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Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Promoting human rights by protecting those who defend them

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BY AIRMAIL

Ministre de la Justice et de la Sécurité Publique
Jean Renel Sanon
18 avenue Charles Summer
Port-au-Prince, Haïti

Amsterdam, 26 October 2012

Re: Recent threats to Mr. Mario Joseph, Mr. Newton St-Juste and Mr. André Michel

Monsieur le Ministre / Dear Minister,

The Dutch Lawyers for Lawyers Foundation (“Stichting Advocaten voor Advocaten”) is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. The Foundation does this by supporting lawyers worldwide who are threatened or suppressed in the execution of their profession.

On behalf of the Foundation, we write you in respect of our colleagues Mr. Mario Joseph, Mr. Newton St-Juste and Mr. André Michel. We wish to express our concern and draw your attention to the continuous threats that have been made to these three lawyers in recent months.

Mr. Mario Joseph is a prominent and well-respected human rights lawyer, whose work has been recognized both nationally and internationally. Mr. Newton St-Juste and Mr. André Michel are lawyers who are involved in cases concerning corruption complaints brought against the presidential family and members of Haiti's government.

We understand that these lawyers have received continuous death threats by phone in recent months. They have also reported acts of intimidation such as threat tags painted on walls, and police vigilance in the proximity of their office and homes. We furthermore understand that their names were among a list of 36 persons whose arrest has been ordered by way of a ministerial order. It is unclear on which grounds these arrests were ordered.

We would like to draw your attention to paragraphs 16 and 17 of the United Nations' Basic Principles on the Role of Lawyers. These principles read as follows:

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.

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

These principles are universally applicable. It is therefore the responsibility of the Haitian government to adequately protect and support its lawyers in accordance with these principles and to ensure that they can continue to carry out their legitimate and important work.

In light of the above, we urge you to immediately, independently and thoroughly investigate the threats and acts of intimidation towards Mr. Mario Joseph, Mr. Newton St-Juste and Mr. André Michel ensuring that those responsible are brought to justice and to provide effective protection to these lawyers.

We furthermore draw your attention the United Nations International Covenant on Civil and Political rights, which has been acknowledged by Haïti. Article 9 of that document states that

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds as in accordance with such procedures as are established by law.

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for this arrest and shall be promptly informed of any charges against him.

We also refer to articles 9 and 10 of the Universal Declaration of Human Rights, which states that no one shall be subjected to arbitrary arrest, detention or exile and that Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

In view of these and other binding international laws, and referring to paragraph 16, subsection c, of the Basic Principles on the Role of Lawyers, we ask you to clarify why the arrest of Mr. Mario Joseph, Mr. Newton St-Juste and Mr. André Michel, along with 33 other political opponents, is being sought and urge you to ensure that no one is arrested or detained arbitrarily and that anyone charged is given a fair trial in compliance with international standards.

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice in this respect and trust upon you in applying all international human rights standards.

Sincerely,



Adrie van de Streek
Executive Director, Lawyers for Lawyers



Gail Davidson
Executive Director, LRWC