

RELEASE IN  
PART B6

**From:** Mills, Cheryl D <MillsCD@state.gov>  
**Sent:** Thursday, February 11, 2010 4:22 PM  
**To:** H  
**Subject:** Fw: Haiti judge rules for release of U.S. missionaries

Fyi

**From:** Klevatorick, Caitlin B  
**To:** Mills, Cheryl D; Kennedy, Patrick F; Merten, Kenneth H; Coley, Theodore R  
**Cc:** 'Cheryl Mills' [redacted]  
**Sent:** Thu Feb 11 16:21:05 2010  
**Subject:** RE: Haiti judge rules for release of U.S. missionaries

B6

Ted and I just spoke with to Reginald Brown

He said they are waiting for the judge to sign the paper with the stipulation that someone remains in country to answer questions. Their understanding is that that person can be the atty.

**From:** Wykle, Chadwick J  
**Sent:** Thursday, February 11, 2010 4:00 PM  
**To:** Mills, Cheryl D; Kennedy, Patrick F; Merten, Kenneth H; Klevatorick, Caitlin B; Coley, Theodore R  
**Subject:** Haiti judge rules for release of U.S. missionaries

By Joseph Guyler Delva

PORT-AU-PRINCE (Reuters) - A Haitian judge said Thursday he had ruled in favor of the release of 10 U.S. missionaries accused of kidnapping 33 children and trying to take them out of the earthquake-stricken country.

"I just signed the request for the release of the 10 Americans submitted by the lawyers and I have sent it to the prosecutor's office," Judge Bernard Sainvil said.

He earlier told Reuters that once the prosecutor had given his opinion, he could formally issue a release order for the Americans, who have been jailed since they were stopped at Haiti's border with the Dominican Republic on Jan. 29.

Once the release order was issued, "they can go directly to the airport if they want and leave, but they should provide a guarantee of representation if further questions need to be asked," Sainvil said.

Under Haitian law, the prosecutor can formally comment on the judge's decision but he cannot overrule it.

A judicial source told Reuters Wednesday that Sainvil had decided to free the U.S. missionaries because there had been no evidence demonstrating "criminal intentions" on their part to support charges of child kidnap and criminal association leveled against them.

The missionaries, most of whom belong to an Idaho-based Baptist church, were arrested trying to take the children across the border to the Dominican Republic 17 days after a magnitude 7 earthquake that killed more than 200,000 people in the impoverished Caribbean nation.

#### PLEAS FOR RELEASE FROM PARENTS

The five men and five women have denied any intentional wrongdoing and said they were only trying to help orphans left destitute by the quake, which shattered the Haitian capital and left more than 1 million homeless. But evidence showed that most of the children still had living parents.

During hearings in the case, Sainvil heard from 10 parents of children handed over to the Americans. They

said they had turned them over because they had no food or water to give them, and believed they would have a better life with the missionaries elsewhere.

These parents had pleaded for the Americans' release.

The case has been a distraction to the Haitian government as it tries to cope with the aftermath of the earthquake and was diplomatically sensitive for the United States as it heads a massive international effort to feed and shelter Haitian quake survivors.

The U.S. government had said it was providing the Americans with consular access and monitoring their case, but made clear it did not want to interfere.

Haiti's beleaguered government had warned that traffickers could try to take advantage of the chaos that followed the quake by taking away vulnerable children, and it tightened adoption procedures.  
(Editing by Pascal Fletcher and Xavier Briand)

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