

## Public Statement

### **The Law Society of Upper Canada Expresses Grave Concerns about the Arrest and Harassment of André Michel in Haiti**

The Law Society of Upper Canada is gravely concerned about the arrest and harassment of lawyer André Michel in Haiti.

Reports indicate that on October 22, 2013, human rights lawyer André Michel was arbitrarily held for one night in police custody. While on his way home, Mr. Michel's car was stopped by police officers who attempted to carry out a search of his vehicle. Mr. Michel refused to get out of the car and would only accept the search if a justice of the peace (*juge de paix*) was called, a request which is in accordance with Haitian law. The search was eventually carried out with a *juge de paix* present and no evidence of wrongdoing was found. Despite this, the Office of the Prosecutor ordered that Mr. Michel be held in custody overnight on charges of obstructing justice, which was in violation of legal provisions that prohibit arrests after 6 p.m. except in cases of *flagrante delicto* (being arrested in the course of committing a crime). Mr. Michel was eventually released the next morning.

It is our understanding that Mr. Michel is involved in legal proceedings against the wife and eldest son of Haiti's president. Since the beginning of this case, Mr. Michel has stated that he has faced intimidation and has received threats. In July 2013, an arrest warrant was issued against him for his alleged involvement in a murder. Mr. Michel's client, the complainant in the corruption case, was arrested on the same charge and remains in detention.

Shortly after Mr. Michel's release on October 23, 2013, a member of the Office of the Prosecutor declared to the press that the July 2013 arrest warrant, which had never been executed, would be carried out. Some reports note that a group of protestors removed Mr. Michel from the courthouse just as a judge was about to order him to go to the state penitentiary. Mr. Michel was taken to the Port-au-Prince bar association for his own protection. Mr. Michel remains at risk of arrest. Recent reports indicate that the arrest warrant against Mr. Michel has been lifted.

The Law Society is concerned about the arrest and harassment of André Michel. In the past, the Law Society of Upper Canada has condemned threats and intimidation directed toward lawyers in Haiti. International human rights instruments, including the *Universal Declaration of Human Rights*, state that respect for human rights are essential to advancing the rule of law.

The Law Society urges the government of Haiti to,

- a. guarantee in all circumstances the physical and psychological integrity of André Michel and other human rights defenders in Haiti;

- b. put an end to all acts of harassment, including at the judicial level, against human rights lawyers and other human rights defenders in Haiti;
- c. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations;
- d. conform in all circumstances with the provisions of the *United Nations Basic Principles on the Role of Lawyers* and the *Declaration on Human Rights Defenders*; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

*\*The Law Society of Upper Canada is the governing body for some 46,100 lawyers and 5,600 paralegals in the Province of Ontario, Canada. The Treasurer is the head of the Law Society.*

*The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*