

**Two major cases illustrate Haiti's eroded justice system, root of many ills**

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PORT-AU-PRINCE, Haiti (AP) - Two defining cases on opposite sides of Haiti's political divide reveal a broken justice system that human rights experts say is at the root of lawlessness and rights abuses in the Western Hemisphere's poorest country.

Louis-Jodel Chamblain, one of Haiti's most feared figures twice has been convicted of murder and helped lead a rebellion in February 2004 that ousted former President Jean-Bertrand Aristide.

Chamblain, currently serving a sentence for murdering Aristide supporters in 1994, could soon be freed thanks to a recent Supreme Court decision.

Aristide's former prime minister, Yvon Neptune, was charged Wednesday with masterminding political killings in the western town of St. Marc during the rebellion that ousted Aristide.

Neptune, who claims innocence, has been jailed nearly 11 months and began a hunger strike April 17 to demand unconditional release. Haiti's interim government has refused, saying justice must be done.

Such ideals, however, ring hollow in a country where most prisoners spend years in jail without ever being charged or convicted.

Of approximately 2,300 inmates in Haiti's 15 prisons, only 29 have been convicted, said human rights activist Kettly Julien of the Institute for Mobile Education. The majority have spent more years in prison than they would have with convictions, she said.

"It's hard to know where to start because the justice system is broken," said Eric Olson, advocacy director for Amnesty International in Washington, D.C. "But without reform you will continue to have the law of the guns, a recipe for human rights disaster."

Lawlessness is palpable in Port-au-Prince, where despite the presence of some of the 7,400 U.N. peacekeepers in Haiti, human rights groups estimate that nearly 700 people -- and at least 40 Haitian police officers -- have been killed in violent clashes since September.

Jurists say Haitian courts are underfunded, overwhelmed by thousands of backlogged cases and struggle with continuity during political turmoil, a constant in Haiti's history.

But the problems go deeper, said Jean-Senat Fleury, a former investigative judge who resigned in January when he was stripped of his caseload after ruling baseless the accusations that the Rev. Gerard Jean-Juste, a pro-Aristide priest, was inciting violence.

Judges earn about 10,000 Haitian gourdes (US\$286, euro227) per month, making them susceptible to bribes to augment their income, said Fleury.

Instead of Parliament recommending judges to the president, as the constitution stipulates, judges are routinely named directly by the president and justice minister, creating conflicts of interest, he said.

"The president needs to accept the independence of the judicial branch," said Fleury. "We often see cases tried but the convictions are not executed" at the government's behest.

U.S. officials have begun pressing Haiti's interim government to make judicial reform a priority, but diplomats have been saying that for years.

Currently the majority of foreign aid in Haiti is for infrastructure and police training.

Thierry Fagart, the top U.N. human rights official in Haiti, has also urged the interim government to initiate reforms, saying the Neptune case shows the justice system isn't protecting human rights.

"This is the case of the former prime minister in jail," said Fagart in a recent interview. "Can you imagine just regular people, who don't have press or others to help them?"

Numerous calls the past week to interim Justice Minister Bernard Gousse seeking comment for this article have not been returned.

Human rights groups and jurists say political pressure clearly led to a recent Supreme Court decision that declared a mistrial of the convictions of 38 army and paramilitary leaders sentenced to life in prison for mass slayings of Aristide supporters in 1994.

Most had been tried and sentenced in their absence in 2000 on charges ranging from criminal conspiracy to torture and murder for an April 1994 dawn raid on Raboteau, a seaside shantytown in the second city, Gonaives.

Because many were in exile, less than half ever served a prison sentence. Chamblain, who turned himself in last year when the rebellion ousted Aristide, may be the only man currently serving a sentence for the Raboteau killings.

In an April 21 decision, the Supreme Court annulled the convictions from the 2000 trial saying its automatic use of a jury should have been made by a "competent judge" instead of automatically.

Consequently, the court "orders that the accused be freed if they are not being held" for another crime.

What the ruling will mean for Chamblain is unclear.

Gonaive's government prosecutor Louiselme Joseph sent a letter May 9 to prison authorities in Port-au-Prince, where Chamblain is being held, ordering his release.

But so far Chamblain is still jailed.

Interim Prime Minister Gerard Latortue denied any involvement in the court decision, telling reporters last week that "if you look closely, the decision does not lift the charges against the accused. The judgment will be reset in another court."

How that would happen was unclear since the convictions were annulled by Haiti's highest court. It was also unclear who might be tried, and whether arrest warrants would be issued for those at large.

Regardless of whether Chamblain is freed, the court's decision sends a message that convictions can be rendered meaningless, said Renan Hedouville, Lawyers' Committee for Respect of Individual Rights.

"Right off, this is a blow to families of the victims in Raboteau," said Hedouville. "Haitian justice still isn't responding to the principles of human rights."

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