

HAITI

Worsening human rights conditions, mounting political turmoil, and a declining economy marked President Jean-Bertrand's Aristide first year back in office. The investigation into the murder of crusading journalist Jean Dominique reached a standstill, with the judge assigned to the case receiving little cooperation from the police and other government bodies. The work of human rights defenders became increasingly dangerous, as several received serious death threats.

HUMAN RIGHTS DEVELOPMENTS

Aristide won the presidency in November 2000, in an election that was boycotted by credible opposition candidates because of the government's failure to remedy the deeply flawed results of the May 2000 legislative and local elections. The Organization of American States (OAS) and other international observers refused to monitor the November balloting, in which Aristide faced no serious challengers.

During meetings with U.S. Special Envoy Tony Lake in December 2000, Aristide committed to undertaking a series of steps to address the country's serious problems. The reforms he promised—which included remedying the results of the May 2000 elections, professionalizing the police and judiciary, and strengthening democratic institutions—were urgently needed. Unfortunately, over the course of the year, Aristide showed little inclination to follow through on his promises.

Despite many millions in international aid hanging in the balance, progress toward resolving Haiti's political crisis was painfully slow. As of late November, no agreement had yet been reached between Fanmi Lavalas, the party of President Aristide, and the Democratic Convergence, the main opposition coalition. Talks in October brokered by OAS envoy Luigi Einaudi, the latest in a long series of negotiations, broke down almost immediately. Although the two sides had tentatively agreed to hold new legislative elections in November 2002, they were unable to resolve other areas of disagreement.

The country's polarization raised the spectre of political violence. In early January, a month before Aristide's inauguration, leaders of so-called popular organizations that supported Fanmi Lavalas made violent threats against a number of opposition figures. Speaking at a press conference at the church of Saint Jean Bosco, Aristide's former parish, Paul Raymond and René Civil referred to a list of opposition leaders, religious figures, journalists, and others who they said were opposed to Aristide's inauguration. They warned the people on the list to change their position within three days or face violent retaliation.

With Aristide's inauguration and the opposition's declaration of a "parallel government," political instability continued. There were several outbreaks of violent unrest over the course of the year. In mid-March, angry mobs staged street demon-

strations and erected burning barricades in parts of Port-au-Prince to protest opposition claims that the government lacked legitimacy. The office of the main opposition coalition was firebombed, as pro-government demonstrators called for the arrest of the opposition's self-styled "president," Gerard Gourgue.

At the end of the March wave of violence, which spread to other Haitian cities as well, at least four people had been killed and many more injured. Police inaction in the face of violent demonstrations by armed gangs raised doubts about the government's interest in quelling the unrest.

A chain of attacks on police stations on July 28, characterized by the government as a coup attempt, led to a crackdown on the opposition. Although the motives and circumstances of the attacks were unclear, it was undisputed that armed men clad in the uniform of Haiti's disbanded army seized the national police academy for several hours and later tried to take over several police stations in central Haiti. Seven people were killed, including five police. At least forty people were arrested in the wake of the attacks, including many members of the Democratic Convergence. A number of the arrests were made without a judicial warrant, leading a coalition of local human rights groups to complain that the arrestees' prolonged detention was "arbitrary and illegal."

Earlier in the year, several hundred former army officers had held demonstrations to demand the restoration of the army, which was dissolved by President Aristide in 1995. Many believed that the July attacks were carried out by such former officers.

In mid-November, large scale rioting broke out in Cap Haitien, Haiti's second largest city, following a call by the main opposition coalition for a two-day general strike to pressure President Aristide and his political allies to relinquish power. The previous week, smaller demonstrations were held in Petit-Goave and Gonaives, coastal towns west of the capital.

Although in the first half of the year there were encouraging signs of progress in the investigation into the April 2000 killings of journalist Jean Dominique and security guard Jean Claude Louissant, by November the case appeared stalled. Investigating Judge Claudy Gassant, citing safety concerns, announced that he would not accept the renewal of his appointment to the case, set to expire in January 2002. Earlier, in June, Judge Gassant had resigned from the case because of security threats and a lack of government protection. He fled to the United States at that time but returned after a few weeks, when the minister of justice promised to provide armed bodyguards and other security guarantees. Gassant faced death threats and intimidation because of his work.

Stymied by a lack of cooperation from police and other officials, Gassant was unable even to question some of his top suspects. Arrest warrants issued against Paul Raymond, René Civil, Richard Solomon, and Franck Joseph had no effect, with the suspects moving freely about the capital. Another leading suspect, Senator Dany Toussaint, benefited from parliamentary immunity. As of November, more than three months after receiving Judge Gassant's request that Toussaint's immunity be lifted, the Senate had yet to make any decision on the question. Indeed, the parliamentary commission charged with examining the request did not even meet until five weeks after the request was made.

