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Press freedom returns : A gain to be nurtured



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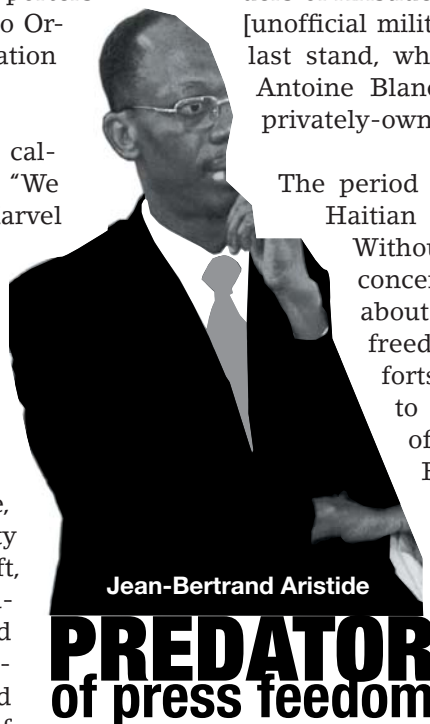
"We can breathe again!"

The years after the April 2000 murder of Jean Dominique, one of Haiti's best-known journalists, turned into a nightmare for the country's media. President Jean-Bertrand Aristide's street gangs (the "chimères" – hotheads) physically attacked journalists and radio stations and in early 2002 he was added to the Reporters Without Borders worldwide list of "predators of press freedom." A few weeks before, a second journalist, Brignol Lindor, was murdered and after Aristide protected the killers of both men from punishment, the media worked in an atmosphere of constant fear.

Attacks and threats against the media and attempts to kill journalists climaxed in the weeks before the regime collapsed on 29 February 2004. Seven days after that, an outburst by Aristide supporters caused the death of Ricardo Ortega, of the Spanish TV station *Antena 3*.

Since then, things have calmed down for the media. "We can breathe again!" says Marvel Dandin, editor-in-chief of *Radio Kiskeya*, a major Port-au-Prince station often targeted by Aristide thugs. A new wind of freedom is blowing for the capital's radio stations. The arrival in Haiti of the Multinational Interim Force, approved by the UN Security Council the day Aristide left, helped to stabilise the situation both in the capital and the provinces by discouraging acts of revenge and countering the influence of the rebels who took control of more than half the country.

But have all the threats to the media vanished with Aristide? Can his supporters still strike? The anti-Aristide rebels in the countryside have already arrested some journalists and in the capital, Aristide supporters are complaining of a witch-hunt after the closure of their stations *Radio* and *Télé Timoun*. Is the new government a threat to press freedom too? And what about the Dominique and Lindor murder cases, which have been stuck for months before the supreme court?



A Reporters Without Borders fact-finding mission visited Haiti from 7 to 11 June 2004 to try to answer these questions. It met journalists in the capital and in the provinces, human rights and press freedom groups, diplomats and also lawyers for the murdered journalists' families. One clear sign of change was that the mission was able to meet and talk with interim President Boniface Alexandre, prime minister Gérard Latortue and two government ministers. President Aristide stubbornly refused to meet any Reporters Without Borders representatives.

"Scorched earth" ending planned

"In the last few weeks of the Lavalas regime, lots of handguns were given out by the leaders of Aristide's 'grassroots organisations' [unofficial militias] to prepare for a heroic last stand, which partly happened," said Antoine Blanc, general manager of the privately-owned TV station *Télé-Haïti*.

The period was one of the darkest in Haitian media history. Reporters Without Borders had expressed concern since December 2003 about rapidly shrinking press freedom and warned against efforts to worsen the situation to gain advantage. Members of parliament of Aristide's Fanmi Lavalas party made calls on pro-Aristide radio stations for their supporters to "prepare their weapons" as nationwide demonstrations grew demanding Aristide's resignation.

