FOR IMMEDIATE RELEASE
March 16, 2011

Contacts:
David Lerner, Riptide Communications, dlerner@riptideonline.com, 212 260-5000
Brian Concannon Jr., Institute for Justice & Democracy in Haiti, brian@ijdh.org, 541-263-0029

Aristide’s Return to Haiti: Prominent Lawyers and Law Professors Urge U.S. to Respect Human Rights

Prominent lawyers and law professors today wrote to Cheryl Mills, U.S. Department of State Chief of Staff, criticizing United States Government interference with former Haitian President Jean-Bertrand Aristide’s constitutional and human right to return from forced exile to Haiti. President Aristide is expected to leave South Africa for Haiti on Thursday, March 17. On Monday, Department of State spokesperson Mark Toner urged the South African government to prevent the plane’s departure before Haiti’s upcoming elections.

The letter to Chief of Staff Mills explains that U.S. Government’s interference in President Aristide’s return violates his rights guaranteed by Haiti’s Constitution and international law.

Bill Quigley, Legal Director of the Center for Constitutional Rights and Professor at Loyola New Orleans Law School stated that “the United States trying to control when any Haitian citizen—especially a former President—can enter Haiti is outrageous. It violates a stack of binding international human rights treaties. I felt compelled to speak out to defend both President Aristide’s human rights and the American tradition of rule of law that I teach in my classroom.”

The letter notes that Mr. Toner’s expressed justification for restricting President Aristide’s right to return home—a fear that he might “impact” elections scheduled for Sunday, March 20, is an additional violation of President Aristide’s rights to free expression and freedom to take part in the conduct of public affairs. The letter finds such statements “especially disturbing” coming from a State Department that has noted human rights experts on its staff.

Brian Concannon Jr., Director of the Institute for Justice & Democracy in Haiti, added that “while Secretary Clinton has been promoting democracy and the rule of law in the Middle East,
the State Department has been undermining it in Haiti. It is time for the U.S. Government to practice in Haiti what it preaches elsewhere.”

Over 100 lawyers, professors, students and other individuals have signed the letter, including law professors from Harvard University, New York University, University of San Francisco and Loyola University Law Schools, and lawyers from prominent human rights and civil rights organizations throughout the United States, Canada and Europe.

###

To read the letter online, visit: http://ijdh.org/archives/17766.
March 16, 2011

Cheryl Mills, Esq.
Counselor and Chief of Staff
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Re: United States Government Opposition to the Right of Haiti’s Jean-Bertrand Aristide to Return

Dear Chief of Staff Mills:

The undersigned lawyers and law professors are writing to express our deep concern that the United States Department of State (DOS) is actively interfering with the human and constitutional right of former Haitian President Jean-Bertrand Aristide to return to his country. As you know, President Aristide was removed from Haiti on February 29, 2004, on board a U.S. Government plane.\(^1\) He has not returned to the country since then.

According to numerous press reports, on Monday March 14, DOS spokesperson Mark Toner stated that “[w]e encourage the South African Government as a committed partner to Haiti’s stability to urge former President Aristide to delay his return until after the elections,” and that “[w]e would urge former President Aristide to delay his return until after the electoral process has concluded....” These statements, read in light of previous United States Government efforts to diminish President Aristide’s presence and influence in Haiti,\(^2\) demonstrate a deliberate effort to restrict President Aristide’s ability to travel to Haiti.

Haiti’s Constitution\(^3\) guarantees the right of any Haitian national to return to the country. The International Covenant on Civil and Political Rights (ICCPR), which is binding on both the

---

\(^1\) President Aristide and many others assert that the departure was involuntary.

\(^2\) Including a June 2005 DOS Cable explaining that the U.S. Ambassador to Brazil and the Embassy Political Counselor “stressed continued USG insistence that all efforts must be made to keep Aristide from returning to Haiti or influencing the political process,” and the U.S. Government role in removing President Aristide from Haiti in February 2004.

\(^3\) Constitution of the Republic of Haiti, Art. 41 and 41-1.
United States and Haiti, declares that “[n]o one shall be arbitrarily deprived of the right to enter his own country.”

