

## Haiti

Haiti made important progress in restoring democratic rule in 2006, electing President René Prével after two years of postponed elections. Yet in 2007 internal conflicts within Haiti's electoral council led to the postponement of legislative elections originally scheduled for November.

President Prével's government continues to face entrenched lawlessness and chronic human rights problems, including pervasive police abuse, corruption, inhumane prison conditions, and violence against journalists.

### Violence, Lawlessness, and Instability

Violent crime remains rampant in Haiti. Gang violence, for example, resulted in 29 deaths in the Port-au-Prince neighborhood of Martissant in January 2007. Kidnappings for ransom remain a serious problem, although they have decreased considerably since 2006 when there were more than 400 reported cases, according to the United Nations independent expert on human rights in Haiti. Lynching cases have become increasingly common, with reports of 60 people killed by lynching and 28 maimed or seriously injured in attempts during the first six months of 2007.

The UN stabilization mission in Haiti (known by its French acronym, MINUSTAH) and the Haitian National Police (HNP) have collaborated to infiltrate criminal-gang strongholds and regained state control over some of Haiti's most violent neighborhoods. Yet, according to the UN Security Council, "the security situation remains fragile."

Police lawlessness continues to contribute to overall insecurity. The HNP is largely ineffective in preventing and investigating crime. HNP members are responsible for arbitrary arrests, as well as excessive and indiscriminate use of force. They also face credible allegations of involvement in criminal activity, including drug trafficking, as

indicated by the arrest of five HNP officers in a cocaine seizure in May. Although the HNP has participated in some training sessions, the police continue to suffer from severe shortages of personnel and equipment. Police perpetrate abuses with impunity.

## **Justice and Accountability**

Haiti's highly dysfunctional justice system is plagued by corruption, politicization, and a lack of personnel, training, and resources. According to Transparency International's Corruption Perceptions Index (CPI), which serves as a recognized standard for international corruption comparisons, Haiti ranked as the most corrupt of the 163 countries surveyed in 2006.

Accountability for past abuses remains out of reach. For example, no one has been successfully prosecuted for the killing of civilians in La Scierie, Saint-Marc in February 2004.

## **Prison Conditions**

Severe overcrowding plagues Haiti's prison system, with more than 6,000 detainees being held in prisons with a combined total capacity of only 1,088 inmates. Conditions in those facilities are dire, with prisoners held in dirty and overcrowded cells often lacking sanitary facilities. Violations of the right to health abound, as reportedly 90 percent of inmates suffer from some form of scabies or chronic itching. In Gonaives prisoners must take turns sleeping and standing due to a lack of beds, and numerous prisoners attest that they do not receive daily meals.

Arbitrary and long-term pretrial detention of suspects is commonplace. As of July 2007 fewer than 20 percent of prisoners had actually been tried and convicted for the alleged crimes for which they were detained.

## **Attacks on Human Rights Defenders and Journalists**

Haitian human rights activists and journalists remain targets of acts of violence and intimidation. Freelance photojournalist Jean-Rémy Badio was gunned down in January 2007 in Martissant, where he lived and had photographed gang conflicts.

Johnson Edouard, a correspondent for a Haitian weekly was shot dead while sleeping in his home in Gonaives in April. Alix Joseph, a radio station manager and host, was shot dead in Gonaives in May. A week later another radio show host, François Latour, was kidnapped at gunpoint in Port-au-Prince and later shot dead.

In August two gang members were sentenced to life in prison for the July 2005 abduction and murder of Jacques Roche, cultural editor for the Haitian daily *Le Matin*. Police made arrests in July for the murder of Joseph and in October for another suspect in the murder of Roche.

In August 2007 a well known human rights advocate, Lovinsky Pierre-Antoine, was abducted. At this writing his whereabouts remain unknown.

### **Key International Actors**

MINUSTAH has been heavily involved in efforts to support and train the local police force to carry out its security functions. The UN Security Council voted unanimously in October 2007 to extend MINUSTAH until October 2008. At the end of August 2007 the force, which was created by a Security Council resolution in April 2004, included 7,054 troops and 1,771 police. The new resolution provides for 7,060 troops and 2,091 police, as part of the gradual shifting of stabilization capacity from the international forces to the Haitian police.

MINUSTAH conducted 19 security operations with the HNP in the Cité Soleil and Martissant neighborhoods of Port-au-Prince between December 2006 and February 2007. Six peacekeepers were injured in this process, continuing a history of clashes between gangs and the joint United Nations and Haitian security forces. Two peacekeepers from the Jordanian battalion of MINUSTAH were shot and killed near Cité Soleil in November 2006.

With the agreement of the Government of Haiti, the UN Human Rights Council in September 2007 decided to renew the mandate of the independent expert appointed by the secretary-general on the situation of human rights in Haiti.

The United States is Haiti's largest donor and in 2007 made a new pledge of US\$106 million, to be allocated over a one-year period to aid Haiti's economic recovery. Canada, Haiti's second-largest donor, continues in its efforts "to re-establish security and stability" in the country. Canadian civilian police officers are currently part of MINUSTAH, and Canada has pledged more than C\$550 million to the country to be distributed between 2006 and 2011. The European Union signed an agreement granting €26 million in 2008-2009 to supplement the €233 million already allocated through 2012.

In February 2007 a US federal court judge in Miami ordered Carl Dorélien, a former Haitian army colonel, to pay \$4.3 million in damages—mostly out of the \$3.2 million he won from the Florida lottery—to a former labor leader for torture and to a widow for the death of her husband in the 1994 Raboteau massacre.

In May 2007 a New York state supreme court judge rejected a plea bargain in the case of Emmanuel "Toto" Constant, a former leader of Haiti's notorious FRAPH death squad, held liable in 2006 in New York for \$19 million in damages for rape and torture committed by paramilitary forces under his command in Haiti from 1991 to 1993, and who currently faces criminal charges for mortgage fraud in the US.