

Jeb Sprague
University of Manchester

Haiti and the Jean Dominique Investigation: An Interview with Mario Joseph and Brian Concannon

On April 3, 2000, Jean Dominique, Haiti's most popular journalist, was shot four times in the chest as he arrived for work at Radio Haïti. The station's security guard Jean-Claude Louissant was also killed in the attack. The President of Haiti, René Préval, ordered three days of official mourning and 16,000 people reportedly attended his funeral. A documentary film released in 2003, *The Agronomist*, by Academy Award-winning director Jonathan Demme featured Dominique's inspiring life. However, since Dominique's death the investigation into his murder has sparked a constant point of controversy.¹

Attorneys Mario Joseph and Brian Concannon worked for the Bureau des Avocats Internationaux (BAI), a human rights lawyer's office supported by both the Préval and Aristide governments. The BAI was tasked with helping to investigate the killings. A discussion with the two attorneys reveals the unpublished perspective of former government insiders who worked on the case and their thoughts on the role of former Senator Dany Toussaint, the investigation headed by Judge Claudy Gassant, the mobilization around the case, and recent revelations made by Guy Philippe, a leader of the ex-military organization Front pour la Libération et la Réconstruction Nationales (FLRN).

This interview was conducted over the telephone and by e-mail during April and May of 2007.

JS: *It has been seven years since Jean Dominique was killed. From your perspective, how did the investigation into the killing of Jean Dominique begin?*

BC: The investigation started immediately. Police came to the scene a few minutes after the killing. There were lots of false starts, because the system, although functional, was not up to a case this tough, but there was a continuous effort to investigate.

MJ: After Dominique was killed there was a huge public funeral at a sports stadium in Port-au-Prince. Both the current President Préval and the former President Aristide participated in the funeral. Both were visibly upset. First under the Préval, and later the second Aristide administrations, our legal group the Bureau des Avocats Internationaux (BAI) was tasked with following up on the case. We were initially asked by Michèle Montas, Jean Dominique's widow, who asked me to represent her as a civil lawyer, as I was doing for the victims of the Raboteau massacre. But we were also asked to work on the case by both Presidents. Soon after Aristide was elected, and from time to time during his administration (2001-2004) we talked with him about the Jean Dominique case. We asked him, as he was the executive, what he wanted us to do on the case? He answered, "Find the murderers."

JS: *Who were the initial suspects and how did the investigation evolve?*

BC: There were lots of leads at the beginning. There were leads pointing to Dany Toussaint but also several other people, including several members of what became the Group of 184.² Some of the leads were based on witness reports. Some were based on tips—we set up a hotline in our office for tips, and the number was broadcast on Radio Haiti. Other leads were based on circumstantial evidence.

MJ: We did not see all the evidence—under Haitian tradition the judge's pre-trial investigation is secret—and we never saw direct evidence of Mr. Toussaint's involvement in the crime. But there was circumstantial evidence, and our position was always that all the leads should be followed against everyone, including Dany Toussaint. Presidents Préval and Aristide both told us the same thing—pursue the case and the leads. Judge Claudy Gassant was named investigating judge on the case, I believe sometime in mid-2000, and headed up the investigation. But we felt already in 2000 that many people were using the investigation as a political tool for undermining the Lavalas movement (Aristide did not take office until 2001). The pressures from the international community and elite Haitian civil society were to pursue people based on their connection with Fanmi Lavalas rather than

based on the available evidence. We were not involved in any discussions of whether or not Dany Toussaint was guilty. We did not then and still do not have enough information to take a position on that. Our interest was in the process—were all the leads, no matter where they led, being followed? Was Haitian law, and the rights of the victims, and of the accused, respected? We felt there certainly was good reason to support investigating Mr. Toussaint, and we supported that investigation. But we were also concerned that promising leads involving other targets were being neglected.

JS: Prior to his death, Jean Dominique was highly critical of Dany Toussaint as well as some powerful individuals within the opposition.³ Were you ever suspicious of Toussaint?

MJ: Mr. Toussaint's response to the investigation certainly raised some suspicions. The way he responded to the case did make it look like he had something to hide. That justified continuing the investigation against him, but from the information I saw it did not justify abandoning the other leads. There were many other people with a motive to kill Jean Dominique, including people in the opposition and in the top echelons of wealthy Haitian society. It is possible they were working with Mr. Toussaint, or without him; we just never saw enough information to make that determination.