The DOS justification for restricting President Aristide’s constitutional and human rights— that his “return this week could only be seen as a conscious choice to impact Haiti’s elections” is itself a violation of his political rights, including his right to free expression, freedom of association, and freedom to take part in the conduct of public affairs.

It is especially disturbing to see such disrespect for internationally-accepted human rights from a Department that has made human rights an important part of its foreign policy, and that includes such noted human rights experts as Legal Advisor Koh and Assistant Secretary Posner.

We would urge you to reconsider the DOS policy of discouraging President Aristide’s exercise of his right to return to Haiti in light of the applicable legal standards, and to announce unequivocally that the United States government supports President Aristide’s right to return, and discourages other countries from interfering with that right.

Very truly yours,

Law Professors, Lawyers & Law Students*

Brian Concannon, Esq.
Executive Director
Institute for Justice & Democracy in Haiti (IJDH)
Boston, MA

William Quigley
Legal Director
Center for Constitutional Rights (CCR)
New York, NY

Nicole Lee, Esq.
President
TransAfrica Forum, Inc.

James L. Cavallaro
Clinical Professor of Law, Harvard Law School
Executive Director, Human Rights Program, Harvard Law School
Cambridge, MA

Jeffrey S. Brand
Dean, University of San Francisco School of Law

---

4 ICCPR Art. 12(4)
5 ICCPR Art. 19.
6 ICCPR Art. 22.
7 ICCPR Art. 25

*Organizational affiliations for identification purposes only
San Francisco, CA

Pamela Merchant
The Center for Justice & Accountability (CJA)
San Francisco, CA

Jean-Senat Fleury, Av.
Former Judge and Academic Director of Haitian National Judicial Academy
Boston, MA

Mirta Desir, Esq.
Chair & Founder
Link Haiti, Inc.

Kathleen Ruff
Former Director, British Columbia Human Rights Commission
Senior human rights adviser, Rideau Institute,
Ottawa, Canada

Adjoa A. Aiyetoro
National Conference of Black Lawyers
Little Rock, AR

Paul Copeland C.M.
Bencher (director), Law Society of Upper Canada
Member, Law Union of Ontario

Makau Mutua
Dean
SUNY Distinguished Professor
Floyd H. & Hilda L. Hurst Faculty Scholar
University of Buffalo Law School,
State University of New York
Buffalo, NY

Jeanne Mirer
President of the International Association of Democratic Lawyers
Brooklyn, NY

Philip Althouse, Esq.
Attorney
Cleveland, Ohio

Audrey Bomse
National Lawyers Guild

*Organizational affiliations for identification purposes only
Kathleen Bergin  
Director, You.Me.We.  
South Texas College of Law  
Houston, Texas

Marjorie Cohn  
Professor of Law  
Thomas Jefferson School of Law  
San Diego, CA

Edward T. Dangel, III, Esq.  
Boston, MA

Soffiyah Elijah, Esq.  
Deputy Director, Criminal Justice Institute  
Harvard Law School  
Cambridge, MA

Aaron Frishberg, Esq.  
New York, NY

Annie Gell, Esq.  
Lawyers Earthquake Response Network Legal Fellow  
Port-au-Prince, Haiti / New York, NY

Thomas Griffin, Esq.  
Legal Director  
LAMP for Haiti  
Philadelphia, PA

Lawrence A. Hildes  
Attorney  
Bellingham, WA

Nancy Kelly, Esq.  
Harvard Immigration and Refugee Clinic/Greater Boston Legal Services  
Boston, MA

Beatrice Lindstrom, Esq.  
Lawyers Earthquake Response Network Legal Fellow  
Port-au-Prince, Haiti

Jeena Shah, Esq.  
Lawyers Earthquake Response Network Legal Fellow  
Port-au-Prince, Haiti

*Organizational affiliations for identification purposes only
Daniel L. Meyers, Esq.
Past President, National Lawyers Guild New York Chapter
New York, NY

Tom Miller, General Counsel
Global Exchange
Berkeley, California

Teddy Ky-Nam Miller, Esq.
Foreign Service Officer (Admitted 10/24/2010)
Alumni - Hastings to Haiti Partnership
Washington, DC

Lori A. Nessel
Professor of Law
Director, Center for Social Justice
Seton Hall University School of Law
Newark, NJ

