

**UNITED STATES DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS**

_____))
In the Matter of:))
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))
))
Respondent))
_____))

**AFFIDAVIT OF
IN SUPPORT OF**

I, _____, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge.

1. [Qualifications]
2. I have read the affidavit of _____ in this matter. I am also familiar with the broader context of his claim, including the systematic attacks against political activists in Haiti, by the Haitian Police and by private groups, including the Front for National Reconstruction.
3. In 2003 and 2004, a coalition including the student group FEUH, business organizations and opposition politicians dissatisfied with Haiti's President, Jean-Bertrand Aristide, organized to force him from office. At the same time, several loosely affiliated armed groups, made up mostly of former soldiers from Haiti's disbanded army, had been training in the neighboring Dominican Republic to take Haiti over by force, occasionally conducting raids across the border. One of the top leaders of the former soldiers was Guy Philippe, a former soldier, who had been integrated into the police force when the army was disbanded in 1995. Mr. Philippe became a high level police official. During his tenure, the UN Human Rights Mission in Haiti asserted that officers under his command routinely executed accused criminals. The U.S. Government accused Philippe of involvement in drug trafficking. Philippe was eventually forced to flee when it was revealed that he was plotting to overthrow the government. After he left Haiti, Philippe was arrested twice by authorities in the Dominican Republic for plotting coups, but released each time.
4. In early February, 2004, an armed group took over the city of Gonaives, and declared a revolt against the government. The group took over the police station, freed all the prisoners from jail, and killed suspected opponents. When the police were unable to quell this revolt, the armed groups in the Dominican Republic, including Guy Philippe's

group, crossed the border, and began a major campaign, attacking and taking cities and towns in the north of Haiti. Each time the insurgency attacked a city, it released all the prisoners held in jail, some of whom joined the fight. Often the insurgents executed police and other officials, and prominent supporters of the elected government or Lavalas party.

5. The city of St. Marc was the site of particularly brutal fighting, among several different groups. Supporters and opponents of the government skirmished several times in late 2003 and early 2004, leading to deaths, injuries and burned homes on both sides. This fighting intensified after the revolt in Gonaives, because St. Marc is the next city to the south, and sits on the highway between Gonaives and the capitol, Port-au-Prince. On February 7, 2004, after days of fighting, the anti-government group *RAMICOS* took control of the St. Marc police station. The city's police station was abandoned the day before *RAMICOS* took control, leading to speculation of complicity between the St. Marc police and *RAMICOS*.

6. On February 9, 2004, Haitian police, aided by a pro-government force called *Bale Wouze*, regained control of the St. Marc police station. On February 11, Haitian police and civilians reported to be *Bale Wouze* members, entered the La Scierie neighborhood, a *RAMICOS* stronghold. According to many reports, in the ensuing confrontation between government forces and *RAMICOS*, at least three people were killed and many were wounded. Members of *RAMICOS* retaliated against suspected supporters of the constitutional government. Both the police and *RAMICOS* burned and ransacked houses and cars in St. Marc. Some witnesses stated that a few people were deliberately burned to death in their homes. The events of February 9 are controversial, especially regarding the relative blame attributed to pro- and anti- government forces. There is no question, however, that people on both sides were killed, and many more lost their homes, as a result of political violence.

7. Many of the leaders of the armed insurgency were implicated in large-scale violence against pro-democracy activists during the 1991-1994 *de facto* dictatorship. For example, Jodel Chamblain was the second in command of the *FRAPH* death squad. Jean Pierre, alias Tatoune, was a local *FRAPH* leader in Gonaives. Both had been convicted for murder in the Raboteau trial.

8. On February 29, 2004, President Aristide was forced from Haiti. That day, all remaining prisoners were released from Haitian jails. The insurgents and their allies conducted widespread attacks on supporters of President Aristide, which triggered an epidemic of political violence. Hundreds, perhaps thousands were killed. There are no reliable statistics for total deaths, but the State Morgue reported disposing of over 1000 bodies in the month of March, 2004 alone, many showing the signs of summary execution. Many others have arrested illegally, by the police or by unaccountable paramilitary groups and/or tortured. Thousands, and perhaps tens of thousands, have been forced to flee abroad or into internal exile.

