

U.S. attorney Peter Erlinder Jailed by the Kagame dictatorship in Rwanda

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Global Research, June 02, 2010

[MRZine](#) 29 May 2010

Region: [sub-Saharan Africa](#)

Theme: [Law and Justice](#)

The May 28 arrest of the U.S. attorney Peter Erlinder by the Paul Kagame dictatorship in Rwanda reveals much about this regime that is routinely sanitized in establishment U.S. and Western intellectual life and media coverage. [1] But if we use Erlinder's arrest to call attention to some less well-known facts, a much grimmer scenario about Kagame than as a "man of the hour in modern Africa," who "offers such encouraging hope for the continent's future" (Stephen Kinzer),[2] comes to light.

For one thing, Kagame does not like free elections, and he has avoided or emasculated them assiduously. Erlinder arrived in Kigali on May 23 to take up the legal representation of Victoire Ingabire, a Hutu expatriate who had spent the past 16 years in the Netherlands, but who immediately upon her return to Rwanda in January was regarded as the leading opposition figure, though her United Democratic Forces hadn't been able to register as an official party. The Kagame regime arrested her on April 21, and charged her with "association with a terrorist group; propagating genocide ideology; negationism and ethnic divisionism." [3] As 2010 is an election year in Rwanda (now scheduled for August 9), this should help Kagame once again to avoid any meaningful electoral contest.

In 2003, Rwanda's last election year, opposition parties, candidates, and media not only weren't welcomed, they wound up harassed, shut-down, arrested, exiled, and disappeared. In 2002, Kagame's main rival at the time, a Hutu and former President Pasteur Bizimungu, was arrested and charged with "divisionism," a kind of Kagame-speak that means to provide political choices other than the one-party Kagame dictatorship. In 2003, the Hutu former Prime Minister Faustin Twagiramungu was permitted onto the presidential ballot but prevented from campaigning, and his Democratic Republic Movement (MDR) banned altogether; he and his MDR were also accused of "divisionism."

The official August 25 presidential vote that year reported 94% for Kagame. In a country whose population then, as now, as at the start of 1994, was majority Hutu by roughly a 6-to-1 margin over the Tutsi, only Kagame's intimidation and repression of Rwanda's civil society, and his election-rigging, could have produced a result like this. Thus when Peter Erlinder spoke in late April about the arrest of Victoire Ingabire as a "carbon-copy of Kagame's tactics in 2003, when all serious political challengers were jailed or driven from the country," and when he likened the charges against her (and now against himself as well) to "trumped-up political thought-crimes . . . arising from the 'crime' of publicly objecting to the Kagame military dictatorship and Kagame's version of Rwandan civil war history," [4] this was what he meant.

The Arusha Accords of August 1993 had stipulated that national elections be held in Rwanda

by no later than 1995, but this was precluded by the military takeover of Rwanda by Kagame and his Rwandan Patriotic Front (RPF) in April-July 1994, which allowed the minority Tutsi faction (less than 15 percent) to seize power by force.

The allegation of “genocide denial” has been an important instrument of Kagame’s rule, with potentially rival politicians, or in fact any Kagame target, so accused and pushed out of the way. According to news accounts during the first 24 hours after his arrest, Erlinder, a lead defense counsel before the International Criminal Tribunal for Rwanda and a former president of the National Lawyers Guild in New York, “is being charged with denying the Rwandan genocide and was being interrogated . . . at police headquarters in the capital, Kigali. . . . A police spokesman, Eric Kayingare, said that Mr. Erlinder was accused of ‘denying the genocide’ and ‘negationism’ from statements he had made at the tribunal in Arusha, as well as ‘in his books, in publications’.”[5] Martin Ngoga, the Prosecutor General of the Kagame regime, told Agence France Presse that Erlinder “denies the genocide in his writings and his speeches. Worse than that, he has become an organizer of genocide deniers. If negating [the Tutsi genocide] is not punished in [the United States,] it is punished in Rwanda. And when he came here he knew that.”[6]

Under Rwanda’s 2003 Constitution,[7] the “State of Rwanda commits itself to conform to the following fundamental principles and to promote and enforce the respect thereof,” foremost of which is “fighting the ideology of genocide and all its manifestations” (Article 9). “Revisionism, negationism and trivialisation of genocide are punishable by the law” (Article 13). The Rwandan State is so conscious of the political usefulness of “genocide” that its Constitution even creates a National Commission For the Fight Against Genocide (Article 179).

