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## Haiti Human Rights Report

Presented to the International Association of Democratic Lawyers

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Summary and Overview

"Almost all national actors across the political spectrum acknowledged that Haiti was in a deep political, social and economic crisis."<sup>1</sup>

UN Security Council April 2005 Mission to Haiti Report

"The mission was struck by statements by interim authorities that no human rights violations in the country were committed by the State....Nevertheless, the mission received reports that a culture of impunity remained pervasive, marked by arbitrary arrest, wrongful detention, inhumane prison conditions, excessive use of force, and extrajudicial executions."<sup>2</sup>

UN Security Council April 2005 Mission to Haiti Report

This report presents a broad overview of the current human rights situation in Haiti. It is based on a number of recent human rights reports that are listed on the last page of this document. Most facts in Haiti are contested and as a consequence, nearly everything in this report is also contested. The sources are provided so the reader can research further herself and come to her own decision. However, no matter which sources the reader chooses to credit, human rights in Haiti are deeply troubled. The attention of the international human rights community is vital to helping Haitians regain their human rights.

In summary, all of the systems that underpin an environment where human rights can be exercised and protected are each seriously compromised and together they create a most severe challenge to human rights. Haiti is the poorest country in the hemisphere by all economic indicators. The electoral process has been erased by an armed coup that replaced the elected leadership of the country with a selected interim authority. The judiciary is dysfunctional and unable to perform its role as a check on authority. The police are disorganized to the point that no one even knows how many police officers there are. They are unable to provide basic security to the country and are themselves one major source of the problems because of their lack of professional training and credible accusations of human rights reports in areas from arbitrary and political arrests to extrajudicial executions. The prison system is primitive and inhumane and filled with people who have never seen and will not likely ever see a judge. The proposed fall elections are plagued by insecurity, budget problems and the lack of infrastructure that cripple all other sectors of the society. Dissent and political assembly are rights that are physically dangerous to exercise. The United Nations forces have not fulfilled their mandates and the country is as unsafe and insecure as ever.

The basic human rights of the people of Haiti are being denied on a regular basis.

### Background on Haiti

Haiti has been an independent nation since January 1, 1804, the world's first black independent republic and only the second in the Western Hemisphere.<sup>3</sup> In the twentieth century, Haiti suffered under the dictatorship of the Duvalier family from 1957 to 1986, mostly with the support of the US and other countries.<sup>4</sup>

One of the chief organizers of the resistance to Duvalier in the mid 1980s was a young priest, Fr. Jean Bertrand Aristide.<sup>5</sup>

Several military coups followed the Duvalier era.<sup>6</sup> In 1990, with over sixty-seven percent of the vote in heavy turnout, Jean Bertrand Aristide was elected President.<sup>7</sup> In 1991, President Aristide was overthrown by a military junta which was responsible for three to four thousands deaths over the next years until President Aristide returned in September of 1994.<sup>8</sup>

In 1995, President Aristide dismantled the Haitian Army and created the Haitian National Police.<sup>9</sup> In 1996, with Aristide unable to serve another successive term, the people of Haiti elected Rene Preval as President.<sup>10</sup>

In 2000, President Aristide won re-election in an election that was boycotted by opposition groups and the US suspended \$500 million in humanitarian aid.<sup>11</sup>

In February 2004, the elected President of Haiti, Jean Bertrand Aristide, was ousted from the country in an armed coup.<sup>12</sup>

In April 2004, the United Nations Security Council adopted Resolution 1542, which created the UN Stability Mission in Haiti (MINUSTAH). The Stability Mission is authorized at 6,700 troops and 1,622 civilian police.<sup>13</sup>

MINUSTAH remains in place as of the writing of this report.

Haiti is a country of about 8 million people in an area of 27,500 km (about the size of Maryland in the US). The people of Haiti are 95% African descent, and 5% mixed and European. It is 80% catholic. Life expectancy for Haitians is 49 years. Infant mortality rate is 79 per 1000. Creole is spoken by all, French and English by some. The largest cities are Port au Prince (2 million) and Cap Haitian (600,000). About 65% of children of primary school age are in school due to the inability of many to pay the costs associated with free education - uniforms, textbooks and supplies. Less than 35% of those who enter primary school will finish all 6 grades. Only about 20% of children enroll in secondary school. Adult literacy is estimated at 50%.<sup>14</sup>

Amnesty International reports:

"According to the United Nations Development Programme, Haiti continues to be the poorest country in the Americas. In 2003, Haiti's human development ranking was 150th out of 173 countries, and life expectancy was 49.1 years. Food insecurity affected some 40% of households and more than 50% of the adult population was unemployed.(13) Even before the crisis, the situation of children was among the worst in the world. More than one in 10 Haitian children die before the age of five, 65% suffered from anaemia, 17% of under fives had insufficient weight and 32% suffered from development problems due to malnutrition. Some 200,000 children have lost one or both parents to AIDS, and up to 6.7 per cent of young women are living with HIV/AIDS. Maternal mortality is also among the highest in the world."<sup>15</sup>

According to the Centers for Disease Control and Prevention:

"Haiti is the country in the Caribbean most highly affected by HIV/AIDS (Haiti and the Dominican Republic account for 85% of all AIDS cases in the region). Heterosexual transmission is the most common HIV/AIDS transmission vehicle, followed by mother-to-child transmission. Since the beginning of the epidemic, pregnant women visiting antenatal clinics (ANCs) have provided data to track the evolution of the disease. Three surveys of pregnant women presenting for the first time at ANCs have been conducted by, or on behalf of, the Ministry of

Health (MOH). In 2003, between 157,710 and 275,742 people were estimated to be living with HIV in Haiti; the total number of new AIDS cases was projected to be between 23,714 and 32,853, and AIDS-related deaths between were estimated to be between 25,493 and 32,532. There are approximately 11,300 HIV-positive women delivering each year, with 3,970 more babies born infected with HIV/AIDS annually. In 2001, approximately 532 women received antiretroviral treatment (ART) at delivery." <sup>16</sup>

Haiti is the third hungriest country in the world after Somalia and Afghanistan. The richest 1% of the population controls nearly half of all of Haiti's wealth. It is the world's fourth poorest country and ranks 146 out of 173 on the United Nations Human Development Index. Unemployment is 70% and 85% of Haitians live on less than \$1 U.S. per day. Haiti ranks 38 out of 195 for under five mortality rate. <sup>17</sup>

Two point four million Haitians cannot afford the minimum 2,240 daily calories recommended by the World Health Organization. <sup>18</sup>

Haiti is extremely impoverished economically and the people have been subjected to tumultuous political rule.

### Severe Lack of Basic Physical Security

Six months after the violent expulsion of the elected government, in September of 2004, the Inter-American Commission on Human Rights reported severe security problems in Haiti:

"The Commission is particularly concerned regarding the security situation in Haiti, where armed groups appear to control security in significant areas of the country and where the State is not providing effective protection to the people living in those regions. The Commission emphasizes the State's obligation to guarantee the safety of its population and to ensure their right to judicial protection, and calls upon the Haitian State to, in collaboration with the international community, take the urgent steps necessary to disarm these groups and ensure the security of the people." <sup>19</sup>

Since September 2004, the lack of security has continued and worsened.

