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Travesty of Justice in Haiti: Chamblain Goes Free, Latortue and Gousse Cement Their Authoritarian Credentials

- A hasty and obviously rigged trial has acquitted Louis-Jodel Chamblain, a leader of a paramilitary band that was responsible for several thousand political murders during the military regime of 1991-94 and one of the principle leaders of the rebellion against President Jean-Bertrand Aristide earlier this year.
- Washington must take responsibility for the conduct of the puppet regime it installed in Port-au-Prince.
- The Latortue government, bereft of constitutional legitimacy from the start, has proven that it is more than a collection of technocrats; in fact, it is an amalgamation of the most brutal and authoritarian factions of the former Haitian military junta and the country's tiny economic elite, who ruled the country during the early 1990's and have relentlessly attempted to persecute Aristide and his Lavalas party for more than a decade.
- The ruling deeming Chamblain innocent is a disgraceful action and has been the subject of wide international condemnation, including stinging editorials in the New York Times and Washington Post, and even a cool reception on the part of the State Department. It should be the basis for a more aggressive attempt by the United Nations and other international organizations to protect human rights and uphold the rule of law in Haiti. It also requires an expression of indignation by the UN Secretary General's personal representative in Haiti, the Chilean diplomat Juan Gabriel Valdez, whose previously elevated reputation is now at stake.
- The illegitimacy of the Latortue government, which has up to now been cloaked in the rhetoric of a "transitional government" of "technocrats," should be seen for what it is – a structure of brigands playing bit parts in a Pirates of Penzance road show.

Interim Prime Minister Gerard Latortue, who is one of several Haitian expatriates from gated communities in Boca Raton, is now running a country as if it was a game of Monopoly, with Secretary

of State Powell playing Monopoly Man. Powell created the fiction up earlier this year that the Latortue regime was legitimate. Since then, the Haitian government has transgressed without any outside authority monitoring its daily excesses. On August 17, the wretched caricature of good government, which translates into the self-indulgence and injustice that Haiti has experienced since its democratically elected president was forced out of office on February 29, reached new heights of degradation when Louis-Jodel Chamblain, one of the country's most notorious and murderous gangsters, as well as a leader of the armed rebellion against Aristide earlier this year, was summarily acquitted of his crimes in a hoax of a trial that bore the unmistakable imprints and influence of Haiti's hard-right Minister of Justice, Bernard Gousse. Chamblain, formerly the cofounder and chief of operations of the CIA-supported paramilitary group FRAPH (Front Révolutionnaire pour l'Avancement et le Progrès Htiens), who was responsible for the torture and death of more than 3000 Aristide supporters and who controlled the military regime that ruled Haiti from 1991 to 1994, was convicted in absentia in 1995 for the 1993 murder of Aristide financier and businessman Antoine Izmyery. But under Haitian law, he was entitled to a new trial after surrendering himself to authorities. Human rights advocates had hoped that the trial would provide an opportunity not only to finally place Chamblain behind bars for his earlier crimes, but also to examine his complicity in alleged human rights abuses committed during this year's armed rebellion. The silk glove treatment of Chamblain however, proved to be only the latest and most shocking evidence of both the totally illegitimate Latortue regime's bizarre rule and the outlandish behavior of a number of ethical renegades, such as Minister of Justice Gousse.

A Sordid History

The Izmyery murder has been one of the cases most emblematic of the reign of terror imposed by the military government and FRAPH during their three-year regime. Izmyery, a leader of the pro-Aristide forces that mounted a resistance to the military government after the September 2001 coup, was dragged out of the church where he was attending a memorial service for his brother, an earlier victim of government repression, and shot dead in the street by soldiers and paramilitaries; the church has since become a holy site of pilgrimage for Aristide supporters. As a leader of FRAPH, Chamblain—a former member of the Haitian military whose history as a violent persecutor of Aristide's Lavalas movement stretched back to the final years of the dictatorship of Jean-Claude Duvalier in the 1980s—bore clear complicity for the murder. Subsequently, Chamblain fled into exile in the Dominican Republic when the Aristide government was restored by U.S. troops in 1994. The following year, he was convicted in a Haitian court for the Izmyery murder, as well as for his role in the 1994 massacre of Aristide supporters in the Gonaïves slum of Raboteau.

Following ten years of exile, Chamblain returned to Haiti in February of this year as one of the leaders of the armed rebellion that eventually forced Aristide into exile once again. Once in Haiti, he lived openly for months without even the feeblest of attempts to apprehend him by the interim government, which was installed by Washington in a blatantly unconstitutional procedure after the abrupt and U.S.-coerced departure of President Aristide. As international outcry increased over his continued liberty, Chamblain turned himself in to judicial authorities on April 22 in an elaborate charade of self-sacrifice, declaring that he would surrender his freedom in order that "Haiti can have a chance at the real democracy I have been fighting for." In doing this, he was accompanied by Justice Minister Gousse, who extravagantly praised the decision and called it "a good and noble one," while neglecting to address the question of why the government had allowed this convicted murderer to remain at large for so long.