BC: The executive branch's role was to support the investigation, and Judge Gassant's role was to conduct a pretrial investigation and determine who had enough evidence against him to justify going to trial. In the end, it is the trial court—in this case it would probably be with a jury—that makes the ultimate determination of guilt. I think it's important in viewing what happened to recognize that we never had an opinion on whether or not Mr. Toussaint or anyone else was guilty. As far as I know Presidents Préval and Aristide never had an opinion either. We were suspending personal judgments until we saw what proof the judicial system produced.

JS: But you also were critical of the investigation that Gassant was running. Why did the government have such trouble working with Gassant on the Dominique case and vice versa?⁴ Human Rights Watch, prior to the 2001 inauguration of Aristide, was already reporting that obstacles had arisen that hindered Gassant's investigation.

MJ: My principal criticism of Judge Gassant was that there were several trails to follow and that he only followed the one that seemed to lead toward Mr. Toussaint. We felt, based on our limited information, that he was abandoning other promising leads. I also felt that Judge Gassant was letting controversy surrounding the case interfere unduly with the investigation. The Judge needed to struggle to find resources for the case, as all the judges in all our cases did. The Dominique case was, obviously,

a particularly dangerous undertaking, so for good reason he was worried about his personal safety. But as time passed, Judge Gassant appeared to be spending more and more time confronting the government over resources or the privileges of his job, and less and less time actually pursuing the case. The investigation received many more government resources, both for the Judge's security and for the investigation, than any other case we had seen, probably more than any case in Haitian history. Judge Gassant had such a large security detail that it took a lot of time just for him to get in and out of his cars. Judge Gassant spent an increasing amount of time denouncing lack of government support, or threats against his life, on the radio stations. His stature grew every time he went on the radio to denounce the government, in ways it did not grow when he actually made progress in the investigation. Although I believe that Judge Gassant was facing real risks to his life, often the things he complained about as risks were never substantiated as real risks.

BC: The investigation became a source of power for Judge Gassant. He insisted that he choose his own security detail, which gave him the power to hire and arm people close to him. He received a lot of money to support this entourage, and it took time and energy to manage. We also felt that Judge Gassant was picking fights that were not necessary, and that distracted from the investigation. Certainly the judge had reason to complain about many issues, especially with regard to Senator Toussaint. But he also kept picking fights with the police, for no good reason. For example, one time his motorcade was stopped by the police on the road in Carrefour, a suburb of Port-au-Prince. The road to Carrefour was always jammed with traffic, so Judge Gassant would put his flashing lights on, even if it was not an emergency, and drive on the wrong side of the Jersey barriers to make time. On this day the police pulled him over. Judge Gassant refused to cooperate, and afterwards went on the radio and turned the incident into an attack on him and the case. I can't blame Judge Gassant for trying to skip the Carrefour traffic—if it helped him get to the office faster; it probably helped him get more work done on the Dominique case. But I can't blame the police for prohibiting non-emergency vehicles from driving on the wrong side of the road. It might have been reasonable for Gassant to ask the police for special permission, but turning normal traffic enforcement into a major incident was a big distraction to everyone involved. This kind of thing happened over and over again.

JS: *The Fanmi Lavalas legislature had a vote to lift Dany Toussaint's immunity but he entered the chamber with armed supporters. What happened?*

BC: In May 2000, a few weeks after Jean Dominique's assassination, Dany Toussaint was elected Senator, which entitled him to parliamentary immunity. Under Haiti's system, Senators cannot be arrested or required to testify unless the Senator himself waives his immunity, or the Senate votes to lift it for the case. Mr. Toussaint had, at times, voluntarily cooperated with the investigation, but he also at times refused to cooperate, so Judge Gassant asked the Senate to lift his immunity. I do not remember the day, but I believe it was after President Aristide's inauguration in 2001, the Senate scheduled a hearing on Judge Gassant's request. I did not have any inside information, but it was generally believed that the Senate would vote to lift the immunity. Many Senators felt that there were good reasons to pursue Senator Toussaint, others felt that it was important for the Senate's reputation that it cooperate as much as possible with such an important investigation. On the day of the hearing, Senator Toussaint entered the Senate Chamber with a large security contingent, all heavily armed. It is illegal to bring any guns into the Senate Chamber. Ordinarily the Parliamentary Security searched everyone coming into the Parliament building and confiscated any weapons. But Senator Toussaint's contingent was too heavily armed for anyone to stand in its way.

