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April 11, 1994

General Raoul Cedras
Commandant-en-Chef des Forces Armees d'Haiti
Grand Quartier General des Forces Armees d'Haiti
Rue Geffrard
Port-au-Prince, Haiti

Dear Monsieur le General:

Our Association and its more than 380,000 member lawyers have a deep commitment to the preservation of the rule of law in the international community. In particular, we seek to encourage the maintenance of judicial systems which are independent from governmental interference, and which respect the independence of judges and lawyers in order to maintain internationally recognized standards of fairness and justice. These objectives are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975.

Pursuant to that resolution, I am writing to you to express our deep concern regarding the disappearance of Laraque Exantus, a substitute public prosecutor (substitut du commissaire de gouvernement), in Port-au-Prince. According to reports we have received, Mr. Exantus disappeared from his home in Port-au-Prince on February 12, 1994. The Justice of Peace who went to Mr. Exantus' house indicated in his report that the house had been ransacked and the lock forced. Official files were scattered about and several objects of value had disappeared. The authors of this act have not been identified, and no further details of the circumstances of the disappearance are available. In view of recent events in Haiti, it is presumed that Mr. Exantus is in the custody of Haitian authorities or, even more likely, is dead.

Mr. Exantus, formerly public prosecutor in Saint-Marc, was appointed to his post last September by Justice Minister Guy Malary. Mr. Malary was assassinated on October 14, 1993, together with his driver and two of his bodyguards. We are also disheartened that no meaningful investigation of Mr. Malary's assassination has been conducted to date by Haitian authorities.

The disappearance of Mr. Exantus is one of a number of forced disappearances reported by the United Nations/Organization of American States International Civilian Mission in Haiti (MICIVIH). The UN/OAS International Civilian Mission, whose mandate, among others, is to monitor each person's right to personal security and integrity, denounces the practice of forced disappearances.

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MICIVIH reported a wave of detentions in the southwestern part of Haiti in early and mid-February of individuals suspected of complicity with an alleged group of armed rebels, although the Haitian authorities have provided no concrete evidence that such a group exists. Hundreds of persons are known to have been detained without charge in Gabion prison in Les Cayes. Among them was Robert Antony Itali, a magistrate from the town of Chantal. Mr. Itali, who was held for more than a week, was one of at least three detainees released without charge on February 21.

These facts, if our information is correct, reflect serious violations of the rule of law in Haiti. The independence of the judiciary is fundamental to maintaining the international norms of equal justice and due process enumerated in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and other international human rights instruments.

The American Bar Association is deeply concerned for the maintenance of the rule of law in Haiti. Preservation of the security of the state and public order are responsibilities of any government; however, such preservation in no way justifies the complete disregard for individual rights currently exhibited by Haitian authorities.

Restoration of the rule of law in Haiti could begin with Haiti's taking all necessary steps to determine the circumstances of the disappearance of Laraque Exantus. We respectfully urge a prompt and thorough investigation of this matter and if Mr. Exantus is still alive, we request his immediate release. We also urge that those responsible for his disappearance be brought to justice, regardless of their position.

Thank you for your consideration of these important matters. We look forward to your response.

Sincerely,



R. William Ide III
President
American Bar Association

cc: President William J. Clinton
Secretary of State Warren Christopher
Ambassador William Swing
Ambassador Jean Casimir