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Imprisoned Without Charge: Yvon Neptune and Haiti's Political Prisoners

Latortue and Justice Minister Gousse's Inquisition

- On March 10, Yvon Neptune, the imprisoned prime minister under former Haitian President Jean-Bertrand Aristide, was rushed to the hospital to be treated for dehydration. Neptune's health has been deteriorating since he began a hunger strike on February 19 to protest his seven months of detention without charge.
- Neptune's hospitalization occurred as international pressure increases on Haiti's controversial interim government to release the former prime minister as well as hundreds of other former Aristide government officials and sympathizers whose imprisonment—often without charge—constitutes a major human rights violation by the country's disreputable Justice Minister, Bernard Gousse.
- Concerns have been raised about Neptune's safety in the overcrowded National Penitentiary after a February 19 attack there freed more than 480 hundred prisoners and killed one off-duty guard. This was not the first deadly incident at the prison.
- Prison conditions in Haiti remain deplorable.
- During protests marking the first anniversary of the February 29, 2004, U.S.-scripted ousting of President Aristide, at least two Aristide supporters were killed by police in an incident later denounced by the UN's top representative in Haiti. Three days later,

when thousands of Haitians gathered to protest the killings, the UN peacekeeping force refused to allow the police to observe the event, prompting Gousse to accuse the UN of violating its mandate.

Around 10 PM on March 10, nearly three weeks after beginning a hunger strike to protest his imprisonment, Yvon Neptune, Haiti's prime minister under former President Jean-Bertrand Aristide, was hospitalized after suffering dehydration. Soldiers from MINUSTAH, the UN's 7,400 strong peacekeeping force in Haiti, took Neptune to a UN military hospital for medical treatment. In recent days, international media reports have noted the declining health of the former prime minister and Haiti's interim government—specifically interim Prime Minister Gerard Latortue and Justice Minister Bernard Gousse—must be held accountable for his well-being.

Political Prisoners

On March 9, Senators Christopher Dodd (D-CT), Tom Harkin (D-IO), James Jeffords (I-VT) and Patrick Leahy (D-VT) sent a letter to interim Prime Minister Latortue, in which they wrote, "If no charges have been brought against Mr. Neptune, we demand that he be immediately released." That same day, a UN Security Council press statement on Haiti was issued, emphasizing Neptune's imprisonment and calling on the government to "expedite all pending cases and to ensure due process for all citizens." The senators' letter and the Security Council statement follow on the heels of Representative Maxine Waters' (D-CA) March 7 trip to Haiti, during which she met with Neptune and fellow inmates Jocelerme Privert, Aristide's former minister of the interior, and Jacques Mathelier, a former executive delegate. Unhesitatingly calling the men political prisoners, she issued a press release demanding that, "The interim government's repression of dissenters like Prime Minister Neptune must end immediately. The whole world is watching." Arrested June 27, 2004, Neptune, along with Privert, is accused, but not yet charged, with killings that occurred in Saint Marc during the 2004 revolt against Aristide. Most independent observers have concluded that the accusations are without foundation.

Neptune and Privert undertook a hunger strike after a February 19 jailbreak temporarily freed them—both high profile inmates were taken to safety during the attack but soon turned themselves in to UN peacekeepers; a UN spokesman, Damien Onses-Cardona, told the *AP* that, "They insisted on returning to make clear they didn't try to escape"—to protest the fact that they have been imprisoned for months without charge, and some had begun to fear for their health and lives. After meeting with Neptune, Congresswoman Waters described his condition as "very bad" and added that "he is in a weakened position and I do not believe that he can continue this fast without causing his death." Although every day of his hunger strike jeopardized his health, Neptune had vowed to continue fasting until his release.

Neptune is perhaps the most well-known of the numerous pro-Aristide government officials and others who have been detained by the Latortue regime. The interim government even imprisoned Father Gerard Jean-Juste, the country's most revered Catholic priest. After a judge found that no evidence existed to hold him on charges of instigating violent pro-

Aristide protests, Jean-Juste was released late last November, after nearly seven weeks in prison. Still, many prominent Haitian leaders continue to be imprisoned with absolutely no charges filed against them. In a January 2 article by the Reed Lindsay that appeared in the *San Francisco Chronicle*, Regis Charron, the author of a November 2004 UN Development Program report on Haiti's National Penitentiary, said "only 17 of the some 1,100 prisoners at the national penitentiary -- about 1.5 percent -- have been convicted of a crime, and many detainees have not yet seen a judge."

Haiti's Notorious Prison

Neptune, Privert, Mathelier and many other political prisoners are being held in Haiti's largest prison, under horrific conditions. The extremely overcrowded National Penitentiary was, according to *CNN*, designed to hold six hundred inmates but exceeded one thousand before more than 480 escaped last month when gunmen attacked it, killing one off-duty guard. A December 1, 2004 riot at the notorious facility killed ten, but numerous witnesses said police and prison guards executed inmates, certainly resulting in many more deaths. During her visit with Neptune, Congresswoman Waters called the prison conditions "deplorable" and said the former prime minister told her that he "believes he has been targeted to be killed." Additionally, jailed Aristide supporters are often reportedly housed with some of the same rebels who ousted Aristide, creating a volatile environment. According to a December 1, 2004 *Miami Herald* article by Jacqueline Charles, Jean-Juste, who during roughly seven weeks in prison was transferred to five jails, "shared his first jail cell with 20 prisoners—no toilet, no water. The last one he shared with Harold Severe, the pro-Aristide former assistant mayor of Port-au-Prince. His neighbors there included Louis-Jodel Chamblain, an accused murderer and one of the leaders of the armed rebellion that ousted Aristide on Feb. 29." Additionally, the article noted that the Reverend was forced to suffer indignities, such as having to wear the same shirt throughout his entire imprisonment.

