

HAITI

Update of the Jean Dominique investigation and the situation of journalists

Introduction

This document gives a brief update to *HAITI: "I have no weapon but my journalist's trade": human rights and the Jean Dominique investigation* (AI Index AMR 36/001/2002, 2 April 2002), an exploration of the obstacles hampering efforts to bring those responsible for killing Haiti's most well-known journalist to justice. On 3 April 2000 Jean Dominique was shot dead by an unknown assailant outside the courtyard of his radio station, *Radio Haïti Inter*; station guard Jean Claude Loussaint was killed with him. The killings were a serious blow to Haiti, not least because Jean Dominique had been an outspoken and highly respected advocate for change throughout four decades.

Following the second anniversary of his killing, progress in the Jean Dominique investigation stalled for months; only after the naming of a new investigating magistrate in July 2002 did work resume. Similarly, investigations into the December 2001 killing of another journalist have been only imperfectly carried out. Meanwhile, a significant number of journalists continue to be threatened and attacked. Taken together these factors seem to indicate a diminishing level of respect for free speech, and particularly for the critical role of journalists, in Haiti.

Moreover, while Haitian authorities have repeatedly stated their general commitment to freedom of speech, they have also begun to condition these statements in ways which raise doubts as to whether they take their commitment seriously. In one example, President Jean Bertrand Aristide told a group of supporters of his *Fanmi Lavalas* party, gathered in late September to commemorate the 11th anniversary of the coup which toppled him, that "the government does not intend to tolerate any threats against the press, regardless of where they come from." However he also warned that "when lies and set-ups are used to try to make believe that the press is gagged and when certain sectors threaten the press to cause confusion,

it is again an extension of the coup d'état."¹ Again on 16 October, he told a group of Haitian reporters from the United States, "no one working in the press must feel threatened or intimidated, nor should they create false scenarios" and added that "no journalist should invent pretexts for finding a visa through telling lies."² It is feared that such statements could be interpreted by the authorities and party supporters who have been overtly challenging the critical role of journalists as encouragement for their activities.

As a result of these developments, freedom of expression and the treatment of journalists in Haiti have come under increasing domestic and international scrutiny. A delegation from the Inter-American Commission on Human Rights, including Eduardo Bertoni, the Commission's Special Rapporteur for Freedom of Expression, visited Haiti from 26 to 29 August 2002, in response to an invitation from the Haitian government. A communiqué posted after that visit stated that

The murder of journalists in Haiti, along with a large number of complaints regarding harassment and threats against journalists, the media, and other social communicators, have created an unfavorable atmosphere for freedom of expression. [...] It is disturbing that those whose freedom of expression is curtailed cannot always rely on effective judicial protection to detect those responsible, put a stop to intimidation, and ensure reparation for the damage done.³

Similarly, during a press conference at the end of his visit in September, the new United Nations Independent Expert on the Situation of Human Rights in Haiti Louis Joinet, indicated

¹ Unofficial translation to English. Quotes cited in "Aristide réaffirme sa volonté de continuer à respecter la liberté de la presse tout en affirmant que les montages constituent la plus grande menace contre la presse," *Agence Haïtienne de Presse*, 28 September 2002.

² Unofficial translation to English. Quotes cited in "Jean Bertrand Aristide lance à nouveau des flèches en direction de la presse," *Métropole* (via internet), 16 October 2002.

³ "Special Rapporteur for Freedom of Expression of the OAS Expresses Concern over the Situation of Journalists and the Media in Haiti CIDH 6202, 4 September 2002.

that attacks on freedom of expression, whether involving the press, political activists or human rights defenders, constituted one of his three principal areas of concern in Haiti.⁴

Judicial investigations into killings of journalists

In April 2002, at the time of the publication of Amnesty International's last document on the case, the investigation into the killing of **Jean Dominique** and *Radio Haïti Inter* station guard Jean Claude Louissaint had stalled due to confusion over who was responsible for carrying it forward. Investigating judge Claudy Gassant, widely praised for his tenacious work on the case in spite of numerous threats and pressures, fled the country in January 2002 after President Jean Bertrand Aristide chose not to extend his expired mandate. The judge explained that he had left because ongoing threats and the lack of official status left him feeling vulnerable.

