

International  
Criminal Defence  
Attorneys Association



Association  
Internationale des Avocats  
de la Défense

### **ICDAA Statement on the Harassment and Threats Against Haitian Lawyers**

The International Criminal Defence Attorneys Association (ICDAA), an international organization committed to strengthening fair trial rights and the independence of the legal profession within the international criminal justice system, expresses its grave concern over the escalating intimidation of and threats against three Haitian attorneys – Mario Joseph, André Michel and Newton St-Juste - who represent critics of the current Haitian government. The harassment and threats have included death threats, judicial harassment, police surveillance and hostile graffiti painted on office walls.

The former Chief Prosecutor of Port-au-Prince, Jean René Sénatus, has announced in several radio interviews that he was dismissed in late September for refusing to implement a ministerial order to arrest 36 political opponents. The three attorneys were named in this group. According to Amnesty International, the basis for the warrants is unclear, and the Ministry of Justice, headed by Jean Sènel Sanon, has denied giving such orders.

**Association Internationale des Avocats de la Défense / International Criminal Defence Attorneys Association**

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NGO in Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC)  
NGO registered as civil society organization (CSO) with the Organization of American States (OAS)  
NGO registered as a non-governmental international organization (NGIO) and as a CSO with the  
“Organisation internationale de la Francophonie” (OIF)



Joseph is Haiti's leading human rights lawyer and Managing Attorney of the Bureau des Avocats Internationaux (BAI), a public interest law firm in Port-au-Prince. Sénatus also claimed that the Minister of Justice had ordered him to close the BAI office and place judicial seals on it. The clients of Joseph and the BAI include the 5000 victims of the cholera epidemic, who are seeking compensation from the U.N.<sup>1</sup> St-Juste and Michel have filed corruption and embezzlement of public funds claims against family members of Haiti's President, Michel Martelly.

**The ICDAA calls on the Haitian Government to respect and protect the independence of lawyers, in conformity with international principles and standards.**

The Basic Principles on the Role of Lawyers, adopted by the 8<sup>th</sup> U.N. Congress on the Prevention of Crime and Treatment of Offenders, Havana, Cuba, 1990, Article 16, states under "Guarantees for the functioning of lawyers" that :

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<sup>1</sup>The origin of the epidemic has been traced to U.N. peacekeepers from Nepal stationed in Haiti (New York Times, 31 March 2012, <http://www.nytimes.com/2012/04/01/world/americas/haitis-cholera-outraced-the-experts-and-tainted-the-un.html?pagewanted=all>).

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16. 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.

**The ICDAА calls on the Haitian Government to guarantee the protections against arbitrary arrest** found in the International Covenant on Civil and Political Rights (Article 9) and the Universal Declaration of Human Rights (Article 9) and the **protections for human rights defenders** in the Declaration on Human Rights Defenders (1999).

**The ICDAА calls on the Haitian Government to immediately**

- **Clarify the basis of the arrest warrants** for the 36 political opponents, including the lawyers;
- **Cease harassment** against the lawyers and government opponents, and **investigate the allegations of threats and intimidation** by private actors, with the possibility of prosecution; and

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• **Provide effective protection** to the lawyers, to be determined in accordance with their wishes

Signed:

Elise Groulx  
Attorney at law  
President, ICDA  
8 October, 2012

The International Criminal Defence Association (ICDAA) is an international non-governmental organization, dedicated to strengthening fair trial rights and an independent legal profession in the emerging international criminal justice system. ICDAA has official consultative status with the U.N. Economic and Social Council (ECOSOC) and is formally recognized as an organization of Civil Society at the Organization of American States (OAS). It also received recently official consultative status with l'Organisation Internationale de la Francophonie (OIF)

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