

INTERROGATORIES, PAUL V. AVRIL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

EVANS PAUL, *et al.* Plaintiffs,

v.

PROSPER AVRIL, Defendant

Civil No. 91-0399
(Nesbitt)

**DEFENDANT'S ANSWERS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

Defendant Prosper Avril provides, under oath, the following answers and objections to Plaintiffs' first set of interrogatories:

1. Identify all persons with personal knowledge of the allegations of the complaint and, for each such person, specify the subject matter of that knowledge.

ANSWER:

- a. General Acedius Saint-Louis. Gen. Saint-Louis was Minister of Interior and National Defense for the Republic of Haiti in November, 1989.
- b. General Fritz Romulus. Gen. Romulus held the position of Minister of Interior and National Defense in January, 1990.
- c. Mr. Augustin Romain Seme. Mr. Seme was the Minister of Justice for the Republic of Haiti.
- d. Mrs. Rose-Marie Nazon. Mrs. Nazon was the Minister of Information for the Haitian government.
- e. Lieutenant-General Herard Abraham. Lieut. Gen. Abraham was the Acting Commanding officer of the Haitian army at the time of the events described in the Complaint.
- f. General Gerard Lacrete. Gen. Lacrete was the Chief of Staff of the Armed Forces of Haiti.

- g. Colonel Henry-Robert Augustin. Col. Augustin was the Chief of Police in Port-au-Prince in November, 1989.
- h. Colonel Martial Romulus. Col. Romulus was the Chief of Police in Port-au-Prince in January, 1990.
- i. Colonel Ernst Prudhomme. Col. Prudhomme was the chief of the Haitian National Intelligence Service.
- j. Colonel Christophe Dardompre. Col. Dardompre was the Commandant of the Presidential Guard.
- k. Colonel Marie-Alix Rene. Col. Rene was the Commandant of the South Military Department where one of the plaintiffs was arrested.
- l. Mr. Ulrich Charles. Mr. Charles was the Judge of Instruction of the Civil Court of Port-au-Prince.

The above have information regarding the arrest and detention of plaintiffs and President Avril's lack of involvement in those arrests and detentions.

- 2. Identify all witnesses whom you intend to call to testify a the trial of his matter, whether in your case in chief or in anticipated rebuttle [sic].

ANSWER:

Defendant has not yet determined which witnesses he expects to call at trial. He may call some or all of the above individuals.

- 3. Identify your present home and business addresses.

ANSWER:

Defendant's permanent home address is Juvenat, No. 7, Pétionville, Haiti, W.I. Defendant presently is residing in the Dominican Republic on a temporary basis and has no business address.

- 4. Identify the present home and business addresses of your son-in-law, Isidore Pongnon.

ANSWER:

Defendant has no son-in-law.

- 5. For each expert witness you expect to testify on your behalf at trial, state the subject matter on which the expert is expected to testify, as well as the substance of the facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each such opinion.

ANSWER:

Defendant has not yet determined what experts, if any, will testify on his behalf at trial. In the event that defendant retains an expert witness to testify at trial, he will supplement this answer.

- 6. State what types of visas and residence permits you possess for which nations, and state whether any of these permit you entry into the United States, and the expiration dates, and all conditions of such United States visa. If you have no current visa for the United States, state the expiration date of your last such visa, and state what steps you have taken to obtain a current visa. Also identify all correspondence, applications and other documents related in any way to your last United States visa, and to your current efforts, if any, to obtain such a visa.

ANSWER:

Defendant has a visa to reside temporarily in the Dominican Republic. A visa for entry into the United States contained in his diplomatic passport expired in April, 1990. He entered the U.S. at the request of the U.S. government in March, 1990, pursuant to a grant of emergency parole. The parole status expired in March, 1993, though it may have lapsed with Defendant's departure from the United States in late 1992. He has not applied for a visa to reenter the United States, because a recent application by his wife for a visa to travel to the United States was denied for "political reasons." In the absence of a visa, he has no means of legally entering the United States.

- 7. Identify all documents and other physical evidence which you expect to introduce into evidence at the trial of this case.

ANSWER:

Defendant has not determined yet what documents and other physical evidence he intends to introduce at trial.

- 8. Identify all documents and physical evidence which tend to prove or disprove the facts alleged in the complaint, or any of your affirmative defenses, and also identify any documents which may reasonably lead to the identification of such documents.

ANSWER:

All such documents and evidence are in Haiti, presumably in the possession of the Haitian Armed Forces and the Haitian Judiciary. At this time, Defendant has been unable to secure access to such documents and evidence.

