



RESEAU NATIONAL DE DÉFENSE DES DROITS HUMAINS (RNDDH)
REZO NASYONAL POU DEFANN DWA MOUN
NATIONAL HUMAN RIGHTS DEFENSE NETWORK

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CONTACT: Marie Yolène GILLES
PHONE: (509) 2940-1222 / 3650-8103 / 3463-4192/2244-1496
CELL : (509)3728-8466
FAX: (509) 2244-4146

Johnny JEAN heard before Uruguayan Magistrate: RNDDH calls for full involvement of the Haitian authorities

On July 28th, 2011, the youth Johnny JOHN, originally from *Port-Salut*, in the Southern Department of Haiti, was raped by *four* (4) officers of the Uruguayan *UN Mission for Stabilization in Haiti* (MINUSTAH). Under pressure of outraged public opinion and the Haitian media at large, the officers were indicted and repatriated to await trial in accordance with Uruguayan law on rape.

On May 10th, 2012, Johnny JEAN was invited by the Uruguayan judicial authorities to give testimony before Judge Guido ALEJANDRO, in the court of *Montevideo*, as part of an investigation conducted by the *Uruguayan Ministry of Defense*. A delegation accompanied Johnny JOHN during his trip. It was composed of Johnny's mother JEAN, Rose-Marie JEAN, a representative of the victim, *one* (1) representative from the Haitian *Ministry of Foreign Affairs*, *one* (1) Haitian lawyer and *two* (2) American lawyers to defend Johnny JEAN.

The *National Human Rights Defense Network* (RNDDH), who had conducted an investigation and issued a report on the scandalous case of gang rape, was keen to attend the hearing, at which, the Judge, Uruguayan prosecutor, defense lawyers and lawyers of Johnny JEAN, were present.

The Uruguayan government has, in the context of this case, shown its willingness to bring the Uruguayan judicial authorities to lead the investigation. In this sense, it financed the travel of Johnny JEAN, his representative and *one* (1) of his lawyers, Mr. Gervais CHARLES. It has made available to the victim, a Uruguayan lawyer, as his lawyers were not allowed to plead before the court in Uruguay. The government also chose an interpreter to ensure translation for the victim. For its part, the Haitian government was content to settle the

paperwork for the visas of the members of the delegation and to support the travel of Johnny's mother JEAN, JEAN MARIE ROSE.

In their depositions, Johnny JOHN and his mother confirmed their initial testimonies. And, without hesitation, the victim identified his attackers, among the soldiers that were presented. But the lawyer and the interpreter made available for Johnny JEAN by the government of *Uruguay* were not up to their tasks. Indeed the Uruguayan lawyer appointed to Johnny JEAN spent the entire hearing speaking exclusively with the Judge, prosecutor and defense counsel. Not once, did he address the Haitian delegation. For his part, the interpreter is a young man who lived for a few months in Haiti. If the intent was to provide a faithful and verbatim translation, given the few words learned during his short stay in Haiti, his Creole proved too weak for such serious work.

The hearing started at *two hours and fifteen minutes* (2 :15) in the afternoon. At the end, the judge committed to make his ruling within a period not exceeding *sixty* (60) days.

RNDDH condemns the behavior of the Haitian State which has not provided the necessary assistance to Johnny JEAN in his quest for justice. In so doing, it gives the impression of a State which lacks volition to do everything possible to uphold the dignity, and integrity of the victim, a Haitian citizen, the crimes against which were committed within the sovereignty of its territory, by agents of MINUSTAH.

RNDDH recalls that under Article 19 of the 1987 Constitution, and Article 15 of the 2012 Resolution by the UN *Security Council*, on the 14th of October 2011; it is not the responsibility of the Uruguayan Government to ensure the protection, defense of ,and interpretation for Johnny JEAN, a Haitian citizen.

RNDDH hopes that this hearing is indeed a first step towards the trial of the perpetrators of Johnny JEAN. Regarding this trial, RNDDH recommends that state authorities :

- Make available to Johnny JOHN, a law firm called to work in Uruguay, together with Haitian lawyers, and other advocates of the victim, to assure a just defense ;
- Make a psychologist available to the family of victim, who has been traumatized by this tragedy;
- Hire a professional interpreter for translations ;
- Bear the costs of participation in the legal proceedings, through the judgment of the case.

Port-au-Prince, May 16th, 2012

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