Shelby Quast, Esq.
Columbus School of Law
Catholic University of America
Washington, DC

Michael Ratner
President
Center for Constitutional Rights
New York, NY

Keren G. Raz
NYU Law Social Enterprise Fellow
New York, NY

Christopher Reilly, Esq.
Northvale, NJ

Pamela D. Bridgewater
Professor of Law
American University
Washington College of Law
Washington, DC

Judith Reilly, Esq.
Northvale, NJ

*Organizational affiliations for identification purposes only
Professor Dale F. Rubin
Appalachian School of Law
Grundy, VA

Grahame Russell
Co-director, Rights Action
USA & Canada

Margaret Satterthwaite
Associate Professor of Clinical Law
NYU School of Law
New York, NY

Susan Scott, Esq.
Inverness, CA

Irwin Stotzky
Professor of Law
University of Miami
Miami, FL

Bret Thiele, Esq.
Senior Expert - Litigation & Legal Advocacy
Centre on Housing Rights & Evictions
Duluth, MN

Deborah M. Weissman
Reef C. Ivey II Distinguished Professor of Law
University of North Carolina School of Law
Chapel Hill, NC

Burt Wides, Esq.
Former Counsel to Constitutional Government of Haiti
Special Counsel to President Carter for oversight of all U.S. Intelligence Agencies
Washington DC

John Willshire-Carrera, Esq.
Harvard Immigration and Refugee Clinic/Greater Boston Legal Services
Boston, MA

Martin R. Stolar
Attorney at Law
New York, NY

*Organizational affiliations for identification purposes only
Mark Windsor
Attorney at Law
Pasadena, CA

Kathy Roberts
Staff Attorney
The Center for Justice & Accountability (CJA)
San Francisco, CA

Pam Spees
Staff Attorney
Center for Constitutional Rights
New York, NY

Anjana Samant
Staff Attorney
Center for Constitutional Rights
New York, NY

Cathy Albisa
Executive Director
National Economic and Social Rights Initiative (NESRI)
New York, NY

Troy E. Elder
Director, Carlos A. Costa Immigration and Human Rights Clinic
Clinical Associate Professor of Law
Interim Director, Law Clinics
FIU College of Law
Miami, FL

Tim Dore, Esq.
Casey Family Programs
Seattle, WA

Martha L. Schmidt, Esq.
Attorney & Counselor
Seattle, WA

Judy Somberg
Chair
National Lawyers Guild Task Force on the Americas

Mary Ratcliff, Esq.
San Francisco Bay View Newspaper
San Francisco, CA

*Organizational affiliations for identification purposes only
Emily J. Yozell
Attorney

Makau Mutua
Dean
SUNY Distinguished Professor
Floyd H. & Hilda L. Hurst Faculty Scholar
University at Buffalo Law School
The State University of New York
Buffalo, New York

Sarah Dougherty, JD, MPH
Institute for Justice & Democracy in Haiti (IJDH)
Boston, MA

Karen Musalo
Clinical Professor of Law
Director, Center for Gender & Refugee Studies
University of California
Hastings College of the Law
San Francisco, CA

Hillary Exter, Esq.
New York, NY

Kerry McLean, Esq.
New York

J.P. “Sandy” Ogilvy
Ordinary Professor of Law
Director, Innocence Project Clinic
Director, Law & Social Justice Initiatives
Director, National Archive of Clinical Legal Education
Columbus School of Law
The Catholic University of America
Washington, DC

Nicole Phillips, Esq.
Staff Attorney
Institute for Justice & Democracy in Haiti (IJDH)
San Francisco, CA / Port-au-Prince, Haiti

Mark Windsor
Attorney at Law
Pasadena, CA

*Organizational affiliations for identification purposes only
Gerald D. Wall  
Greater Boston Legal Services  
Boston, MA

Allison Guttu, J.D.  
New York, NY

Jared L. Watkins, Esq.  
New York, NY

D'Ann Johnson  
Texas RioGrande Legal Aid

Kathleen Johnson  
Attorney  
Birmingham, Alabama

Simrat Mand  
Law Student  
Georgetown University Law Center  
Washington, DC

Tracie L. Washington, Esq.  
Director  
Louisiana Justice Institute  
New Orleans, LA

