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Appeal case

HAITI

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UPDATE: Political prisoner Annette Auguste finally released following 26 months of detention

This document updates the appeal case *Haiti: Release political prisoner Annette Auguste - 20 months of arbitrary detention* (AI Index: AMR 36/003/2006, 11 January 2006).

Having spent 826 days in custody folk singer and community leader, **Annette Auguste** was finally acquitted of the charges against her and released on 15 August. Prosecutors [*Commissaires du Gouvernement*] in the trial deemed that there was no evidence against Annette Auguste and the presiding judge accordingly found her not guilty

Annette Auguste, also known as Sò Ann (Sister Ann), was arrested illegally without a warrant at her home in the early hours of 10 May 2004 by US marines and handed over to the Haitian National Police. Her arrest was in relation to a violent attack allegedly perpetrated on 5 December 2003 by supporters of *Fanmi Lavalas* party of which Annette Auguste is also a member. *Fanmi Lavalas* activists were alleged to have violently confronted university students who were protesting against then President Jean-Bertrand Aristide and leader of *Fanmi Lavalas* at the Faculty of Social Sciences of the Haitian National University in Port-au-Prince. At least 24 people were reported injured during the clashes.

Annette Auguste had been in custody for 23 months without being formally charged when she was finally indicted on 13 April this year. She was charged with *association de malfaiteurs* (criminal conspiracy), bodily harm and damage to State property. Although the Haitian Code of Criminal Procedure (*Code d'instruction criminelle*) stipulates that a criminal investigation must be concluded within three months of an arrest, in Annette Auguste's case this process took almost two years.

Prior to her indictment, the Public Prosecutor (*Commissaire du Gouvernement*) had recommended that all charges against Annette Auguste be dropped due to lack of evidence. In his *réquisitoire définitif* (recommendation to the investigating judge) from 28 March 2006 the Public Prosecutor came to the conclusion that "*the pre-trial investigation was not able to establish a single fact, a single indication, a single presumption of Ms. Annette Auguste's implication in said events*". The investigating judge ignored this recommendation, however, and found that there was sufficient evidence to charge Annette Auguste and others

detained in relation to the incident. This is despite the fact none of the victims or witnesses who testified in court was able to identify Annette Auguste or any of her co-defendants as being involved in the clashes of 5 December 2003 nor could even place them at the scene of the incident.

Three other political prisoners who were also indicted for their alleged role in the event of 5 December 2003 were also acquitted along with Annette Auguste on 15 August. These are **Yvon Antoine** (also known as Zap Zap), **Paul Raymond** and **George Honoré**. The three, who are all well known supporters of former Haitian president Jean-Bertrand Aristide, were also charged on 13 April with criminal conspiracy. The time elapse between the arrest of the men, and being formally charged ranged between 9 and 25 months. Yvon Antoine, a musician and leader of a traditional street music band was arrested without a warrant by the National Haitian Police on 22 March 2004. Paul Raymond, the co-founder of the liberation theology church movement *Ti Legliz* was irregularly deported from the Dominican Republic on July 22 2005 and handed over into the custody of the Haitian police. George Honoré, a grassroots activist was also arrested illegally without a warrant in May 2005.

Amnesty International believes that Annette Auguste, Yvon Antoine, Paul Raymond, George Honoré and all other political prisoners held in prolonged pre-trial detention were kept in jail solely as a pretext to punish them for their political views. This abuse of due process is in violation of the Haitian Code of Criminal Procedure (*Code d'instruction criminelle*) and internationally recognized standards for fair trial, including Article 14 of the International Covenant on Civil and Political Rights and Article 8 of the American Convention on Human Rights, to both of which Haiti is a state party.

Amnesty International continues to monitor of other political prisoners in prolonged pre-trial detention. The organization believes that up to 100 of the more than 2,000 prisoners being held without charge or awaiting trial in Haiti could be political prisoners.

Many thanks to all those who sent appeals on Annette Auguste's behalf: no further action is required on her case.