

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
MIAMI, FL**

IN THE MATTER OF)
PROCEEDINGS)

IN REMOVAL

Honorable Judge

AFFIDAVIT IN SUPPORT OF X'S APPLICATION FOR ASYLUM

I, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge.

1. [QUALIFICATIONS]
2. I do not recall ever meeting X, but I have read a draft of his affidavit, I am familiar with the broader context of his claim for asylum, including the systematic attacks against supporters and members of Haiti's *Lavalas* government.
3. In February 2004, a group of insurgents, comprised mostly of former soldiers and of paramilitaries from disbanded death squads, started attacking and taking cities and towns in the north of Haiti. Each time the insurgency attacked a city, it released all the prisoners held in jail, some of whom joined the fight. Often the insurgents executed police and other officials, and prominent supporters of the elected government or *Lavalas* party. The insurgents publicly declared that they would kill *Lavalas* supporters and officials, and they have made good on that promise.
4. Many of the insurgency's leaders were implicated in human rights violations against the *Lavalas* movement during the 1991-1994 *de facto* dictatorship. For example, Jodel Chamblain was the second in command of the *FRAPH* death squad. Jean Pierre, alias Tatoune, was a local *FRAPH* leader in Gonaives. Both were convicted for murder in the Raboteau trial. The insurgency's top leader, Guy Philippe, was a former police officer forced to flee in 2000 when the U.S. Embassy reported to the Haitian government that he was involved in planning a coup. The UN Human Rights Mission had accused Mr. Philippe of tolerating executions by officers under his command, and the U.S. reported that he was involved in drug trafficking. Mr. Philippe is the head of a political party, and was a candidate for President in the February 7, 2006 elections.
5. Eventually, the insurgents took over all of Haiti. Although the arrival of international forces limited their activities in some areas, they still operate openly in some places. The insurgents enjoy significant support from Haiti's interim government. Although there is occasionally some government action to rein them

- in, the police make little effort to arrest insurgents for attacks against perceived Lavalas supporters. In March 2004, the interim Prime Minister, Gerard Latortue hailed the insurgents as “freedom fighters.”
6. Police officials purged police ranks of officers suspected of supporting the ousted constitutional government. The former Minister of the Interior, former General Herard Abraham, now Minister of Foreign Affairs, systematically integrated former soldiers into the police force, bypassing the normal channels for police recruitment and admission. As a result, the police force has become militarized, and a large segment of it is not answerable to the official police hierarchy.
 7. Immediately after the departure of President Aristide on February 29, 2004, the insurgents and their allies conducted widespread attacks on *Lavalas* members, officials and supporters. Hundreds, perhaps thousands were killed, and many others were arrested illegally, beaten or otherwise tortured. Thousands, perhaps tens of thousands have been forced to flee abroad or into internal exile.
 8. The persecution of *Lavalas* supporters includes mass killings. The Port-au-Prince morgue reported disposing of over 1000 bodies in March 2004 alone, many bearing signs of summary execution. It includes torture by both the insurgents, who often mutilate their victim’s bodies before killing them, and the police, who use torture as an interrogation technique. The persecution also includes the illegal arrest and detention of former officials and activists, who are often arrested without a warrant and kept in jail without a hearing and without access to the courts. The persecution is being carried out by a wide spectrum of *Lavalas* opponents, including the insurgents in areas they control, Haitian police, and even top government officials such as the Minister of Justice and handpicked judges.
 9. The Interim Haitian government has systematically persecuted former members of Parliament associated with the Lavalas movement. On March 19, 2004, police arrested Amanus Mayette, a former member of Parliament from Saint-Marc, and held him for 18 months without charge. Mr. Mayette reports that masked men wearing black uniforms took him from his house, cuffed his hands, chained his legs and put a bag over his head. They drove him around and threatened to kill him unless he provided the names of Lavalas members. When Mr. Mayette was finally charged in September 2005, Thierry Fagart, the top UN Human Rights official in Haiti, called the charging document “a flagrant violation of the Constitution.”
 10. Former *Lavalas* Senator and Prime Minister Yvon Neptune was arrested in June, 2004, and held for over a year without having access to the courts. He was formally charged in September 2005, in a document that Thierry Fagart, the top UN Human Rights official in Haiti, called the charging document “a flagrant violation of the Constitution.”
 11. On September 30, 2004, police fired upon thousands of political dissidents demonstrating against the government. A few days later the police arrested four