Chamblain's codefendant in the trial, Jackson Joanis, a former police chief in Port-au-Prince, surrendered to authorities on August 9. Their hurried trial was informally announced by the authorities on August 12, three business days before it began, violating several notice requirements contained in the Haitian procedural code. The trial itself – if this mockery of the Haitian judicial system can be deemed as such – began late in the afternoon on Monday, August 16 and continued until the announcement of a verdict early the following morning. Though few observers and journalists were present for the verdict itself, due to security concerns regarding nighttime travel, announcement of the acquittal provoked

immediate international protests. Amnesty International called the trial a "mockery," while a spokesman for the State Department said "we deeply regret the haste with which their cases were brought to retrial, resulting in procedural deficiencies that call into question the integrity of the process." A spokesman for the National Coalition of Haitian Rights told the AP that only one witness for the prosecution appeared in court, though the witness did not see the murder and or even claim to know anything about the case. Meanwhile, Chamblain's defense attorneys gloated that the trial was a "great success" for their side

Currently, both defendants remain in jail awaiting further trials on other charges. Chamblain is still entitled to a retrial for his second in absentia conviction in the case of the Raboteau massacre. However, there seems to be little evidence that a second trial will be any less ludicrous than the first, and it is not even clear if the Latortue government will seek even the rather pathetic token of judicial legitimacy afforded by another kangaroo trial. Regardless, Minister Gousse has stated that Chamblain may be pardoned for "his great service to the nation" in the rather unlikely contingency that he is actually convicted for one of his crimes. He has yet to specify exactly which of the hundreds of murders instigated by Chamblain is most reflective of this supposedly distinguished service.

Calling a Spade a Spade: Unconstitutional Authoritarianism in Haiti

Ever since the U.S.-sanctioned ousting of President Jean-Bertrand Aristide on February 29, the majority of the international community has adopted suspiciously sanitized language to refer to the violent and undemocratic transfer of power on that day and the subsequent installation of an unconstitutional and illegitimate government handpicked by the U.S. ambassador in Port-au-Prince with the approval of Secretary of State Powell. The elaborate rhetoric about a "transitional government" of "nonpartisan technocrats" that Washington spoke about should not be allowed to obscure the reality of what is properly deemed the thirty-third coup in Haitian history and the second to be perpetrated against Aristide in a decade. This reality has been acknowledged in a number of international forums, most notably in the Caribbean Community, with CARICOM – particularly since St. Vincent and the Grenadines, St. Lucia and Guyana and Dominica, have steadfastly raised questions about the legitimacy of Aristide's departure. Moreover, the Organization of American States, which had called on the U.N. to provide military and financial support for the embattled Haitian president in February, subsequently passed a resolution in June calling for an investigation into the circumstances of his supposed resignation and exile.

The UN's Policy of Limpness

The United Nations, however, has been far less forthcoming, despite calls for an investigation by nearly one-third of its membership. This reticence is partly attributable to the threat of a Security Council veto by Washington or Paris in the case of any serious attempt to examine the events of February 29; at the same time, however, Secretary-General Kofi Annan has demonstrated a notable lack of energy over this issue, producing especially one-sided public statements that freely cast blame on the Aristide government for the breakdown of democratic procedures in Haiti while entirely ignoring the opposition parties' determined (and largely successful) attempts to stymie these procedures ever since the 2000 presidential elections in which Aristide won his second term. More recently, the deployment of an 8000-member UN peacekeeping force, composed largely of South American troops and led by Brazil, and the appointment of distinguished Chilean diplomat Juan Gabriel Valdez as the Secretary-General's special representative to Haiti has raised hopes that the international organization may finally be preparing to engage seriously in the rebuilding of Haiti's battered democratic institutions and promoting greater attempt for the rule of law. But unless Valdez soon speaks out forcefully, positions himself as an advocate for the non-discriminatory treatment of Lavalas and calls for Gousse to immediately step down, his credentials could soon be tainted.

Yet any such attempt at greater engagement will be fatally and inevitably flawed if it does not begin with a frank acknowledgement of the true character of Latortue's "nonpartisan technocrats." Not only

has the Latortue regime lacked legitimacy from the start, it has repeatedly demonstrated in the last six months that, not unlike the military regime of 1991-94, it is nothing more than a vehicle for the narrowly conceived interests of the tiny Haitian elite and its partners among the former military that have battled against Aristide's populist and democratic Lavalas movement since its inception under the Duvalier dictatorship. Not only has the Latortue regime, usually instigated by Gousse, enthusiastically pardoned criminals, such as Chamblain, with a proven history of violating the human rights of Aristide supporters in the past it has overlooked, if not encouraged the mounting of a second reign of terror targeting Lavalas members that has unfolded with increasing brutality since Aristide's February ousting.

The moment is long overdue for the United Nations and the Latortue regime's most loyal patron, the Bush administration, to confront the prime minister and his henchman Gousse regarding their despicable history of sanctioning human rights violations. Furthermore Valdez must bring a broad definition to his responsibilities and, among other things, call for an investigation of the pardoning of their perpetrators, while demanding an immediate reversal in the de facto regime's undeclared but devastatingly effective war on the Lavalas party, beginning with a voiding of Chamblain's ludicrous acquittal. If the government refuses to cooperate, increased authority should be given to the UN force to take custody of suspects awaiting trial. The possibility of international financial or personnel support for the traditionally corrupt, under-trained and underfinanced Haitian judiciary should be immediately explored in order to ensure that such mockery of the justice system does not happen again. It is time to drop the pretenses that have shrouded Haitian realities since February. Louis-Jodel Chamblain is a convicted murderer, and the Latortue regime, the illegitimate product of a U.S.-backed coup. Both should be awarded the treatment they deserve, which is to be sped to their retirement homes in Boca Raton.

This analysis was prepared by Jessica Leight, COHA Research Fellow, and additional research was provided by Eleanor Thomas and Kirstin Kramer, COHA Research Associates.

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