9. Starting in mid-August 2004, the paramilitary groups began setting up open command posts around the country, and announced the formal re-formation of the Haitian army.

They have also marched openly in the streets of the capitol, brandishing illegal automatic weapons. Although UN Peacekeepers have dislodged many of these units from their posts, witnesses report that they retain some operating capacity in almost all areas of the country, and still control some areas.

10. Violence in Haiti since February 2004 has been well-documented, by Amnesty International, teams from Harvard and the University of Miami Law Schools, Refugees International, the Committee to Protect Journalists and the International Crisis Group, among others. Although some of the violence in Haiti is non-political, all of the reports identify perceived engagement in political activity as a significant risk factor for becoming a victim of violence.

11. Political violence in Haiti does not show any signs of subsiding. Although it tapered some in the months following the February 2004 coup d'etat, it peaked again in September, 2004, and has been rising precipitously for the last two months.

12. The institutions that should protect citizens from political violence have shown no capacity to do so. The Haitian police force was sharply reduced after February 2004, because many officers considered loyal to the ousted government were killed or purged. The purged officers were replaced with an influx of former soldiers, many of whom had participated in the rebellion. This replacement violated police regulations for recruitment and promotion. It also swelled the force with a large number of officers with no civilian police experience or training, who are not accountable to the official police hierarchy or rules.

13. The police force has also openly contributed to political repression, through illegal arrests, shooting at legal demonstrations and even killing suspected political dissidents. Some sources estimate that over 700 political prisoners sit in Haiti's jails, the majority of whom have never been brought before a judge. In some cases, the official reasons for the arrest listed in the file are "association with the former regime."

14. Police have opened fire at several recent demonstrations, most notably on February 28, 2005, when police shot into a crowd in front of UN Peacekeepers, human rights workers and the international media. No officers were publicly disciplined for this killing.

15. Haitian police routinely shoot and kill young men accused of being political dissidents. Although the police, and even the UN, have announced several inquiries into these killings, I do not know of a single officer disciplined for them.

16. On October 14, 2005, Thierry Fagart, the head of the UN Human Rights mission in Haiti, called the human rights situation "catastrophic." He cited an August 20 massacre of at least 10 people at a soccer game by police and machete-wielding civilians, as well as illegal arrests and torture by the police. On December 9, 2005, the

Prime Minister illegally dismissed five members of the *Cour de Cassation* (Supreme Court) because he did not like a decision they had made on a political case.

17. Haiti's justice system does not provide protection for people targeted for political persecution. In most political prisoner cases, the victim is denied access to a judge, or is only brought before a judge without the authority to release the prisoner. In July 2004, a judge announced in court that he found no justification for the detention of Jacques Mathelier, a former government official, but gave the prosecutor time to respond. The authorities responded by transferring Mathelier outside the judge's jurisdiction.

18. Fr. Gerard Jean-Juste, a Catholic priest, was arrested in October, without a warrant, and dragged from his church where he was serving hundreds of children their only meal of the day. Although the Constitution entitles detainees to a hearing within 48 hours, Fr. Jean-Juste spent seven weeks in prison, with no evidence ever presented against him, before being freed for lack of evidence. On July 15, police arrested Fr. Jean-Juste at the airport, on the basis of an unsubstantiated denunciation on the radio. He was released temporarily, but required to return for more questioning. He was arrested the following week and spent seven months in prison, and was only released temporarily for treatment of leukemia, after an international outcry.

19. Judges are under significant pressure not to release political prisoners, regardless of the evidence against them. In July 2004, ANAMAH, the national judge's association, issued a press release condemning executive interference in judicial matters. In December, the Minister of Justice personally wrote to the Chief Judge of the Port-au-Prince Trial Court, ordering him to take all the cases away from Judge Fleury, who had ordered Fr. Jean-Juste's release, and Judge Fabien, who had ordered the release of four others who had spent ten months in jail each with no evidence against them. This order was as illegal in Haiti as it would be in the U.S., and one of the judges resigned in protest.

20. Neither the police nor the judiciary effectively investigate or prosecute political killings. Although the government has made arrests in some high profile incidents, in most cases these arrests were illegal, and no evidence has been presented against the accused. In the one case where an adequate investigation was done- the August 2005 football game massacre- the police implicated in the killings were released. As a result, the justice system provides almost no deterrence to would-be political killers.