The situation was especially tense in the northern city of Cap-Haïtien, where *Radio Maxima*, belonging to a local opposition figure, was closed on 17 December by police who smashed up some of its equipment; All the city's radio stations suspended their news programmes indefinitely in protest.

After a brief period of calm, tension mounted quickly in early February after the city of Gonaïves (northwest) was taken over by the Artibonite Revolutionary Resistance Front, a renamed formerly pro-Aristide "grassroots organisation" which turned



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against the president after its chief, Amiot Metayer, was apparently killed by the regime because he had become a nuisance.

The Cap-Haïtien premises of *Radio Vision 2000* were seized on 7 February by Aristide supporters who destroyed equipment and tried to set fire to the building. In Port-au-Prince, several journalists, among them leading independent figures, were threatened. *Radio Métropole* editor Rotchild François Jr. was forced to send his family abroad for safety.



Télé-Haïti after the 29 February attack

As the Gonaïves and Cap-Haïtien rebels became entrenched, attacks on the media grew. In Port-au-Prince, several reporters, some foreign, were injured covering attacks on opposition protests. In Cap-Haïtien, Pierre Elie Sem, head of *Radio Hispaniola*, was seriously wounded on 21 February in an attempt to kill him. The next day, the station's studios in Trou du Nord were partly destroyed by former Lavalas member of parliament Nawoom Marcellus and his henchmen.

Reprisals occurred when the rebels seized Cap-Haïtien. Demonstrators, protected by the rebels, looted and smashed up the premises of the pro-Aristide stations *Radio Afrika*, *Radio Télé Kombit (RTK)* and *Radio Vérité* on 22 February. The pro-Aristide *Radio Solidarité*, in the capital, reported at the same time that it had received threats.

Sensing the end was near, Aristide supporters went on a rampage. As happened under the 1991-94 military dictatorship, the premises of *Radio Vision 2000* in Port-au-Prince were attacked by gunmen on 27 February. When Aristide fled the country two days later, it was again attacked, along with three other stations in the capital.

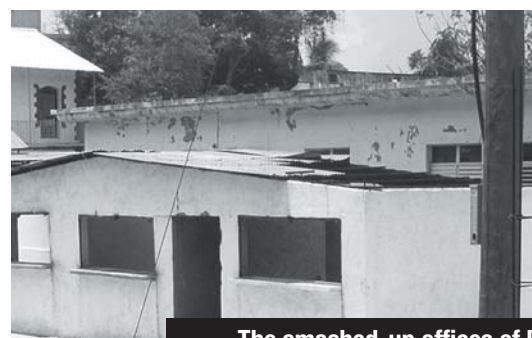
Among them was *Télé-Haïti*, the last-remaining independent TV station. "The attack was very carefully planned," said

owner Marie-Christine Mourral Blanc. She said 24 vehicles were vandalised and seven stolen. Even the false ceilings in the offices were smashed through. She said the total damage was more than \$730,000. Equipment belonging to *Radio France Internationale*, which has offices at *Télé-Haïti*, was destroyed too. The attack came after a long series of threats. Blanc said the then interior minister, Jocelerme Privert, had warned a member of her family in early January that "Marie-Christine should watch out. She's worked too hard for her to lose her station."

The regime's rampages ended for the media on 7 March when reporter Ricardo Ortega, of the Spanish TV station *Antena 3*, was killed in Port-au-Prince along with seven other civilians by presumed Lavalas supporters who opened fire on an anti-Aristide demonstration.

Aristide supporters: a brooding threat

Ortega's death reminded the media that Aristide supporters would remain a threat to it as long as they were armed. Initial investigation showed that the ambush in which Ortega and the other seven were killed had been carefully prepared.



The smashed-up offices of RTK

The owners of *Télé-Haïti*, which has resumed broadcasting, are still worried. "Aristide supporters are still have their operational bases in the slums, especially in the Cité de Dieu and La Saline neighbourhoods near the station," said general manager Blanc. "They're a clear and constant physical threat to us, whether acting on the orders of Lavalas leaders or because we're an easy target of looting." In mid-March, a phone caller warned the station that "we'll finish what we started" if it did not call for the release of a recently-arrested Lavalas gang leader.