Amnesty International reports that more than 600 people have died from violence since September 2004. <sup>20</sup> The OAS says "it is estimated that since September 30,

2004, over 600 people have been killed, including 19 police officers. Kidnappings, carjackings and other episodes of violence are rampant, particularly in the capital of Port-au-Prince, and incidents of arbitrary killings by the police have also been reported."<sup>21</sup>

The OAS concluded in April 2005 "The Commission\*s main concern at the conclusion of this visit relates to the lack of control over security in the country, which has deteriorated markedly since the Commission\*s last on-site visit in September of 2004."<sup>22</sup>

Why has security deteriorated? The OAS answers "there is an urgent need for greater action on the part of the international community, and corresponding cooperative efforts by the government of Haiti, to address the most pressing issues of insecurity, deficiencies in the justice system, and fundamental inadequacies in health care, employment, and education."<sup>23</sup>

The UN Security Council blamed the lack of security on many elements including political opponents of the current unelected regime:

"The mission was informed by various interlocutors that elements of insecurity included violent actions by supporters of former President Jean-Bertrand Aristide; elements of former military and armed gangs with ties to criminal elements such as drug traffickers and illegal arms dealers; and shifting affiliations."<sup>24</sup>

Whatever the source, it is clear this insecurity harms all sectors of Haitian society. As the Council on Hemispheric Affairs said in its May 2005 report, nine months after the Inter-American Commission report:

The consequence of this constant state of violence extends well beyond the emotional and physical pain of daily death and injury tolls; it also has a direct impact on civilian mobility, access to markets and public services, the prices of goods and services, as well as the likelihood of domestic and foreign investments. Furthermore, almost all of the island\*s humanitarian efforts and development projects have been immobilized by the presence of a variety of armed factions and the overall prevailing chaos.<sup>25</sup>

## Human Rights Violations by Haitian National Police (Police Nationale d'Haiti)

The Haitian National Police (HNP) is, since the disbandment of the army in 1995, the only official institution in charge of security in the country. Before the elected government was overthrown, the number of police officers in the country amounted to some 5,000 officers for a country of 8.5 million inhabitants. By June of 2004, the number of police officers was down to 2000.<sup>26</sup> In April 2005, after consulting widely with authorities in Haiti, the OAS reported there were between 3000 and 5000 police officers in the country- an incredible fact that indicates no one really even knows how many thousand police officers there are in Haiti.<sup>27</sup>

The UN Security Council called for the immediate reform of the HNP:

"Almost all the interlocutors stressed the importance of the professionalization of the Haitian National Police, which is the responsible authority for security and law and order in Haiti. However, the mission acknowledged that the police on their own could not yet adequately fulfil their tasks and exercise public security functions over the entire country, owing to the insufficient number of officers (although their exact number could not be established), lack of adequate training and equipment, a limited budget, and corruption. The mission expressed the view that the police should be reformed without delay."<sup>28</sup>

The shipment of U.S. arms could help the Haitian police provide security and tame armed factions, but the island's underlying problem is that the Haitian police possess almost no capacity for leadership. Many police officers are using their authority to improve their overall economic situation by taking bribes, some of them participate in drug trafficking operations or even carry out contract killings. Providing arms to such a dysfunctional body is not going to resolve the problem of violence in the country but rather only worsen an already debilitated situation.<sup>29</sup>

The UN Security Council April 2005 Haiti Mission report notes:

"The mission received reports that a culture of impunity remained pervasive, marked by arbitrary arrest, wrongful detention, inhumane prison conditions, excessive use of force, and extrajudicial executions."<sup>30</sup>

In its report of November 11, 2004, Amnesty International reported on a number of cases of police killings that occurred during its 18 day visit to the country and

"...concluded that there are serious problems with the functioning of the justice system in general and the functioning of the police in particular. These problems

must be addressed urgently by the transitional government. Amnesty International is deeply concerned at reports obtained from independent sources of serious human rights violations such as arbitrary arrests, ill-treatment in detention centres and extrajudicial executions carried out by members of the Haitian National Police (Police Nationale d'Ha\*ti).<sup>31</sup>

Amnesty International later reported, in April 2005:

The use of lethal and indiscriminate violence by the police to disperse and repress demonstrators only serves to increase tension in an already violence-torn country, said Amnesty International today as it condemned the repression against Lavalas Party supporters by Haitian National Police (HNP) officers in Port-au-Prince on 27 April....National Police officers have been reportedly involved in several summary and unlawful killings that still remain unresolved and whose perpetrators have not yet been held accountable."<sup>32</sup>

The weaknesses of the Haitian National Police are partly the result of and partially responsible for, corresponding weaknesses in the judiciary.

### Dysfunctional Judiciary

"A functioning judicial system is a crucial part of the framework for building a culture of human rights and establishing the secure and stable environment that has so long eluded the Haitian people."<sup>33</sup>

The judicial system of Haiti is functioning poorly. Only a tiny percentage of the people in Haiti\*s prisons have ever seen a judge.

The UN Security Council April 2005 report on Haiti severely criticized the

judiciary:

"The mission learned that the judicial system remained dysfunctional and Haitians perceive it to be corrupt and inefficient. Furthermore, some interlocutors pointed to the outdated legal codes and the process of appointing judges, as well as their low salaries and lack of training, as among the factors that have contributed to the present state of the judicial sector. In addition the mission learned that almost all of the detainees held prior to the breakout of 19 February at the National Penitentiary had long been in pre-trial detention and had not yet been heard by a judge. The mission also learned that the judicial system lacked basic equipment and infrastructure and had lost archival documents during incidents of unrest."<sup>34</sup>

Another major concern relates to weaknesses in the administration of justice in Haiti, some of which pre-date the present transitional government, as well as the ongoing problem of impunity. Deficiencies in the judicial system continue to include a severe shortage of resources for judges, magistrates, courts and the police as well as prevalent due process violations such as the prolonged detention of individuals without being brought before a judge. The Commission heard during the visit that the police force is comprised of only approximately 3,000 members, for a total population of over 8 million. At the same time, the Commission was informed that the government has developed a plan for recruiting and training additional members in the short and the long term. Similarly, information provided to the Commission indicated that members of the judiciary had received increases in their salaries, and that although the increases may still be insufficient, these measures constituted a first step in efforts to improve the administration of justice in the country.<sup>35</sup>

Likewise, Amnesty International US has expressed concerns about the Haitian judiciary:

Amnesty International is extremely concerned that Haitian judicial institutions have been further weakened by the recent political turmoil, making it difficult to hold authorities and armed opposition groups accountable for the deaths of hundreds of civilians since February 5.<sup>36</sup>

The Inter-American Commission on Human Rights of the OAS, in its 2004 annual report, said about Haiti's judiciary:

"The sources available to the Commission have indicated that the justice system remains severely weak and continues to suffer from fundamental failings. These include a severe shortage of resources for judges, magistrates, courts, and the police as well as prevalent due process violations such as the prolonged detention of individuals without being brought before a judge."<sup>37</sup>

The UN Security Council also observed:

The assessment of the situation of the former Prime Minister Yvon Neptune, raised concerns that, until the judiciary system in Haiti was reformed, human rights violations, especially in terms of due process would continue.<sup>38</sup>

In early May 2005, Haiti's Supreme Court overturned the November 2000 convictions of 15 former soldiers and paramilitaries for their participation in a 1994 bloody rampage through Raboteau that left at least 8 people dead. Human Rights Watch said: "Raboteau was perhaps the only time in Haiti that justice was achieved after a massacre, and in a scrupulously fair trial. To overturn that verdict is to say that the only justice possible in Haiti is the justice of those with guns. It's a sad day."<sup>39</sup>

It is noteworthy and troubling that the Haitian judiciary has been able to move to clear all charges against people convicted of massive human rights violations who are friends and supporters of the current unelected regime, while not able to bring even the most basic due process to bear in the unproven charges against Yvon Neptune, the former prime minister, and, as the next section will show, hundreds of others.

