
November 13, 2020

Prime Minister Joseph Jouthe
33, Boulevard Harry Truman
Ville de Port-au-Prince
Haiti HT-6110

Re: Assassination of Monferrier Dorval

Honorable Prime Minister:

The American Bar Association (ABA) is distressed by what appears to have been the assassination of the president of the Port-Au-Prince Bar Association and constitutional law scholar, Monferrier Dorval.¹ As the world's largest independent, voluntary, nongovernmental organization of lawyers and judges, the ABA regards human rights and the rule of law as cornerstones of a free and fair society and is committed to strengthening them in the United States and abroad.

We are encouraged to see that your government has publicly denounced the murder² and that investigations are ongoing, with several suspects arrested.³ At the same time, we are concerned about reports that Mr. Dorval's murder may have been politically motivated. Additionally, Haiti's civil society organizations have questioned whether any investigation and judicial proceedings will be thorough, independent, and serve the interests of justice.⁴ We therefore respectfully call on you to ensure an independent, transparent, and thorough investigation of Mr. Dorval's assassination.

Mr. Dorval was shot multiple times at close range just outside of his home on August 28, 2020, just hours after giving a radio interview where he discussed a number of controversial topics,

¹ <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245352670.html>.

² <https://www.haitilibre.com/en/news-31668-haiti-insecurity-rain-of-reactions-around-the-assassination-of-me-monferrier-dorval.html>.

³ <https://www.caribbeannationalweekly.com/caribbean-breaking-news-featured/police-arrest-four-in-haiti-related-to-the-murder-of-prominent-haitian-lawyer/>.

⁴ See, e.g., <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245352670.html>; <https://www.constanthaiti.info/2020/09/15/le-commissaire-du-gouvernement-doit-etre-poursuivi-en-justice-pour-sa-faute-technique-estime-me-mario-joseph-sur-lassassinat-de-me-monferrier-dorval/>; <https://rezonodwes.com/2020/09/23/haitibatonniergate-tous-les-hommes-arretes-par-la-dcpj-ont-un-lien-quelconque-avec-la-presidence-notamment-avec-martine-moise-et-le-ministere-de-linterieur/>; <https://www.alterpresse.org/spip.php?article26158#.X3tX3GhKiM8>; <https://www.alterpresse.org/spip.php?article26153#.X3tYM2hKiM8>; <https://rezonodwes.com/2020/09/05/audio-haitibatonniergate-le-portable-de-me-dorval-aurait-ete-localise-samedi-dernier-a-1130-am-dans-les-locaux-du-palais-national-grace-au-systeme-gps/>.

including elections, constitutional reform, the breakdown of Haiti's institutions, and the need for a new kind of government. He had also recently signed onto a statement denouncing President Moïse's rule by decree and had been speaking out against the threats to the security of Haiti's lawyers.⁵

Mr. Dorval made public statements on topics considered controversial and supported positions that placed him at odds with the present government. Acknowledged by Haiti's police as an assassination, the shooting took place in close proximity to the President's own home, in a neighborhood that should have been highly secure and subject to close police surveillance. Further, police officers failed to secure the crime scene, allowing Mr. Dorval's home to be ransacked and valuable evidence to be lost.⁶ The media suggest that at least some of the individuals arrested in connection with Mr. Dorval's assassination have affiliations with the current president or those in his close circle, and that Mr. Dorval's phone was geolocated at the National Palace on the morning after his murder, with a colleague asserting that Mr. Dorval's messages were read.⁷

The ability of lawyers and civil society actors to freely exchange ideas and pursue justice without fear of threats, violence, and death is indispensable to the rule of law. Mr. Dorval's assassination therefore represents not only an attack against an individual, but also a signal that human rights defenders and government opponents are not safe in Haiti. As a consequence, an independent, transparent, and thorough investigation and judicial process for Mr. Dorval's assassination are especially important.

