

Speech

Organization of American States



**LUIGI R. EINAUDI, ACTING SECRETARY GENERAL OF THE
ORGANIZATION OF AMERICAN STATES
TO THE OAS PERMANENT COUNCIL CONCERNING THE
SITUATION OF FORMER HAITIAN PRIME MINISTER YVON
NEPTUNE
May 6, 2005 - Washington, DC**

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I am speaking under "other matters" to bring an evolving tragedy in Haiti to the attention of the Permanent Council and to ask for its advice and assistance..

The Inter-American Democratic Charter in its Article 3 makes very clear that the support of human rights and fundamental freedoms is an essential element of democracy. In fact, it lists the protection of human rights first under the essential elements of democracy listed in Article 3. And then, of course, Chapter II is entirely devoted to human rights.

Resolution AG/RES. 2058 (XXXIV-O/04), adopted during our last General Assembly, makes the promotion of human rights one of the central functions of the OAS Special Mission for Strengthening Democracy in Haiti.

We have in recent months concentrated on the preparation for the registration for elections, as agreed with the United Nations in light of the new situation that emerged following the events of February 29, 2004, when President Jean-Bertrand Aristide left the country. But now I think it is important for me to speak specifically to an issue that poses a fundamental—not only moral, but also political—threat to the evolution of events in Haiti. It is the case of former Prime Minister Yvon Neptune who some members of this Council actually visited in his jail cell last September.

Neptune was in that cell because he had turned himself in at the end of June of last year when he heard about an arrest warrant that had been issued by an examining magistrate in Saint-Marc, implicating him in summary executions and arson attacks allegedly committed by Fanmi Lavalas supporters in February during the violence that preceded the departure of President Aristide.

Earlier this year, a group of heavily armed persons attacked the prison in which we visited former Prime Minister Neptune with whom our Special Mission had been staying in contact. You will remember that close to 500 prisoners, including former Neptune himself, were reported to have escaped. Mr. Neptune, however solicited the help of the Ambassador of Chile and that of the United Nations Stabilization Mission in Haiti (MINUSTAH) for protection until he could be returned to jail.

When he did return to prison, he was placed in a more isolated area of the prison in conditions worse than before. He had to share a cell with other inmates. The former Prime Minister responded to this change of circumstance by initiating a hunger strike. His health deteriorated and he was moved from the jail to a MINUSTAH health facility.

In April, last month, he was taken to Saint-Marc to be interrogated by a local judge but no hearing took place. The authorities returned him to Port-au-Prince and detained him in a house close to police headquarters that they designated as an annex to the national penitentiary. Mr. Neptune resumed his hunger strike and his condition has deteriorated to the point that his life is clearly threatened.

On May 1, this past Sunday, the Government of Haiti, in collaboration with MINUSTAH, decided that Mr. Neptune could be evacuated out of the country—on medical grounds—and arrangements were made with MINUSTAH's help and the help of the Government of the Dominican Republic and, I believe, of the United

States to make that possible. Mr. Neptune refused to be evacuated and demanded instead to be released or to be given assurances that he would be allowed to return freely to Haiti following medical attention abroad. The Government offered safe conduct out of the country but refused to drop the charges against him.

This case has clearly reached a critical point. Neptune does not wish to accept any dispensation from the Government that falls short of his full vindication. The Government, in turn, believes that the charges against him must be absolved following Haitian judicial procedures.

This case has serious political and moral implications, as I said earlier, for the transitional Government of Haiti, for the United Nations and, I believe, for all of us. If Mr. Neptune's health deteriorates to the point of no return, the Government will be held accountable for its inability to prosecute him and failure or refusal to release him, Haiti will lose an important political figure in the political movement that dominated the previous government, and the International Community will appear feckless.

Three years ago, this Permanent Council adopted resolution CP/RES. 806 (1303/02), which mandated the creation of a commission of inquiry into an attack on the National Palace. The terms of reference of that commission provided that the three members of the Commission should not be nationals of Haiti and that they should be chosen on the basis of their professional ability, discretion, and reputation for fairness and impartiality from candidates proposed by OAS member states, and that one should be from the Caribbean Community (CARICOM).

Later, working with the Government of Haiti, we formed a tripartite council on reparations to advise a Haitian ministerial commission on reparations for individuals who had suffered as a direct result of the December 17, 2001, violence. The Council was constituted as follows:

- One person appointed by the Government of Haiti;
- One person appointed by the Secretary General of the OAS from among a list of persons recommended by private sector institutions and the churches in Haiti; and, thirdly,
- One person appointed by the Secretary General at the exercise of his own discretion.

Some time ago, the Minister of Justice of Haiti requested that the OAS provide a forensic anthropologist to help gather evidence in the Neptune case. The request was not acted upon at the time. However, that request and the precedents set by the prior models suggest that, for example, a council or commission could be made up to include a Haitian jurist, an international jurist, and a forensic expert as requested by the Government of Haiti on an earlier occasion.

Tomorrow, I will raise this possibility with Ambassador Valdes, the Special Representative of the United Nations, and I intend to pursue this proposal in the hope that both the Government of Haiti and Mr. Neptune can accept it and that it can serve to break this impasse before it evolves into an even more tragic dimension.

I thank you for taking this seriously and giving me advice as you consider the facts. I thank the Chair of the Council who, you will remember, a month ago indicated to the Council that he believed that the OAS should consider taking appropriate initiatives. I believe that this is one that is fair to the Government of Haiti, fair to the human rights of the former Prime Minister, and essential to the kind of future we wish to encourage in Haiti.