### Inhumane Jails and Prisons

"Indefinite detention without charge or trial, as a rule too often applied in Haiti, contravenes to fundamental human rights and to the country's main legislation."<sup>40</sup>

"The investigators made repeated visits to the single, 9 feet by 9 feet jail cell at the HNP Anti-Gang unit headquarters across from the National Palace. On the first visit, there were 42 prisoners in the cell, some already there for as long as 30

days. None had been brought before a magistrate, as required within 48 hours of arrest under the Haitian Constitution. All stated they were arrested for supporting Lavalas. All appeared to be extremely impoverished and many had no shoes or shirts."<sup>41</sup>

Where there is an impaired judiciary and an unprofessional police force, a dysfunctional penal system is one direct result.

In November 2004, Amnesty International complained that so many people were in jails and prisons unlawfully because they had not been seen by the judiciary or in accordance with law.<sup>42</sup>

Haiti's National Penitentiary has been the site of several disturbing events. On December 1, 2004, numerous inmates were killed in a highly contested action that still has not yielded a real number of deaths - which have variously been reported as a low of 7 and a high of several times that number.<sup>43</sup> In February 2005, there was a massive prison break, under highly unusual circumstances, where upwards of 500 inmates were freed.<sup>44</sup>

In their report of April 2005, the OAS reported:

"According to a November 2004 report by the Office of the Ombudsman, an average of approximately 90% of individuals held in detention centers in Haiti's 10 geographic departments have not been tried or convicted. For instance, the Commission visited the National Penitentiary and discovered that of the 1,054 inmates in the prison only 9 were convicted of any crime."<sup>45</sup>

The situation is so bad that Haitian officials informed UN Security Council members "that the backlog of cases is such that most of those imprisoned and awaiting trial in Haiti have already been incarcerated for longer periods of time than if they had been tried and found guilty." Even the US representatives spoke out: "We find this situation unacceptable. While there have been some and are some efforts under way to help build the Haitian judicial system, we believe they are insufficient."<sup>46</sup>

Persons confined in the jails and prisons of Haiti are usually kept in cells that are overcrowded, highly unsanitary and highly unsafe.<sup>47</sup> The observations of this author of numerous jails and prisons are: they all contain vast numbers of people who have never seen a judge and have no scheduled date to ever see a judge; are provided either no or insufficient food and must rely on food brought from friends or family or other prisoners; contain mixtures of adults and juveniles, non-violent and violent, mentally disabled and the physically ill, and even in one instance a young woman in

a cell with nearly twenty males.

The situation of the prisons is a denial of due process of law.<sup>48</sup>

### Absence of Due Process of Law

"Three days after taking office, Prime Minister Gérard Latortue \* sharing a platform with convicted murderer "Jean Tatoune" \* hailed the former insurgents as "freedom fighters". His remarks were all the more symbolic for being made during his visit to Gona\*ves, where the insurgents had burned the police station, chased off the police forces and freed the prisoners. According to later press reports, Prime Minister Latortue said that his government's priority would be the neutralization of the pro-Aristide chimères, whom he accused of being responsible for the country's insecurity, and of all Fanmi Lavalas partisans who had committed crimes, adding that this phase should be completed before the government would focus on the cases of violators of human rights during the period following the coup d'état of 1991 and on those responsible for other acts of violence."<sup>49</sup>

The UN Security Council noted the interplay between problems with the police, the judiciary and the penal system:

"The problems in the justice system and penal systems had compounded the human rights situation - for example, the arrest of suspects who were held in poor conditions and without trial for prolonged periods - and negatively affected the reconciliation process. The mission found that, for the police to operate effectively and in compliance with human rights standards, and to address the security situation, the judicial and penal systems need to be reformed. This was seen as an urgent task facing Haiti."<sup>50</sup>

The September 2004 report of the Inter-American Commission on Human Rights in Haiti criticized the lack of fairness and due process of law in the judicial system:

the State\*s obligation to end impunity for all human rights abuses through demonstrably fair and effective procedures that conform with international

standards, as well as the corresponding right of all persons to due process of law and to be heard by a competent, independent, and impartial tribunal, without discrimination of any kind.<sup>51</sup>

Haitian human rights lawyers have been subjected to repeated death threats.<sup>52</sup> One international human rights lawyer was denied entry into the country because of his association with the elected president.<sup>53</sup>

"In this respect, the Commission emphasizes the State\*s obligation to guarantee the right of all persons within its jurisdiction to due process which includes the right to know the charges against them and to be tried within a reasonable time. The State also has an obligation to end impunity for all human rights abuses through demonstrably fair and effective procedures that conform to international standards. The Commission therefore calls upon the government, in cooperation with the international community, to take the urgent measures necessary to have the legal status of all persons in detention judicially reviewed and clarified as to guarantee their right to due process under domestic and international law."<sup>54</sup>

Inadequate numbers and poorly trained and supervised police, a non-functioning judiciary, and inhumane prisons overflowing with people arrested under questionable circumstances, create

a toxic combination that overwhelms the rights of the people of Haiti to due process and respect of human rights.

### Violence Against Children

While there is officially sanctioned violence against citizens, as noted above, there is also violence by armed gangs and members of the disbanded army. Targets of this violence, whether officially sanctioned or not, are often the most vulnerable or the most outspoken.

Half of the population of Haiti is under 15 years of age and the UN Security Council noted efforts to combat child-trafficking in Haiti.<sup>55</sup>

The September 2004 Inter-American Human Rights Report observed:

It is also alleged that children have been the victims of child labor, kidnappings,

and the violence perpetrated by armed groups. The Commission reiterates the need for the State to take concrete steps to prevent conduct of this nature, including the effective investigation and prosecution of complaints of such acts.<sup>56</sup>

### Violence Against Women and Rape

Rape was highlighted as a severe human rights problem in the Inter-American human rights report in September of 2005,<sup>57</sup> and in the November 2004 report by Amnesty International.<sup>58</sup> The UN Security Council April 2005 Mission Report reported:

The mission acknowledged that the current climate of violence, insecurity and impunity marginalized Haitian women in the daily lives and, in particular, left them vulnerable to sexual violence.<sup>59</sup>

In March 2005, the Commission of Women Victims of Rape reported scores of rapes in poor neighborhoods of Port au Prince and called on MINUSTAH to take the issue of rape much more seriously. "The number of cases we have received from Village de Dieu and Cité Soleil alone shows us that MINUSTAH has failed to provide real security for women in these areas."<sup>60</sup>

The April 2005 report of the OAS underscored the importance of protection of women and children, especially from sexual violence:

The violence in Haiti continues to have a severe effect on the local population and has exacerbated the already desperate situation of women and children in the country. According to members of civil society, women and girls continue to be the victims of sexual violence by members of armed groups, gangs and others with impunity. Women in detention are held for prolonged periods and in inhumane conditions. While the Commission welcomes information indicating that a law has now been decreed in Haiti that renders rape a crime, it also emphasizes the need to enforce this law through effective investigation, prosecution and punishment.<sup>61</sup>

Rape is not likely to be reported to the Haitian National Police because, as one woman reported to Refugees International "A woman would never go to report a rape to the HNP - she is likely to be raped by them again."<sup>62</sup>

## Violence and Harassment Against Union Officials

Union officials who have been critical of the human rights record of the current regime in Haiti have been subjected to arbitrary and baseless detention, search and threat.<sup>63</sup>