MJ: The clear message was the Haitian proverb: "The Constitution is paper, bayonets are steel." Senator Toussaint communicated that he was willing and able to use illegal armed force to impede the investigation against him. Although I believe the Senators would have liked to vote to lift Senator Toussaint's immunity, they were not willing to die for that vote. They did the most they felt they could do under the circumstances: they did not deny Judge Gassant's request, which would have ended the investigation against Toussaint, but they sent it back to the judge, asking for additional information. This way both the investigation and the Senators remained alive, even if both were reduced in stature. Senator Toussaint's intervention obviously made it look like he had something to hide. I expect the Senate hoped that there would be some outrage, which would change the balance of power and allow a more vigorous pursuit of Senator Toussaint.

JS: *Director Jonathan Demme's film The Agronomist does an excellent job at looking at the life of Jean Dominique but toward the film's end it seems to imply that Aristide had a connection or possible motive in regards to Dominique's demise. Throughout Aristide's time in office critics made all kinds of undocumented charges against him. But following Aristide's ouster in 2004, when Haiti was subjected to a human rights nightmare, many of the elite voices that had criticized him fell silent. For example, Demme, who presented a powerful eulogy for Dominique and was a member of the board of the National Coalition for Haitian Rights (NCHR). The*

NCHR was extremely critical of Aristide, but, after the 2004 coup d'état, ignored much of the interim government-backed violence in Haiti's slums (2004-2006).⁵

So many poor people were killed during the interim period, as documented by the Miami University, Harvard University, Quixote Center, National Lawyers Guild and Lancet Medical Journal reports, but early on NCHR was openly refusing to even enter Haiti's slums to investigate ongoing human rights abuses.⁶ Did you ever feel that the mobilization for Jean Dominique was hijacked for political purposes?

BC: I remember seeing an early draft of *The Agronomist* at the Rex Theater in Port-au-Prince, which said a lot about the “official” mobilization for justice for Jean Dominique. The people organizing the screening called and offered me one or two tickets to view the screening. At the time there were other people in the BAI office working on the case, plus we were coordinating with the police officers on the case, as well as the grassroots activists that formed the backbone of any large-scale demonstration for justice for Jean. So I asked if all our collaborators were on the list for tickets, and when I was told they were not, I asked for several more tickets. I was told that tickets were really tight, and was given only a couple more. As the screening day approached, I got calls and emails from acquaintances in Haiti, mostly foreigners working for foreign-funded development NGOs, asking if I was going to the screening. Some even offered me extra tickets. The day of the screening, close to half of the people in the theater were foreigners. I don't believe any were actually working on the case. Most of the remaining audience was relatively wealthy Haitians, many working for foreign-funded NGOs. So there was this film about Jean's life-long struggle against the exclusion of Haiti's poor and against foreign domination, in a nice theater filled with foreigners and wealthy Haitians. The poor sat outside, hoping to earn a few gourdes watching the expensive cars, or by selling a few cokes to the invited guests coming in and out.

Another example is the march for justice a few days after Jean Dominique's death. Hundreds of us marched several miles, all the way from Radio Haiti to the National Palace. The march was organized by foreign-funded, middle-class NGOs; I believe a combination of women's organizations and the Platform for Haitian Human Rights Organizations (POHDH). All of these organizations were openly hostile to Lavalas; some of them later joined the Group of 184. But the vast majority of marchers were poor, and members of pro-Lavalas organizations, especially Fondasyon 30 Septamn. On the day of the march, there seemed to be a common ground of fighting for justice for Jean. But soon enough, it became clear that the

“official” mobilization was being used primarily for political purposes, and the grassroots activists abandoned it. Not coincidentally, the “official” mobilization never again organized a large-scale event; they relied on open letters, press-conferences, movies etc., the types of activities that require money and literacy skills, but not many people.

