

**MOTION FOR LETTER ROGATORY AND LETTER
ROGATORY, PAUL V. AVRIL**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

EVANS, PAUL, et al., Plaintiff
v.
PROSPER AVRIL, Defendant

Civil No. 91-0399
(Nesbitt)

PLAINTIFFS' MOTION FOR ISSUANCE OF LETTER ROGATORY

Now come plaintiffs in this case, by and through counsel, and move the court, pursuant to Fed. R. Civ. P. 28 (b) (3), for an order directing the issuance of a letter rogatory to any judge, tribunal or appropriate authority having jurisdiction of civil actions in the City of Port-au-Prince, Republic of Haiti, requesting that such tribunal or appropriate authority subpoena the documents described in Exhibit A, attached to this motion, from the appropriate custodians of the records of the Military Government of Haiti headed by defendant in this case, Prosper Avril.

Dated: May 25, 1993

/s/ Michael S. Popkin

Michael S. Popkin, Esq.,
P.O. Box 21, No. Whitefield,
ME 04353 Tel: 207-549-5570
Center for Constitutional
Rights, 666 Broadway, New
York, NY 10012

EXHIBIT A

- a. The published official records of the Avril military government from October 1, 1989 to April 1, 1990, including but not limited to the records of all acts and decrees promulgated by the military government during that period;
- b. The record of all press statements by the Avril regime, whether press releases, transcripts and/or audio or video tapes of press conferences, issues of the official government newspaper L'Union, or other official pronouncements, whether or not these statements were made by Avril personally or by government spokesmen or newspapers, from October 1, 1988 to April 1, 1990.
- c. All records of the Armed Forces of Haiti, which comprise, relate or refer to the organization, command structure, and roster of the Haitian military unit known as the Presidential Guard during the period Lieutenant General Avril was head of the military government of Haiti;
- d. All records of the military government of Haiti, or of the Armed Forces of Haiti, which comprise, relate or refer to the organization of any personal security detail for President Avril, or the identities of the members thereof, during the period Lieutenant General Avril was head of the military government of Haiti;
- e. All official records of the military government of Haiti, comprising or relating to the state of siege declared by the defendant on or about January 20, 1990, or to the exile, expulsion or pardon of any of the plaintiffs in the days that followed;
- f. All records of military government of Haiti headed by Lieutenant General AVRIL, or any of the subdivisions or departments of that government, including the Haitian military and police, which mention any of the plaintiffs in this matter; Evans Paul; Serge Gilles; Gerald-Emile Brun; Ferrand-Gerard Laforest; Martin Etienne; and / or Jean-Auguste Mesyeux.
- g. All records of the Haitian military government, or any of its successor governments, or any subdivision, branch, institution or arm of the Haitian government, including but not limited to the Haitian Army, police, and judiciary, dating from March 1, 1988 to present, regarding any of the following individuals: Isidore Pongnon; Faustin Miradieu; Renaud Panovsky; Delus Joseph, Fritz Pierre, Ernst Prudhomme; and, Jodel Lesage.
- h. All correspondence or notes of the defendant, Prosper Avril, regarding the incidents of November 1, 1989, and/or January 20, 1990, or regarding any of the Plaintiffs.
- i. All documents or records of the Haitian Military Government of Prosper Avril, or the Haitian Army during the Avril regime, which relate to, or mention, the arrest, detention, torture, or interrogation of the plaintiffs on November 1, 1989 and January 20, 1990.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

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v.
PROSPER, AVRIL, Defendant
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(Nesbitt)

ORDER FOR ISSUANCE OF LETTER ROGATORY

This case comes on for consideration upon plaintiffs Motion for Issuance of Letter Rogatory, supported by the Affidavit of Michael S. Popkin, Esq., Attorney for Plaintiffs. After review of the Affidavit and Memorandum of Law submitted in support of the motion, it appears to the court that documents which are highly relevant to this case are contained in the records of the military government of Haiti headed at one time by the defendant, Prosper Avril, and that it is appropriate that a letter rogatory be issued in the form attached hereto. In light of which,

THE COURT ORDERS, that the clerk of the court shall issue a letter rogatory in the forms attached hereto.

Dated: June 7, 1993

/s/ Judge Nesbitt
Judge, United States District Court