## Violence and Harassment Against Journalists

Since March 2004, journalists have been subjected to threats and violence. The Amnesty International report of June 2004 detailed several instances of threats and attacks on journalists and radio stations that are considered "pro-Aristide."<sup>64</sup>

The OAS noted "In recent months, the Commission has received numerous reports of threats and attacks against members of nongovernmental organizations and the media, including the murder of journalists."<sup>65</sup>

The Committee for the Protection of Journalists lists details of numerous murders, attacks on individual reporters and radio and television stations, and threats to Haitian journalists since early 2004.<sup>66</sup>

## Violence and Harassment Against Lavalas

Harassment of supporters of President Aristide and the Lavalas party has been noted in many reports.<sup>67</sup>

In June 2004, Amnesty International pointed out:

One of the hallmarks of a functioning legal system is its ability to apply the rule of law impartially. Since coming to power, the interim government has swiftly moved to arrest members of the Fanmi Lavalas party suspected of acts of political violence or corruption, or has taken measures to prevent them from leaving the country, but has not demonstrated an equal commitment to act against accused or convicted perpetrators of grave human rights violations.<sup>68</sup>

In September 2004, the Inter-American Human Rights report noted:

In addition, the Commission received information and reports alleging acts of

violence against individuals based upon their affiliation, or perceived affiliation, with the former President and his political party. The Commission was also informed of acts of violence allegedly attributable to the supporters of the former government, including a recent incident in which the Secretary of State for Foreign Affairs of France was attacked while visiting a hospital in Cité Soleil. The Commission condemns incidents of this nature and emphasizes the State's obligation to investigate allegations of such violence and, where substantiated, prosecute and punish those responsible.<sup>69</sup>

### Violence Causes Humanitarian Crisis for People in Poorest Neighborhoods

In November 2004, Amnesty International alerted the world to the impending humanitarian crisis in Cite Soleil due to its isolation and violence between and among armed gangs:

"The rights to health, food, education and physical integrity of the inhabitants of this area of the capital are violated on a daily basis as a result of the closure of the hospital and schools and the difficulties in distributing food aid."<sup>70</sup>

This call for help for the people in the poorest neighborhoods is repeated by other human rights investigations.<sup>71</sup>

As a result of violence, the people in the poorest neighborhoods are cut off from medical help and other resources outside of their neighborhoods.

### Punishment of Dissent and Assembly

"Suspected dissidents fill the prisons, their Constitutional rights ignored. As voices for non-violent change are silenced by arrest, assassination, or fear, violent defense becomes a credible option. Mounting evidence suggests that members of Haiti's elite pay gangs to kill Lavalas supporters and finance the illegal army."<sup>72</sup>

## University of Miami Human Rights Report

The most prominent political prisoner in Haiti is Yvon Neptune, the former Prime Minister. At the time of this writing, he was on a hunger strike to protest his continued incarceration without legal charges. The former Prime Minister turned himself into authorities on June 27, 2004 after hearing on the radio that there was a secret warrant for his arrest. He has remained in prison without trial since that time. Despite an article in the Haitian constitution which requires that a person accused of a crime be brought before a judge within 48 hours, more than nine months passed without Neptune being brought before a judge. Only after starting a hunger strike and having a petition filed on his behalf with the Organization of American States did the government bring him before a judge - but no date has yet been set for a trial.<sup>73</sup>

Even the UN has questioned the continued imprisonment of Yvon Neptune.<sup>74</sup>

Another example is Fr. Gerard Jean-Juste, an outspoken advocate of democracy and non-violent action, who was violently arrested on October 13, 2004 while feeding hundreds of children at his Port au Prince church. Children were shot by the police who were all clothed in black and wearing ski masks. Despite an international uproar, Fr. Jean-Juste remained in prison until being released on November 29, 2004 when a judge found there was no evidence to hold him.<sup>75</sup>

As Human Rights Watch reported, "Detainees included Yvon Feuille, the president of the Haitian Senate, and two other politicians associated with the Aristide government, who were arrested on October 2 at Radio Caraibes in Port-au-Prince. Indeed, hundreds of Aristide supporters were reportedly arrested on suspicion of involvement in violence. Whether the police have evidence to justify some of the arrests is far from clear."<sup>76</sup>

Other high-profile dissidents, like Minister of the Interior Jocelyn Privert, and former mayor of Port au Prince, Harold Severe, remain in jail.

If the unelected government feels it has the impunity to handle these high-profile dissidents like this, consider how the poor dissident must be treated.

On September 30, 2004, Haitian National Police shot at unarmed demonstrators who were marching for the return of President Aristide and the return of constitutional government. On the same day, other demonstrators from Cite Soliel who were trying to meet up with the larger group were shot at by armed gangs friendly to the unelected government.<sup>77</sup>

On November 10, 2004, an attempted peaceful march in Bel Air, a poor area of Port au Prince, was ended when HNP shot into the crowd and 200 demonstrators were forced down in the street, beaten and taken to jail.<sup>78</sup>

Two persons were killed and several others wounded when police opened fire on the

nonviolent march for democracy on February 28, 2005.<sup>79</sup>

Five persons were killed while marching nonviolently on April 27, 2005. Witnesses said police drove up behind the march and shot into the crowd as it approached UN headquarters. The police made no attempt to disguise themselves, wearing riot gear uniforms and ski masks and driving in police pickups.<sup>80</sup>

The UN Security Council Report notes the position of the unelected regime about democratic marches:

"The mission learned from some interlocutors that frequent, possibly manipulated and rapidly organized demonstrations expressing political discontent also destabilized the security situation. Haitian authorities noted their lack of information about the people involved in those groups had complicated their ability to deal with the different elements in a fair and equitable manner."<sup>81</sup>

Dissent and the right to assemble and protest are dangerous rights to exert in Haiti.

#### Disarmament and US Shipment of Arms to Haiti

All human rights organizations have called for disarmament in an effort to stop the violence.

Even the UN Security Council, in one of their rare direct criticisms of the unelected government in Haiti observed:

"The unified commitment of the Transitional Government to a comprehensive approach to disarmament, demobilization and reintegration was found questionable."<sup>82</sup>

The April 2005 OAS Haiti report concluded that there are many, many weapons and no systematic disarmament has taken place.

"Prior to and during this visit, the Commission collected information indicating that thousands of weapons remain in the hands of illegal armed groups, gangs,

and other unauthorized persons. The Commission found that no systematic or comprehensive disarmament initiative has yet been undertaken and encourages the rapid implementation of the disarmament, demobilization and reintegration program."<sup>83</sup>

Despite the universal call for disarmament, the US has shipped weapons to Haiti and is promising to ship more.

A Geneva-based group, the Small Arms Survey, financed by the Swiss government, says that 5,435 military-style weapons, 4,433 handguns and about 1 million assorted rounds of ammunition, valued at \$6.95 million, reputedly entered Haiti from the United States in 2004 for use by the Haitian national police. The US State Department contests that report but admits giving 2600 used weapons to the Haitian National Police.<sup>84</sup>

The U.S. State Department plans to notify Congress\* House International Relations Committee in early May 2005 that it is moving to approve the export of 3,000 .38-caliber revolvers, 500 9mm pistols, 500 12-gauge shotguns, 200 Mini-14 rifles and 100 M4 carbines to Haiti.<sup>85</sup>

With the severe security problems in Haiti, arming the police would seem to be a part of the solution, however, as COHA noted in their May 2005 report, that is not actually true unless and until the police are professionalized and brought under civilian control.<sup>86</sup>

Disarmament will be very challenging as there is no single strategy which will work for all the armed groups. COHA elaborates on the conclusions of the small-arms survey:

It also suggests that "strategies to reduce armed violence and permanently remove weapons from society will therefore require an approach tailored to political, social, and economic dynamics of specific communities, entailing a process of painstaking negotiation with brokers, religious figures and politico-military leadership, as well as the provision of differentiated incentives." Therefore, Haiti needs a framework for embarking on sustainable and the meaningful disarmament and demobilization of unauthorized weaponry.<sup>87</sup>

Disarmament needs to be a real goal and the US should cease and desist its destabilizing policy.

