

# Observations from the hearing of Father Gerard Jean-Juste

*by Ollie Ruth Jefferson, Attorney at Law*

PORT AU PRINCE, HAITI - I arrived at the Palace of Justice with Father Gerard Jean-Juste's lead attorney, Mario Joseph, and three other observers, approximately 15 minutes prior to the hearing. The UN presence was palpable, evident by their blue helmets, with possibly 20 stationed outside the front entry to the courthouse. The steps were lined with media representatives.

Attorney Joseph left to greet Father Gerard as he pulled up. Though he is known to be ill, he looked very strong, dignified and proud. He was accompanied by So Anne, a popular Haitian singer who was also arrested post Aristide's ouster. A phalanx of young men surrounded the car and provided an escort for them both into the court, encircling them and obviously protecting them from any potential hostility. They entered the building easily and were seated when we went inside. The media swarmed Fr. Gerard, took pictures and shoved tiny recorders in his face.

Attorney Joseph introduced us to two prosecutors, who had recommended that the charges against Fr. Gerard be dropped. The seats filled quickly and soon grew to standing room only. The room was sweltering in the heat, however, that did not deter the Defendant's supporters as the spectators in the courtroom, hallway and even courtyard -- possibly grew to more than 300 people.

Though the hearing was scheduled for 10 a.m., the judges did not arrive until 11:20. While awaiting the judges' entry, the room was abuzz with chatter. Many people came forward to greet, shake hands and kiss Fr. Gerard, So Anne and the international observers, estimated to be about a dozen in number. The mood was one of anticipation. I did not sense the presence of an opposition. It was clear that everyone was there to support Fr. Gerard.

At one point, a group of elderly women gathered and were looking admiringly on at the father. They were obviously poor, and a bit weary worn. Their demeanor was almost girlish and giggly -- so observed the Harvard lawyer Pooja Bhatia, who works with Fr. Gerard's defense team. When Father Gerard addressed the court, it seemed barely audible; however, someone behind me yelled in English, "We cannot hear. You must give him a microphone. You must!" So Anne remained stoically in her seat, asking the journalist in front of her to move.

As 11 a.m. approached, the press had swarmed Mario Joseph and the attorneys sitting in the barristers' box. The exchange was lively. Mario Joseph spoke animatedly and passionately. At 11:20, preceded by a gentleman ringing a bell (and telling the Galley to stand and then sit), three judges entered in black robes with black and white caps. Two males and one female. Two of them seemed rather young. By then, Mario Joseph had donned his black robe, and called Father to the front. The prosecutor announced that the appeal introduced on May 28, 2007, on behalf of Fr. Gerard by his attorneys will be heard on today (November 26, 2007). When the defendant was called, he rose to his feet and stood in front of the judges. Speaking in Creole, Father Gerard made his statements and answered questions for

almost two hours. He was interrupted by applause no less than five times during his tenure on the stand. At one point, I heard the word "liberte" from Fr. Gerard, it was immediately answered with one of these rounds of applause. When the prosecutor finished with a dramatic flourish, the crowd roared its approval. And, then did so again a minute later.

Though court was still in session, the press had descended on So Anne, and she was giving them some very powerful commentary. Several people had on Pro-Aristide / Pro-Father Gerard t-shirts. One man shaped a hat out of an Aristide calendar. At the time I didn't know if that was pro or con Aristide commentary, since I thought it to be a "dunce cap." As he joined in the festival atmosphere, it became obvious that he was a supporter.

At 1:45 p.m., I don't know what was said by whom, but the crowd protested with screams of disapproval. Did things not go as planned? Members of the audience were obviously outraged and made their feelings known. I thought - something is about to happen here. The uproar continued unabated for at least 15 minutes. Inasmuch as the defense team had exited the courtroom, I followed to see what I could find out. It appeared that two of the judges wanted him exonerated, but one of the judges wanted to see his medical records beforehand. The end result is that Fr. Gerard will remain on conditional release; however, it is evident that his supporters wanted this case finalized today and with the full exoneration of the accused.

Later in the day, Michelle Augustine, one of the international observers and a law student at Loyola University, shared a videotape of the aftermath of Fr. Gerard's hearing. The audience of his supporters stayed for a brief period after my departure and remained very vocal in their dissatisfaction with the decision, or lack thereof. One of the benches up front was broken, and was pictured in disarray on the floor. The people then took their manifestation to the street, marching and chanting. Michelle said that the protesters were followed by the police, ostensibly for their own protection. I am relieved that the march ended without incident.

Brian Concannon of the Institute for Justice and Democracy in Haiti (IJDH) has posted an excellent summary of the legal aspects of the proceedings at <http://www.HaitiJustice.Com>. You can also view the article titled "***My Rosary is My Weapon - Fr. Jean-Juste goes to Court in Haiti, again,***" written by Pooja Bhatia, by visiting: [http://blog.ijdh.org/haiti\\_justiceblog/2007/11/my-rosary-is-my.html#more](http://blog.ijdh.org/haiti_justiceblog/2007/11/my-rosary-is-my.html#more).

Later the same day, I was able to speak with Fr. Gerard at the rectory of his parish and received answers to the following questions:

1). Are you able to travel freely to get the medical attention you need?

Yes

2). What do you think of the outcome of today's hearing?

This is my first experience with the appellate courts in Haiti. The experience is personal, this is the first time I find myself

in a position to know more about the court system. It's miraculous to obtain justice in Haiti. Even the environment itself is difficult to obtain justice. I feel pity for my country, with the little material they have to provide justice. Even the judges are under pressure. I demanded to speak in Creole, with only one sentence at the beginning and at the end in French. And the people so appreciated it. I could see in their eyes that they wanted to hold on to this expression of familiarity.

3). What does provisional freedom mean to you?

I don't know, but I am not afraid because I've done nothing wrong.

4). What would you like the American people to know about your experience?

I don't know that I am in the position to persuade anyone. You took the time and sacrificed something to come here. You see a different Haiti and not all of the "so called violence."

5). Do you recall an interview where President Aristide said that he was forced from Haiti at gunpoint by U.S. Marines?

President Aristide did say that he was kidnapped and forced out of power at gunpoint - yes, he did say that.

6). Why were the Marines in Haiti, and what is the U.S.'s interest here?

I wish that the nations of America could come together. America is strong, economically, politically and culturally . . . Unfortunately U.S. government administrations, one after one, keep playing the role of a face that shows exploitation and colonization . . . The Haitian elite keepers of the status quo will keep trying to appease the U.S., when what people should strive for is basic human rights of food, clothing and shelter for all Haitians.

7). Do you plan to make a presidential run?

No. People talk about it. I am aware that they want to draft me - where can I go hide?

*Ollie Jefferson is an immigration lawyer and member of the National Lawyers Guild who attended the hearing of Father Gerard Jean-Juste as an international observer along with her husband, John Harrison.*

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