

URGENT ACTION

LAWYERS IN HAITI THREATENED AND INTIMIDATED

Three lawyers in Haiti are reporting an increase of threats and intimidation against them in recent months. They believe they may be targeted for their activism and criticisms against the Haitian government.

On 28 September, the Chief Prosecutor of Port-au-Prince, Jean Renel Sénatus, was interviewed at 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 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 three lawyers have reported that they have received continuous death threats by phone in recent months. They also reported acts of intimidation such as threat tags painted on walls, and police vigilance in proximity of their office and homes.

Please write immediately in French or English, or your own language:

- Urging authorities to immediately and independently investigate the accusation of threats and intimidation towards the lawyers – ensuring that those responsible are brought to justice – and providing effective protection to the lawyers according to their wishes;
- Asking the Haitian authorities to clarify why the arrest of the 36 political opponents is being sought and insist that any accusation must be carried out under internationally recognizable criminal offences;
- Asking authorities to ensure that anyone charged is given a fair trial in compliance with international standards.

PLEASE SEND APPEALS BEFORE 15 NOVEMBER 2012 TO:

Ministry of Justice and Public Security

Ministre de la Justice et de la Sécurité

Publique

Jean Renel Sanon

18 avenue Charles Summer

Port-au-Prince, Haïti

Email: secretariat.mjsp@yahoo.com

Salutation: Monsieur le Ministre/Dear

Minister

Chief Prosecutor of Port-au-Prince

Commissaire du Gouvernement de Port-

au Prince

Me Gerald Norguaise

Parquet du Tribunal de Première

Instance de Port-au-Prince

Palais de Justice

Blvd. Harry Truman

Port-au-Prince, Haïti

Email: parquetpap@yahoo.fr

Salutation: Cher Maître

Norguaise/Dear Mr. Norguaise

And copies to:

Institute for Justice and Democracy in

Haiti

Email: info@ijdh.org

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.



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ADDITIONAL INFORMATION

The role of Chief Prosecutor for the jurisdiction of Port-au-Prince is essential to ensure prosecution of cases in the Haitian capital, including those involving national and local authorities. However, this position has been affected by instability since President Michel Martelly took office in May 2011. Me Gerald Norguaisse is the seventh Chief Prosecutor to be appointed to the Port-au-Prince jurisdiction in sixteen months. After the dismissal of Jean Renel Senatus, Elco St. Amand was appointed Chief Prosecutor, despite having been dismissed as deputy Chief Prosecutor of Port-au-Prince in 2001 for his implication in a case of corruption. However, possibly due to pressures from civil society, he was replaced by Me Gerald Norguaisse. In November 2011, the then Chief Prosecutor of Port-au-Prince and the Ministry of Justice were dismissed for their role in the contested arrest of Arnel Belizaire, a member of the opposition in Parliament.

The lack of independence of the justice system has since long been a matter of concern for national and international human rights organisations. Enhanced independence was expected to result from the establishment of the Supreme Council of the Judiciary (*Conseil Supérieur du Pouvoir Judiciaire*), which was created by law in 2007 but only made functional in July 2012. One of the main roles of the Council is to certify the appointment of new judges. However, according to the Human Rights Defence Network (*Réseau National de Défense des Droits Humains*), judges continue to be appointed without the agreement of the Council.

Name: Mario Joseph, Newton St-Juste and Michel André

Gender m/f: male

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