

October 22, 2012

Susan Rice
Ambassador to the United Nations
799 UN Plaza
New York, NY 10017-3505

RE: Threats Against Human Rights Attorney Mario Joseph

Dear Ambassador Rice:

We are writing to express our alarm about the escalating threats and intimidation against Attorney Mario Joseph of the Bureau des Avocats Internationaux (BAI) and other human rights lawyers in Haiti. It is critically important that the Haitian government act swiftly and decisively to stop these actions.

Attorney Joseph and his colleagues at BAI are at the forefront of human rights work in Haiti. Among the causes they have championed are representing eight victims of former dictator Jean-Claude Duvalier, protecting the rights of a wide array of grassroots organizations to engage in peaceful protests against government policies, advancing labor and voting rights, representing residents of internally displaced persons camps contesting illegal evictions, engaging in candid and timely reporting to various international organizations on the status of human rights in Haiti, including participation in the Universal Periodic Review of Haiti conducted by the United Nations Human Rights Council, and focusing attention on violations of women's rights, housing rights, press freedom, and other rights of fundamental importance. Perhaps most visible on an international level, Attorney Joseph has filed a complaint at the United Nations to hold the UN accountable for the cholera epidemic that has ravaged Haiti and caused untold suffering.

Attorney Joseph began to receive violent death threats on his cell phone shortly after convening a widely attended press conference on January 30, 2012, condemning the dismissal of charges against former Haitian dictator Jean-Claude Duvalier for political violence. In the immediate aftermath of the press conference, the volume of threatening calls was often three to four times a day before abating in March. Threats began again in July 2012, shortly after Attorney Joseph submitted a letter to the Inter-American Commission on Human Rights requesting an investigation of rampant human rights violations in Haiti. While these calls have decreased over the last month, the message is clear: when Attorney Joseph publicly advocates for respect for the rule of law, an independent judiciary and holding Haiti accountable for human rights abuses, he runs the risk of violent threats and, worse, the possibility that the callers will act on those threats with violence.

Violent threats have been accompanied by other efforts to intimidate Attorney Joseph. These efforts include the presence of Haitian National Police outside the property of the BAI, police conducting warrantless searches of selected persons leaving the premises, and a judge summoning Attorney Joseph to appear before him and provide testimony on a matter that, while technically legitimate, seemed designed to intimidate.

More recently, on September 28, 2012, the Chief Prosecutor of Port-au-Prince claimed that he was terminated from his position for his refusal to issue arrest warrants for Attorney Joseph and 35 critics of the government, at the behest of the Ministry of Justice. The Ministry of Justice has denied this claim but has declined to order an investigation. Even if such an order was not issued, this public discourse serves to intimidate advocates and chill political participation.

Haiti has long struggled with corruption, poverty and instability. Courageous advocates like Attorney Joseph are representing the disempowered and dispossessed, advocating for accountability and striving to build the framework for civil society.

As lawyers concerned for human rights in Haiti, we:

- 1) Urge the Haitian government to respect national and international law. Specifically, the authorities must: conduct an independent investigation of the charges of politically targeted arrest warrants; implement measures to ensure independence, integrity and stability in the office of the Chief Prosecutor in Port-au-Prince, where most of the charges against local authorities are brought; and send an unmistakable message that threats and intimidation of lawyers and other activists will not be tolerated.
- 2) Urge the U.S. government, which is Haiti's largest financial and diplomatic supporter and which played an active role in securing the election of President Martelly in 2011, to take steps to ensure that the Haitian government does not persecute government critics or the lawyers who represent them.
- 3) Urge the United Nations, particularly the U.N. Stabilization Mission in Haiti (MINUSTAH), which provides substantial financial, diplomatic, and security support to the government of Haiti, to provide protection to threatened human rights advocates, who are a vulnerable group in Haiti, and to help build the capacity of the Haitian government to respect the rights of government critics and their lawyers.

The international legal community is paying close attention.

Very truly yours,

Individual Sign-Ons (Institutional affiliations provided for identification purposes only)

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9. Rights Action
10. Robert F. Kennedy Center for Justice & Human Rights
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cc: Secretary of State Hillary Clinton
U.S. Department of State

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Minister of Justice

Commissaire du Gouvernement de Port-au-Prince
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