JS: In 2002 the widow of Dominique, Michèle Montas, criticized Aristide arguing that he had failed to renew Judge Gassant’s mandate. She said that Gassant had “systematically conducted the investigation for 16 months with courage and competence, not allowing himself to be intimidated by individuals presumed above the law.”⁷

BC: As we said at that time, the bottom line was that the investigation was not proceeding well, so that there was room for criticism all around. Ms. Montas had good reason to be critical—her husband had been assassinated, and the investigation was not going well. Certainly Judge Gassant acted with great courage. Although the government provided him with a level of support far above that of any case we had seen, there were, of course, measures the government could have taken to support the case better, especially with regard to Senator Toussaint. But by the time that Judge Gassant’s mandate expired in 2002, there were serious concerns about whether he was continuing to effectively investigate. There were reasons to be concerned that it was primarily being used for political purposes, there were reasons to be concerned that Judge Gassant was allowing his energy to be diverted.

MJ: When I think about the subsequent actions of Dany Toussaint—especially his support for the February 29, 2004 coup d’état—I wonder if this whole thing was a game—if he was intentionally both drawing suspicion and obviously blocking the investigation, as a way to discredit the government. The complete lack of progress in the case following President Aristide’s ouster does make it look like the Lavalas critics got what they wanted out of the case in February 2004, and no longer care.

JS: The Aristide government in 2003 finally successfully arrested three suspects in the murder of Dominique. These were Ti Lou, Guimy, and Markington (all later escaped from prison during the Boniface/Latortue interim government). But in other areas of the case there were real problems.

BC: A civilian who was with police as they arrested one of the prominent early suspects shot him. There was no indication the suspect resisted arrest. The suspect was not treated for a week as he sat in jail, and he died soon after getting to the hospital. I never saw an adequate explanation of why an armed civilian was part of the arrest, why there

was a shooting, and why medical treatment was so slow. Another suspect was arrested at the border with the Dominican Republic. He was driven through Port-au-Prince, and out to Léogâne, over an hour away, and placed in police custody. He was lynched in Léogâne, reportedly because he was a gangster. This is obviously suspicious, and I never saw an explanation of why he was brought to Léogâne.

MJ: I never saw a good explanation for these incidents. Senator Toussaint had significant influence in the police, and some suspect that he was calling these shots. But other potential suspects had strings to pull as well.

JS: *In a recent interview, Guy Philippe, a leader of the ex-military that led attacks into Haiti (2001-2004), revealed some of his backers. He stated that he talked with Dany Toussaint three times on the phone in regards to the period prior to the 2004 coup d'état.⁹ He also alludes to the fact that Toussaint was close with Paul Arcelin (head representative of the Convergence Democratic in the Dominican Republic and a key political strategist for Philippe).¹⁰ Philippe states "Dany is definitely a much better officer than most former members of the FAd'H [Haitian Army] high command, who are just softies and cowards." Philippe also mentions a meeting with André Apaid, Jr., Himler Rebu, Evans Paul, and Dany Toussaint on the day Aristide was ousted.*

We know that in 1997 the Miami New Times wrote that Dany Toussaint was "trained by the CIA to conduct surveillance for the military junta [in 1986]." Toussaint boasted that he was "the best clandestine photographer in Haiti."¹¹ But by the mid-1990s Toussaint was respected as one of the few FAd'H members that had refused to join the Cedras junta (1991-1994).

Do you think Dany Toussaint could have been working with the ex-military or foreign intelligence all along?¹² Or could he also have been profiting himself and playing sides off each other?

BC: Mr. Toussaint always appears to keep lines of communication open with people across the spectrum in Haiti, but my impression is that he was moving away from the Lavalas movement by the late 1990s. Mr. Toussaint is a former soldier, and like many former soldiers he supports the return of the army that President Aristide demobilized in 1994 and 1995. The Lavalas movement and the Fanmi Lavalas party, on the other hand, were committed to amending the Constitution to permanently abolish the army. In the 2000 elections, Mr. Toussaint ran as a Fanmi Lavalas candidate, but he did not integrate the party much into his campaign materials and his appearances. In August or September 2003, Parliament voted on a constitutional amendment to abolish the army. The House of Deputies approved it overwhelmingly. But in the senate, Senator Toussaint and another Senator refused to appear,

which by some interpretations deprived the Senate of a quorum. Eventually, of course, Senator Toussaint came out openly in favor of the overthrow of the constitutional government.

