

BUREAU DES AVOCATS INTERNATIONAUX

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Human Rights Lawyers File Petition Against President Martelly's Pick for Prime Minister

Port-au-Prince, July 13, 2011 - On Monday, the *Bureau des Avocats Internationaux* (BAI) submitted a petition before the Haitian parliament for the High Court of Justice to indict and try President Michel Martelly's nominee for Prime Minister, Bernard Gousse, for the crimes committed during his tenure as Justice Minister under Haiti's 2004-2006 de facto regime.

Prime Minister Gerard Latortue's dictatorship following the 2004 coup d'état murdered thousands and illegally detained hundreds of political dissidents. Mr. Gousse served as the architect of the campaign of political repression, whose victims included Catholic priest and political activist, Father Gerard Jean-Juste. When Judge Jean-Sénat Fleury threw out the false charges against Father Jean-Juste, Mr. Gousse forced Judge Fleury off the bench, flagrantly disrespecting Haiti's separation of powers.

The BAI is requesting the Senate to seize the High Court of Justice on the assassinations committed by Prime Minister Gerard Latortue's regime including those of: **Abdias Jean**, a journalist, who was killed in a slum called the "Village of God" on January 14, 2005; **Ederson Joseph**, a school child, who was killed by a hooded police officer in the yard of his home on Rue Estimé at Fort National on January 17, 2005; and **Jimmy Charles**, an employee of the state-operated telecommunications company, Teleco, and member of Fanmi Lavalas, whose family found his body in the morgue of the General Hospital on January 13, 2005, 8 days after he was illegally arrested and taken to a holding cell in Antigang.

On January 25, 2005, the families of these victims filed a complaint with the prosecutor of Port-au-Prince against Prime Minister Gerard Latortue, Minister of Justice and Public Security Bernard Gousse, Secretary of State of Public Security David Bazile, Director-General of the Haitian National Police (HNP) Leon Charles, Director of the West Department of the HNP Renan Etienne, and the police officers who committed these crimes. Each of these state agents was either an orchestrator of or active participant in the assassinations of Abdias Jean, Edson Joseph, and Jimmy Charles.

On January 24, 2006, the Institute for Justice & Democracy in Haiti and BAI filed a petition before the Inter-American Commission of Human Rights on behalf of Jimmy Charles against the Republic of Haiti. On April 18, 2006, the Commission directed the Government of Haiti to provide its response within two months. The Haitian government never responded.

Prime Minister Latortue and Justice Minister Gousse, as members of the Superior Council of the National Police (CSPN), lead a repressive force that systematically violated the human rights of the Haitian people. During Latortue's regime, the judiciary failed in its principle mission to provide justice to victims of crimes and posed one of the greatest impediments to building the rule of law in Haiti. Instead of enforcing the law, it served as one of the institutions principally responsible for creating impunity, insecurity and instability in the country.

For these reasons, the BAI submitted a petition before the Senate and the Chamber of Deputies to seize the High Court of Justice on the matter of these murders and indict and try Gerard Latortue, Bernard Gousse, David Bazile and their accomplices for their role in these crimes, in accordance with articles 185-190 of the Haitian Constitution of 1987.