

PRESS RELEASE

For Immediate Release

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INTER-AMERICAN COURT OF HUMAN RIGHTS DECLARES HAITI IS VIOLATING FORMER PRIME MINISTER YVON NEPTUNE'S HUMAN RIGHTS; ORDERS \$95,000 IN DAMAGES AND COSTS

Port-au-Prince, Haiti, July 10, 2008—The Inter-American Court of Human Rights (IACHR) sharply criticized Haiti's current and former governments for their treatment of former Prime Minister Yvon Neptune in its first-ever case involving Haiti. It found Haiti responsible for violating 11 different provisions of the American Convention on Human Rights and ordered the government to pay Mr. Neptune \$95,000 in damages and costs.

The Inter-American Court's 60-page judgment, made public June 6, denounced nearly every aspect of the State's treatment of Mr. Neptune. It found that the Interim Government of Haiti (2004-2006) illegally imprisoned the former Prime Minister in inhumane conditions for two years. The Court found that Haiti's current constitutional government continues to violate Mr. Neptune's human rights by inexplicably failing to serve an April, 2007 appeals court decision that would help end Mr. Neptune's legal struggles. By refusing to serve the order, the Court said Haiti is keeping Mr. Neptune in a state of "absolute judicial insecurity" and perpetuating "an unjustifiable delay in access to justice."

"It is regrettable that the Inter-American Court's first case on Haiti finds that a democratic government is violating human rights," says Haitian attorney Mario Joseph of the *Bureau des Avocats Internationaux*, who appeared as an expert before the Court. "I hope the Préval administration uses this decision as an opportunity to end Mr. Neptune's persecution, free the remaining political prisoners detained since the Interim Government, and improve prison conditions."

Mr. Neptune was one of hundreds of political opponents imprisoned by the Interim Government of Haiti, which assumed power after the 2004 coup d'état against President Jean-Bertrand Aristide. Mr. Neptune spent 25 months in jail, almost half of it in the squalid and overcrowded National Penitentiary, on the orders of a judge who never had jurisdiction over his case, according to Haitian and international courts. Several of his co-defendants also have cases remaining against them; one is still in jail, four years after his arrest, with no trial in sight.

"Haiti's government certainly faces many challenges today," says Brian Concannon Jr., Mr. Neptune's lawyer before the IACHR. "But officials serve appeals court orders every day-- the government could easily do that tomorrow. The government could make a

good-faith gesture by apologizing to a Prime Minister who has suffered four years of political persecution, and promising to end the persecution now.”

“This decision shows the interim government's complete disregard of elementary due process, by carefully explaining how the government failed to live up to 11 different human rights standards” said Naomi Roht-Arriaza, Professor of Human Rights Law at the University of California Hastings College of Law (Professor Roht-Arriaza and Hastings students helped prepare Mr. Neptune’s case). “The Inter-American Court demonstrates that Mr. Neptune never should have been arrested in the first place. At every step of the way, the justice system was distorted to keep a political opponent quiet.”

The Court ordered Haiti to resolve Mr. Neptune’s legal status as soon as possible, and to pay him a total of \$95,000 in costs and damages. In addition, the Court ordered Haiti to begin bringing its prison conditions up to minimum international standards within two years.

The Inter-American Court of Human Rights, headquartered in San José, Costa Rica, judges claims of human rights abuse by the 22 countries in the Americas, including Haiti, that have submitted to its binding jurisdiction. Neptune v. the State of Haiti is the first case before the Court involving Haiti.