As for why the Lavalas movement did not pursue Senator Toussaint more vigorously in the Dominique case or elsewhere? My guess is that top leaders perceived his shift away back in the 1990s, but they felt they had limited power to address the issue. Remember that from 2001 to 2004 the government was under constant attack from every imaginable source: an aid embargo, regular armed assaults in the Central Plateau and at least two serious coup d'état attempts, a diplomatic offensive from the wealthy countries, etc. Senator Toussaint was popular—he won by far more votes than anyone else in the 2000 legislative elections. He is charismatic and smart, and had a lot of support in the police and among former soldiers. As he demonstrated in the Senate, he was armed and dangerous. He had a strong, loyal patronage network. I believe that in such a difficult situation, the Lavalas leaders felt it was better to postpone the confrontation, even if it was inevitable, to buy time.

JS: What happened following Aristide's ouster in February 2004 and under the foreign-installed Latorture/Boniface interim government (2004-2006)? And what is now going on under President René Prével's administration (2006-present) in regards to the Dominique case?

BC: The case was dropped once Aristide was gone. It appears that its main purpose was to embarrass Aristide, and possibly cover up involvement from people amongst the opposition. After February 2004, neither of those purposes were important. The recent revelations that Mr. Toussaint worked with people behind the coup, including André Apaid, Jr. and Guy Phillippe, obviously raises the specter that the whole thing was a charade from the beginning.

MJ: Claudy Gassant is now the chief prosecutor of Port-au-Prince. He no longer appears to be doing anything on the Dominique case. As far as I know the case is in some judge's hand, but it has switched hands so often over the last three years that I do not know who has it. The case is in serious trouble: the investigation has not progressed in four years, and the evidence fades every day. But I think there is always hope that it can be done, if good people are put on the case. Serious obstacles remain: Dany Toussaint and Guy Philippe are still around; both ran in the last presidential election while the legitimate president was in exile. I believe that Dany Toussaint thinks he has no reason to worry now, after the coup he is home free. He is now in Cap-Haïtien keeping a little bit of a low profile, just waiting for further orders.

I feel that since President Prével started the case, he should finish it now, by taking the leadership necessary to get it back on track. The case

should be relaunched. Dominique's family should also file a complaint with the Inter-American Commission on Human Rights (IACHR). We brought cases there when it became clear that the interim regime would not allow them to be pursued in Haitian courts.

JS: The BAI itself has been criticized as too closely tied to the Lavalas governments to be objective. How do you respond?

BC: From the time we worked at the BAI in 1996 until February 2004, the BAI received most of its support from the elected governments. We have always been clear about that, and the governments' support is certainly a relevant consideration for anyone evaluating our work. Other relevant considerations include the fact that neither the BAI nor the Institute for Justice and Democracy in Haiti (IJDH) has received any financial support from any government or political party since February 2004, and that our work under the democratic regimes led to the arrest and trial of employees of those governments, including one of the top leaders in the Palace Security Unit, and to an arrest order for a Lavalas mayor. The victims that we worked with often criticized government officials at press conferences and in demonstrations. We regularly appeared on Haitian television and radio to criticize government officials and polices that we felt impeded our clients' quest for justice. Before the 2004 coup d'état, the BAI was not a human rights reporting organization, we were lawyers trying to obtain justice for our clients. We were always clear that our primary loyalty had to be to our clients, and to the broader grassroots movement that the majority of our clients and the majority of Haitians come from. We always evaluated ourselves on the basis of whether we were effectively serving them, and we still think that is the most important standard for measuring our work.

When the BAI criticized the government, we did so to advance our clients' interests, rather than to seek some kind of balance. We focused on specific policies that we felt were problematic, or on specific responsibilities that government employees were not fulfilling, because in our experience that was what worked to advance the cases. We made our critiques on Haitian media, rather than in international press releases, because we felt that an informed constituency within Haiti would be able to pressure the government to take specific actions to advance justice. This strategy certainly bore fruit, especially with the Raboteau trial, which was a success that had never been done in Haiti, and rarely done anywhere else.

But the fruit also came in smaller pieces, with the arrests of government officials, the replacement of judicial and police officials who were not doing their job with people who would, and the investment of resources in priority cases. Our clients articulated their interests to include the defense of Haiti's

constitutional system, especially as the open campaign to unconstitutionally alter power in Haiti gained steam after 2000. The BAI's clients certainly had reason to complain about the government, and they did complain, on the streets, in the press, in demonstrations at courthouses, ministries, etc. But they knew from hard experience that a coup d'état was not a solution to their problems, as developments after March 2004 showed. So we did not join criticism that was calculated to undermine or overthrow the constitutional authorities.