## Outlook for Elections

"The worsening security situation in Haiti threatens to throw forthcoming elections into chaos unless urgent action is taken to curb the violence."<sup>88</sup>

Catholic Institute for International Relations, London, May 9, 2005.

October 9 is earmarked for municipal elections, November 13 for congressional and presidential elections, with a possible runoff in December 18.<sup>89</sup>

Prior to the elections, Haiti is trying to register all 4 million people eligible to vote at 400 sites where they can be issued a national identity card and a voter registration form. Security problems and delays in beginning the voter registration program threaten the ability to get all people registered to vote.<sup>90</sup>

The UN said that lack of security, budget deficits in the electoral process, the large numbers of parties and candidates and problems with voter registration all put the electoral process in peril, adding in understatement:

"Conducting credible elections for an estimated 4.25 million voters in country where there is no infrastructure (roads and electricity) and no existing voter list is a challenge."<sup>91</sup>

The UN Security Council report underscored the importance of elections but also cautioned not to expect elections alone to solve Haiti's deep problems:

"While elections were seen as a first and essential step in the process, they were not seen as the comprehensive solution to the crisis. The process of stabilization and normalization in a number of areas, being addressed in parallel, would need to continue for some time."<sup>92</sup>

The subject of elections is a complex one as the Un has noted, because there are "some 90 registered political parties and a myriad of civil society organizations."<sup>93</sup>

Further, some of the leadership of Fanmi Lavalas, which has lately been the largest political party, has indicated they do not plan to participate in the elections unless political prisoners are freed and President Aristide is allowed to return to the country (those others are planning on going forward and participating).<sup>94</sup>

"Also of concern to the Commission are the threats that widespread violence in the country pose to the elections scheduled to take place in October and November of this year. A secure environment for political debate, campaigning and voting is essential for free and fair elections to take place. Urgent measures must therefore be taken to suppress the violence and to ensure that arrangements for elections proceed expeditiously, including completing the registry process and facilitating other preparations by the Provisional Electoral Council. In this connection, the Commission was pleased to learn of the creation of a national identity card that will not only permit Haitians to vote, but will also provide them with identification for other pertinent purposes, thereby giving effect to the right of all persons to an identity. Further, the Commission is hopeful that the National Dialogue process, which commenced approximately two weeks ago, will succeed in moving all Haitians, including its various political groups, beyond confrontation and toward reconciliation, which is essential to the future prosperity of the country."<sup>95</sup>

### Addressing Poverty

"The mission was reminded of the enormous development challenges in Haiti which, in fact, represent a situation worse in many aspects than countries that have undergone years of conflict. The mission was informed that, owing to the country's dire economic, social and political plight, there was little hope that Haiti - where public health indicators are the worst in the region, life expectancy is 50 years and infant mortality is 80 per 1,000 - would achieve any of the UN Millennium Development Goals until 2015, unless a focused and urgent international cooperation initiative were launched for that purpose."<sup>96</sup>

"The Commission has once again taken note that fundamental problems such as extreme poverty, high illiteracy and malnutrition continue to deprive Haitians of fundamental economic, social and cultural rights and at the same time exacerbate the consequences resulting from denials of basic civil and political rights. The Commission recognizes that this presents a formidable challenge to the Haitian State and urges the government, in cooperation with all sectors of society and

with the support of the international community, to design and implement a plan for development that will address the fundamental economic and social needs of each Haitian citizen."<sup>97</sup>

When the OAS reported again in April of 2005, they noted:

"the Commission emphasizes that respect for the fundamental civil and political rights of the Haitian people cannot be achieved fully without corresponding efforts to address the severe social and economic problems in the country, including poverty, lack of access to adequate health care, unemployment and illiteracy. In this regard, the information received by the Commission indicates that more than 80% of the populations in Haiti live below the poverty line and more than two-thirds of the labor forces do not have formal jobs. The conditions of health care are substandard and only 53% of the total population are considered literate."<sup>98</sup>

The UN Security Council agreed saying:

"While not minimizing past decisions and actions, most interlocutors pointed to poverty and unemployment as the root causes of the instability."<sup>99</sup>

Questions for the United Nations

"UN police and soldiers, unable to speak the language of most Haitians are overwhelmed by the firestorm [of violence]. Unable to communicate with the police, they resort to heavy-handed incursions into the poorest neighborhoods that force intermittent peace at the expense of innocent residents."

University of Miami Human Rights Report, November 11-21, 2004. <sup>100</sup>

The United Nations' Stabilization Mission in Haiti (MINUSTAH) has been mandated by the UN Security Council to support the constitutional and political process, governance and development and assist in maintaining public safety and public order. MINUSTAH also has a strong mandate to support the transitional government and

Haitian human rights institutions in promoting and respecting human rights, to assist in the reform and institutional strengthening of the judiciary and with disarmament programs.

In the only comprehensive human rights report evaluating the role of MINUSTAH, Harvard Law Student Advocates for Human Rights and the Centro de Justicia Global of Brazil, reported in March of 2005 concluded that MINUSTAH, in its eight months of operation, has made little progress on any of its mandates.<sup>101</sup>

MINUSTAH has not realistically even begun a disarmament process - "leaving large pockets of the country effectively ruled by illegal groups with guns and other weapons. Large swaths of poor countryside remain under the control of the former military, historically the major force behind coup d\*etats and among the foremost violators of human rights."<sup>102</sup>

Human rights have not been protected by MINUSTAH. Numerous violations of abuses by the Haitian National Police (including everything from arbitrary arrest and detention to disappearances, executions and mass graves) have not been investigated. MINUSTAH has been accused of providing cover for the HNP to commit atrocities in the poorest areas of Port au Prince and even in engaging in human rights violations directly.<sup>103</sup> In fact, as a result of working with MINUSTAH, the HNP was "more aggressive in its neighborhood sweeps than before MINUSTAH\*s arrival. Notably, before MINUSTAH\*s arrival, the HNP refused to enter certain neighborhoods. Now, in cotrast, the HNP either conducts operations with UN troops at its back or begins neighborhood sweeps confident that, should their officers need backup, they need only summon MINUSTAH."<sup>104</sup>

The report examines all phases of the MINUSTAH operation and concludes that: "After eight months under MINUSTAH\*s watch, Haiti is as insecure as ever."<sup>105</sup>

In June of 2004, Amnesty International suggested eleven goals for MINUSTAH in its tenure in Haiti: disarmament; rebuild the judiciary, police and prison system; promote and protect human rights and end impunity; investigate human rights complaints and protect those who lodge complaints; promote the rule of law; cooperate with the Haitian government and grassroots organizations; take special measures to protect women and children from violence; recruit international police to assist with the restructuring and retraining of the Haitian police; adopt clear benchmarks for measuring human rights progress; develop gender-sensitive poverty reduction and development strategies; ensure that international peace-keeping troops adhere to international human rights standards.<sup>106</sup>

What grade would you give them on these eleven goals? They have cooperated with the government. They have recruited international police to work with the Haitian police.