- 9. Identify any assets, whether bank accounts, real estate, stocks, bonds, interests in property of any kind, etc., which you or any member of your immediate family (including your wife, your children and their spouses, their parents, or other close family members) possesses, which assets are located within the United States of America, and state with specificity the location of such assets within the U.S., and the identity of any custodians of such assets.

ANSWER:

Defendant objects to this Interrogatory on the ground that it seeks information which is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the ground that financial information is not discoverable under Florida law at this point in the litigation.

10. For each job and/or professional position you have held, including but not limited to positions within the Haitian military, militia, police, and government, please state the title and job description, the dates you held the position, and identify your immediate supervisor, and your immediate subordinates.

ANSWER:

The dates below are approximations.

October 1961-January 1962, Officer in the Military North Department (1st Company-Police Cap-Haitien). Commanding Officer: Colonel Roger Saint-Albin.

January 1962-November 1964, Officer at the General Headquarters of the Haitian Armed Forces. Commanding Officer: Brigadier General Gerard Constant.

December 1964-June 1967, Officer at the Port-au-Prince Police Department. Commanding Officer: Brigadier General Frederic Arty.

July 1967-September 1983, Officer at the Presidential Guard Battalion. Commanding Officer: Brigadier General Gracia Jacques.

September 1976-September 1983, Member of the Board of Telecommunications d'Haiti, S.A. President of the Board: Mr. Antonio Andre.

September 1983-January 1986, Counselor at the National Institute of Arts and Culture and the Haitian Museum of the National Pantheon. Director: Mr. Gaston Hermantain.

January 1986-March 1986, Member of the Conseil National de Gouvernement. President: Lieutenant-General Henri Namphy.

March 1986-February 1988, Secretaire Executif du Conseil National de Gouvernement. President: Lieutenant-General Henri Namphy.

February 1988-June 1988, Inspector at the Presidential Guard Battalion. Commanding Officer: Brigadier General Charles Louis.

June 1988-September 1988, Adjunct General of the Army. Acting Commanding Officer: Major-General Carl Michel Nicolas.

June 1988-September 1988, Secretaire Executif of the Military Government of Haiti. President: Lieutenant-General Henri Namphy.

September 1988-March 1990, President of the Military Government of Haiti.

11. Identify all members of your personal security detail during the time you were President of the Republic of Haiti.

ANSWER:

There was no permanent security detail. The members of the personal security detail for a Haitian Head of State were drawn at large from the Presidential Guard Battalion. The head of the Battalion would assign different soldiers to the detail on a daily basis.

12. State which languages you speak with sufficient fluency to be comfortable in daily conversation, as well as which languages you have a working knowledge of, and which languages you are able to read and/or write.

ANSWER:

Defendant is fluent in French. He has a working knowledge of English and can read and write passably in that language.

13. Provide a summary of your educational and training experiences, including but not limited to any military education and/or training. Include the dates of your attendance at educational institutions and military training courses, the location of such institutions and training facilities, and for military training in particular, identify your immediate instructors.

ANSWER:

1944-1952, Petit Seminaire College St. Martial in Port-au-Prince.

1952-1958, Lycee Toussaint Louverture in Port-au-Prince.

1958-1959, Ecole Normale Supérieure (Letter and Pedagogie Faculty).

1959-1961, Military Academy of Haiti.

1960, U.S. Marine Corps School, Quantico, VA (Training and Test Regiment).

1962, U.S. Naval Intelligence School, Anacostia, VA. (English Course).

1962-1963, U.S. Marine Corps School (Quantico, VA). (Basic Course).

1966-1970 Faculte de Droit et des Sciences Economiques de Port-au-Prince. (Law Degree).

Defendant is unable to recall the names of all of the numerous instructors who taught classes at the above institutions.

14. Describe your role as a financial or other advisor to any member of the Duvalier family, and identify who in the Duvalier family you have worked with, the dates of any such relationships, their nature, and whether or not such contacts continue.

ANSWER:

Defendant objects to this Interrogatory on the ground that the information it seeks is not relevant and not calculated to lead to the discovery of admissible information. Defendant further objects on the ground that

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the litigation.

VERIFICATION

I, Prosper Avril, do aver under penalties of perjury that the foregoing Answers to Interrogatories are true and complete to the best of my knowledge and recollection.

/ s / Prosper Avril
Prosper Avril

Respectfully submitted,
ANDERSON, HIBEY & BLAIR

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Dated: April 29, 1993