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HAITI

Appeal case

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Haiti: freedom of expression cannot prevail if there is no justice for murdered journalists

As the world celebrates World Press Freedom Day on May 3, in Haiti, the right to freedom of expression continues to bear a high cost for journalists.

The Haitian Constitution expressly guarantees the right to freedom of opinion and expression. However, the ability of journalists to enjoy and exercise these freedoms in Haiti is another matter. Since April 2000, eight journalists have been killed in Haiti either by unknown gunmen or in some cases allegedly by members of the security forces. Dozens more have been subject to harassment, imprisonment and attacks in the course of exercising their profession.

Attacks against Haitian journalists often represent an attempt to silence their voices - in a country with high illiteracy rates where most people do not have access to television, the radio is the main source of news and information. Attacks and abuses against journalists restrain the enjoyment of freedoms and rights in Haitian society. They restrict the right of Haitians to have free access to information and, ultimately, citizens are robbed of their freedom to express themselves freely and to act according to their conscience.

No one has been brought to justice in relation to the killing of seven Haitian journalists and one Spanish journalist since 2000. Impunity for these crimes is yet one more assault against press freedom and the right to inform receive and impart information. It engenders fear and uncertainty, and invites self-censorship and the spread of misinformation. Where criminal investigations have taken place into the killing of the eight journalists, they have been characterized by lack of political will to ensure progress, lack of resources available for the judicial authorities and threats against those trying to ensure justice..

These eight unsolved cases of killings of journalists are illustrative of the lack of rule of law and the prevailing culture of impunity in Haiti. Those responsible for hundreds of political killings – of politicians, journalists, women, children, human rights and political activists, and ordinary people during the past decades have enjoyed impunity from prosecution. The weakness of the Haitian judicial system, which lacks impartiality and independence, continues to impede any real improvement in the human rights situation.

Haiti faces enormous challenges in delivering justice. However, without investigating and prosecuting abuses, the rights of Haitians will continue to be violated and impunity will prevail. Amnesty International believes that delays in delivering justice for the killing of these eight journalists will continue to undermine freedom of expression. The international community, in particular the UN Stabilization Mission in Haiti (MINUSTAH), must find effective means to support the Haitian government to fight impunity for all human rights violations.

Below follows a summary of the cases of eight journalists murdered in Haiti since 2000

JEAN LÉOPOLD DOMINIQUE, 69.

Radio journalist and political commentator, Jean Léopold Dominique was shot dead by an unknown assailant on the morning of **3 April 2000** in the Delmas district of the capital, Port-au-Prince. He was killed just after he had arrived to present his daily show at Radio Haïti Inter, where he was also director.

The radio station's security guard **Jean-Claude Louissant** was also shot dead by the gunman. The political situation at the time of his murder had been fairly tense in the capital, with increasing pressures from different sectors in the run up to the local and legislative elections in May. Jean Léopold Dominique had been a long-time democracy and human rights advocate who had suffered imprisonment and exile during the Duvalier years (1956-1986). He had been an outspoken advocate for change throughout the country's previous four decades, and his radio broadcasts being in Creole, rather than French reached all the country's population.

A judicial investigation was opened shortly after his murder, and since then at least six examining magistrates have been assigned to the case without managing to produce a full report allowing all those responsible to be identified. Several of the magistrates reportedly had to abandon investigations following death threats. In March 2003, the third examining magistrate to take up the case presented his concluding report in which he committed six individuals for trial. Three of the suspects were released on appeal in February 2004, whilst the other three were arrested by police but escaped from prison in February 2005. Jean Dominique's widow, Michèle Montas escaped an attempt on her life in her home in December 2002, but Maxime Séide, one of her bodyguards, was killed in the incident. Two of the main suspects arrested by police at the start of the investigation have died in circumstances that have never been clarified. In April 2005 a new examining magistrate judge was assigned to the case but he has reportedly not had access to the files nor received the necessary resources to progress with the case. More than seven years on, no one has been charged with his murder and his family is still awaiting justice.

GÉRARD DENOZE, 34.