The UN does note that their mission is hampered by an insufficient number of MINUSTAH French-speaking personnel.<sup>107</sup>

The UN gives itself rather good grades for its work, but the goals of AI remain unaddressed.

### Questions for the International Community

Amnesty International made three recommendations to the international community in its report of June 2004:

1. Make a long-term commitment to assist Haiti as requested by the UN Secretary-General. The re-establishment of the rule of law and institutional building will take many years to achieve and to be sustainable. The ending of poverty in a country with the highest rate of child mortality in the region requires an equal long term commitment. Political capital and financial resources should be committed to that end, including at the forthcoming donors conference in July 2004.
2. To provide well trained peace-keeping troops, including in accordance with the recommendations in Security Council resolution 1325 (2000) on women, peace and security, and with the necessary logistical support to MINUSTAH to enable its deployment as quickly as possible in all parts of the country. French speaking countries are particularly urged to provide personnel.
3. Ensure that the mandate of MINUSTAH is regularly renewed as required in accordance with the wish of the UN Secretary-General to provide Haiti with the continuity necessary to stabilize the country and sustain the international effort to build a better future. The "stop-start" cycle of some 10 international missions in 10 years must be broken, in order to help Haiti forge a permanent solution to its ongoing political, financial and human rights crisis.<sup>108</sup>

The April 2005 report of the OAS, titled "IACHR Calls for Greater International Action in Haiti" concluded by observing:

"The Prime Minister informed the Commission that despite these desperate conditions, only 10% of the approximately US \$1.4 billion pledged by donors in 2004 was actually disbursed. In this context, the international community, including Member States of the OAS, with the collaboration of the Haitian government, must make every effort to ensure the funds and other resources pledged to Haiti are delivered and distributed on an urgent basis. By releasing

pledged funds, the most immediate state functions such as education, health care and employment creation, as well as security and the proper functioning of the police and the courts, can be addressed. Haiti must be provided with the capacity to ensure its stability and prosperity in the longer term."<sup>109</sup>

How well has the international community done?

Conclusion

"There can be no trust and reconciliation while human rights violations continue."<sup>110</sup>

UN Security Council April 2005 Mission Report

List of Recent Human Rights Reports about Haiti:

U.S. Department of State Haiti Country Report, February 25, 2004.<sup>111</sup>

National Lawyers Guild Report of March 29-April 5, 2004.<sup>112</sup>

Amnesty International Report, "Haiti: Breaking the cycle of violence: A last chance for Haiti," June 20, 2004.<sup>113</sup>

Committee to Protect Journalists, "Taking Sides," July 26, 2004.<sup>114</sup>

The Inter-American Commission on Human Rights in Haiti, September 7, 2004.<sup>115</sup>

Amnesty International Report of Haiti visit, released November 11, 2004.<sup>116</sup>

Thomas Griffin, "Haiti Human Rights Investigation November 11-21, 2004," University of Miami School of Law Center for the Study of Human Rights.<sup>117</sup>

Brian Concannon Jr., "Haitian Government Mounts Illegal Arrests of Priest and Dissidents," Americas Program, November 17, 2004.<sup>118</sup>

UNDP/Government of Haiti, "A Common Vision of Sustainable Development", National Report on the Millennium Goals for Development (2004).<sup>119</sup>

Inter-American Commission on Human Rights of the OAS, 2004 Annual Report, Paragraphs 101-149. <sup>120</sup>

Harvard Clinical Advocacy Project and Centro de Justicia Global Brazil, "Keeping the Peace in Haiti?: An Assessment of the United Nations Stabilization Mission in Haiti Using Compliance with its Prescribed Mandate as a Barometer for Success." March 2005. <sup>121</sup>

Council on Hemispheric Affairs, "Imprisoned Without Charge: Yvon Neptune and Haiti\*s Political Prisoners," March 14, 2005. <sup>122</sup>

Refugees International, "Haiti: UN Civilian Police Require Executive Authority," March 14, 2005. <sup>123</sup>

The Position of AUMOHD on the Socio-political Situation, Human Rights, and the Next Electoral Contest in Haiti, March 28, 2005. <sup>124</sup>

Amnesty International Briefing for UN Security Council, April 8, 2005. <sup>125</sup>

Habitat International Coalition, "Fact-finding and Solidarity Mission to Haiti," April 12, 2005. <sup>126</sup>

Human Rights Watch, "Hundreds Killed Amid Rampant Impunity," April 14, 2005. <sup>127</sup>

Hastings Human Rights Project for Haiti, Inter-American Commission on Human Rights Complaint on Behalf of Yvon Neptune, April 20, 2005. <sup>128</sup>

Organization of American States Report on Haiti, "IACHR Calls for Greater International Action in Haiti," April 22, 2005. <sup>129</sup>

Amnesty International, "Haiti: National Police must be held accountable for killings of civilians," April 29, 2005 <sup>130</sup>

Council on Hemispheric Affairs, "Haiti: Few Reasons for Optimism, Many Reasons for Despair," May 3, 2005. <sup>131</sup>

"Report of the Security Council Mission to Haiti, 13 to 16 April 2005," S/2005/302 Released May 6, 2005. <sup>132</sup>

"Haiti: election dates set as security deteriorates," Catholic Institute for International Relations, (hereafter CIIR), May 9, 2005.<sup>133</sup>

<sup>1</sup> "Report of the Security Council Mission to Haiti, 13 to 16 April 2005," S/2005/302 Released May 6, 2005, paragraph 11.

<sup>2</sup> UN Security Council Report on Haiti Mission April 2005, para 42.

<sup>3</sup> Paul Farmer, THE USES OF HAITI 63 (second edition 2003).

<sup>4</sup> Farmer, supra, at 90-105.

<sup>5</sup> Farmer, 105.

<sup>6</sup> See 1989 Haiti Report on website of Human Rights Watch, [www.hrw.org](http://www.hrw.org)

<sup>7</sup> Human Rights Watch, Thirst for Justice: A decade of impunity, 1996 Report.

<sup>8</sup> Human Rights Watch, Haiti Country Report 1995.

<sup>9</sup> Human Rights Watch, Haiti Country Report 1996.

<sup>10</sup> Human Rights Watch, Haiti Country Report 1997.

<sup>11</sup> Human Rights Watch, Haiti Country Report 2002.

<sup>12</sup> Voice of America, "Point of View: Haiti One Year Later," April 27, 2005. 2005 WLNR 6586858.

<sup>13</sup> UN Security Council Resolution 1542, April 30, 2004.

[http://daccessdds.un.org/doc/UNDOC/GEN/N04/332/98/PDF/N0433298.pdf?](http://daccessdds.un.org/doc/UNDOC/GEN/N04/332/98/PDF/N0433298.pdf?OpenElement)  
OpenElement

(Last reviewed 5.5.05)

<sup>14</sup> Country Report, US State Department, February 2005.  
<http://www.state.gov/r/pa/ei/bgn/1982.htm>

<sup>15</sup> Amnesty International Report, June 20, 2004.

<sup>16</sup> CDC, <http://www.cdc.gov/nchstp/od/gap/countries/haiti.htm>

<sup>17</sup> Anoop Shah, "Haiti and Human Rights," Human Rights for All,  
<http://www.globalissues.org/HumanRights/Abuses/Haiti.asp> (Last visited 4.25.05)

<sup>18</sup> "UN Report: Haiti headed down the tubes," Washington Times, November 18, 2004. [http://www.haiti-news.com/article.php3?id\\_article=3078](http://www.haiti-news.com/article.php3?id_article=3078)

<sup>19</sup> Report of Inter-American Commission on Human Rights in Haiti, September 7, 2004.

