

PUBLIC

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UA 115/05 Health concern/legal concern

HAITI Yvon Neptune (m), former prime minister

Haiti's former Prime Minister, Yvon Neptune, is reportedly in a "dangerously weakened condition" after almost three weeks on hunger strike.

Neptune was Prime Minister in the government of President Aristide, who was deposed in **February 2004**. He was imprisoned on 27 June 2004 following allegations that he had been involved in planning the killing of government opponents in the La Scierie district of the town of St-Marc, in February 2004. After 10 months in jail, he is still not known to have been formally charged or brought before a judge, despite the fact that Haiti's constitution requires anyone arrested be brought before a judge within 48 hours.

The acting Secretary General of the Organisation of American States (OAS), Luigi Einaudi, has suggested the creation of a joint Haitian-international commission to try to rapidly resolve the case of Yvon Neptune as it has now reached a deadlock which could result in Neptune's death. This commission would be made up of a Haitian jurist, an international jurist and an international forensic expert who could examine the case and recommend action.

Amnesty International has repeatedly called upon the Interim Government of Haiti to abide by its own constitution, as well as international treaties concerning the right to a fair trial. It now also supports the suggestion of the Secretary General of the OAS of a Haitian-international commission in order to resolve this case which, in the words of Ambassador Einaudi, has "serious moral and political implications for the Haitian government and for the international community".

BACKGROUND INFORMATION

More than a year after a transitional government was installed in Haiti, with US-led military support, following the ousting of President Jean-Bertrand Aristide by an armed rebellion, the human rights situation in the country is still appalling. Although Yvon Neptune's case has gained the highest profile, he is only one of a number of people detained without trial in Haiti. The United Nations Stabilization Mission in Haiti (MINUSTAH) is mandated to secure the country and protect the population, but the transitional government and the judicial system are proving to be weak and incompetent.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French, Spanish or your own language:

- expressing concern for Yvon Neptune, who is reported to be gravely ill **and asking the authorities to ensure that he receives adequate medical attention.**
- urging the authorities to follow the suggestion of the acting Secretary General of the OAS, and create a commission, made up of a Haitian jurist, an international jurist and an international forensic expert, to examine the case of Yvon Neptune and recommend action;
- calling on the interim government of Haiti to respect the right to a prompt and fair trial, as outlined in article 26 of the Haitian Constitution and article 7.5 of the American Convention on Human Rights.

APPEALS TO:

Prime Minister
Monsieur Gérard Latortue
Premier Ministre

Ministre de l'Intérieure
Villa d'Accueil
Delmas 60
Musseau, Port-au-Prince, Haiti
Fax: + 509 249 5561
Salutation: Monsieur le Premier Ministre

Justice Minister
Monsieur Bernard Gousse
Ministre de la Justice et de la Sécurité Publique
Ministère de la Justice
19 Avenue Charles Summer
Port-au-Prince, Haïti
Fax: + 509 245 0474
Salutation: Monsieur le Ministre

Public prosecutor
Monsieur Jean Pierre Daniel Audain
Commissaire du Gouvernement près le Tribunal de première instance de Port au Prince
Parquet de Port-au-Prince
Port au Prince, Haïti
Salutation: Monsieur le Commissaire du Gouvernement

COPIES TO:

UN Special Representative
Mr Juan Gabriel Valdés
Special Representative of the Secretary-General
Fax: + 509 244 3512
Salutation: Dear Special Representative Valdés

and to diplomatic representatives of Haiti accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 June 2005.