

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
PETITION OF YVON NEPTUNE

DECLARATION OF PROFESSOR WILLIAM P. QUIGLEY REGARDING THREATS TO
PETITIONER'S LIFE, INTEGRITY AND HEALTH

I, WILLIAM P. QUIGLEY, ESQ., hereby declare that the following three page declaration and the statements included are true to the best of my knowledge:

1. I am a citizen of the United States and a member of the bar of Louisiana, and several federal district and appellate courts and the Supreme Court of the United States. I am the Janet Mary Riley Distinguished Professor of Law and Director of the Law Clinic and the Gillis Long Poverty Law Center at Loyola University New Orleans School of Law. I am also a volunteer attorney and human rights observer for Pax Christi, and for the Institute for Justice and Democracy in Haiti. In this capacity I have visited the Penitencier National in Port-au-Prince several times since September of 2004.
2. I know Petitioner Yvon Neptune ("Petitioner"), and have had two lengthy visits with him in the Penitencier National since his illegal arrest and incarceration on June 29, 2004. I also attempted to visit Petitioner in the UN hospital on March 28, 2005, but was refused access to him by the United Nations representatives at the hospital. I do not officially represent Petitioner at this time before the Haitian courts.
3. The Penitencier National holds between 800-1200 prisoners at any given time, including prisoners who are mentally and physically ill, political prisoners, accused murderers, rapists, and extortionists. The Penitencier National does not segregate prisoners according to the type of crime of which they are accused. Although less than 5% of prisoners have been convicted of a crime, the Penitencier National does not separate convicts from pre-trial detainees.
4. In my position as a human rights observer, I have found that the majority of the prisoners in the Penitencier National are being held in indefinite confinement and in violation of the due process requirements of the Haitian Constitution. This pervasive lack of due process creates an environment of increased frustration, tension and violence. As the former Prime Minister of Haiti, and the highest profile prisoner in the Penitencier National, Petitioner is particularly vulnerable to being targeted and to threats to his physical safety.
5. Confinement in the Penitencier National poses a direct threat to Petitioner's life, integrity and health due to malnutrition. Food in the prison is limited and poor quality, forcing prisoners to rely on food they are brought from their families outside to survive. This creates a security issue

because the food is brought to the gates by families and then from the gates to the prisoners by guards. There is justifiable fear that food will be poisoned.

6. On September 28, 2004, I visited Petitioner in the Penitencier National with a human rights monitoring visit with a delegation from Pax Christi and Bishop Thomas Gumbleton. At this time Petitioner had been held for approximately three months since his arrest in June of 2004, in violation of the Haitian Constitution as described in the attached Petition.

7. At the time I visited him, Petitioner was held in a cell by himself but in close quarters to other prisoners. Petitioner was held in a cell adjacent to another political prisoner, Jocelerme Privert. Petitioner's cell did not have a toilet or running water.

8. Petitioner's cell was kept open most of the day by the authorities to allow prisoners access to facilities. Petitioner stated that he tried to never leave his cell, however, out of fear for his physical safety. Many prisoners could be out in the yard at any given time and if Petitioner left his cell he would be vulnerable to harassment and attack.

9. On December 1, 2004, police and prison guard shot at a non-lethal prison protest at the Penitencier National. During the course of the shooting, guards and police killed many prisoners - seven to ten according to the Haitian government, but several times more than that according to witnesses inside the prison and human rights groups. The riot began in a cell block called "Titanic" which is about 200 feet away from Petitioner's cell. During this riot Petitioner's life was in danger.

10. In addition there have been acknowledged direct threats on Petitioner's life. The Interim Government of Haiti has publicly admitted that the National Police foiled a plot to assassinate Petitioner while he was incarcerated in the Penitencier National. Petitioner has stated that guards have left him vulnerable to attempts on his life by other prisoners.

11. On February 19, 2005, armed men stormed the Penitencier National and as a result between four and five hundred prisoners escaped. During this prison break Petitioner's life was in grave danger. Petitioner was physically removed from the Penitencier National during this break, but he immediately asked the UN authorities to assist him in returning to the prison.

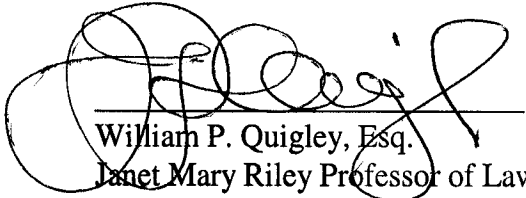
12. After the February 19, 2005 prison break, Petitioner was cursed at by guards, threatened by guards, and moved to another cell that was less protected and less isolated from the other prisoners. Petitioner shared this cell with two other prisoners and was immediately locked in for more than 24 hours with no toilet, running water, food, or electricity. The room had one plastic chair, three beds, and the prisoners personal items which were in plastic bags on the floor. I know this because I visited him in this cell on February 21, 2005.

13. Petitioner advised me that he had begun a hunger strike on February 20, 2005. Petitioner expressed his sense of frustration, helplessness and anger that he has not been charged and

continues to be held in indefinite detention where his life is in danger.

14. On March 11, 2005, Petitioner collapsed and was taken to the UN hospital after he lost consciousness. As noted above, I tried to visit him in the UN hospital near the Port Au Prince airport on March 28, 2005, but was refused permission to visit him.

15. For the foregoing reasons, I conclude that Petitioner's life, integrity and health are in grave danger.



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