A 2002 study by the U.S. INS Resource Information Center described conditions in Haiti's prison and detention centers as "extremely poor, and do not meet either national or international standards fixed by law." The report also cited instances "in which prison authorities allegedly punished prisoners for complaining about poor treatment," including one case on November 15, 2001, when "a riot erupted in the National Penitentiary after a prison guard beat to death a prisoner who complained about the conditions." There is no reason to believe that prisons have improved under the Latortue regime, though there is ample evidence that they have worsened. A summer 2004 report by the Haiti Accompaniment Project found that, "All reports indicate that the patterns we observed -- illegal arrest, prolonged detention without trial -- continue and in fact are worse." The report added, "It is not encouraging to learn that the U.S. State Department initially selected a U.S. prison consultant, Terry Stewart, to oversee reform of Haiti's prisons. Mr. Stewart's previous position was consultant to Abu Ghraib. During the time he served as director of Arizona's prison system (1995-2002), the U.S. Justice Department brought a suit charging male prison guards with rape, sodomy and assault against fourteen female inmates." Haiti's and the region's prison and judicial systems are clearly in need of a serious overhaul. As a wave of prison riots have spread across Latin America and the Caribbean in the last few

years—one of the deadliest occurred March 7 when battling inmates in a Dominican Republic prison started a fire that killed at least 136 prisoners—the possibility of an even greater tragedy at the National Penitentiary or another other Haitian detention center should be a major cause for worry.

Protests Turn Deadly

To mark the first anniversary of the U.S.-supported ouster of Aristide, Haiti's first democratically elected president, some 2,000 pro-Aristide protestors marched through the Port-au-Prince slum of Bel Air on February 28. These "peaceful" protests turned deadly when police, without provocation, opened fire on the demonstrators, killing at least two. MINUSTAH spokesman Cmdr. Carlos Chagas Braga told the *AP* that "This looked to be peaceful but for some reason, we are not sure why, the Haitian police arrived and decided to disband the demonstration." While police have denied shooting at the protestors, this was not the first instance of police attacking unarmed demonstrators and is unlikely to be the last. Even the State Department's recently-released 2004 report on Haiti's human rights practices underlined such alarming occurrences: "Police officers used excessive—and sometimes deadly—force in making arrests or controlling demonstrations and rarely were punished for such acts."

The flagrant nature and appalling regularity of killings by Haiti's security and paramilitary forces seems to have finally caught the attention of MINUSTAH, which distressingly often seemed incapable of restoring law and order to a nation still dominated by armed gangs and renegade ex-soldiers following Aristide's forced exile. In a March 2 interview with the *Miami Herald*, the UN secretary-general's special representative to Haiti, Juan Gabriel Valdés, appeared determined to prevent any repeat of the fatal protest. "We can't tolerate shooting out of control. We will not permit human rights abuses," he told reporter Joe Mazingo. The *Herald* article also mentions that Latortue's government is "trying to rebuild the [police] force, but corruption is an overwhelming temptation amid Haiti's deep-seated poverty. Officers have been implicated in drug trafficking, kidnappings, murders and one major prison break." While Valdés said that MINUSTAH is reevaluating its mandate—which currently says it must support the police—it also should be much more diligent in the "vetting and certification of [the Haitian police] personnel," which is also called for in the mandate. Indeed, in their March 9 release, UN Security Council members "expressed concern about the human rights situation, including allegations of human rights abuses attributed to the Haitian National Police (HNP) officers, which have not yet been properly investigated by the authorities." Such a finding is extremely troubling considering that one of the three sections of MINUSTAH's mandate is dedicated solely to monitoring and protecting human rights. Further straining its relations with the Latortue government, and ultimately MINUSTAH's ability to perform its job as a peacekeeping force, are allegations of rape; in February, the UN began investigating a woman's claims that she was attacked by three Pakistani peacekeepers.

To MINUSTAH's credit, it did step in to protect the nearly 2,500 demonstrators who on March 4 gathered again in Bel Air to denounce the police shooting of unarmed protestors four days earlier. In an effort to prevent further violence, UN peacekeepers kept the police

away from the marchers. But in a telling sign of his utter disregard for human rights—especially the rights of Aristide supporters—Justice Minister Gousse immediately denounced MINUSTAH, alleging that it had violated its mandate, even though the UN insisted that prior to the protests logistics were worked out with police. With hundreds of people killed during clashes between protestors and police in the last few months—reports indicate more than 400, including 34 police officers, since last September’s violence occurred—Gousse’s heated reluctance to allow the UN force to monitor the protests alone is irresponsible and likely to have deadly consequences.

In his March 5 radio address, President George Bush said that, “Freedom is the birthright and deep desire of every human soul.” Yvon Neptune and his fellow political prisoners, held under deplorable conditions for months without charge, certainly would agree. If they had heard the Bush address in their cells, the question is whether they could appreciate the bitter irony of Bush’s words: the fact that the statement comes from the man whose administration orchestrated the ousting of their democratically elected president and rushed in an obscure Boca Raton retiree to head a morally bankrupt regime that has arrested and jailed people just for their political beliefs.

This analysis was prepared by David R. Kolker, COHA Research Fellow.

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