To get back to your question, I doubt that objectivity is possible. Every human rights report is subjective: it chooses to emphasize some types of violations, to credit some sources, and focus on some victims over others. Our clients did not come to our office or demonstrate in the street or risk their lives testifying against mass-murderers for objectivity. They did it for justice. So we worked for justice. Obtaining justice, and setting an example for the development of Haiti's justice system, did require credibility. So we tried very hard, and we still try hard, to ensure that the information we presented was accurate, was documented where possible, and was carefully analyzed. We were not infallible, but I am proud to say that our care with our facts and our analysis has withstood the test of time. We would be happy to be judged on that record.

JS: One press freedom group, Reporters sans frontières (RSF), took a leading role in criticizing the Aristide government over the Dominique case. Its Secretary General, Robert Menard, referring to his group's actions, said that he hoped it "would help influence the European Union to prolong the suspension of some \$100 million in foreign assistance." Menard even called on the U.S. Congress and the EU to take "individual sanctions" against Aristide and Haiti's Prime Minister Yvon Neptune, including "the refusal of entry and transit visas" and "the freezing of any foreign bank accounts they have."¹³ So this was meant to strengthen the resolve of the aid embargo on the Haitian government. The aid embargo, backed by International Financial Institutions (IFIs), cut off what Dr. Paul Farmer described as vital humanitarian loans and aid. Meanwhile the elite opposition, backed by the International Republican Institute (IRI) amongst others, refused political compromise with Aristide's elected government.¹⁴

While RSF at times has legitimately documented clear cases of violence against the press, their lack of coverage during the interim period was appalling especially in comparison to their huge public profile prior to the coup. During the interim period, RSF was silent in regards to numerous acts of violence and intimidation against journalists—at a time in which thousands of people were being violently targeted, murdered, fired from

jobs, fleeing into exile, and arbitrarily arrested and illegally detained for many months or even years.

I interviewed a young Haitian photojournalist, Jean Ristil, who was beaten and twice illegally arrested by the police under the interim government.¹⁵ Abdias Jean, a twenty-five year old Haitian radio journalist, was extrajudicially executed by police officers, who afterwards acknowledged that they killed him, on 7 January 2005.¹⁶ But RSF still has not publicly mentioned the murder of Abdias Jean or attacks on various other journalists especially those sympathetic with the overthrown government.¹⁷ Also, recently RSF misportrayed the known information in regards to the killing of a Haitian photojournalist Jean-Rémy Badio.¹⁸

MJ: This is another example of the official mobilization of the Dominique case being more about overthrowing Aristide than looking for justice. RSF was obviously not there to fight for justice. As soon as they reached their objective—overthrowing Aristide—they stopped reporting on many of the press attacks in Haiti. They've had the same politicized reporting in countries like Venezuela, criticizing the government while ignoring violence against journalists and outlets that are sympathetic to the elected government. When you look at the history of the government with the case of Jean Dominique, first with Judge Perez, then to several other judges, it looks to me like the interim government wanted to hide the case or get it into the hands of those who would do nothing. No progress was made on the case under the interim government.¹⁹

JS: *If Michèle Montas or Dominique's family members asked you to renew the case into the murder of their loved one, Jean Dominique, would you do this?*

MJ: Yes! I am ready! Jean Dominique really symbolized the fight for the poor in Haiti and I am in that fight, so I would be happy to fight for this case. We are ready to go.

On 3 April 2007, headed by respected Reuters journalist Joseph Guylér Delva, S.O.S. Journalistes organized a day of reflection to remember Dominique on the seventh anniversary of his death. President Préval indicated on the same day that the case should be re-launched. But violence against the press has continued, as just eleven days later Johnson Edouard, a journalist and member of Fanmi Lavalas who had reported for the weekly newspaper Haïti Progrès, was murdered in his bed in Gonaïves.²⁰

On 27 September 2007 President René Préval pledged his support for an independent committee evaluating stalled investigations into the series of unsolved journalist murders, including the killings of Jean Dominique

and Jacques Roche.²¹ The new committee, also headed by Delva, has been provided access to official police and court documents on the murders of at least ten journalists. It is widely hoped that such efforts will eventually lead to justice for the families of the murdered journalists.²²

However as one human rights group recently noted in an October 2007 report on poor victims of violence in Haiti's Plateau-Central, "former soldiers and armed civilians enjoy complete impunity."²³ Many of Haiti's most notorious human rights criminals now walk the country freely, such as the founder of the FRAPH death squads, Louis-Jodel Chamblain, who in August of 2007 was living in elegance alongside MINUSTAH officers in Pétionville's Ibo Lele Hotel. While seeking justice for Dominique and Haiti's slain journalists has become a highly recognized and crucial human rights campaign, reviving a justice process for the poor and disregarded masses—those whom Dominique spent much of his lifetime advocating for—remains today an even more arduous and thankless task.

