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Haiti: Jean Dominique, twelve years of impunity

Twelve years ago a voice and advocate for justice was silenced in Haiti. On 3 April 2000, Jean Léopold Dominique, journalist and executive director of *Radio Haiti Inter* was shot dead in the station's courtyard. Jean-Claude Louissaint, the station security guard was also killed in the attack.

The murders caused dismay in Haiti, especially because Jean Dominique was a well-respected figure who for four decades had been speaking out openly in favour of democracy, accountability and social justice in Haiti. His killing was a serious blow to freedom of expression and remains until now shrouded in total impunity.

In 12 years, nine investigating judges have worked on the case without shedding full light on the killings. Amnesty International is calling once more on the Haitian judicial authorities to take all necessary measures to ensure that the ongoing investigation concludes with the identification of all the material and intellectual authors and that they are all brought to justice.

The investigation into the killings of Jean Dominique and Jean-Claude Louissaint has been beset by violence, inactivity, threats against the examining magistrates, delays, and the loss of all the evidence and files during the January 2010 earthquake. On 25 December 2002, Michèle Montas, Jean Dominique's widow, escaped an attempt on her life. Her bodyguard, Maxime Séide was killed during the attack. Two important suspects died in controversial circumstances: in June 2000 one suspect died in a hospital bed under police custody after he was wounded during his arrest; in November 2001 the second suspect was lynched by a mob in the town of Petit-Goâve after he was arrested by the police.

Several of the magistrates reportedly had to abandon investigations following death threats. Jean Sénat Fleury was among the first judges appointed to investigate the case until he resigned from the case in September 2000 for personal security reasons. His successor, Claudy Gassant was also threatened during his time as investigating judge from September 2000 to January 2002.

The results of a first investigation carried out between April 2000 and March 2003 were disappointing. It failed to identify the person(s) who ordered the silencing of Jean Dominique. On 21 March 2003, Judge Bernard Saint-Vil (the fourth judge to work on the case) issued a ruling in which six persons were named as material authors and accomplices, but it failed to

identify the intellectual author(s). At the time of the conclusion of the investigation, the six persons had already been in prison on pre-trial detention for more than two years.

Jean Dominique's relatives appealed Judge St-Vil's ruling in April 2003. The ruling failed notably to include a number of suspects, including an influential Haitian senator who was the subject of an indictment by investigating judge Claudy Gassant in 2001.

The Appeals Court of Port-au-Prince ruled in August 2003 that a commission should complete the investigation by identifying all those involved, and in the same ruling it released three of the accused from pre-trial detention and sent three to trial, including the alleged killer. In February 2005, the only three persons indicted for the murder of Jean Dominique and Jean-Claude Louissaint escaped prison during a riot. In spite of the Appeals Court ruling, the Haitian authorities took 18 months before appointing a new investigating judge.

A new investigation into the killings of Jean Dominique and Jean-Claude Louissaint was launched on 3 April 2005 and is still ongoing currently under Judge Yvickel Dabrézil.

In spite of the threats, and all the setbacks and political blockages, the case is still open and Jean Dominique's relatives are determined to continue their fight for justice. For decades, impunity has overshadowed the rule of law and left Haiti's justice system unable to operate independently from political power and impart justice. Jean Dominique's case is emblematic in that regard. Bringing to justice all those responsible for his murder and that of Jean-Claude Louissaint and Maxime Séide is not only an obligation of the state but also a necessity for building a state grounded in the rule of law.

As Haiti's justice system is also confronted with grave human rights abuses of the past, the Haitian government must give a clear signal that it will effectively and unreservedly tackle impunity. The government must also commit its efforts to ensure that nothing impedes the full, independent and impartial functioning of the investigating judge and that he is provided with all the necessary means to achieve his task, and that 2012 is the last anniversary of the murder of Jean Dominique without justice.

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