- current or former members of Parliament at a radio station after they participated in a radio debate about the arrests. Two were released within days, but two others spent almost three months in prison before being released, with no formal charges ever being issued.
12. On October 13, 2004, Haitian police forcibly entered the Sainte Claire Catholic Church in Port-au-Prince and arrested the Pastor, Rev. Gérard Jean-Juste, perhaps the most popular political dissident in Haiti, without a warrant, while he was feeding the hungry children of his parish. After almost seven weeks in prison, Fr. Jean-Juste was released when the government could produce no evidence against him. In late December 2004, the Minister of Justice retaliated against the judge who issued the release order, Jean-Senat Fleury, illegally ordering the Chief Judge to take all Judge Fleury's criminal cases away. Rev. Jean-Juste was re-arrested on July 21, 2005, and was held in jail for seven months before being released temporarily for cancer treatments in January.
 13. On October 14, 2005, Thierry Fagart, the head of the UN Human Rights mission in Haiti, called the human rights situation "catastrophic." He cited an August 20 massacre of at least 10 people at a soccer game by police and machete-wielding civilians, as well as illegal arrests and torture by the police. On December 9, 2005, the Prime Minister illegally dismissed five members of the *Cour de Cassation* (Supreme Court) because he did not like a decision they had made on a political case. The court system went on strike in protest, and as of this date has not resumed functioning.
 14. Detention in a Haitian prison could be a death sentence, even if the government does not intend for it to be so. Prisoners are kept in conditions so willfully wretched that the United Nations' official assigned to help improve them quit in November 2004, when the Haitian government refused international offers of help. His successor warned the Haitian authorities that unless they took immediate remedial action, there would be significant violence in the prisons, especially the National Penitentiary where many political prisoners are kept. As predicted, National Penitentiary prisoners broke out of their cells in a protest against conditions, on December 1. Although the prisoners did not hurt any guards, the guards responded with lethal force, including repeated firing from automatic weapons. The government admits to ten prisoners killed in the incident, but witnesses, human rights groups and journalists claim the number of dead was several times that. For at least six weeks, the government would not tell prisoners' family members whether their loved ones were dead or alive. On February 19, 2005, six armed men were able to take over the entire National Penitentiary. They released several hundred prisoners, and forced others to leave. The government has not explained why the attackers met with no resistance from the police or prison guards.
 15. Haiti's February 7, 2006 elections were held without widespread violence, and hold out some hope that human rights and security conditions in Haiti will eventually improve. Although the inauguration of the President has been

- postponed several times, it is now scheduled for May 14. If installed, the new government will likely end the practice of detaining political prisoners. But several dangers for Lavalas activists are likely to survive a democratic transition.
16. First, the people involved in the past persecution will likely remain at large. The Interim Government or the rebels freed every person imprisoned under the democratic governments in connection with human rights violations. At least two people with credible accusations of large-scale persecution against them ran as Presidential candidates in the February 2004 elections: rebel leader and former soldier Guy Philippe, and Franck Romain, a Duvalierist and former mayor of Port-au-Prince, who spent 16 years in exile fleeing formal charges that he masterminded the 1987 massacre at the St. Jean Bosco church. The only major arrest for human rights violations committed under the Interim Government was for the August 2005 soccer massacre, and those defendants were freed on March 9, 2006. Although re-democratizing the police and justice systems will eventually create a deterrent to political persecution, with current personnel it is unlikely that the police will make serious efforts to protect *Lavalas* supporters from political violence in the near term.
 17. Second, although the police will soon answer to constitutional authorities, it is unlikely that the constitutional authorities will be able to purge the former soldiers that the IGH illegally integrated into police ranks. The police force is sharply reduced already while common crime is very high, so the government will be reluctant to take more police, even potentially crooked ones, off the streets. The integrated officers' supporters in the force, and in society at large, will fight any purge, and the new government will be reminded that the same people played a key role in removing Haiti's last constitutional government.
 18. Third, it is likely that political controversy will increase under the democratic authorities. Although President Preval won a landslide victory, it is unlikely that any party will have a majority in the legislature after the second round of legislative elections currently scheduled for April 23, 2006. Haiti's Constitution grants significant powers to the Prime Minister and his cabinet, which are chosen based on Parliamentary support. Because there is unlikely to be a clear majority in Haiti, it is likely that any government formed will be tenuous, and that there will be heated inter-party disputes about political power.
 19. Even if a stable government is installed, the precedent of 2004- where political violence overthrew a stable, elected government, will encourage those left out of the government to seek power through violence. If they do, they will likely start by attacking people perceived as Lavalas supporters.
 20. Given the various risk factors, it is my professional opinion that Organier X has a well-founded fear of persecution on account of his political opinions and membership in a particular social group

I declare under penalty of perjury that the foregoing is true and correct. Executed on
April __, 2006 at _____