

The Raboteau Trial

a 56' documentary about the most significant human rights trial in Haiti

Transcript of interview with Brian Concannon Jr.

Brian Concannon Jr. writes and speaks often about justice, human rights and the democratic transition in Haiti. He is director of the Institute for Justice and Democracy in Haiti (IJDH).

He formerly worked at the International Lawyers Office (BAI) in Port-au-Prince, Haiti, where he has spent the last several years prosecuting crimes committed during the 1991-1994 coup. Among the cases he has prosecuted are those stemming from the 1994 Raboteau massacre in Gonaives. Concannon is a graduate of Georgetown University Law Center, and held a Brandeis International Fellowship in Human Rights, Intervention and International Law from 2001-2003.



Since Haiti's coup d'etat in February 2004, the International Lawyers Office has switched gears to document continuing human rights violations. The BAI also runs a training program for Haitian law school graduates.

“I’m pleased with verdict because the system worked and because the victims were pleased with it. The victims were little disappointed in one of the people let go but I thought we put together good case. But in end the rest of trial went pretty well, gave them enough faith the system was working to let go of that, to say they didn’t agree with the jury but made a decision that was not corrupt or fixed.

Last night when I was driving people home, and talking with them at the end of the trial, they kept saying, it wasn’t a vengeance type thing, it was always, “oh he beat me this time, he beat me that time.” It was more that they really felt he had done a lot of bad things both in the massacre and after the massacre. They just felt it was an injustice that he got away with it. I know you’ve been talking to a lot of Raboteau people and you find a lot of them are angry, and it’s interesting even the smallest thing in the court would provoke them and get them really mad, they’re so, they’ve had so much injustice in their lives and they’re so sick of it the least bit of injustice really strikes a nerve. But in the end, although they’re not 100% happy, overall they think it was a good process. They feel now they can move on with their lives, that that chapter has been closed.

I don’t think it’s a legal analysis. I think it’s factual. He had an alibi. He’s someone that was... He’s a very intelligent person, very personable. Although I think his alibi wasn’t correct. I also, I know the victims and I trust them, especially the people who testified against him, and I felt that the evidence against him was very strong. It’s a type

of decision that... it's not wrong. The jury's job is to make that type of credibility determination.

They made a different determination than I would have, but it certainly was not beyond the bounds of reasonable.

The issue was that several victims said that he was there and he did this, this and this. What he said was--there wasn't a direct contradiction other than he said he wasn't there. He had an alibi defense. His alibi was a little bit interesting. He said he was, he presented a letter that he had written to his commanding officer, saying he wasn't there, but he admitted he was lying to his commanding officer when he wrote that letter. So it was an alibi defense thing saying he was lying then, so he's not lying now, which was a little bit interesting, but again, it was something I think that the jury could have believed, and apparently they did.

What he said was he was lying to his commanding officer and saying and that's all right because that's what you do in the army and I don't think it was as much the document as that he is someone who was persuasive to some people, and we thought that that might be an issue-- back in Port-au-Prince on the weekends there were a few people who would say they thought he was telling the truth. Doesn't undermine what we did... a big accomplishment or that we set a precedent for the future.

Several defendants' lawyers announced last night that they're going to appeal. I'm not sure how much of that is theatrics. They might appeal, that's not something we're worried about. We ... felt that for most of the trial we were really angry at the judge because there were a lot of little issues and every time there was a fight he seemed to go the defendants' way and I think he was doing that expressly to avoid an appeal. The record will show that he bent over backwards because I think that he felt that the defendants, many of them were going to be convicted, and to avoid having that conviction overturned he decided to give them the benefit of the doubt.

We've been working on this case since 1996 when we first started we went out into Raboteau and walked around and found witnesses. There were a lot of us, we weren't the first ones to go in and investigate the case. MICIVIH had actually done it a couple of weeks after. We had their report, the Haitian Truth Commission wrote a big report on Raboteau. We had their report. There was the Commission Justice et Paix which is the Catholic church's justice and peace commission. They were extremely active, especially there was a priest, Père Daniel, extremely active in Raboteau, extremely good at documenting things and he led us to a lot of people and basically we took all the leads we had and worked through community organizations and worked through individuals and for all the people we felt were necessary to put the case together. We prepared the complaints in 1996 and then a few in 1997 and we've been working on the basis of that and all the pre-trial hearings. Mario mostly has been representing the victims and all along we've been accompanying them.

The first time I ever got involved in the case I was actually working for MICIVIH, I was a human rights observer and it was my first day in Gonaives. I was eating lunch and all of a sudden I heard a commotion outside and I went out to look and there were all these people running around sort of jumping up and down and they looked like they were half-demonstrating half-celebrating and I couldn't exactly figure out what was going on and so I followed them around a little bit. Same half-celebrating half-demonstrating all round town and singing songs... pretty soon I got the idea someone had been arrested in the Raboteau case."