Notes

- ¹ Patrick Élie, "Haiti: The Coup D'Etat of April 3, 2000," *Global Research*, October 11, 2004.
- ² "The Assassination of Jean Dominique: Is it part of Washington's offensive?" *Haiti Progrès*, April 5-11, 2000.
- ³ Jean Dominique, "Does Dany Toussaint Take God's Children for a Bunch of Wild Ducks?," *Radio Haiti Inter*, October 19, 1999.
- ⁴ "International Alliance for Justice for Jean Dominique," *National Coalition for Haitian Rights (NCHR)*, June 15, 2001; "Press Release: Haiti Support Group and nine other international NGOs write to Senator Neptune," *Haiti Support Group*, November 23, 2001.
- ⁵ Jonathan Demme, "Jean Dominique Eulogy," *National Coalition for Haitian Rights (NCHR)*, April 7, 2000.
- ⁶ "Haiti Human Rights Report," *Let Haiti Live Coalition*, May 1, 2004; Anthony Fenton, E-mail to author, May 1, 2007; Hyppolite Pierre, E-mail to author, May 2, 2007. NCHR/USA later split with NCHR/Haiti over numerous issues, not the least according to Hyppolite Pierre that NCHR/USA thought by the end (largely due to diaspora pressure) that NCHR/Haiti was too partisan. NCHR/Haiti is now known as Réseau National de Défense des Droits Humains (RNDDH) and remains heavily sponsored by foreign donors.
- ⁷ Michèle Montas, "Is Another Assassination of Jean Dominique about to Take Place?," *Radio Haiti Editorial*, March 7, 2002.
- ⁸ "Seven years of impunity since leading radio journalist's murder on 3 April 2000," *Reporters sans frontières*, April 3, 2007; "Haiti: Jean Dominique, seven years

on – forgotten by justice?” *Amnesty International*, April 3, 2007. According to Amnesty International, “In March 2003, the third examining magistrate to take up the case presented his concluding report in which he committed six individuals for trial. Three of the suspects were released on appeal in February 2004. The other three were arrested by police but escaped from the National Penitentiary in February 2005.”

⁹ Peter Hallward, “Insurgency and Betrayal: An Interview with Guy Philippe,” *HaitiAnalysis*, March 24, 2007.

¹⁰ Sue Montgomery, “Former Montreal professor is taking credit for being the political mastermind of Haiti’s rebellion,” 9 March 2004, *The Gazette*.

¹¹ Jim DeFede, “A Marked Man,” *Miami New Times*, 28 August-September 3, 1997.

¹² Peter Hallward, “An Interview with Jean-Bertrand Aristide,” *London Review of Books*, February 22, 2007. Former President Aristide in regards to Dany Toussaint’s relationship with the United States, explained, “He was working for them from the beginning, and we were taken in. Of course I regret this. But it wasn’t hard for the Americans or their proxies to infiltrate the government, to infiltrate the police. We weren’t able to provide the police with the equipment they needed, we could hardly pay them an adequate salary. It was easy for our opponents to stir up trouble, to co-opt some policemen. This was incredibly difficult to control.”

¹³ “Zero tolerance for the media: an enquiry into the murder of journalist Brignol Lindor,” *Reporters sans frontières*, September 10, 2002.

¹⁴ Walt Bogdanich, “Mixed U.S. Signals Helped Tilt Haiti Towards Chaos,” *New York Times*, January 29, 2006; Isabel Macdonald, “The Freedom of the Press Barons: The Media and the 2004 Haiti coup,” *Dominion*, February 1, 2007.

