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## Ex-Haitian colonel sued to pay massacre victim's family

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A human rights organization that targets foreign torture suspects has sued a former Haitian military officer, who is already in U.S. immigration custody, seeking compensation for the family of a victim of a 1994 massacre in Haiti.

The Center for Justice & Accountability filed the lawsuit in Miami federal court seeking unspecified financial compensation for a Haitian woman and her two children. Marie Jeanne Jean's husband, Michel Pierre, was killed in a massacre in Raboteau, a poor neighborhood outside Gonaives north of Port-au-Prince, the capital.

The lawsuit was filed Friday in Miami federal district court under the same legal doctrine of "command responsibility" that the group successfully used last year to persuade a federal civil jury in West Palm Beach to order two former Salvadoran generals to pay \$54.6 million to three victims of torture in El Salvador. The former generals have appealed the jury decision.

### **WHAT IT MEANS**

Under the command responsibility argument, military commanders can be held liable for the actions of subordinates because they knew or should have known that soldiers under their control were committing abuses and failed to take measures to stop them.

The lawsuit comes as the Immigration and Naturalization Service prepared to deport Carl Dorelien. This month, the U.S. Court of Appeals for the 11th Circuit in Atlanta denied Dorelien's request for a whole-court review of the case and lifted a restraining order preventing his deportation. Ana Santiago, an INS spokeswoman in Miami, said shortly after the court ruled that the INS planned to deport Dorelien soon.

Even if deported, Dorelien can still pursue his appeal outside the country.

Dorelien has been in INS detention since 2001, when he was arrested by immigration agents at his home in Port St. Lucie.

### **DENIES ANY ROLE**

Dorelien's attorney, Jeffrey Devore, said he could not comment because he has not seen the lawsuit. But court documents show Dorelien has denied any involvement in the massacre in

which about two dozen people died. One document, for example, says Dorelien 'heard about an ` incident' in Raboteau involving an attack on a military facility at Raboteau -- not an attack on civilians."

Dorelien also was quoted as saying in the document that he did not give orders to soldiers.

But Dorelien was indicted and convicted in absentia during a trial in Haiti over the Raboteau massacre. Dorelien and other former Haitian military officers who led a coup against President Jean-Bertrand Aristide in 1991 were sentenced to life in prison with hard labor for their alleged role in the massacre. Dorelien is a former army colonel who was part of the Haitian national command authority after Aristide was overthrown.

### **LAWSUIT'S PURPOSE**

Joshua Sondheimer, litigation director for the Center for Justice & Accountability in San Francisco, said his group filed the lawsuit because ``we don't believe he should be allowed to keep the benefits he has obtained by being in the United States."

While in exile in Florida, Dorelien won \$3.2 million in the state lottery. On June 28, 1997, Dorelien held one of two winning tickets bought in Fort Pierce that split a jackpot of \$6.3 million, according to Florida Lottery records. Court records show Dorelien is to be paid in 20 annual installments of \$159,000.

In its decision, the U.S. Court of Appeals noted that ``Dorelien is not just a convicted mass murderer, but a fairly well-off one."

The lawsuit alleges that Haitian soldiers and paramilitary sympathizers attacked Raboteau, killing 26 people.

"Michel Pierre was fatally wounded, and soldiers buried his body in a shallow grave by the sea," the lawsuit says. ``Marie Jeanne Jean discovered his body several days later."