

RELEASE IN PART
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From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Sunday, July 18, 2010 2:53 PM
To: H
Subject: Fw: Peter Erlinder
Attachments: image001.gif

Fyi

----- Original Message -----

From: Koh, Harold [redacted]
To: Sullivan, Jacob J; [redacted]
Sent: Sun Jul 18 14:45:03 2010
Subject: FW: Peter Erlinder

Jake: A thank you for the Erlinders. You might convey to S at a moment when she is hearing only problems. Thanks, h
Harold Hongju Koh The Legal Adviser U.S. Department of State
2201 C St. NW
Washington, DC 20520
202 647 9598 o
[redacted]

KohHH@State.gov<mailto:KohHH@State.gov>
Martin R. Flug Professor of International Law, Yale Law School (on leave), 203 432 1660

From: Kleinberger, Daniel [redacted]
Sent: Sunday, July 18, 2010 2:11 PM
To: Koh, Harold
Subject: RE: Peter Erlinder

I have not seen him since his return. Below is an email that he sent today to the faculty.

If it is appropriate, please convey my thanks to Secretary. It must have been an extraordinary challenging set of decisions, balancing various aspects of U.S. interests - including avoiding the appearance that the U.S. claims a special right to interfere in another country's system of justice (ironic, in light of Peter's view of U.S. foreign policy).

Professor Daniel S. Kleinberger | Founding Director, Mitchell Fellows Program
[redacted] | 651-290-6387 | Fax: 651-290-6414

William Mitchell College of Law
875 Summit Avenue, St. Paul, MN 55105

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Dear WMCL Colleagues,

It will take some time for me to get my feet underneath me, and to catch up on all left undone during my recent involuntary vacation in Rwanda's prisons. However, I am well-enough to begin to appreciate how much the entire College community did to assist in securing my release.

I will probably never know all of the contributions to the campaign for my release that came from each of my WMCL colleagues, although Eric has filled me in on many of the efforts within the College, and reaching beyond the College, that helped turn my detention into a spontaneous movement for my release. I owe each of you a lot, particularly Jane and Melissa, who had to deal with the mess of ungraded exams and unreturned calls and emails.

My colleagues who wrote and called others on my behalf and even showed-up at rallies have my deepest appreciation. While my detention and release have importance for our community, I thought it might be helpful to put your efforts into the larger context, which iput me in danger in Rwanda. At the bottom of this message is a Voice of America story that explains that my arrest is part of a much more significant story, which implicates the U.S. in the deaths of millions in Central Africa over the past three decades.

Since I have already promised my wife to NEVER do anything like this again, it is not a big stretch to make the same promise to each of you....but it is great to know that you were there when I needed you. Many, many thanks.

your grateful colleague,

C. Peter

VOA-Africa [cid:image001.gif@01CB267A.B4A44080] RSS

Feed<<http://www1.voanews.com/templates/Articles.rss?sectionPath=/english/news/africa>>

Rwanda Tribunal Lawyers Denounce Killing of One of Their Own

Nico Colombant | Washington 17 July 2010

An association of lawyers working at the International Criminal Tribunal for Rwanda has denounced the recent killing of one of their colleagues. They also expressed grave concern at the series of murders, arrests and assassination attempts in the run-up to Rwanda's presidential election next month.

The statement by a collective of defense lawyers at the Tanzania-based tribunal for Rwanda, known by its acronym ICTR (sic), was released following the killing of law professor Jwani Mwaikusa earlier this week near his home in Dar es Salaam, Tanzania.

The head of the association, American lawyer and law professor Peter Erlinder, told VOA Mwaikusa had been very active at the tribunal. "Professor Mwaikusa had been successful in preventing a number of cases from being transferred from the ICTR to Rwanda and he also had recently completed a trial in which he announced he was going to be filing an appeal," he said.

Mwaikusa had said the trials would not be fair if they were held in Rwanda.

Erlinder himself was recently jailed for nearly a month in Rwanda on charges of challenging the government's official history of what happened during the 1994 genocide, after trying to represent an opposition leader who was also jailed on genocide denial charges.

The statement calls for an independent investigation of the Mwaikusa murder, as well as guarantees from the United Nations Security Council to ensure the safety of the tribunal's defense lawyers.

Erlinder also said evidence necessary to defense teams is being withheld at the tribunal, and he called for fully disclosing evidence of crimes committed in Rwanda in 1994 by both the former government and current leadership.

"We have a situation where the entire defense at the ICTR is finding itself in a situation where it is very hard to do its work," he said.

The statement by the lawyers said they were afraid Mwaikusa's murder was not isolated. It followed last month's assassination attempt against a former ally turned opponent of Rwandan President Paul Kagame in South Africa, the killing of a journalist in Kigali who was investigating the assassination bid, and the near decapitation of an official from Rwanda's opposition Democratic Green Party, who was found dead near his car earlier this week near the southern town of Butare.

Rwandan authorities have denied any link between the series of murders and attacks and the upcoming election, saying those who insinuate a crackdown is taking place are in their words "frustrated" politicians.