On 2 April, marking the second anniversary of the killings, President Aristide announced that he had renewed Judge Gassant's mandate. However, the judge maintained that he was never formally notified of the extension, and that the government's failure to do so indicated that he would still face a precarious security situation should he return to Haiti. Meanwhile, in January 2002 the authorities had announced the formation of a three-judge commission to carry on the investigation; in mid-April however the judges concerned were reported to have formally requested to be dismissed from the case. No explanation was given for this move, and no one was announced to replace them.

On 9 July, responsibility for the dossier was given to investigating magistrate Bernard Saint Vil.⁵ In an important move to secure progress in the case, he pledged to use previous judges'

⁴ Intervention of M. Louis Joinet, Independent Expert on the Situation of Human Rights in Haiti, at a press conference in the conference room of the United Nations Development Programme in Port-au-Prince, Haiti, 27 September 2002.

⁵ See open letter from Amnesty International to then Minister of Justice Jean Baptiste Brown, TG AMR 36/02.05, 19 July 2002.

work as a basis for his own. In August he interviewed Senator Dany Toussaint, previously indicted by Judge Gassant, as well as other concerned parties. However, several arrest warrants issued in the case remain unenforced, and the issue of Senator Toussaint's parliamentary immunity has yet to be resolved. Human rights organisations also express concern at Judge Saint Vil's ability to handle this important dossier given his current workload; he is said to be simultaneously responsible for over 300 cases.

The investigation into the 3 December 2001 death of *Radio Echo 2000* news director **Brignol Lindor**, killed in Petit Goâve, department of the West, by a mob which included members of a pro-*Fanmi Lavalas* organisation, has also received much attention. In April investigating judge Fritzner Duclaire submitted a preliminary report to the prosecutor, who returned it to him for further investigation. Authorities indicated that up to 35 people had been interviewed in the course of the enquiry into Brignol Lindor's death. On 16 September the judge resubmitted his report.

The judge indicted ten men, including members of the pro-*Fanmi Lavalas* organisation. Arrest warrants were issued for those who were not already in custody. However, though he was among those interviewed by the judge, the man who was mayor of Petit Goâve at the time of Brignol Lindor's killing, and who in the days leading up to his death had publicly called for 'zero tolerance' against the journalist on the grounds that he supported an opposition party, was not among those indicted. This omission prompted sharp protests from human rights and journalists' groups, and the organisation *Association des Journalistes Haïtiens*, Association of Haitian Journalists, indicated on 3 October that it would file a legal complaint. The complaint has been filed, at the request of Brignol Lindor's family members, now in exile in France, with the Court of Appeal in Port-au-Prince.

Reported attacks on journalists since April 2002

Since publication of its April report, Amnesty International has continued to receive numerous reports of threats and acts of violence against journalists. Some have been forced

to leave the country or to go into hiding within Haiti. Some of these incidents are described below.

- On 26 September, *Radio Kiskeya* station in Port-au-Prince suspended its broadcasts and evacuated its premises after having reportedly learned of plans for an imminent arson attack. The station was also believed to have received threats by phone and fax, attributed by staff to parties angered by the coverage of the disappearance of a local community activist and the arrest of a campaigner for the rights of victims of fraudulent cooperative schemes. Station *Caraïbes FM*, which itself had received threats in the past, closed in solidarity, while stations *Signal FM* and *Radio Ibo* also reported receiving threats. On 27 September, Prime Minister Yvon Neptune visited the Kiskeya station and announced an investigation into the threats. As mentioned above, however, in a speech commemorating the anniversary of the 30 September 1991 coup, President Aristide reiterated his government's support for freedom of speech but also denounced "lies and set-ups ... used to try to make believe that the press is gagged."⁶

- On 10 September, two journalists in Gonaïves, department of the Artibonite, were said to have gone temporarily into hiding after receiving threats from members of pro-government groups who accused them of biased reporting. **Jean Robert François**, correspondent for Port-au-Prince station *Radio Métropole*, and **Henry Fleurimond**, the same for *Radio Kiskeya*, reportedly received the threats directly and by telephone.

