Haiti: The re-trial of Louis Jodel Chamblain – a test of the judicial system in Haiti

On 22 April 2004 convicted human rights abuser and rebel leader Louis Jodel Chamblain gave himself up to the Haitian authorities and is currently in custody in Port-au-Prince. Another convicted human rights abuser, Jean Pierre Baptiste, known as “Jean Tatoune”, has announced to the press that he will follow Chamblain’s example on 1 May.

The treatment of the cases of Louis Jodel Chamblain and Jean Tatoune before the Haitian justice system will set the example for all the other cases of convicted human rights abusers. It is crucial that Louis Jodel Chamblain is given a fair trial in compliance with international standards. This includes giving the opportunity for witnesses and victims to give their testimony and for judges, prosecutors, police officers, lawyers and all others involved in the proceedings to be able to work without fear of retribution. This will be an important step towards breaking the cycle of impunity in Haiti.

For detailed information on Louis Jodel Chamblain, Jean Tatoune and other cases, please see the report Haiti: Perpetrators of past abuses threaten human rights and the reestablishment of the rule of law. (AMR 36/013/2004)

Call to action

Please send letters as soon as possible in French, Créole or your own language to the Minister of Justice in Haiti, copying the Haitian Prime Minister.

You can base your letter on the following sample:

Sample letter

Dear M. Gousse,

I am deeply troubled by recent events in Haiti, which continues to be gripped by serious civil conflict, with a lack of rule of law and little respect for human rights, since the departure of President Aristide. The safety of the Haitian people is at risk, amid reports of ongoing violence in the country.

I welcome the fact that, since coming to power, the interim government has moved swiftly to arrest high-ranking members of former President Aristide’s government and Lavalas Family party suspected of acts of political violence or corruption. I also welcome the news that convicted human rights perpetrator, Louis Jodel Chamblain is currently in custody and that Jean Pierre Baptiste has stated that he will give himself up to the police.

It is crucial that Louis Jodel Chamblain undergoes a retrial, which he is entitled to under Haitian law, having been convicted in absentia. This provision does not apply to Jean Pierre Baptiste as he was present during his trial.

I recognise that the task for you as Minister of Justice of Haiti is challenging. Serious problems have to be overcome, including the burning down of courthouses with archives containing evidence of the involvement of perpetrators in human rights crimes. However, I urge you to take the following actions:
- Ensure that Louis Jodel Chamblain is given a fair trial in compliance with international standards;

- Ensure the safety of judges, prosecutors, criminal investigators, victims, witnesses and human rights defenders who were involved in his previous trials, so that they feel secure enough to participate in other trials;

- That no amnesty for human rights violations is given as part of a political settlement or for any other reason. Louis Jodel Chamblain and others should not be allowed to benefit from any legal measures preventing the emergence of the truth and accountability before the law;

- That all convicted human rights offenders with pending sentences for human rights convictions are taken into custody and brought before the Haitian justice system. Escapees must be returned to prison; those perpetrators convicted in absentia have the opportunity for a retrial and should be held in custody until the retrial occurs.

The re-trial of Louis Jodel Chamblain will be a test for the Haitian judicial system and will probably set the pattern for other trials of convicted human rights abusers. We strongly ask you to take this opportunity to break the cycle of impunity in Haïti.

Yours sincerely,

Appeals to

Monsieur Bernard Gousse
Ministre de la Justice et de la Sécurité Publique
Ministère de la Justice
19 Avenue Charles Sumner
Port-au-Prince, Haïti

Salutation : Dear M. Gousse

Please send copies to:

Monsieur Gérard Latortue
Premier Ministre
Ministre de l’Intérieur
Villa d’Accueil
Delmas 60
Musseau, Port-au-Prince, Haïti
**Background**

Louis Jodel Chamblain, deputy leader of the early 1990s paramilitary group FRAPH, was convicted for the 1993 assassination of pro-democracy activist Antoine Izméry and for the 1994 Raboteau massacre in which an estimated 20 people died. He was sentenced in both trials to forced labour for life. Haitian law allows for the retrial of those convicted in absentia. Chamblain has asked to avail himself of this provision of Haitian law.

Jean Tatoune, another FRAPH member, was convicted in the Raboteau massacre trial and sentenced to forced labour for life. He served his sentence in Gonaïves prison until his escape from prison in July 2003 and later became the leader of an anti-Aristide gang.

Both men recently played prominent roles leading the rebel forces that ousted the government of Jean Bertrand Aristide in February.

Others convicted of or indicted for human rights abuses escaped from the National Penitentiary in Port-au-Prince in the atmosphere of lawlessness that followed the departure of President Jean Bertrand Aristide. AI has received reports that some of these escapees have been threatening those who have participated in legal proceedings related to them.