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Tension has eased since then, but the station management said it would not feel safe until the perpetrators of the planned attack on the station had been punished and imprisoned. Lack of properly-functioning police and courts is therefore cause for concern. No action has yet been taken on Télé-Haïti's formal complaint filed at the end of March. "We haven't even been summoned for questioning yet," said owner Blanc.

Outside the capital, media concern is greater. *Radio Hispaniola*, the only station in Trou du Nord, has not yet resumed its news programmes. "We don't feel safe," said news editor Jacquelin Pierre. "The (pro-government) rebels are not in the town but Aristide supporters still are. French peacekeeping patrols from nearby Fort-Liberté aren't enough to make us feel secure." In this case too, no action has been taken on the complaint filed against the Lavalas supporters who smashed up the station on 22 February, causing \$200,000 worth of damage.

"Democratic" rebels?

The rebels, who still appear to control half the country, are also a potential threat to press freedom. When they seized Cap-Haïtien, they allowed or took part in the looting and ransacking of pro-Aristide media. They boasted they were the effective police force because state institutions were no longer working and the country had only 2,500 police for its eight million inhabitants. However, they may be tempted again in the future to crack down on media that criticise them.

The rebels are mostly former members of the army which was disbanded by Aristide in 1995 after the fall of the military dictatorship, an army that has rarely had a democratic or tolerant attitude towards the media.

Arbitrary arrests have already been reported in the Centre province. Jeanty André Omilert, correspondent in Mirebalais for the pro-Lavalas *Radio Solidarité*, was arrested for no clear reason on 16 April. The government had him freed at the request of the Haitian Journalists' Association (AJH).

Charles Edmond Prosper, a correspondent for *Tropic FM*, was picked up a month la-

ter, accused of belonging to a small group of journalists critical of the rebels. Because he criticised the arrest of Omilert, one of the group, Eliézer Melkio, of *Radio Vision 2000*, was accused by the rebels of trying to get US troops to intervene in the area. After being threatened several times, he was forced to leave Mirebalais.

The home of Elysée Sincère, correspondent for *Radio Vision 2000* in Petit-Goâve (70 km southwest of Port-au-Prince), was fired at on 13 March by Aristide opponents. He had reported that two armed groups had tried to seize control of the town. Lyonel Lizarre, correspondent for *Radio Solidarité* and the *Agence haïtienne de presse (AHP)* in the southern town of Jacmel, was arrested and beaten by former soldiers in late March.



But these deplorable attacks and arrests were the exception and the situation eased in central Haiti after Chilean peacekeeping troops moved into the area. No arbitrary arrests of journalists were reported in other parts of the country. The editors of two major privately-owned stations in the capital, Rotchild François Jr. (*Radio Métropole*) and Marvel Dandin (*Radio Kiskeya*), said their correspondents had not reported any harassment.

Journalists in Cap-Haïtien however admit they censor themselves. "They're reluctant to work in unpredictable conditions," said Jean-Robert Lalane, owner of *Radio Maxima*, who noted that the rule of law did not exist in the city and that journalists had no recourse against threats or physical attacks.

Staff at *Radio Cap-Haïtien* said drug-trafficking, the notorious criminal past of some of the rebels and the abuses they committed when they seized the city are taboo



subjects. But they noted that the situation was not comparable with the atmosphere of terror under Aristide. The city's journalists have not reported any threats or harassment and radio stations have resumed broadcasting news, though pro-Lavalas stations destroyed as the regime collapsed in late February have not returned to the air and their owners have fled the city or left the country.

The rebels will have to be disarmed and the government regain full control of rebel-held areas of the country to remove the rebel threat to press freedom preventing journalists from expressing themselves freely. "The former soldiers are a problem that has to be solved for the whole country, not just for press freedom," said *Télé Haïti* boss Marie-Christine Mourral Blanc. The rebels want the army to be revived, to receive back-pay they say they are owed and the formal resumption of their career so they can have retirement benefits. Some would probably also like an extra reward for helping to get rid of Aristide.