Natalie Bridgeman Fields  
Law Offices of Natalie Bridgeman Fields, Esq.  
San Francisco, CA

Robin Alexander  
Director of International Affairs  
United Electrical, Radio and Machine Workers of America (UE)  
Pittsburgh, PA

John T. Mitchell, Esq.  
Interaction Law  
Washington, DC

John Higgins, Esq.  
Vice Chair, Board of Directors  
TransAfrica Forum

*Organizational affiliations for identification purposes only
Keiko Cervantes-Ospina, Esq.
New York, NY

M. Chris Fabricant
Visiting Professor of Law
Director, Criminal Justice Clinic
John Jay Legal Services, Inc.
Pace University School of Law
White Plains, NY

Professor Adele Bernhard
Pace University School of Law
White Plains, NY

Hannah Cochrane
Law Student
Pace University School of Law
White Plains, NY

Professor Vanessa Merton
Faculty Supervisor, Immigration Justice Clinic
John Jay Legal Services, Inc.
Pace University School of Law
White Plains, NY

Jessica A. Wolff
Law Student
Pace University School of Law
White Plains, NY

Professor David Abraham
University of Miami School of Law
Coral Gables, FL

Barbara Rhine
Attorney at Law
Chair, Board of Trustees
Kehilla Community Synagogue
Piedmont, CA

Walter Riley
Attorney
Meiklejohn Civil Liberties Institute
Berkeley, CA

*Organizational affiliations for identification purposes only
Ann Fagan Ginger  
Attorney, Professor & Author  
Meiklejohn Civil Liberties Institute  
Berkeley, CA

Davida Finger, Assistant Clinical Professor  
Loyola University N.O. College of Law  
New Orleans, LA

Eugene P. Squeo  
Attorney  
New Jersey Forum for Human Rights  
Newark, NJ

Lory D. Rosenberg  
Immigration Attorney & Consultant  
Owner and Founder, IDEAS Consulting and Coaching  
Darnestown, MD

RoseAnne Concannon, Esq.  
Marshfield, MA

Stephen Coats  
Executive Director  
U.S. Labor Education in the Americas Project (USLEAP)  
Chicago, IL

Cheryl Harris  
Professor of Law  
UCLA Law School  
Los Angeles, CA

Carlos Villarreal  
Executive Director  
National Lawyers Guild SF Bay Area Chapter  
San Francisco, CA

Clyde Leland  
Univ. of San Francisco School of Law  
San Francisco, CA

Tanya H. Russell, Esq.  
Oakland, CA

Audrey M. Robert Ramirez, JD  
Boston, MA

*Organizational affiliations for identification purposes only
Sulay Grant  
Law Student  
Pace Law School  
White Plains, NY  

Sabrineh Ardalan  
Lecturer on Law  
Harvard Immigration and Refugee Clinical Program  
Cambridge, MA  

Karen J. Koonan  
Attorney  
National Jury Project  
Minneapolis, MN  

Anne Butterfield Weills  
Attorney at Law  
National Lawyers Guild  
Oakland, CA  

Denise Abrams  
Attorney  

Dawn Aberg  
Charlottesville, VA  

Marc-Tizoc González, Esq.  
Treasurer, LatCrit, Inc. (Latina & Latino Critical Legal Theory, Inc.)  
Immediate Past President, East Bay La Raza Lawyers Association  
Adjunct Faculty, Golden Gate University School of Law  
Berkeley, CA  

Thomas R. Lebach  
Attorney  
North Falmouth, MA  

Kamau K. Franklin, Esq.  
Malcolm X Grassroots Movement  

Natsu Taylor Saito  
Professor of Law  
Georgia State University College of Law  
Atlanta, GA  

*Organizational affiliations for identification purposes only
Ashley Ahlholm
Law Student
Suffolk University Law School
Boston, MA

Andrew B. Reid
Attorney
Boulder, Colorado

Dean Royer
Attorney at Law
Siegel & Yee
Oakland, CA

Barbara Bernier
Professor of Law
Florida A&M University College of Law
Tallahassee, FL