In early November, one of Dominique's suspected killers was lynched by an angry mob in Léogane, a town southwest of the capital. He was the second suspect in the case to die before being questioned. The killing, which police apparently allowed to take place, further hindered the investigation of the case. Judge Gassant, who witnessed the murder, announced two days later his decision to leave the case.

Ivorian journalist Abdoulaye Guedeouengue—who was abducted, beaten, and robbed in May—had been investigating the Dominique murder at the time of his capture. He was reportedly warned by the kidnappers to stop looking into the case.

As the Guedeouengue case indicated, the media came under increasing pressure to limit its reporting. On October 12, Jean Robert Delciné, a journalist with Radio Haiti Inter, was hit by police while investigating a police killing in Cite Soleil. Other Radio Haiti Inter journalists also reported threats and harassment over the course of the year, in some instances by men believed to be police. On October 2, members of a so-called popular organization close to Fanmi Lavalas threatened radio journalist Jean-Marie Mayard, telling him that he would be a “dead man” if his reporting did not favor the Aristide government. According to Reporters without Borders, a France-based international press freedom organization, ten journalists were threatened or attacked by people connected to Fanmi Lavalas during the first ten months of the year.

The justice system remained largely dysfunctional, with many crimes going unpunished. In June, in a speech to police, President Aristide announced a “zero tolerance” crime policy, stating that it was not necessary to bring criminals to court. His words were widely interpreted by Haitians as an invitation to vigilante justice and police violence. Human rights groups reported that in the months following the speech, dozens of suspected thieves were killed by mobs.

The increasing politicization of the Haitian National Police (HNP) raised additional concerns. The reluctance of police to intervene in certain situations to prevent political violence, typically when opposition supporters were in danger, was frequently in evidence. In an open letter to the police leadership sent in October, the nongovernmental National Coalition for Haitian Rights (NCHR) deplored the HNP's lack of political neutrality. The letter drew attention to the failure of the police to arrest certain criminal suspects pursuant to valid arrest orders and, in contrast, the willingness of the police to arbitrarily arrest others. It also claimed that several police officers, previously dismissed for involvement in serious human rights violations, had been reintegrated into the force.

Accountability for past abuses remained elusive. Although the success of the Raboteau trial in 2000 raised hopes of further such prosecutions, the prospect of achieving justice for many other notorious crimes seemed remote. In a letter sent on August 28, the seventh anniversary of the assassination of Father Jean Marie Vincent, NCHR criticized what it called the “systematisation of impunity.”

Former Gen. Prosper Avril, who headed the country's government for two years after a 1988 coup, was arrested on May 28 on charges of assault, torture and illegal arrest. Avril's rule was characterized by egregious human rights abuses. Although efforts to prosecute such crimes were all too rare in Haiti, the circumstances and timing of Avril's arrest suggested that it was politically motivated. The arrest was made on the basis of a 1996 warrant that had been ignored for years; it was acted

upon only after Avril attended a highly-publicized meeting of the main opposition coalition. A number of political figures who were tortured under Avril's government, but had since joined the current opposition, were unwilling to testify against Avril regarding past abuses. In June, a court of appeals judge ordered that Avril be freed, but the head of the public prosecutor's office refused to sign the release form, blocking the defendant's release.

Prison conditions remained dire, with the country's desperately overcrowded prisons and jails being largely filled with pretrial detainees. Detention facilities lacked the necessary infrastructure and many failed to provide medical care, sufficient food, or even potable water. A study of the prison system published by the Vera Institute for Justice found "a serious problem of malnutrition." In mid-November, five prisoners were killed by police who were putting down a riot at the National Penitentiary in Port-au-Prince.

Of all Latin American and Caribbean countries, Haiti continued to have the highest prevalence of HIV/AIDS, although treatment was largely unavailable. According to UNICEF, some 74,000 Haitian children were orphaned because of the AIDS pandemic. Many of the orphans were themselves HIV-positive.

Determined to escape Haiti's dire conditions, thousands of Haitians tried to leave the country in overcrowded and rickety boats. Many of them, hoping to reach the United States, were intercepted by U.S. coast guard cutters and immediately repatriated, while an unknown number died at sea.

DEFENDING HUMAN RIGHTS

Human rights defenders came under increasing pressure in 2001, with several receiving death threats. In October, both NCHR and the Platform for Haitian Human Rights Organizations (POHDH) were threatened following the publication of a strongly-worded letter from NCHR to the police leadership.

Pierre Espérance, the director of NCHR in Haiti, also received several menacing calls in August. The different callers warned him that if NCHR continued to press for justice in the Jean Dominique case, he would be eliminated. Espérance had reason to take such threats seriously, having suffered an assassination attempt in 1999.

THE ROLE OF THE INTERNATIONAL COMMUNITY

At this writing, some U.S. \$500 million in international aid remained frozen, reflecting donor governments' impatience with Haiti's inability to resolve the political crisis.