Revival of the army seems very unlikely. The interim government has said people not involved in human rights violations can join the police or have other public jobs. The main rebel leaders have for the moment taken a legal path and on 18 May set up a political party, the National Resistance Front, to contest national elections expected in 2005.

A witch-hunt against Lavalas supporters?

Aristide supporters have accused the new regime of conducting a witch-hunt against them with the arrest of journalists working for pro-Aristide media, the shutdown of *Radio* and *Télé Timoun* and the ransacking of several pro-Lavalas radio stations in Cap-Haïtien.

The attacks on the Cap-Haïtien radio stations after their owners and some of their journalists fled abroad was part of the score-settling that took place in the first weeks after Aristide fell. Journalists who had to hide or flee the country included Nadjine François, a presenter with the state-owned *Télévision nationale d'Haïti (TNH)*, which Aristide had turned into a propaganda organ.

However, most pro-Lavalas media have continued operating without problems, including *Radio Solidarité*, *Agence haïtienne de presse (AHP)* and the local office of the weekly paper *Haiti Progrès* (published in New York). In Cap-Haïtien, after a short period when they were harassed, journalists from smashed-up radio stations found jobs elsewhere, such as Léandre Altiéry, former boss of *RTK* who is now working at *Radio Cap-Haïtien*.

Journalists were arbitrarily arrested by former soldiers in the Mirebalais area, but one of those detained, Jeanty André Omiert, said Lavalas supporters were not being targeted as such but simply journalists who were considered too critical. The arrested journalists said the detentions were not ordered by the new government, though AJH secretary-general Guyler C. Delva noted it would be partly responsible if it did nothing. He added, however, that the authorities had taken action whenever they had been told of such occasional arrests.

Though worrying, the closure of *Radio* and *Télé Timoun* and the arrest of one of its cameramen does not seem to be part of any campaign to silence pro-Lavalas media. A judge went with police on 18 May when they formally sealed the premises of the two stations, which belong to the Aristide Foundation for Democracy. The Foundation official in charge of the stations, Jean-Marie Plantin, said the TV station had resumed broadcasting in recent weeks but wondered if the government had intended to snuff out a "sign of hope" for Aristide's followers. He said the closures were illegal and that the Foundation would take legal action to have the seals removed.

Justice minister Bernard Gousse said the Foundation could have taken immediate action to get the closure annulled but had not done so. He said the stations were shut down after investigations by two sections of the finance ministry – the anti-fraud





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unit and the central records unit (UCREF) – which have power to order provisional closure of companies.

Their job is to look into the source of funds to buy and operate media and had noted that salaries at *Radio* and *Télé Timoun* were paid directly by the state telecommunications firm, Téléco. Magalie Comeau-Denis, deputy minister in charge of culture, said it paid \$8,000 a month to the head of the *Télémax*, a privately-owned station controlled by an Aristide associate. Plantin said the Téléco payments were for advertising on *Radio* and *Télé Timoun*.

The reason for the arrest of *Télé Timoun* cameraman Arince Laguerre on 28 May is not clear. He was freed after being held for eight days. The AJH said he was picked up with two other people as soon as it was discovered during a routine check of his papers that he worked for the station. The justice minister said he was in fact a gang leader and was arrested after an exchange of gunfire with police.

Former colleagues at *Télé Timoun* who left the station before Aristide fell said his job at the station was harassing them to ensure they obeyed management orders to support the president and that he sometimes threatened them with a gun. Pierre Espérance, head of the Haiti office of the US-based National Coalition for Haitian Rights (NCHR), said Laguerre also had the job of identifying students during opposition demonstrations.

The Ecumenical Centre for Human Rights (CEDH), the NCHR and the Lawyers' Collective for Civil Liberties (CARLI) all denied there was a general witch-hunt against Lavalas supporters. The NCHR said the arrest of several top Lavalas figures was on the basis of solid accusations even though some procedures were regrettably not followed. None of the three groups considered the present government a threat to press freedom and some said they hoped there would eventually be proper access to public information.