21. The press is not able to effectively monitor the police. As the Committee to Protect Journalists and others have documented, attacks against journalists by private groups and the government have sent many journalists into hiding, and silenced others. In mid January 2005, Abdias Jean, a journalist with a Florida radio station, was executed by the police after he witnessed police executing two men. Several press organizations and even UNESCO denounced this killing. Also in January 2005, Prime Minister Gerard Latortue threatened journalist Guy Delva, the correspondent for Reuters and head of the Haitian Journalists association. Journalists who criticize the insurgents, the police and the government have been threatened, beaten, even kidnapped.

22. An unprecedented level of violent non-political crime has accompanied Haiti's political violence over the last two years. There has been a wave of kidnappings, murders, theft and violence, which the police have proven powerless to combat. The U.S. Embassy evacuated all non-essential personnel in 2005 and most employee families, as did the British Embassy.
23. The common crime has two connections with the political violence. First, in some cases it is conducted by groups that originally armed themselves for political reasons. Second, the common crime can be a convenient cover for political crime. It would be easy to arrange for a political opponent to be killed, and disguise it as an ordinary murder.
24. Haiti's February 7, 2006 elections were held without widespread violence, and hold out some hope that human rights and security conditions in Haiti will eventually improve. Although the inauguration of the President has been postponed several times, it is now expected to happen on May 14. If installed, the new government will likely end the practice of detaining political prisoners. But several dangers for political activists are likely to survive a democratic transition.
25. First, the people involved in the past persecution will likely remain at large. The Interim Government or the rebels freed every person imprisoned under the democratic governments in connection with human rights violations. At least two people with credible accusations of large-scale persecution against them ran as Presidential candidates in the February 2004 elections: rebel leader and former soldier Guy Philippe, and Franck Romain, a Duvalierist and former mayor of Port-au-Prince, who spent 16 years in exile fleeing formal charges that he masterminded the 1987 massacre at the St. Jean Bosco church. The only major arrest for human rights violations committed under the Interim Government was for the August 2005 soccer massacre, and those defendants were freed on March 9, 2006. Although re-democratizing the police and justice systems will eventually create a deterrent to political persecution, with current personnel it is unlikely that the police will make serious efforts to protect activists from political violence in the near term.
26. Second, although the police will soon answer to constitutional authorities, it is unlikely that the constitutional authorities will be able to purge the former soldiers that the IGH illegally integrated into police ranks. The police force is sharply reduced already while common crime is very high, so the government will be reluctant to take more police, even potentially crooked ones, off the streets. The integrated officers' supporters in the force, and among influential sectors of society at large, will fight any purge, and the new government will be reminded that the same people played a key role in removing Haiti's last constitutional government.
27. Third, it is likely that political controversy will increase under the democratic authorities. Although President Preval won a landslide victory, it is unlikely that any party will have a majority in the legislature after the second round of legislative elections currently scheduled for April 23, 2006. Haiti's Constitution grants significant powers to the Prime Minister and his cabinet, which are chosen based on Parliamentary support. Because there is unlikely to be a clear majority in Haiti, it is

likely that any government formed will be tenuous, and that there will be heated inter-party disputes about political power. Disputes over control of Parliament and the Ministries were at the base of the OPL/Lavalas disputes from 1996 on. As Parliament is more fragmented this time around, it is likely that disputes will be more intense this time.

28. Even if a stable government is installed, the precedent of 2004- where political violence overthrew a stable, elected government, will encourage those left out of the government to seek power through violence. If they do, they will likely start by attacking political activists.

29. It would not be difficult to kill a political opponent in Haiti today. Police protection of private citizens is almost non-existent. In _____'s case, the police could be the source of persecution, as the former soldiers integrated into the police ranks include many paramilitary allies. With plentiful weapons and everyday violence, the killing of one more young man would not cause an uproar, and most likely would not be investigated.

30. Given the background of political violence in Haiti, and the almost total impunity for political violence; b) _____'s prominent role with _____ ; and c) the threats of attacks against him described in the affidavit, _____ has a well-founded fear of persecution on account of his political opinions and membership in a particular social group.