**Non-lawyer supporters**

Vincent Warren, Executive Director
Center for Constitutional Rights
New York, NY

Patrick Elie, Ph.D.
Port-au-Prince, Haiti

Albert Maysles
Documentary Filmmaker
New York, NY

Nick Preneta
Sustainable Organic Integrated Livelihoods (SOIL)
Haiti

Judith Wittner
Professor
Department of Sociology
Loyola University
Chicago, IL

*Organizational affiliations for identification purposes only*
Sasha Kramer  
Executive Director  
Sustainable Organic Integrated Livelihoods (SOIL)  
Haiti  

Peter Mott  
Co-Editor  
INTERCONNECT  
Pittsford, NY

Gail Mott  
Co-Editor  
INTERCONNECT  
Pittsford, NY

Emira Woods  
Foreign Policy in Focus  
Washington, DC

Jesse Hawkes  
Executive Director  
Global Youth Connect  
Kigali, Rwanda  
New York, NY

John Gabree  
Writer

Aaron Pollack  
Instituto de Investigaciones Dr. José María Luis Mora  
Mexico City, Mexico / USA

Tory Russell  
Whitehorse, Yukon, Canada

Lawrence C. Hager  
Falls Church, VA

Kay Coll, SSJ  
Sisters of St. Joseph ESL  
Bayonne, NJ

Jim Sugiyama

*Organizational affiliations for identification purposes only
Juan Carlos Vallejo
Chair Latin American and Caribbean Studies
Liberal University
Burlington, VT

Nesbit Crutchfield
Chair, Bay Area Free South Africa Movement
Priority Africa Network
Oakland, CA

Laura Carlsen
Director
Americas Program/Programa de las Americas
Mexico City, Mexico

Michelle Karshan
Aristide Foundation for Democracy board
Port-au-Prince, Haiti / New York, NY

Arden Murphy
Julie Webb-Pullman
Journalist

Dr. Catherine Nolin
Associate Professor of Geography
University of Northern British Columbia (UNBC)
Prince George, BC, Canada
Travis Frampton
London, Ontario

Sharon Hallas
Oaxaca, Mexico

Hendrik Voss
National Organizer, SOA Watch
Washington, DC

Jack Tyynela
Sudbury, Canada

Julia Pin
Victoria BC, Canada

*Organizational affiliations for identification purposes only
Manuel De Paz  
Program Coordinator  
Community Development & Education Program Coordinator  
Berkeley, CA

Lucia Roncalli MD  
Santa Rosa, CA

Peter Lackowski  
Burlington, Vermont

Charlie Hinton  
Haiti Action Committee,  
San Francisco, CA

Fatima P. Silva  
San Francisco, CA

Andrew R. Simmons  
Boston, MA

Brian McKeown  
President, CEO  
Howe Sound Films Inc.  
Vancouver, BC, Canada

Martin Mowforth  
Research Fellow in Human Geography  
School of Geography  
University of Plymouth  
Drake Circus, Plymouth  
Devon, United Kingdom

Ruth Wilton  
Canada

Andrés Thomas Contreris  
Nonviolence International  
Program on the Americas

Professor Foster Griezic  
Carleton University  
Victoria BC, Canada

Arnold H. Matlin, M.D., F.A.A.P.  
Linwood NY

*Organizational affiliations for identification purposes only*
Adriana Podesta
Susan Hagen Morrison, MD
Douglas W. Morrison, PhD
Rebecca Emory
Emelina Ramos
Jeffrey Frank
Jennifer Turchetta
Andrew O’Kane
Trail BC, Canada

Professor Barbara Ransby, PhD
Author and Activist
University of Illinois at Chicago
Chicago, Illinois

Sr. Conrado Acevedo

Tariq Jeeroburkhan
Montreal, Canada

Professor (ret.) Maivan Clech Lam
City University of New York Graduate Center
New York, NY

Rosemarie Pace
Director
Pax Christi Metro New York
New York, NY

Julie Rufo
Alameda, CA

Barbara Newman, M.D.

Paul J. Patnode

George H. Johnson
Seattle Washington

*Organizational affiliations for identification purposes only
Stella Marie Goodpasture, OP
Justice Promoter
Dominican Sisters of Mission San Jose, CA
Oakland, CA

Kevin Skerrett
Canada Haiti Action Network
Ottawa, Canada

*Organizational affiliations for identification purposes only