- On 8 September, in Miragoâne, department of the West, *Radio Vision 2000* journalist **Ann Myriam Loiseau** was reportedly shoved and verbally assaulted by a uniformed police officer in the street near her home. The information received indicates that the incident occurred after she told the officer, who was on duty, that she was a journalist. In the same town on 30 August, *Radio Galaxie* journalist **Lucknell Adinor** was reportedly struck by police as he was trying to cover a demonstration; the confrontation was said to have occurred after he refused when police ordered him to remove barricades set up by demonstrators.

⁶ *Op cit*, AHP.

- On 20 August, *Radio Saca* director **Joseph Claudy Milord** was reportedly struck by the local mayor inside the local court building, the *tribunal de paix*, of Grand Goâve, department of the West. Reports indicated that the official was incensed at the station's reporting of his involvement in local land deals. The mayor was subsequently arrested on order of the prosecutor's office, but provisionally freed from custody later the same day. Grand Goâve has reportedly been the scene of ongoing demonstrations of local people following this incident.

- Journalists have been among those injured in the course of demonstrations over government measures with regard to the national university, the *Université d'Etat d'Haïti*. In one example, on 14 August a student demonstration before the Ministry of National Education, *Ministère de l'Education Nationale*, was allegedly disrupted by pro-government counter-demonstrators throwing rocks, and vehicles belonging to *Télé Haïti* and *Radio Ginen* were reportedly damaged. In another such incident on 22 August, journalists and student demonstrators were reportedly attacked by rock- and bottle-throwing pro-government demonstrators at the *Ecole Normale Supérieure* in Port-au-Prince.

- On 15 July, *Radio Caraïbes* investigative reporter **Israël Jacky Cantave** was abducted by unidentified assailants along with his cousin as they were driving home from work.⁷ They were found the next evening, beaten and bound with duct tape, in an abandoned lot in Port-au-Prince. Cantave had reportedly received death threats linked to his investigative work in slum areas in the days preceding the attack. The Secretary of State for Communications Mario Dupuy initially declared that the government would not tolerate such acts of aggression against journalists. On 28 August, Cantave fled Haiti after reportedly having continued to receive threats. In September Secretary of State Dupuy alleged that he, and the official newspaper *l'Union*, had received threats from *Radio Caraïbes* personnel angered at their

⁷ See Urgent Action 218/02, AI Index AMR 36/010/2002, 17 July 2002. In a 13 August reply to Amnesty International, the Ministry of the Interior and Territorial Collectivities indicated that the authorities were investigating the case.

disputing of Cantave's version of events; while in October, the head of the Central Direction of the Judicial Police indicated that police findings did not support Cantave's account. As at this writing, the prosecutor was continuing his investigation. Human rights organisations stressed that a full and impartial enquiry was necessary, and that expression of suspicion by authorities against journalists in general would not improve the level of respect for freedom of speech in Haiti.

- Two journalists were among those arrested following a protest by workers at the Guacimal plantation near St. Raphaël, department of the North on 27 May.⁸ Two elderly trade unionists were killed during the disturbances between demonstrating workers and supporters of the plantation owners. The latter group included local officials. **Darwin St. Julien** of newspaper *Haiti Progrès* and **Allan Deshommes** of *Radio Atlantique* were said to have been seriously injured, but were reportedly denied urgently needed medical care after having been taken into custody. They were released on 8 June. Darwin St. Julien, who was struck with a machete near the right eye, is said to have yet to recover sight in that eye, while Allan Deshommes is believed to still suffer pain from head injuries. Two of the trade unionists detained with them remain in custody without charge.

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⁸ See open letter from Amnesty International to Minister of Justice Brown, TG AMR 36/02.04, 19 July 2002. See also "*HAITI: Violence in St Raphael plantation must be investigated*" AMR 36/007/2002, News Service No. 93, 31 May 2002.