<sup>20</sup> "More than a year after a transitional government was put in place in Haiti, following the ousting of former President Jean-Bertrand Aristide by an armed rebellion, the human rights situation has deteriorated gravely. Since September 2004, the violence has escalated to worrying proportions and the number of victims according to recent reports exceeds 600 despite the presence of a nearly 7,000 strong UN contingent mandated to secure the country and protect the population. National Police officers have been reportedly involved in several summary and unlawful killings that still remain unresolved and whose perpetrators have not yet been held accountable." AI Press Release, April 29, 2005.

<sup>21</sup> OAS Haiti Report, April 22, 2005.

<sup>22</sup> OAS Haiti Report, April 22, 2005.

<sup>23</sup> OAS Report, April 22, 2004.

<sup>24</sup> UN Security Council Report of April 2005 Visit, paragraph 14.

<sup>25</sup> COHA Report, May 3, 2005.

<sup>26</sup> AI report, June 20, 2004.

<sup>27</sup> OAS Haiti report, April 22, 2005. The exact quote is: "For example, estimates of the total number of police in the country remain between 3,000 and 5,000 for a total population of over 8 million, and the police force lacks sufficient essential equipment such as vehicles and firearms."

<sup>28</sup> UN Security Council Report on Haiti, April 2005, para 22.

<sup>29</sup> COHA, May 2005 report.

<sup>30</sup> UN Security Council Report on Haiti Mission April 2005, para 42.

<sup>31</sup> AI report November 11, 2004.

<sup>32</sup> AI USA April 29, 2005.

<sup>33</sup> AI Report, June 2004.

<sup>34</sup> UN Security Council April 2005 Haiti Mission Report, para 52.

<sup>35</sup> Report of Inter-American Commission on Human Rights in Haiti, September 7, 2004.

<sup>36</sup> <http://www.amnestyusa.org/countries/haiti/summary.do>

<sup>37</sup> Inter-American Commission on Human Rights of the OAS, 2004 Annual Report, Paragraph 132.

<sup>38</sup> UN Security Council Mission to Haiti April 2005 Report, para 44.

<sup>39</sup> Reed Lindsay, "Haiti\*s \*huge step forward\* pushed back; Court quashes milestone massacre convictions; Ruling wipes out historic human rights victory," Toronto Sun, May 14, 2005. 2005 WLNR 7620446

<sup>40</sup> AI USA, " Haiti: Illegal and arbitrary arrests continue -- Human rights hampered amid political violence" October 19, 2004.

<sup>41</sup> University Miami Human Rights Report, page 18.

<sup>42</sup> "Amnesty International is also surprised at the increasing number of people who the National Police are holding without following legal procedures. The fact that several of those arrested have been held for long periods without charge therefore makes such arrests unlawful." AI Report November 11, 2004.

<sup>43</sup> "Peacekeepers patrol Haiti\*s capital after day of violence," Associated Press, December 3, 2004. 2004 WLNR 13043202.

<sup>44</sup> Kathie Klarreich, "A Year after Aristide Ouster Haiti is Remarkably Unchanged," Christian Science Monitor, February 28, 2005. 2005 WLNR 2995836.

<sup>45</sup> OAS Haiti Report, April 22, 2005.

<sup>46</sup> Edith M. Lederer, "US: Haiti Judicial System Needs Reform," May 14, 2005, GUARDIAN.

<sup>47</sup> U. Miami Human Rights Report, pages 18-19.

<sup>48</sup> OAS Haiti Report, April 22, 2005. "In this respect, the Commission emphasizes the State\*s obligation to guarantee the right of all persons within its jurisdiction to due process which includes the right to know the charges against them and to be tried within a reasonable time. The State also has an obligation to end impunity for all human rights abuses through demonstrably fair and effective procedures that conform to international standards. The Commission therefore calls upon the government, in

cooperation with the international community, to take the urgent measures necessary to have the legal status of all persons in detention judicially reviewed and clarified as to guarantee their right to due process under domestic and international law."

<sup>49</sup> AI Report, June 2004.

<sup>50</sup> UN Security Council April 2005 Haiti Mission Report, para 53.

<sup>51</sup> Report of Inter-American Commission on Human Rights in Haiti, September 7, 2004.

<sup>52</sup> AI, November 2004, "Human rights defenders at risk: Rénan Hédouville and other members of CARLI, and lawyer Mario Joseph."

<sup>53</sup> Joe Mozingo, "Citing Aristide ties, Haiti bars U.S. attorney from entering country," Knight Ridder Newspapers, March 7, 2005.

<sup>54</sup> OAS Haiti Report, April 22, 2005.

<sup>55</sup> UN Security Council April 2005 Mission Report, para 48.

<sup>56</sup> Report of Inter-American Commission on Human Rights in Haiti, September 7, 2004.

<sup>57</sup> Report of Inter-American Commission on Human Rights in Haiti, September 7, 2004.

<sup>58</sup> "Amnesty International has also received eyewitness accounts of the gang rape of women by armed individuals. As well as suffering physical and psychological abuse, the victims of such abuses have no access to medical attention or legal advice." AI Report November 11, 2004.

<sup>59</sup> UN Security Council April 2005 Mission Report, para 48.

<sup>60</sup> Commission of Women Victims for Victims, statement on International Women\*s Day, March 8, 2005. [http://www.ijdh.org/articles/article\\_recent\\_news\\_march-8.html](http://www.ijdh.org/articles/article_recent_news_march-8.html)

<sup>61</sup> OAS Haiti Report, April 22, 2005.

<sup>62</sup> "Haiti: UN Civilian Police Require Executive Authority," RI Bulletin, March 14, 2005, Refugees International.

<sup>63</sup> April 19, 2005, Haitian police made an illegal warrantless arrest of Ginette Apollon, President of the National Commission of Women Workers (CNFT), and Paul Loulou Chéry, President of the Confederation of Haitian Workers (CTH). They were arrested at the airport, as Apollon was returning from a labor solidarity conference in Venezuela. The police questioned them about their solidarity work for several hours on Tuesday, and called them in for more questioning on Wednesday and Friday. After Friday\*s interrogation, Apollon and Chéry were allowed to go pending police review of the interrogation notes. The police confiscated their telephones and a laptop computer. Apollon, who suffers from high blood pressure, needed to be hospitalized during Tuesday\*s ordeal. See [www.ijdh.org](http://www.ijdh.org)

<sup>64</sup> AI Report, June 2004.

<sup>65</sup> OAS Haiti Report, April 22, 2005.

<sup>66</sup> See Website of Committee to Protect Journalists, [www.cpj.org](http://www.cpj.org) and look at cases reported in Haiti for 2004 and 2005.

<sup>67</sup> AI Report, June 2004: "Supporters of former President Aristide have suffered abuses ranging from threats to kidnapping and extrajudicial killings, especially in the poorer areas of Port-au-Prince where the former President garnered most support. Many of the victims were members of grassroots organizations who had been victims of human rights violations during the 1991-1994 military regime and who had been involved in actions seeking redress for these crimes, and who had also become politically involved in support of the Fanmi Lavalas regime."

<sup>68</sup> AI Report, June 2004.

<sup>69</sup> Report of Inter-American Commission on Human Rights in Haiti, September 7, 2004.

<sup>70</sup> AI report November 11, 2004: "Lastly, Javier Zúñiga warned the interim government of the impending humanitarian crisis developping in Cité Soleil in the absence of any state authorities. Cité Soleil is under complete control of politically- and criminally-motivated rival armed groups. The population of Cité Soleil reportedly has no freedom of movement. The rights to health, food, education and physical integrity of the inhabitants of this area of the capital are violated on a daily basis as a result of the closure of the hospital and schools and the difficulties in distributing food aid."