Of course, this is straight out of Kafka, as a compelling case can be made that Kagame and his RPF were the major genocidaires in Rwanda and, in alliance with Uganda’s Yoweri Museveni dictatorship, both under U.S. and U.K. protection, have extended and enlarged their genocidal operations to the neighboring Democratic Republic of Congo. Peter Erlinder has never denied the fact that mass-atrocity crimes and even genocide were committed in Rwanda, much less that a large number of Tutsi were slaughtered. But he has shown, with carefully gathered documentary evidence, that an even larger number of Hutu were also slaughtered there, and that Kagame and the RPF were the initiators and main perpetrators of these mass killings. This, ultimately, is what the charge of “denying the genocide” really means: Like a growing body of researchers, Erlinder rejects the version of the “Rwandan genocide” long since institutionalized within U.S.-, Western-, and RPF-establishment circles.

One of Erlinder’s notable documentary discoveries is an internal memorandum drafted in September 1994 for the eyes of then-U.S. Secretary of State Warren Christopher, in which it was reported that a UN team on the ground in Rwanda “concluded that a pattern of killing had emerged” there, the “[RPF] and Tutsi civilian surrogates [killing] 10,000 or more Hutu civilians per month, with the [RPF] accounting for 95% of the killing.” This memorandum added that the UN team “speculated that the purpose of the killing was a campaign of ethnic cleansing intended to clear certain areas in the south of Rwanda for Tutsi habitation. The killings also served to reduce the population of Hutu males and discouraged refugees from returning to claim their lands.”[8]

We may recall that the reported (but contested[9]) massacre of 8,000 military-aged men at Srebrenica in July 1995 led to genocide charges, imprisonment of many Serb officials and

military personnel, and huge indignation in the West. Yet, here is an internal U.S. document alleging “10,000 or more Hutu civilians” butchered per month by Kagame’s forces to cleanse the ground for Tutsi resettlement — and not only is the leading butcher not imprisoned, but his regime continues to bathe in Western support and adulation, and can get away with charging the man who helped expose his crimes with “genocide denial”!

Consider also the five following material facts:

1. The “triggering event” in the mass killings known as the “Rwandan genocide” was the shooting down of the Falcon-50 jet carrying then-Rwandan President Juvenal Habyarimana, then-Burundian President Cyprien Ntaryamira, and ten others on its approach to the Kanombe International Airport in Kigali on the evening of April 6, 1994. It is now conclusively established that these political assassinations were carried out by Kagame’s forces. When ICTR investigator Michael Hourigan had assembled compelling evidence showing this, then-ICTR Chief Prosecutor Louise Arbour quashed his investigation on orders from U.S. officials. This official line of inquiry has been suppressed ever since, though it was amplified and confirmed by the French magistrate Jean-Louis Bruguière, whose own inquiry concluded in late 2006 that Kagame and the RPF, fully aware that they would lose the elections scheduled by the Arusha Accords due to the overwhelming majority enjoyed by the Hutu in the country, opted for the “physical elimination” of Habyarimana and reopening their assault on the Rwandan government to achieve their goal of an RPF-takeover of the country.[10] Although three consecutive U.S. presidential administrations (Clinton’s, Bush’s, and Obama’s) and the establishment U.S. media have been wonderfully cooperative in keeping crucial evidence such as this on the “genocide” out of public sight, the work of Peter Erlinder and his colleagues has been important in the struggle to counter the Western party-line.

2. The important U.S. analysts Christian Davenport and Allan Stam also concluded that more Hutu than Tutsi were killed during the period of the “Rwandan genocide” (April-July, 1994), and that killings on the ground in Rwanda actually “surged” in each area attacked by Kagame’s RPF.[11]

3. Allan Stam, a former Special Forces soldier as well as an academician, has pointed out that the Kagame-RFP military offensive following the “triggering event” of the “Rwandan genocide” (i.e., the shutdown of the Falcon-50 jet) were closely modeled on the U.S. ground invasion of Iraq during the first Gulf War, and that Kagame’s forces went into mass action within one hour of this event.[12] (Kagame actually studied at Fort Leavenworth in the United States, and was apparently a quick learner.)

4. Both before and during the “Rwandan genocide,” the United States pressed for the reduction of UN troops in Rwanda. The Rwandan government urged more UN troops,[13] but the presence of a larger contingent of UN troops on the ground clearly would have interfered with Kagame’s well-planned and executed military operations. This points up the likelihood that any pre-planned, organized mass killings were dominated by Kagame’s RPF, and that the U.S. government supported it.

5. Kagame’s forces established control of Rwanda within one hundred days of the triggering event. This is not consistent with the notion that his was an unplanned defensive reaction and that his ethnic group, the minority Tutsi, was the main victim.

Paul Kagame has used the excuse of pursuing “genocidaires” to justify his regular invasions

of the Congo. The casualties in these operations, coordinated with fellow dictator Yoweri Museveni, have run into the millions. We believe that Kagame has far outstripped Idi Amin as a mass killer (Amin's killings are estimated at 100,000-300,000, whereas Kagame's surely run well over a million civilians). But Kagame is servicing establishment U.S. and Western interests, and for the past 20 years has therefore received a free pass to rob and kill.

