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## Criticism follows court's decision ; Rights-abuse convictions voided

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PORT-AU-PRINCE, Haiti

Human rights groups are criticizing a decision by Haiti's Supreme Court last week to annul a historic trial that ended in the convictions of 53 former soldiers and paramilitaries involved in a notorious massacre.

In November 2000, a Haitian jury convicted 16 former soldiers and paramilitaries for their participation in a 1994 bloody rampage through a seaside slum called Raboteau that left at least eight persons dead. A week later, a court convicted 37 more defendants in absentia.

The trial was praised by the United Nations as "a huge step forward" and hailed by international jurists as a milestone human rights case.

Last week, the convictions of at least 15 of the Raboteau defendants were overturned by Haiti's Supreme Court in a murky ruling that angered human rights activists.

"In a country in which the poor have been killed and brutalized with impunity for centuries, Raboteau was perhaps the only time that justice was achieved after a massacre, and in a scrupulously fair trial," said Reed Brody of Human Rights Watch.

"To overturn that verdict is to say that the only justice possible in Haiti is the justice of those with guns. It's a sad day."

Gerardo Ducos of Amnesty International said the decision represented "a great leap backwards and could create a worrying precedent for other cases."

Legal experts say the Supreme Court's decision, which stated that the case should not have been tried by a jury, was based on a technicality.

Brian Concannon, a U.S. lawyer who helped prepare the prosecution's case for the 2000 Raboteau trial, said the Supreme Court had approved the jury trial a year before it began.

"The court not only reversed its previous position, it did so after a secret hearing," said Mr. Concannon. "The legal justification for the about-face is thin. The decision's analysis of the core issue took only four sentences."

The administration of Haitian Prime Minister Gerard Latortue has denied exerting any influence over the court in its decision, responding to complaints that the government has made a habit of trampling judicial independence.

Last December, Justice Minister Bernard Gousse removed two prominent judges' caseloads after they ordered the release of prisoners who were political opponents of the government.

The Supreme Court's decision comes nine months after paramilitary leader Louis Jodel Chamblain was acquitted of the 1993 murder of pro-democracy activist Antoine Izmerly in an overnight trial that Amnesty International condemned as "a very sad record in the history of Haiti."

Chamblain, who was second-in-command of a murderous paramilitary group called FRAPH, remained in prison as one of those convicted in absentia in the Raboteau massacre. It was not clear whether the latest Supreme Court ruling would lead to his release.