

Ministry of Justice and Public Security
Minister Jean Renel Sanon
18, avenue Charles Summer
Port-au-Prince, Haiti

Chief Prosecutor of Port-au-Prince
Me Gerald Norguaisse
Parquet du Tribunal de Première Instance
Palais de Justice
Boulevard Harry Truman
Porte-au-Prince, Haiti

Brussels, 08 November 2012

RE: Threats and intimidation against lawyers Mario Joseph, Newton St-Juste and Michel André

Dear Minister,
Dear Chief Prosecutor,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE is deeply worried about the situation of lawyers Mario Joseph, Newton St-Juste and Michel André, who reported an increase of threats and intimidation against them in recent months in Haiti, possibly due to their activism and criticisms against the government. The three lawyers have reported continuous death threats by phone as well as acts of intimidation, such as threat tags painted on walls and police vigilance in proximity of their office and homes.

According to the information we received, on 28 September, the former Chief Prosecutor of Port-au-Prince, Jean Renel Sénatus, was interviewed at a local radio station, where he discussed his dismissal by the Ministry of Justice because he refused to implement a ministerial order to arrest 36 political opponents. It is not clear on which grounds these arrests had been ordered. The Ministry of Justice denied having given such orders.

Among the 36 political opponents were the names of lawyers Mario Joseph, Newton St-Juste and André Michel. Mario Joseph is a prominent human rights lawyer who is involved in sensitive judicial cases such as proceedings against former dictator Jean-Claude Duvalier, complaints against the UN for their alleged involvement in spreading the cholera epidemic in Haiti, and cases of forced evictions of people made homeless after the earthquake. As head of the International Lawyers Office (Bureau des Avocats Internationaux), he addressed the Inter-American Commission of Human Rights last July, requesting them to visit Haiti to investigate human rights violations. Newton St-Juste and André Michel, also lawyers, recently filed criminal grievances against the wife and the son of the President of the Republic of Haiti for corruption and embezzlement of public funds.

The CCBE believes that there is a correlation between the abovementioned acts against the three lawyers and their legitimate activism in defence of human rights. In this context, the CCBE wishes to

draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

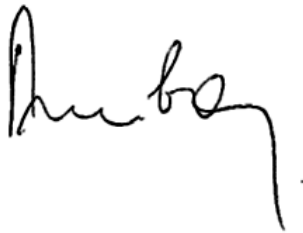
Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE urges the Haitian authorities to carry out an immediate, thorough and impartial investigation into these alleged threats and intimidation against the three lawyers and guarantee in all circumstances that lawyers in Haiti are able to carry out their legitimate human rights activities without fear of intimidation or harassment and free of all restrictions.

Yours sincerely,



Marcella PRUNBAUER-GLASER
CCBE President