Sports reporter at Radio Plus, Gérard Denoze was shot and killed by two gunmen on **15 December 2000** in the Carrefour district of Port-au-Prince. He was travelling in a public taxi in mid-afternoon when two gunmen stopped the taxi and asked all the passengers to get out except him. He was shot several times. The perpetrators had left the scene when the police arrived. According to some sources, Gérard Denoze had received death threats over the phone but the motive of the murder remains unknown. Amnesty International is unaware of any investigation into his murder.

BRIGNOL LINDOR, 32.

News director of Radio Echo 2000, Brignol Lindor was stoned and hacked to death by a mob in the district of L'Acul, just outside the town of Petit-Goâve on **3 December 2001**. The mob allegedly included members of an organization which supported Fanmi Lavalas, the political party of then President Jean-Bertrand Aristide. Several days before, the Fanmi Lavalas assistant mayor of Petit-Goâve had publicly called for "zero tolerance" against Brignol Lindor, whom he accused of supporting a rival party. Following death threats, several members of Brignol Lindor's family were forced into exile in France.

In September 2002 the examining magistrate assigned to the case indicted 10 people in relation to the murder. However, only one was arrested, apparently in relation to another incident. The Lindor family filed an appeal against the findings of the investigating judge and requested that the investigation reopen. The Port-au-Prince Appeal Court ruled on 27 March 2003 that it could not consider the appeal because the family was not registered as a plaintiff. This decision was appealed by the family before the Haitian Supreme Court, which took more than two years to finally issue a decision rejecting the family's appeal to be granted civil party status in the case. A new examining magistrate has yet to be appointed and the case.

RICARDO ORTEGA, 37.

Spanish journalist and correspondent for Spanish television station Antena 3, Ricardo Ortega was killed on **7 March 2004** while covering a demonstration by opponents of former president Jean-Bertrand Aristide. He was shot twice in the chest when Aristide supporters allegedly opened fire on the demonstrators while they were dispersing. He died of his wounds at Canapé Vert hospital, in Port-au-Prince. Six other people were also reportedly killed. Miami Sun Sentinel's news photographer Michael Laughlin was wounded during the shootings but he fortunately survived his wounds. A police officer and an Aristide supporter were reportedly arrested later the same month in connection with the killings. Amnesty International is unaware of any subsequent progress into the investigation.

ABDIAS JEAN, 25.

Radio reporter Abdias Jean was allegedly killed by Haitian National Police officers on **14 January 2005**. A correspondent for Miami-based radio station WKAT-AM (1360), Abdias Jean had been covering a police operation in the Village de Dieu sector of Port-au-Prince. Local residents claimed that Abdias Jean was killed because he had witnessed the murder of alleged gang members by police officers during the operation. According to witnesses, he identified himself to the police officers as a journalist before he was shot dead. The police denied the killing. Abdias Jean's family have filed several complaints with the Haitian authorities but an investigation has reportedly never been opened.

ROBENSON LARAQUE, 25.

Radio journalist Robenson Laraque was shot on **20 March 2005** whilst covering a confrontation between forces from the United Nations Stabilization Mission in Haiti (MINUSTAH) and former Haitian soldiers who were occupying a police station in the south-western city of Petit-Goâve. He died from his wounds two weeks later on 4 April in a Cuban hospital. Robenson Laraque worked for the radio station Télé Contact, from whose balcony he had been observing MINUSTAH's operation. Colleagues claim that he was shot by MINUSTAH forces. Two Sri Lankan peacekeepers were reportedly also killed during the fighting. Amnesty International is unaware of the outcome of an investigation reportedly initiated by MINUSTAH.

JACQUES ROCHE, 43.

Arts and cultural editor of the Haitian daily newspaper *Le Matin*, Jacques Roche was kidnapped as he was driving in the Nazon district of Port-au-Prince on **10 July 2005**. His hand-cuffed and mutilated body was found four days later on 14 July on a street in the capital. He had been shot several times and his body showed evidence of torture. It appeared he was murdered when the full ransom demanded for his release was not paid. However, many believe there was a political motive behind his murder. A well-known and respected figure, Jacques Roche had hosted a television programme where a grouping of prominent business, religious and civic groups discussed civil society issues. This grouping was accused by Lavalas supporters of playing a role in the removal of Jean-Bertrand Aristide from power. Jacques Roche had also campaigned against government plans to introduce "industrial free zones" to a fertile plain in the north-east of Haiti, which threatened to displace hundreds of peasant farmers from the area.