An end to impunity?

The murder of two journalists marred Aristide's presidency. Jean Dominique was killed in April 2000 and Brignol Lindor in December 2001 and regime agents were blamed in both cases. The failure to punish those responsible was taken as a warning by the media to watch their step. The new government has taken a very different attitude and has sought to convince journalists there are no longer threats hanging over them.



When Aristide left (and after many ups and downs) both cases had been stuck in the supreme court for several months, officially because several posts were vacant in the court, preventing the cases from being

handled. The state prosecutor working with the court had been ill for a year and Aristide had been careful not to replace him. There were also only two deputy prosecutors (instead of four) to deal with some 2,000 pending cases.

"As head of the court, I informed the then justice minister about this situation," interim President Boniface Alexandre told Reporters Without Borders. Alexandre, who automatically succeeded Aristide, has since made appointments to fill the vacant posts. He, prime minister Latortue and justice minister Gousse all said the court would rule on the Dominique and Lindor cases before the end of the legal term (year) in July.

They said they were aware of the significance of the cases for both Haitian society and the country's international image and had given orders for them to be dealt with urgently. The final summing-up in the Dominique case has reportedly already been written by the new state prosecutor and will very soon be sent to the court for a ruling.

A former deputy mayor of Port-au-Prince, Harold Sévère, and Ostide Pétion ("Douze") were arrested on 14 March 2004 and accused of involvement in the Dominique murder. The following month, a former presidential security unit member, Robenson Thomas ("Labanyé") said that Sévère had been involved, along with Annette Auguste ("Sò Anne"), who was in charge of organi-



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sing Aristide's "grassroots organisations." Auguste was arrested on 10 May in connection with another matter. Attempts are being made to verify Thomas' accusations.

Jean Dominique, the country's best-known journalist and political commentator, was shot dead on 3 April 2000 in the courtyard of the radio station he ran, *Radio Haïti Inter*. The station's security guard, Jean-Claude Louissaint, was also killed. Ever since then, virtually all state institutions have thrown up obstacles to solving the murder, which Aristide associates are thought to have committed.

This has included arrest warrants never carried out, the suspicious death of two suspects in custody, the senate's refusal to lift the immunity of one of its members, Aristide's refusal to reappoint the investigating judge in the case, an attempt to kill Dominique's widow, Michèle Montas, and threats against the staff of *Radio Haïti Inter* which forced it to close down.

The legal investigation ended on 21 March 2003 with the charging of six people, already under arrest, for carrying out the murder. Nobody was named as the person who ordered them to do it however. Both Montas and the six accused appealed against the investigation report.

The Port-au-Prince appeals court ordered a new enquiry on 4 August that year and the release of three of the suspects. The other three appealed against the decision to the supreme court, automatically suspending the start of a new enquiry. But before the court could rule, they escaped in early 2004. The case has since been blocked before the court, which is being asked to say, in part, whether they should be released.

Brignol Lindor, a presenter with *Radio Echo 2000*, in Petit-Goâve, was killed on 3 December 2001 by a group of men armed with stones and machetes and belonging to a pro-Lavalas group called Domi Nan Bwa. Despite confessions by some of them to AJH president Delva soon after the murder, none of them were arrested. When the legal investigation ended in September 2002, 10 of the group were charged but the town's deputy mayor was not, even though he had publicly called for the journalist to be killed.

The Lindor family lawyer, Jean-Joseph Exumé, said none of the group were currently in prison. The Citizens' Commission to Implement Justice, set up by human rights groups to fight impunity, sent the justice minister new information on 25 June 2004 and asked him to arrest and question a number of people they said were involved in the killing who had not been accused in the investigation's report.

