



# ASSOCIATION OF DEFENCE COUNSEL

## PRACTISING BEFORE THE ICTY

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### PRESS RELEASE

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The Association of Defence Counsel practising before the International Criminal Tribunal for the former Yugoslavia (ADC-ICTY) condemns the recent arrest of Professor Peter Erlinder, a well known, respected attorney and law professor from the United States.

Based on information provided to the ADC-ICTY thus far, Professor Erlinder was arrested in Kigali and charged with “denying genocide.” Professor Erlinder is Lead Counsel for Major Aloys Ntabakuze in the “Military I” genocide case currently on appeal at the ICTR.

The International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Statute of the ICTR, the Statute of the ICTY and the Rome Statute of the International Criminal Court all recognize and guarantee the right to counsel of the Accused’s own choosing as well as the right to prepare and present a defence.

Given these internationally recognized principles it is fundamental to any civilized society or civilized system of justice that a vigorous and independent defence bar is a critical underpinning to a free and fair society as well as to any individual Accused’s right to counsel and to a fair trial.

In his opening address to the Court for the Prosecution in the Nuremburg Trials, former United States Supreme Court Justice Robert Jackson succinctly summed up these principles. He stated:

*“We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our lips as well.”*