



**amnesty
international**

HAITI

Appeal case

10 January 2006

AI Index: AMR 36/003/2006

Release political prisoner Annette Auguste 20 months of arbitrary detention

Full name: **Annette Auguste (a.k.a Sò Ann) (f)**

Age: **65**

Occupation: **folk singer, community leader**

"If ALL the prisoners in Haiti who have been arrested merely for their affiliation with Lavalas are not freed there are political prisoners in Haiti. I challenge Amnesty International and other respectable human rights organizations to begin to use the words, "political prisoners" or otherwise explain to the world why we are still behind bars. Why am I still behind bars? Explain this to us! Let us understand your reasoning that keeps us behind bars without ever having a fair day in court."

Annette Auguste, *From my prison cell...*
ZNet, 18 June 2005



Annette Auguste at the Pétion-Ville penitentiary. ©

Annette Auguste, also known as Sò Ann (Sister Anne), a prominent folk singer, community leader and supporter of the *Fanmi Lavalas* party, was arrested at her home around midnight on 9 May 2004, by a contingent of US marines, on suspicion of possessing information that could pose

a threat to the US-military force deployed in Haiti.

The US marines belonged to the Multinational Interim Force (MIF) deployed in Haiti under United Nations Security Council resolution 1529, few hours after Aristide left the country on 29 February

2004. During the arrest, they reportedly used explosives to open the front gate, shots were fired and the door to the house was forced open, even though the marines reportedly met no resistance.

According to Lt. Col. Dave Lapan, a spokesman of the MIF, US soldiers searched Annette Auguste's house but no weapons or evidence on the allegations was found. Despite this and despite the absence of any arrest warrant, Annette Auguste and her family were taken into custody.

Annette Auguste and at least 10 members of her family present at the time, including her five-year-old grandson and four other children, aged 9, 12 and 15, were handcuffed and taken into custody; some of those arrested had black plastic bags put over their heads. They were taken to the campus of the Aristide Foundation for Democracy University which was used as a military base for US forces belonging to the MIF. Several members of her family were interrogated as well. They were all released at about 6 am on 10 May 2004, except Annette Auguste who was handed over to the Haitian National Police (HNP).

Ever since, Annette Auguste has been held on suspicion of "incitement to violence" in relation to the violent attack allegedly perpetrated on 3 December 2003 by Lavalas supporters against university students occupying the premises of the Faculty of Social Sciences of the Haitian National University in Port-au-Prince. The clashes resulted in the injury of at least 24 people including the university's rector who had both legs fractured.

Since former President Jean-Bertrand Aristide (*Fanmi Lavalas party*) was ousted in February 2004 dozens of supporters and members of Fanmi Lavalas party have been arrested by the Haitian National Police. Most of these arrests are believed to be arbitrary: unlawful and based on political grounds and on trumped-up criminal charges.

Annette Auguste is imprisoned at Pétion-Ville penitentiary, on the outskirts of Port-au-Prince. She has been in prison for more than 20 months.

Annette Auguste's lawyer has twice requested the judge overseeing the case to grant a "provisional release pending trial" (*main levée d'écrou*) in accordance with the Haitian Code of Criminal Procedures. The requests were rejected for unknown reasons.

In Haiti, criminal suspects are frequently kept in jail during the criminal investigation which must be concluded within three months of the arrest. More than 20 months after her arrest, Annette Auguste is still in prison and has not been formally charged with a recognizable offence. Amnesty International believes that Annette Auguste is being held arbitrarily since the Haitian authorities have failed to produce any evidence to charge her and have failed to release her within the normal terms.

Amnesty International believes that Annette Auguste is being detained solely for her political views. **Please join Amnesty International in calling on the Haitian authorities to release Annette Auguste immediately.**

TAKE ACTION NOW!

WRITE TO THE HAITIAN AUTHORITIES:

- Calling for the immediate release of Annette Auguste;
- Expressing your concern that Annette Auguste has been arrested and kept in jail for 20 months on suspicion of unrecognizable criminal offences and that these are being used solely as a pretext to punish her for her political views. Such practice would be in violation of Articles 19 ('freedom of expression') and 22 ('freedom of association') of the International Covenant on Civil and Political Rights, to which Haiti is a party since 1991;

PLEASE ADDRESS YOUR APPEALS TO:

President of the Republic

Boniface Alexandre
Président de la République
Palais National
Champ de Mars
Port-au-Prince, HAITI
Fax: **+509 224 4875**
Salutation: Monsieur le Président / Mr. President

Prime Minister

Gérard Latortue
Premier Ministre
Ministère de l'Intérieure
Villa d'Accueil
Delmas 60, Musseau, Port-au-Prince, Haiti
Fax: + 509 298 3900
Salutation: Monsieur le Premier Ministre /
Dear Prime Minister

Minister of Justice and Public Security

Henri Dorléans
Ministre de la Justice et de la Sécurité Publique
Ministère de la Justice
19 Avenue Charles Summer, Port-au-Prince, Haïti
Fax: + 509 245 0474
Salutation: Monsieur le Ministre / Dear Minister

Public prosecutor

Monsieur Jean Pierre Daniel Audain
Commissaire du Gouvernement près le Tribunal de
première instance de Port-au-Prince
Parquet de Port-au-Prince
Port au Prince, Haïti
Salutation: Monsieur le Commissaire du
Gouvernement

PLEASE SEND COPIES TO:

Head of the Human Rights Division

Thierry Fagart
Human Rights Division, MINUSTAH
385, Ave. John Brown, Bourdon, B.P. 557
Port-au-Prince, Haiti (W.I.)
Fax: **+509 244 9366**

If you want to take further action on this case, please contact your national AI office.