Enquiry into the death of Ricardo Ortega

Ricardo Ortega, special correspondent of the Spanish TV station *Antena 3*, was killed while covering a demonstration in Port-au-Prince on 7 March calling for officials of the Aristide government to be prosecuted. Shooting broke out as the protest was dispersing.



Michael Laughlin and Ricardo Ortega ©AP

Marcel Mettelsiefen, a photographer with the *European pressphoto agency (EPA)*, said he and Ortega were in a group of seven journalists making their way to where someone had been hit in the shooting. They had taken refuge in a house from firing between police and presumed Aristide supporters. "Chimères fired at us from nearby rooftops," he said. Ortega was hit when he left the house to find somewhere else to hide.

Eight people were killed in the gunfire and about 30 wounded, including Michael Laughlin, a photographer with the Florida daily the *Sun-Sentinel*, who said they were not just stray bullets. "I'm convinced that Ricardo and I were deliberate targets due to the fact that I was shot when standing alone and peering around a protective wall. Also, because I was hit three times : one bullet entered my shoulder, and then two bullets grazed my cheek and neck. Ricardo was hit several times when coming out of the house."



Both men were taken to the privately-run Canapé Vert hospital, where Ortega died. Spanish consul Pilar Méndez said the death certificate issued by the hospital the same day said he had been hit in the stomach by a single bullet and not two as had been reported.

Ortega's body was flown to Spain the same night for an autopsy to be done there. Méndez said he had only been in Haiti for a few days so score-settling was an unlikely reason for his death. An investigation may determine whether he was targeted as a civilian, a foreigner or a journalist, or for two or three of these reasons.

Divisional police inspector Jean-Michel Gaspard was arrested on 28 March for involvement in attacking the demonstration. He was suspected of attending a meeting the day before the protest to plan an attack on it. Yvon Antoine, an Aristide agent, was arrested on 22 March as part of the enquiry and also for his alleged involvement in an attack on state university officials during violence on 5 December 2003.

Justice minister Gousse told Reporters Without Borders on 8 June that he had asked the prosecutor for a preliminary report on the 7 March shooting and promised to send it to the Spanish embassy as soon as he got it.

Ortega's family, in Denia (near the Spanish city of Valencia), has filed a formal murder complaint but does not really expect any result. It plans to hire a lawyer in Port-au-Prince and is waiting for the Spanish autopsy report.

Ortega, 37, began his career working for the Spanish news agency *Efe* in Moscow and then moved to *Antena 3*. He had reported on wars in the Balkans, Chechnya and Afghanistan, as well as the 11 September attacks in the United States.

Several foreign journalists were set upon by Aristide supporters in the days leading up to the regime's collapse.

Tasks ahead

Press freedom improved significantly after Aristide's departure and the end of repression and media working conditions have radically changed. The new regime is not a threat to the media despite what Aristide supporters say. However, conditions in the capital, where journalists can now speak freely, are different from the countryside, where they censor themselves.

Reporters Without Borders will follow developments very closely, since the improvement in the overall situation is still fragile. Democratic activity has only just started to resume and already journalists who have criticised the government and private companies for overcharging in business deals say they have been harassed.

As long as both Aristide's supporters and the former soldiers who led the final rebellion against him remain armed they will be a threat to the media. The Latortue government says disarmament of all such groups is a priority and it is counting on the help of the UN Stabilisation Mission in Haiti (MINUSTAH) that took over from the Multinational Interim Force on 25 June. If the government fails to do this, the spectre of new disorder and violence against the media may loom over the general elections planned for 2005, which is not so far away.

Reporters Without Borders will also follow closely the handling of the Dominique and Lindor murder cases, which is crucial to making journalists feel secure again. Solving these crimes will show that a return to the rule of law is under way for the whole society as well as for journalists, who have no defence against armed groups. We welcome the firm promises made to the mission by the new authorities and we await the results with interest. The end of the legal term (year) is imminent (the end of July).

The media is much freer now than at the start of the year. But the task of consolidating the gains – by disarmament and a return to the rule of law – is enormous and goes beyond the issue of press freedom. Nothing is yet certain.