¹⁵ Eric Feise, Jeb Sprague, “Persecuted Haitian Photojournalist Speaks Out: Jean Ristil & Cité Soleil,” *Upside Down World*, August 30, 2006; Jeb Sprague, “MINUSTAH Hospitality,” *PopDem*, August 18, 2007. The author was harassed and intimidated by MINUSTAH soldiers of the Brazilian contingent while gathering photos and interviewing human rights activists of the *Fondasyon 30 Septam* in front of the National Palace in Port-au-Prince. Just days prior on the evening of August 12, 2007 the organization’s leader Lovinsky Pierre-Antoine was kidnapped. His whereabouts remain unknown.

¹⁶ “UNESCO Director-General condemns murder of Haitian radio journalist Abdias Jean,” *UNESCO*, January 28, 2005; Joe Emersberger, Jeb Sprague, “January 14, 2007: Two Years Since the Killing of Abdias Jean,” *Haiti Analysis*, January 14, 2007. Concannon observed, “Abdias Jean’s killing is yet one more example of the double standard, where the lives of poor black men in Haiti matter least. Had he been a journalist with a prominent Haitian or foreign outlet visiting Cite de Dieu, he would have been eulogized for his courage in going into that neighborhood. But he was a poor journalist covering his neighbors, so he has been forgotten.” Diana Barahona, Jeb Sprague, “International Republican Institute Grants Uncovered: Reporters Without Borders and Washington’s Coups,” *Counterpunch*, August 1, 2006. RSF denies that it ever received any funding from the *International Republican Institute* (IRI) but officials at the

National Endowment for Democracy (NED) identify three grants as including financial support to RSF. These are IRI 2002-022/7270, IRI 2003-027/7470 and IRI 2004-035/7473.

- ¹⁷ Amy Goodman, "The Killing of Ricadro Ortega: Witnesses Say U.S. Marines Fatally Shot Spanish Journalist in Haiti," *Democracy Now*, November 22, 2004; Justin Felux, "American Journalist Arrested in Haiti: Free Kevin Pina!" *Counterpunch*, September 12, 2005; Alfred de Montesquiou, "Bodyguards beat up three Haitian reporters," *Associated Press*, October 3, 2005; Mike Levy, "Harassment of Radio Solidarite," *Agence Haïtienne de Press*, July 29, 2005; Mike Levy, "AHP/Radio Solidarite founder/director Venel Remarais returned safely to Haiti," *Agence Haïtienne de Press*, July 30, 2005; "Haitian News Organizations Protest Government Attacks on Press Freedom," *Agence Haïtienne de Press*, August 3, 2005.
- ¹⁸ Jeb Sprague, "Haiti: Lame Ti Manchèt Accused of Role in Killing of Photojournalist," *Narco News*, January 25, 2007.
- ¹⁹ "RSF lobbies government over its continued failures to punish killers of journalists Brignol Lindor and Jean Dominique," *Reporters sans frontières*, December 3, 2004; "Haiti: Jean Dominique, seven years on – forgotten by justice?" *Amnesty International*, April 3, 2007.
- ²⁰ Steven Jacobs, "Report: Gunmen kill Haiti journalist with NYC paper," *Associated Press*, April 14, 2007.
- ²¹ "Préval pledges justice in murders of Haitian journalists," *Committee to Protect Journalist*, September 27, 2007. The independent committee includes reporters Euvrard Saint-Armand of Radio Caraïbes, Anne Marguerite Auguste of Radio Solidarité, Dieudonne Saincy of Radio Métropole, Jean Wilmer Morin from local radio station Tropic FM and the television station Télémac, Louis Gary Cyprien of the daily *Le Nouvelliste*, Marie Nick Marcelin of Radio Ibo, and Idson Saint-Fleur of the radio station Signal FM.
- ²² Delva reports fearing for his life after coming under intimidation in November of 2007 and believes it likely emanated from an important suspect in the Jean Dominique investigation, Haitian Senator Rudolph Boulus. Boulus is reportedly utilizing senatorial immunity in order to avoid answering questions into the reopened investigation; "Media Rights Advocate Under Threat in Haiti," *Haiti Support Group*, 7 November 2007; Wadner Pierre, Joe Emersberger, "Gunshots Fired at Radio-Tele Ginen," *HaitiAnalysis*, 9 November 2007.
- ²³ Evel Fanfan, "Central Plateau: Mirebalais-Lascaobas-Belladère: Former soldiers and armed civilians enjoy complete impunity. The Current situation of the Victims of Former Soldiers and Armed Civilians from 2002-2005," *Association des Universitaires Motivés Pour Une Haïti Des Droits (AUMOHD)*, 12 October 2007.