United Nations

In November 2000, U.N. Secretary-General Kofi Annan recommended against renewing the mandate of the United Nations International Civilian Support Mission in Haiti (MICAH). In an usually critical report to the General Assembly, he

noted that over the previous several months, “Haiti’s political and electoral crisis has deepened, polarising its political class and civil society.” In light of such conditions he concluded that MICAH’s ability to function successfully was limited. MICAH’s mandate ended on February 6, the day before President Aristide entered office.

In July, Secretary-General Annan reiterated that the resolution of the political crisis was a prerequisite for the resumption of aid to Haiti.

Adama Dieng, the United Nations independent expert on the human rights situation in Haiti, issued his last report on conditions in Haiti in January. In it, he drew attention to the deterioration of the system of justice, noting the “politicization of the police, arbitrary arrests, prolonged detention without trial, the climate of violence and also the deplorable health conditions in the prisons.” Dieng, who resigned from his post to work for the Rwanda war crimes tribunal, had not been replaced as of November.

The U.N. Commission on Human Rights, issuing a chairperson’s statement in April, called upon the Haitian government to thoroughly investigate politically motivated crimes, including the murder of journalist Jean Dominique; to prosecute the perpetrators of such crimes; to institute legal proceedings against perpetrators of human rights violations identified by the National Commission for Truth and Justice; and to ensure the neutrality of the police.

Organization of American States (OAS)

As in 1999, Luigi Einaudi, assistant secretary-general of the Organization of American States (OAS), carried out intensive efforts to break Haiti’s political deadlock. He made a number of trips to Haiti, including in February, April, May, June, and October. In May and June, Einaudi visited Haiti in the company of OAS Secretary General Cesar Gaviria. Their efforts to mediate the crisis did not, however, bear fruit.

In early October, the OAS established a new “Group of Friends on Haiti”—made up of Canada, Argentina, the Bahamas, Belize, Chile, Guatemala, Mexico, the Dominican Republic, United States, and Venezuela—in hopes of restarting the stalled negotiations.

United States

In September, on the tenth anniversary of the military coup that drove him from power, President Aristide announced that the United States had returned thousands of pages of documents gathered from the offices of the Haitian military and the paramilitary Revolutionary Front for the Advancement and Progress of Haiti (FRAPH). The documents, which detailed paramilitary abuses after the 1991 coup, had been seized by U.S. forces in September 1994. It was believed, however, that the names of U.S. citizens had been excised from the returned documents, a condition that previous Haitian administrations had publicly rejected.

The failure of the United States to extradite Emmanuel “Toto” Constant, former FRAPH leader, continued to thwart Haitians’ hopes for justice for past abuses. Con-

stant, previously an informer for the Central Intelligence Agency, remained in Queens, New York, having been extended protection from deportation. Other members of the coup-era high command were also resident in the United States.

European Union

Finding that “respect for democratic principles has not yet been re-established in Haiti,” in January the European Union (E.U.) terminated consultations with Haiti that had been initiated under the Cotonou Agreement, an aid pact linking the E.U. with African, Caribbean, and Pacific states. As a result, all direct budget aid to Haiti was suspended.

MEXICO

HUMAN RIGHTS DEVELOPMENTS

By ending seven decades of one-party rule in Mexico, the election of President Vicente Fox in 2000 created an historic opportunity to tackle the country’s long-standing human rights problems. In his inaugural address, President Fox promised to seize this opportunity and, in the following months, his administration took encouraging steps toward that end. However, by November, significant progress was still needed in a variety of areas.

President Fox appointed several people known for their promotion of human rights to his cabinet, including Foreign Minister Jorge G. Castañeda and National Security Adviser Adolfo Aguilar Zinser. He also created a new post, the special ambassador for human rights and democracy, to which he appointed Mariclaire Acosta, for years one of the country’s most outspoken human rights advocates. (In September, the position was reconfigured as deputy minister for Human Rights and Democracy within the Ministry of Foreign Relations.)

The Fox administration made a crucial break with Mexico’s past by opening the country to international scrutiny by human rights monitors. In December, Fox announced that he would eliminate visa restrictions that had made it difficult for foreign monitors to gain access to the country on short notice. In March, addressing the U.N. Commission on Human Rights, Foreign Minister Castañeda extended “a permanent invitation to the representatives of international human rights mechanisms to visit Mexico.” In May, the Foreign Ministry co-sponsored a seminar with the office of the United Nations High Commissioner on Human Rights on procedures for investigating torture. In July, it invited the president of the Inter-American Commission on Human Rights to visit Mexico to examine the government’s compliance with past commission recommendations.

Under Fox’s leadership, Mexico became more active in promoting the concept of the universality of human rights principles, a notion that was anathema to pre-