Finally, the ABA wishes to express its concern that Mr. Dorval's assassination appears to be only one of many killings that have taken place amidst rising violence and pervasive impunity in Haiti. Unfortunately, the failure to bring to account those responsible has emboldened attackers.⁸

⁵ <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245352670.html>.

⁶ Although initially detained for their lapse, these officers were soon released, following police protests and a statement by President Moïse that the officers could only be subject to administrative sanctions. <https://www.caribbeannews.net/news/266511422/haiti-policeman-released-from-jail-after-violent-demonstrations>; <https://haitiantimes.com/2020/09/12/police-officers-burn-vehicles-during-protest-of-colleagues-arrest/>.

⁷ <https://rezonodwes.com/2020/09/05/audio-haitibatonniergate-le-portable-de-me-dorval-aurait-ete-localise-samedi-dernier-a-1130-am-dans-les-locaux-du-palais-national-grace-au-systeme-gps/>;
<https://rezonodwes.com/2020/09/23/haitibatonniergate-tous-les-hommes-arretes-par-la-dcpj-ont-un-lien-quelconque-avec-la-presidence-notamment-avec-martine-moise-et-le-ministere-de-linterieur/>.

⁸ See, e.g., <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article244708762.html>;
https://www.washingtonpost.com/world/the_americas/haiti-moise-coronavirus-barbecue/2020/08/14/2554fce4-cf4d-11ea-8c55-61e7fa5e82ab_story.html; see also National Human Rights Defense Network (RNDDH), Attacks on deprived neighborhoods: The RNDDH demands the end of the protection of armed gangs by the authorities in power (June 25, 2020), <https://web.rnddh.org/wp-content/uploads/2020/06/7-Rap-Attaque-Quartiers-Defavorise-Version-Anglaise-23Jun2020-2.pdf>; RNDDH, Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The authorities in power have installed terror in Cité Soleil (Aug. 13, 2020), <https://web.rnddh.org/wp-content/uploads/2020/08/Versin-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>; La Fondasyon Je Klere (FJKL), Terreur dans les quartiers populaires / Pont Rouge au cœur d'une stratégie électorale macabre : La Fondasyon Je Klere (FJKL) tire la sonnette d'alarme, (June 22, 2020) https://fjkl.org.ht/images/doc/FJKL_Situation_de_terreur_au_pont_rouge.pdf; Press Release, FJKL, *Violence*


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We are also disturbed by evidence of political interference with the judiciary and law enforcement,⁹ which generally serves to further entrench both human rights violations and impunity. We request that your government investigate and bring to justice those responsible while proactively seeking to ensure the safety and security of all Haitians, regardless of politics.

We express our support and solidarity for Haiti's lawyers, human rights defenders, and civil society activists in their pursuit for justice and the rule of law in Haiti. We urge your government to take the steps necessary to ensure justice for Mr. Dorval.

Sincerely,



Patricia Lee Refo

Cc: Honorable Rockefeller Vincent
Minister of Justice and Security

aveugle en Haïti n'épargnant pas des bébés et des femmes enceintes : La FJKL condamne la banalisation du droit à la vie et l'installation d'une culture d'impunité dans le pays (Aug. 7, 2020), <https://www.fjkl.org.ht/note-de-presse/violence-aveugle-en-haiti-n-epargnant-pas-des-bebes-et-des-femmes-enceintes-la-fjkl-condamne-la-banalisation-du-droit-a-la-vie-et-l-installation-d-une-culture-d-impunite-dans-le-pays>; *Statement by Mr. Jacques to the UN Security Council, Le Bureau des Droits Humains en Haïti* (June 19, 2020), available at <https://bdhhaiti.org/archives/495>.

⁹ U.S. Dep't Of State, Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices for 2019: Haiti* (2020), <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/haiti/> (“[S]enior officials in the executive and legislative branches exerted significant influence on the judicial branch and law enforcement.”).