An alleged gang member was arrested in October 2005 on suspicion of involvement in Jacques Roche's murder, but he was released on 22 May 2006 without any explanation. Three other individuals were reportedly arrested during 2005 in connection with the murder. However, no one has appeared in court and there is no progress in the case.

JEAN-RÉMY BADIAU, 45.

On **19 January 2007** freelance journalist and photographer Jean-Rémy Badiou was shot at his home in the Martissant neighbourhood of Port-au-Prince. Martissant has seen some of the capital's worst gang warfare as rival armed gangs from different sectors of the neighbourhood clash, leaving the local population terrorized. Jean-Rémy Badiou was a member of *SOS Journalistes*, a Haitian organization dedicated to the protection and defence of journalists' rights and freedom of the press. According to this organization, he was killed because he had photographed members of an armed gang in Martissant. His family reported that prior to his death he had received death threats from gang members. His wife and children were reportedly forced to flee their home after receiving further threats. Amnesty International is unaware of any investigation initiated into Jean-Rémy Badiou's killing.

TAKE ACTION NOW!

Write to the Haitian authorities (see below) in French, Creole, English or your own language:

- expressing your grave concern at the continued impunity surrounding the killings of journalists Jean Léopold Dominique, Jean-Claude Louissant, Gérard Denoze, Brignol Lindor, Ricardo Ortega, Abdias Jean, Robenson Laraque, Jacques Roche and Jean-Rémy Badiou;
- calling on the Haitian authorities to make every possible effort to successfully conclude existing investigations, and to ensure that proceedings are initiated in those cases where no investigation has been opened;
- asking the authorities to ensure that these investigations are full, prompt and impartial, the results are made public and all those found responsible for involvement in these crimes are brought to justice;
- calling on the Haitian authorities to take all steps necessary to protect and support all justice and other officials involved in the investigations, and to fully investigate any threats or attacks against them;
- calling for the effective protection of all witnesses who come forward to testify in investigations;
- calling for a thorough, independent investigation into the past handling of the cases – including allegations of intimidation of judicial authorities and witnesses, and political interference with the judicial process;
- reminding the authorities of their duty to ensure those responsible for attacks against journalists are held to account in order to prevent future attacks and create a climate in which journalists can exercise freedom of expression without fear of reprisal.

Please address your appeals to:

Haitian authorities:

President of the Republic

S.E. René Garcia Préval
Président de la République
Palais National
Champs de March
Port-au-Prince, HAITI
Fax: +509 228 2396 / 228 2244
Salutation: Monsieur le Président / Mr. President

Prime Minister

Monsieur Jacques Édouard Alexis
Premier Ministre
Route de Bourdon, Impasse Prosper, n.1
Villa d'Accueil
Port-au-Prince, HAITI
Fax: +509 249 5561
Salutation: Monsieur le Premier Ministre / Dear Prime Minister

Minister of Justice and Public Security

Me. René Magloire
Ministre de la Justice et de la Sécurité Publique
Ministère de la Justice
19 Avenue Charles Sumner
Port-au-Prince, HAITI
Fax: +509 245 0474
Salutation: Monsieur le Ministre / Dear Minister

Public prosecutor

Monsieur Claudy Gassant
Commissaire du Gouvernement près le Tribunal
Civil de Port-au-Prince
Parquet de Port-au-Prince
Port-au-Prince, HAITI
Salutation: Monsieur le Commissaire du
Gouvernement

Send copies to:

Head of Human Rights Section
Mr. Thierry Fagart
Section des Droits Humains
Mission des Nations Unies pour la Stabilisation en
Haïti (MINUSTAH)
387, Avenue John Brown
Port-au-Prince, Haiti
Fax : **+509 244 2080 (or +509 244 3512)**

Write also to:

SOS Journalistes expressing solidarity and demonstrating your concerns for the general impunity surrounding the attacks, harassment and murder of journalists in Haiti. *SOS Journalistes* is a Haitian organization dedicated to the protection and defence of journalists' rights and freedom of the press.

SOS Journalistes

76 Route du Canapé Vert (en face de l'hôpital)
Port-au-Prince, HAITI
Email: sosjournalisteshaiti@hotmail.com

If you want to take further action on this case, please contact your national AI office.