

## Haiti

Haiti's already bad human rights conditions worsened in 2005, its second year under an unelected interim government. Citing summary executions, mob violence, torture and arbitrary arrests, the head of the human rights section of the United Nations mission in Haiti told reporters in October that the country's human rights situation was "catastrophic." It was far from clear, as elections approached, whether free and fair polling would be possible.

### ***Election Conditions***

Presidential, legislative and local elections were supposed to take place before the end of the year, but as of November 2005 the dates remained tentative. They will be Haiti's first elections since the February 2004 ouster of President Jean-Bertrand Aristide. Delays in election preparations over the course of 2005 led to multiple postponements in the electoral schedule, but unelected Prime Minister Gerard Latortue continues to insist that the transfer of power will take place as scheduled on February 7, 2006.

Irregularities in electoral preparations, including problems in the distribution of voting materials, cast doubt on the reliability of the vote. There were also suggestions that political bias had tainted the electoral process.

### ***Violence, Lawlessness and Instability***

With waves of violence engulfing the country, especially the capital, Port-au-Prince, Haiti remains unstable and dangerous. In Port-au-Prince clashes between rival criminal gangs, including some associated with former president Aristide, result daily in civilian deaths. Armed groups of Aristide supporters have sought to spread chaos and fear in hopes that the failure of the interim government to stem the violence will lead to Aristide's return. In the provinces irregular armed groups, many made up of former members of the Haitian military, exercise de facto governmental authority. Former soldiers have set up barracks in police stations and abandoned buildings. They man check points, conduct searches, seize weapons from civilians (and, at times, from police), make arbitrary arrests, and run their own makeshift prisons. Because Haiti's government institutions are largely dysfunctional and its security forces are woefully inadequate, abuses go unpunished and violent crime rates have soared.

The U.N. multinational peacekeeping force, mandated by the U.N. Security Council to assist local authorities in maintaining order, has not succeeded in stopping violent crime. But after an almost uncontrolled spike in violence in May-June 2005, U.N. troops began taking more aggressive measures in Port-au-Prince that, to a limited extent, have helped alleviate the atmosphere of insecurity. The strengthened U.N. presence has, for example, sharply reduced kidnappings, which had reached epidemic

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levels. Allegations were made, however, that U.N. forces used indiscriminate force, particularly in sweeps of slum areas of Port-au-Prince.

### ***Police Abuses***

Police lawlessness is a major contributor to overall insecurity. Not only are the Haitian National Police (HNP) largely incompetent in preventing and investigating crime, they are responsible for frequent arbitrary arrests, torture, beatings, and the excessive and indiscriminate use of force against demonstrators. They also face credible allegations of extrajudicial executions and of involvement in drug trafficking and other criminal activity. Untrained and unprofessional, the police suffer from severe shortages of personnel and equipment.

Police perpetrate abuses with almost total impunity. Human Rights Watch knows of no members of the HNP who have faced criminal prosecution for their abusive conduct. But in a welcome move, the head of the Haitian National Police announced in early November 2005 that fourteen police officers would be charged for their alleged responsibility in the August killings of at least eleven people at a soccer game.

### ***Justice and Accountability***

Haiti's justice system is hardly functional, suffering from corruption, politicization and a lack of personnel, training and resources. In the provinces judges complain there are no police to execute warrants and no prisons in which to keep detainees; few crimes are even investigated. Where prisons exist, their conditions are dire, with prisoners held in dirty and crowded accommodation often lacking sanitary facilities.

Accountability for past abuses remains out of reach. Indeed, significant regress occurred in 2005, as exemplified most dramatically by the case of Louis Jodel Chamblain, formerly second in command of the paramilitary Revolutionary Front for the Progress and Advancement of Haiti (Front Révolutionnaire pour l'Avancement et le Progrès d'Haïti, FRAPH), responsible for countless abuses during the de facto military government. He had been convicted in absentia of the 1993 murder of a prominent Haitian businessman and of the 1994 Raboteau massacre, but he surrendered to judicial authorities in 2004 to exercise his right to a retrial. The convictions were reversed, and although the Haitian authorities continued to detain him for a few months on other allegations, they released him in August 2005. In a related development in early May 2005, Haiti's Supreme Court (Cour de Cassation) quashed the sentences of fifteen other former soldiers and paramilitaries who had been held responsible for the Raboteau massacre in a historic 2000 trial. The grounds for the Supreme Court ruling were extremely flimsy.

The long-term imprisonment of former Prime Minister Yvon Neptune continues to raise serious concerns. Although formal charges were finally brought against Neptune in September 2005, the apparent political grounds for Neptune's detention undermines confidence in the validity of the charges and in the fairness of any future trial.

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### ***Human Rights Defenders and Journalists***

Human rights defenders, working in a dangerous, highly-politicized environment, face threats and intimidation. Haiti is a dangerous country for journalists as well, who face threats and violence for their reporting. In June 2005, after having received several kidnapping threats, prominent radio journalist Nancy Roc left the country to go into exile. A few weeks later, in mid-July, newspaper and television reporter Jacques Roche was abducted and brutally murdered by unknown assailants. Roche's body was found in a slum neighborhood of Port-au-Prince; he had been tortured and shot several times. U.N. envoy to Haiti Juan Gabriel Valdes reportedly said that Roche's death "has all the elements of a political murder."

### ***Key International Actors***

The U.N. Security Council voted unanimously in late June 2005 to extend the mandate of the U.N. Stabilization Mission in Haiti (MINUSTAH) until February 15, 2006, "with the intention to renew for further periods." The U.N. resolution also authorized the addition of more than one thousand soldiers and civilian police to bulk up the thinly-staffed peacekeeping force. The numbers mandated raised military troops to 7,500 and police to 1,897. But MINUSTAH's slow deployment of personnel and general lack of preparation for urban warfare have plagued the mission's efforts to restore security to Haiti.

In November 2005, a group of human rights attorneys filed a complaint with the Inter-American Commission on Human Rights alleging that U.N. peacekeeping forces were involved in massacres in Haiti in July and August.

The United States is Haiti's largest donor, having budgeted U.S.\$407 million for Haiti in 2004-05. Canada and the European Union are also major donors. In mid-October, the E.U. unblocked €72 million (U.S. \$87 million) in aid to support Haiti's electoral process. The funds had been frozen several years previously in protest over irregularities in the 2000 legislative elections.

Haitians continue to risk their lives attempting to sail overcrowded, often leaky boats across the rough seas that separate Haiti from the United States. Many boats are intercepted by U.S. Coast Guard cutters, but some number of them are lost at sea. Haitians who reach the United States are subject to mandatory detention and expedited removal procedures.