<sup>71</sup> See, e.g. U Miami Human Rights Report on pages 2-12.

<sup>72</sup> U Miami Report, page i.

<sup>73</sup> See Petition for Yvon Neptune filed with the Inter-American Commission on Human Rights, [http://ijdh.org/pdf/YvonNeptuneIACHRPetition\\_ENU.pdf](http://ijdh.org/pdf/YvonNeptuneIACHRPetition_ENU.pdf)

<sup>74</sup> UN Security Council April 2005 Mission Report page 11.

<sup>75</sup> Ben Terrall, "Democracy\*s Death: Haitian Dissidents Find Themselves the Target of Massive Repression," IN THESE TIMES, May 12, 2005.

<sup>76</sup> Human Rights Watch, Haiti Country Report 2005.

<sup>77</sup> U Miami Report, page 3.

<sup>78</sup> U Miami Report, page 10-11.

<sup>79</sup> Bill Quigley, "Haitian Police Open Fire on Nonviolent March for Democracy," February 28, 2005.

<sup>80</sup> "Demonstrators killed in Haiti," Windsor Star, April 28, 2005. 2005 WLNR 6704283.

<sup>81</sup> "Report of the Security Council Mission to Haiti April 2005," paragraph 14.

<sup>82</sup> UN Security Council Mission to Haiti April 2005 Report, para 27.

<sup>83</sup> OAS Haiti Report, April 22, 2005.

<sup>84</sup> Reed Lindsay, "US gave guns to Haiti," Washington Times, April 24, 2005, 2005 WLNR 6428013.

<sup>85</sup> Michael Weissenstein, "Officials: US Arms Haiti Police," Associated Press, Fort-Worth Star-Telegram, April 22, 2005. 2005 WLNR 6279667.

<sup>86</sup> The shipment of U.S. arms could help the Haitian police provide security and tame armed factions, but the island's underlying problem is that the Haitian police possess almost no capacity for leadership. Many police officers are using their authority to improve their overall economic situation by taking bribes, some of them participate in drug trafficking operations or even carry out contract killings. Providing arms to such a dysfunctional body is not going to resolve the problem of violence in the country but rather only worsen an already debilitated situation. COHA, May 2005 report.

<sup>87</sup> COHA May 3, 2005.

<sup>88</sup> "Haiti: election dates set as security deteriorates," Catholic Institute for International Relations, (hereafter CIIR), May 9, 2005.

<sup>89</sup> "Haiti: election dates set as security deteriorates," CIIR, May 9, 2005. Carol Williams, "Aristide party factions take varied paths," March 9, 2005, Los Angeles Times.

<sup>90</sup> COHA, May 3, 2005 report notes: "The OAS and the interim government hope to eventually open more than 400 sites throughout the country where Haitians can receive a form that will serve as a fraud-resistant voter registration document and a new national identification card. *Reuters* reported that, Charles Henry Baker, a local businessman and a member of the broad-based opposition coalition that includes business associations and civic groups, asserted that "companies that bid for contracts with the electoral council had all specified that the registration of the country's 4 million voters would require a minimum of six months. If the council cannot find enough time to register people, it will have to postpone the election."

<sup>91</sup> Un Security Council Report on April 2005 Haiti visit, para 39.

<sup>92</sup> Report of the Security Council Mission to Haiti April 2005, paragraph 12.

<sup>93</sup> UN Security Council April 2005 Report, para 31.

<sup>94</sup> Carol Williams, "Aristide party factions take varied paths," March 9, 2005, Los Angeles Times.

<sup>95</sup> OAS Haiti Report, April 22, 2005.

<sup>96</sup> UN Security Council April 2005 Haiti Mission Report, para 47.

<sup>97</sup> Inter-American Human Rights report, September 7, 2004.

<sup>98</sup> OAS Haiti Report, April 22, 2005.

<sup>99</sup> Report of the Security Council Mission to Haiti, April 2005 paragraph 12.

<sup>100</sup> Thomas Griffin, "Haiti Human Rights Investigation November 11-21, 2004," University of Miami School of Law Center for the Study of Human Rights - hereafter U. Miami Report. At I.

<sup>101</sup> Harvard Clinical Advocacy Project and Centro de Justicia Global, "Keeping the Peace in Haiti?: An Assessment of the United Nations Stabilization Mission in Haiti Using Compliance with its Prescribed Mandate as a Barometer for Success." March 2005. (Hereafter called the Harvard Report).

<sup>102</sup> Harvard Report, pages 1, 42 - 47.

<sup>103</sup> Harvard Report, pages 1, 36 - 41.

<sup>104</sup> Harvard Report, page 38.

<sup>105</sup> Harvard report, page 1.

<sup>106</sup> AI June 2004 Report, section titled "Recommendations to the United Nations Stabilization Mission in Haiti (MINUSTAH)."

<sup>107</sup> UN Security Council Report April 2005, paragraph 25.

<sup>108</sup> AI Report, June 2004.

<sup>109</sup> OAS Haiti Report, April 22, 2005.

<sup>110</sup> UN Security Council April 2005 Mission Report, para 84.

<sup>111</sup> <http://www.state.gov/g/drl/rls/hrrpt/2003/27902.htm> (Last visited 4.25.05).

<sup>112</sup> [http://www.nlg.org/programs/international/Haiti\\_delegation\\_report1.pdf](http://www.nlg.org/programs/international/Haiti_delegation_report1.pdf) (last visited 4.25.05)

<sup>113</sup> <http://www.amnestyusa.org/countries/haiti/document.do?id=6C8D72F03D69A0E480256EB30041D1E7>

<sup>114</sup> [http://www.cpj.org/Briefings/2004/haiti\\_7\\_04/haiti\\_7\\_04.html](http://www.cpj.org/Briefings/2004/haiti_7_04/haiti_7_04.html) (Last viewed 4.25.05).

<sup>115</sup> <http://www.haitipolicy.org/content/2612.htm>

<sup>116</sup> <http://www.amnestyusa.org/countries/haiti/document.do?id=1C275D2082370EA380256F4E0047AC20>

<sup>117</sup> <http://www.law.miami.edu/news/368.html> (Last visited 4.25.05)

<sup>118</sup> <http://www.americaspolicy.org/commentary/2004/0411haiti.html> (Last visited 4.25.05).

<sup>119</sup> UNDP/Government of Haiti, "A Common Vision of Sustainable Development", National Report on the Millennium Goals for Development (2004), available at <http://www.ht.undp.org/OMD/>.

<sup>120</sup> <http://www.oas.org/main/main.asp?sLang=E&sLink=http://www.oas.org/OASpage/eng/latestnews/latestnews.asp>

<sup>121</sup> [http://www.law.harvard.edu/programs/hrp/CAP/Text/Haiti\\_English\\_Final.pdf](http://www.law.harvard.edu/programs/hrp/CAP/Text/Haiti_English_Final.pdf)

<sup>122</sup> [http://www.coha.org/NEW\\_PRESS\\_RELEASES/New\\_Press\\_Releases\\_2005/05.320Haiti%20Neptune%20the%20one.htm](http://www.coha.org/NEW_PRESS_RELEASES/New_Press_Releases_2005/05.320Haiti%20Neptune%20the%20one.htm) (Last viewed 4.25.05)

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<sup>133</sup> <http://www.ciir.org/Templates/Internal.asp?NodeID=91685>