Mr. Kagame, who led the Uganda-backed ethnic minority Tutsi rebellion that took over Rwanda from its Hutu-led government after the genocide, was elected in 2003 with more than 95 percent of the vote. He has expressed confidence he will be re-elected in August.

Rwandan police say they arrested a man in connection with the killing of the opposition leader, saying he was a businessman connected with the Green Party.

Several suspects have been arrested in the case of the journalist.

But there is growing international pressure on Rwanda's government to clarify the situation.

U.N. Secretary-General Ban Ki-moon has called for a full investigation into the deaths of the journalist and the opposition leader.

Meanwhile, Spanish Prime Minister Jose Luis Rodriguez Zapatero recently called off a planned meeting with Mr. Kagame, after protests by Spanish human rights groups.

In Spain, a case is pending against dozens of current and former Rwandan officers who have been indicted on charges of genocide and crimes against humanity for alleged reprisal killings during and after the 1994 genocide, in which hundreds of thousands of people, most of them ethnic Tutsis, were killed.

Spanish law allows its courts to prosecute crimes against humanity even if those crimes took place elsewhere.

Prof. Peter Erlinder
Director, International Humanitarian Law Institute c/o Wm. Mitchell College of Law St. Paul, MN. USA
651-290-6384

-----Original Message-----

From: Koh, Harold [mailto:
Sent: Sunday, July 18, 2010 11:22 AM
To: Kleinberger, Daniel
Subject: RE: Peter Erlinder

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Thanks for remembering. A huge amount of State Dept time and energy was spent on it, including by the Secretary herself, and we were all glad and relieved when he was finally released. Is he ok? The reports of his disorientation were troubling...

Harold Hongju Koh

The Legal Adviser

U.S. Department of State

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KohHH@State.gov<mailto:KohHH@State.gov>

Martin R. Flug Professor of International Law, Yale Law School (on leave), 203 432 1660

From: Kleinberger, Daniel [



Sent: Sunday, July 18, 2010 12:11 PM

To: Koh, Harold

Subject: RE: Peter Erlinder

Dear Mr. Koh,

I realized yesterday that I had omitted to thank you for your help. As you know, Peter Erlinder is back.

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I am grateful for your efforts and those of your colleagues.

Sincerely,

Daniel Kleinberger

Professor Daniel S. Kleinberger | Founding Director, Mitchell Fellows Program

[Redacted]

| 651-290-6387 | Fax: 651-290-6414

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William Mitchell College of Law

875 Summit Avenue, St. Paul, MN 55105

-----Original Message-----

From: Koh, Harold [mailto:[Redacted]]

B6

Sent: Wednesday, June 02, 2010 11:43 PM

To: Kleinberger, Daniel

Subject: RE: Peter Erlinder

I am in Africa. We are working this issue very hard. Thanks for writing

Harold Hongju Koh

The Legal Adviser

U.S. Department of State

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Washington, DC 20520

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Martin R. Flug Professor of International Law, Yale Law School (on leave), 203 432 1660

B6

From: Kleinberger, Daniel [REDACTED]

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Sent: Wednesday, June 02, 2010 2:00 PM

To: Koh, Harold

Subject: Peter Erlinder

Dear Mr. Koh,

I am a colleague of Professor Erlinder and also a graduate of Yale Law School ('79). I invoke the latter connection in hopes of obtaining your attention to a plea on Professor Erlinder's behalf.

Professor Erlinder and I agree on very little politically. Indeed, we disagree on almost every issue. However, I want the U.S. government to do everything it can to speedily obtain Professor Erlinder's release.

I readily acknowledge that I don't understand the underlying merits of the criminal matter. I have heard Professor Erlinder's assertions that his efforts (and those of his colleagues) have exposed many previously hidden truths and those assertions (which include condemnation of the U.N., one of my least favorite organizations) seemed credible to me.

But those merits are, in my opinion, entirely beside the point, as is the question of whether Professor Erlinder was foolish or brave to return to Rwanda. I respect both Don Quixote and Clarence Darrow. The point is that Professor Erlinder put himself at risk to "walk the walk" of a fundamental principle of any free society – the right to counsel. The defendants at the Nuremberg trials had counsel. The Israelis accorded Eichmann counsel.

It now appears that Professor Erlinder's detention may turn into a covert execution. "Under intense interrogation from detectives, detained American Prof. Peter Erlinder swallowed up to 50 tablets meant to treat hypertension and other medical conditions – which the Police now says is also another crime, RNA can exclusively reveal." Rwandan News Agency - Wednesday, 02 June 2010 13:28 by RNA Reporter <http://rnanews.com/politics/3496-distressed-peter-erlinder-tries-to-commit-suicide--police->

Please use all the skills and resources at your command to cause our government to help Professor Erlinder to freedom before it is too late.

Thank you.

Daniel Kleinberger

Professor Daniel S. Kleinberger

Founding Director, Mitchell Fellows Program

William Mitchell College of Law

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