his intention to continue proceedings against Peter Erlinder
- ***Taking note of*** the decision of the High Court of Kigali of 17 June 2010 ordering the provisional release of Peter Erlinder for medical reasons
- ***Taking note of*** the statement of the Spokesperson for the Ministry of Foreign Affairs and Cooperation confirming the continuation of proceedings against Peter Erlinder and that his release was purely on humanitarian grounds, in defiance of the 'note verbale'
- ***Rejoicing*** that Peter Erlinder has been released
- ***Noting*** however that the continuation of proceedings against him and the fact that his provisional release was ordered purely on humanitarian grounds continues to threaten the rights of all defence counsel
- ***Persisting in considering*** that it is because of their refusal to continue acting in the ongoing conditions affecting their independence and which would force them to undermine the interests of the defence of the accused, defence counsel at the ICTR decision have all decided to postpone all activity other than the preservation of the rights of their clients.
- ***Recalling*** that the right to a fair trial requires that every accused has the right to independent representation and to have witnesses heard freely and without fear or pressure
- ***Noting*** that Counsel must be able to consider freely and in full conscience whether they are able properly to defend their client; as a result of the continuing situation at the ICTR in relation to the proceedings against Peter Erlinder, Counsel can fairly and reasonably consider that conditions for the independent performance of their duties have not been guaranteed since the Rwandan authorities have not accepted the Note verbale from the ICTR calling for respect for the immunity of counsel; in the circumstances, the refusal of the Registrar to accept the withdrawal of a counsel from a case amounts to a violation of a fundamental right; and therefore that refusing to comply with an order of a Court in violation of such a fundamental principle cannot form the basis of proceedings for contempt of court

Maintain therefore their demand:

- ***For the withdrawal of the charges against Peter Erlinder***
- ***The withdrawal of contempt proceedings against Peter Robinson but which threaten all counsel in that position***
- ***That it is acknowledged that the Defense has real and guaranteed immunity***

Calling on all Governments and Non-Governmental Organisations, Associations, State Authorities, to use all their influence and authority and on world-wide public opinion, to support the universal principles threatened herein.

June 22, 2010

Signataires au 22 juin 2010

BPI – ICB (Barreau Pénal International – International Criminal Bar)
ADAD (Association des Avocats de la Défense du TPIR)
AIJD – IADL (Association Internationale des Juristes Démocrates – International Association of Democratic lawyers)
AIAPI – IAICA (Italian Association of International Criminal Attorneys / Association Italienne des Avocats Pénalistes Internationaux)
IAPL (International Association of People's lawyers)
AIAD – ICDAA (Association Internationale des Avocats de la Défense / The International Criminal Defence Attorneys Association).
NACDL (National Association of Criminal Defence Lawyers)
CNB (Conseil National des Barreaux – National Council of the Bars of France)
OIA (Observatoire International des Avocats)
SBLEW - Society of Black Lawyers of England and Wales
DS - Droit et Solidarité
SAF - Syndicat des Avocats de France
Réseau ASF - Avocats Sans Frontières/ Lawyers Without Borders Network (ASF Brésil, ASF Cameroun, ASF France, ASF Guinée, ASF Italie, ASF Mali, ASF Mauritanie, ASF Pays-Bas, ASF Pérou, ASF Suède et ASF Suisse)
SAHCAEW - Solicitors Association of Higher Court Advocates of England and Wales
ELDH –EJDH (Association Européenne des Juristes pour la Démocratie et les Droits de l'Homme dans le Monde European Association of Lawyers for Democracy and World Human Rights)
AED – Avocats Européens Démocrates
(ICDL) - International Criminal Defence Lawyers – Germany
BCEW Bar Council of England and Wales
Haldane Society of Socialist Lawyers" (London UK)
FORUM MENSCHENRECHTE
ALAUK Président, Sabah Al-Mukhtar (Arab Lawyers Association UK)
UIA - UNION INTERNATIONALE DES AVOCATS
AAAF (Association des Avocats Africains de France)
AAJ (Association Américaine des Juristes)
UAA (Union des Avocats Arabes)
JALISA Japan Lawyers International Solidarity Association
ADC-ICTY - Association of Defence Council - ICTY / association des Avocats de la Défense TPIY
Chairman and Vice Chairman of the Bar of England and Wales - Nicholas Green QC , and Peter Lodder QC

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