And all the while, Kagame has ridden the wave of fighting against "genocide denial"! Hopefully, he has gone too far in using that Kafkaesque gimmick against Peter Erlinder, a notable fighter against both actual genocide and genocide denial.

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Notes

1. For a much more comprehensive development of the themes discussed here, see Edward S. Herman and David Peterson, "[Rwanda and the Democratic Republic of Congo in the Propaganda System](#)," *Monthly Review* 60, May, 2010. Also see Herman and Peterson, [The Politics of Genocide](#) (New York: Monthly Review Press, 2010).
2. Quoting Kinzer's hagiographic words in [A Thousand Hills: Rwanda's Rebirth and the Man Who Dreamed It](#) (Hoboken, NJ: John Wiley & Sons, 2008), 337.
3. "[Rwanda Opposition Chief Held for 'Genocide Denial'](#)," Agence France Presse, April 21, 2010.
4. Peter Erlinder quoted in "[U.S. Lawyer to Defend Victoire Ingabire: First Female Presidential Candidate in Rwanda — Jailed by President/Gen. Paul Kagame](#)," News Advisory, International Humanitarian Law Institute, April 23, 2010 (as posted to the BayView website).
5. Josh Kron and Jeffrey Gettleman, "[American Lawyer for Opposition Figure Is Arrested in Rwanda](#)," *New York Times*, May 29, 2010.
6. "[Rwanda Arrests U.S. Lawyer Defending Opposition Figure](#)," Agence France Presse, May 28, 2010.
7. See [Constitution of the Republic of Rwanda](#), June 4, 2003, and its Amendments, as posted to the website of the Rwandan Ministry of Defense. Here we note that the word 'genocide' appears no fewer than 14 different times in Rwanda's approx. 16,400-word-long Constitution.

8. George E. Moose, [“Human Rights Abuses in Rwanda,”](#) Information Memorandum to The Secretary, U.S. Department of State, undated though clearly drafted between September 17 and 20, 1994. This document is archived at the [Rwanda Documents Project](#) at William Mitchell College of Law, St. Paul, Minnesota, ICTR Military-1 Exhibit, DNT 264.

9. See Edward S. Herman and David Peterson, [“The Dismantling of Yugoslavia,”](#) Monthly Review 59, October, 2007, esp. Sect. 5 and Sect. 6, 19-26.

10. See Jean-Louis Bruguière, [Request for the Issuance of International Arrest Warrants,](#) Tribunal de Grande Instance, Paris, France, November 21, 2006, 15-16 (para. 100-103).

11. See Christian Davenport and Allan Stam, [Rwandan Political Violence in Space and Time,](#) unpublished manuscript, 2004 (available at [Christian Davenport’s personal website](#) > [“Project Writings”](#)); and Christian Davenport and Allan C. Stam, [“What Really Happened in Rwanda?”](#) Miller-McCune, October 6, 2009.

12. See Allan C. Stam, [“Coming to a New Understanding of the Rwanda Genocide,”](#) a lecture before the Gerald R. Ford School of Public Policy, University of Michigan, February 18, 2009. Beginning at approx. the 22:47 mark, Stam explains: “Now, moments later, the RPF — literally moments, somewhere between 60 and 120 minutes after his plane is shot down, the RPF invades. Now, we could characterize this invasion as, ‘Wow, a spontaneous reaction to go in and defend our allies’. The problem is, this invasion looks staggeringly like the United States’ invasion of Iraq in 1991. It has exactly the same features. There is a central drive in this case due south towards Kigali, very much like the central drive towards Baghdad. There is the sweeping left-hook — but in this case because the map is reversed there is the sweeping right-hook. This is a plan that was not worked out on the back of an envelope. Fifty-thousand soldiers move into action on two fronts, in a coordinated fashion, ‘spontaneously’? Tsk.”

13. In the words of Rwandan UN Ambassador Jean-Damascène Bizimana: “[T]he international community does not seem to have acted in an appropriate manner to reply to the anguished appeal of the people of Rwanda. This question has often been examined from the point of view of the ways and means to withdraw [UNAMIR], without seeking to give the appropriate weight to the concern of those who have always believed, rightly, that, in view of the security situation now prevailing in Rwanda, UNAMIR’s members should be increased to enable it to contribute to the re-establishment of the cease-fire and to assist in the establishment of security conditions that could bring an end to the violence. . . . The option chosen by the Council, reducing the number of troops in UNAMIR. . . , is not a proper response to this crisis. . . .” See “The situation concerning Rwanda,” UN Security Council (S/PV.3368), April 21, 1994, 6.

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