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## Neptune Released, Hundreds Still Held In Haiti Prisons

by Mike Leffert

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Yvon Neptune, former Haitian prime minister, was released from prison July 28. He had been jailed shortly after the president under whom he served, Jean-Bertrand Aristide (1991, 1994-1996, 2001-2004), was toppled and exiled in February 2004. Neptune left Pacot National Penitentiary in frail condition, the result of an on-and-off hunger strike to protest his imprisonment that he had been conducting for much of the time. It had been Neptune's contention that he was a political prisoner of the US-installed interim government of Gerard Latortue.

He had been locked up without trial for alleged involvement in a massacre in the northern town of Saint Marc in February 2004. The release cannot be taken to mean that Neptune's battle is over. He has expressed concern at the manner of his release, noting that he has not formally been absolved. He has merely been let go in dramatic fashion, in what some reports have called a political release, others, a humanitarian release. He was taken aboard a UN Stabilization Mission in Haiti (MINUSTAH) ambulance under heavy security, with UN police deployed in all directions.

Neptune said as he left the prison, "It's not freedom yet; the laboratories that invented those kind of imaginary crimes are very strong."

### *A shocking and scandalous decision*

Samuel Madistin, a lawyer for the prosecution, the relatives of victims of the La Scierie Massacre, as it has come to be called, took immediately to the national airwaves to denounce the proceedings. "This is a shocking and scandalous decision for several reasons," said the lawyer. "First, the head of state, President Rene Garcia Preval, announced loudly and clearly that he had entrusted the Neptune case to his Justice Minister Rene Magloire, who will have to make a decision that will satisfy everybody before long."

Madistin told his Radio Kisteya listeners that the case is still pending in the Court of Appeals but that, "at the initiative of the Ministry of Justice via the public prosecutor to the Court of Appeals in Gonaives," a release request had been submitted and executed.

Previously, on June 13, this same court rejected a similar request by Neptune's lawyer explaining that it was not appropriate. Madistin called the process a political decision endorsed by the court and maintained that this is only a preliminary order and that "the prosecution is awaiting the final order....We are waiting for the court's final order to know what position to adopt." Former Interim Prime Minister Gerard Latortue, widely held responsible for Neptune's imprisonment, not waiting for any final orders, also turned to the media on the day of release to absolve himself of taint. "Neptune knows, Neptune's family knows, the international community knows I did everything to get him out, but he did not want to be out. He wanted to be cleared totally by me, but I did not put him in jail,"

Latortue told reporters. "I always thought he should be out on bail while justice continued its course, the same way a former minister is also indicted in the case but he is not in jail, so I never saw the reason for Prime Minister Neptune to be in jail, so I'm very happy." More important for the present Haitian government's fortunes in its region, Ralph Gonsalves, one of the Caribbean Community's (Caricom) leaders calling for Neptune's release, was more than happy. "I am overjoyed," he said. "He ought to have been released earlier and I am very pleased to see that the democratic institutions are working in the country. Caricom as a whole and myself have been both privately and publicly calling for his release and we are very pleased to see this happen."

With the election of Preval, Caricom recently readmitted Haiti to a membership suspended after the US removal of Aristide and installation of Latortue (see NotiCen, 2004-04-01, 2006-02-09, 2006-02-16). Neptune's freedom does not put an end to Caricom's concerns, however. A press release from the Caricom Secretariat noted its repeated condemnation of the lack of due process in the case and went on to say that Neptune's high profile should not obscure the many other people supportive of Aristide who were arbitrarily arrested for political reasons under the Latortue administration. These people have also been denied justice and they remain in jail without trial or charge.

The statement referred to an April call upon the interim administration to "take the necessary measures to rectify this objectionable situation" before relinquishing office to an elected government. The statement took note of the release of former interior minister Jocelerme Privert in June as a sign of change that Caricom expected would extend to the others. Privert was freed and cleared of murder charges. He, like Neptune, had said he was a victim of a political conspiracy by the interim government.

Privert was arrested on April 6, 2004, accused of being the mastermind of the La Scierie massacre. "I spent all this time in jail just because there were authorities who wanted to have their political revenge," Privert said upon his release. Hundreds still locked up Neptune and Privert are just two of hundreds. Except to say "several hundred," there is no reliable fix on just how many of Aristide's allies and supporters were jailed during the Latortue regime, without charge or arraignment, and in violation of law and Constitution. Clearing these cases would depend, at a minimum, on a functioning judicial system.

Justice Minister Magloire has admitted that Haiti is some distance from having any such thing at present. He explained to a hostile radio interviewer that the reason he joined the Preval government was "to do everything possible to get the judicial system back on track." He said his ministry was in the process of finalizing a reform plan built on a "certain number of strategic themes." "The first theme is the promotion of access to justice," he said. "The second theme is the establishment and consolidation of the independence of the judiciary. The fourth theme is the increase in the capacity of the Justice Ministry in the conception, planning, and implementation of its programs. The fifth theme is the fight against corruption and all the abuses in the judicial system. And the sixth theme is the fight against impunity, organized crime, and corruption."

Haiti is undergoing another upsurge in street violence, a factor that could, at least in theory, influence the alacrity with which the ministry moves to free these prisoners. Magloire acknowledged

that "things cannot continue the way they are now" and that the government has undertaken dialogue with leaders of the groups said to be responsible for the killing and destruction. He declined to get into a discussion of opposition-spawned rumors that the government has offered to pay these groups to stop the violence.

In the meantime, their continued activities complicate the delivery of justice to the jailed multitudes. Another complicating factor, one that looms not only over the release of prisoners but also on the future governability of the country, is Aristide's return from exile. The Preval government took what appeared to be steps toward paving the way for that eventuality in early July when it withdrew a complaint lodged in the US against Aristide alleging the theft of millions of dollars from the Haitian treasury. The Latortue government had filed the suit, which also included allegations of thefts from the Haitian Telephone Company and drug trafficking.

July 15 was Aristide's 53rd birthday. The occasion was marked by a massive rally of his supporters who called both for the release of the prisoners and the return of the former president, indicating the two issues are closely tied. Preval has in the past said that Aristide was constitutionally free to return, citing Article 41 of the document. But as the realities of governing bear down on him, he has been silent on the question.

Following the rally, Senate president Joseph Lambert tried to downplay the significance of the rally, saying that it was motivated by socioeconomic issues and that, "if we give these people something, they will forget the past." Preval has, since his inauguration, reaped the goodwill and funding necessary to rebuilding his nation. It has come from the international community and from the US, which has made it clear it does not want Aristide to come back. It is also true that, during his first presidency in 1996-2001, Preval's relations with Aristide deteriorated, and Preval ran his campaign with his own political party, Lespwa, not under the banner of his and Aristide's former party, Fanmi Lavalas. He nevertheless received massive support from Lavalas, by far the country's largest party.

Chavannes Jean-Baptiste put the dilemma in perspective from the opposition point of view. He is the leader of Movman Peyizan Papay (MPP), the largest and most broad-based peasant movement in the country and one that promises to play a vigorous role in civil affairs. He said an Aristide return would be the worst thing that could happen to Haiti. "We feel President Preval would like to avoid that, even if he does not say it clearly," he said. "He actually wants to avoid that. He does not want to do anything to facilitate such a thing. We think that today it is the Haitian people as a whole who should stand up and say no to Aristide's return, even if the Constitution of the republic allows him to return. One thing is certain: the current political situation is not right for Aristide's return to the country now."

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