

LAWYERS' RIGHTS WATCH CANADA

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Promoting human rights by protecting those who defend them

HAITI REPORT: LRWC

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In the summer of 2005, LRWC was informed by Professor Quigley, of Loyola University, New Orleans School of Law, that a Haitian priest known Pere Gerard Jean-Juste, was searched, taken into custody, interrogated for hours, violently arrested, and jailed. This event occurred while Pere Jean-Juste was feeding hundreds of children at St. Clair's Catholic Church in Port-au-Prince. Pere Jean-Juste is pastor of St. Clair's Church.

Pere Jean-Juste was ultimately released by Judge Fleury for lack of evidence as to having committed any crime. Shortly after Judge Fleury released Pere Jean-Juste from custody for lack of evidence, all of Judge Fleury's criminal cases were taken from him and he was forced to resign from the judiciary.

As a result of this event, we became part of an international letter writing campaign seeking protection for Pere Jean-Juste. In that Pere Jean-Juste is a supporter of deposed President Aristide, it was felt that action against him was political in nature. We also sought an explanation as to the actions taken against Judge Fleury.

On August 5th, 2005, we forwarded a letter to Mr. Gerard Latortue, then Prime Minister of Haiti, Mr. Henri Dorleans, then Minister of Justice and Public Security for Haiti, and Mr. Jean Pere Daniel Audain, then Commissaire du Gouvernement Pres le Tribunal de Premier reminding them that Haiti had acknowledged the United Nations International Covenant on Civil and Political rights regarding arbitrary arrest or detention and the state's obligation to advise those arrested of the reasons for the arrest and the pending charges.

We similarly reminded the Haitian authorities of the United Nations Covenant regarding an individual's right to hold opinions without interference and the right of freedom of expression.

Similarly, regarding Judge Fleury, we reminded the Haitian authorities of the United Nations General Assembly "Basic Principles on the Independence of the Judiciary".

We requested that the Government of Haiti ensure the present and future safety of Judge Fleury and Pere Jean-Juste and investigate the actions taken against them.

Subsequently, in August of 2005, LRWC became aware that Pere Jean-Juste was once again arrested, while attending a funeral, and incarcerated in the Haitian National Penitentiary. No charges were laid.

As a result, we once again participated in an international letter writing campaign seeking the release of Pere Jean-Juste. As of August 2005 Pere Jean-Juste had been identified as a political prisoner by Amnesty International and other Human Rights Groups.

Our letter of August 10th, 2005, once again to the Prime Minister, Minister of Justice, and Commissaire du Gouvernement Pres le Tribunal de Premier instance to Port-au-Prince referenced the United Nations International Covenants on Civil and Political Rights with specific reference to arbitrary arrest and detention without charge. We called for the immediate and thorough investigation into the actions taken against Piere Jean-Juste and for the results to be made public and those responsible brought to justice. Our letter was copied to the United States Ambassador, the Canadian Ambassador to Haiti, the Canadian Minister of Foreign Affairs, and the Canadian Minister of Justice and Attorney General of Canada.

We continued to receive information from Professor Quigley including emails and letters from Pere Jean-Juste who remained incarcerated in the Haitian National Penitentiary throughout the fall and early winter of 2005. We received information that Pere Jean-Juste was one of many political prisoners being retained in the prison without charge. Accordingly, we forwarded yet another letter in October of 2005 to the Haitian authorities reminding them once again of Haiti's commitment to the international community and the covenants with respect to arbitrary arrest and detention without charge. At this time, we had also been advised that two journalists, Kevin Pina and Jean Ristil, had been arrested and held without charge. We requested the immediate release of the journalists and investigation into the circumstances surrounding their arrests.

We received news early in 2006 that Pere Jean-Juste had been diagnosed with leukemia and released from the Haitian National Penitentiary and sent to a hospital in Miami for treatment. As of the writing of this report, Pere Jean-Juste remains in Miami undergoing medical treatment.

