

The background of the cover is a photograph of a busy street in Port-au-Prince, Haiti. In the foreground, two UN peacekeepers in green camouflage uniforms and blue helmets are visible. One is looking towards the camera, while the other is looking to the side. In the background, a crowd of people is gathered on the street. A sign for 'Marche de Noel' (Christmas Market) is visible, along with a sign that says 'SAM'. The overall scene depicts a busy urban environment with a military presence.

*International Tribunal on Haiti*

**PRELIMINARY REPORT  
OF THE COMMISSION OF INQUIRY**

*First Inquiry*

**October 6-11, 2005  
Port-au-Prince, Haiti**

by  
**Thomas M. Griffin, Esq.**

# International Tribunal on Haiti

## Commission of Inquiry



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### **John Parker**

West-coast coordinator of the International Action Center



### **Lawrence Rockwood**

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### **Dave Welsh**

Delegate of the San Francisco Labor Council and organizer of a U.S. labor human rights delegation to Haiti in June and July 2005

**International Tribunal on Haiti**  
***PRELIMINARY REPORT OF THE COMMISSION OF INQUIRY***  
**FIRST INQUIRY – OCTOBER 6 to 11, 2005**  
**Port-au-Prince, Haiti**

**EXECUTIVE SUMMARY**

The Commission of Inquiry was in Port-au-Prince, Haiti, from October 6 to 11, 2005. It carried dozens of credible accusations of human rights atrocities perpetrated by the de facto government and United Nations armed forces against the impoverished majority since the violent ouster of Haiti's elected government on February 29, 2004.

The Commission sought to investigate the allegations in order to substantiate or refute them, and gathered information on additional crimes. The Commission examined over 50 victims and witnesses, interviewed police and multi-national force leaders in the chain of command, and visited pertinent sites. Whenever possible, the interviewees were filmed, tape-recorded, and photographed. The Commission also gathered documentary evidence, photographs, and film footage from Haiti obtained by others during the preceding 20 months.

Among other things, the Commission interviewed Haitians from Cite Soleil, Bel Air, Solino, Canapé Vert, Gran Ravin, and Martissant. The Commission inspected the Haitian National Penitentiary, and observed the activities in police stations and local jails. The Commission met with the newly appointed Chief of the National Police and leaders of the United Nations forces who now occupy Haiti with approximately 8,000 heavily armed police and soldiers. It observed and interviewed rank and file members of the police, and the UN forces, as they worked and interacted with Haitian citizens.

The inquiry gathered substantial evidence that the Haitian National Police, and the United Nations forces, often working in tandem, have arbitrarily arrested thousands, and attacked, injured, mutilated, and massacred the populations in the poorest neighborhoods. The police, too, have begun to recruit and work with civilian bands of attaches that rampage with machetes. Rather than provide an atmosphere of justice, peace, and security, the Haitian police and parts of the UN forces have eschewed peacemaking and dialogue and become violent arms of the imposed government.

As documented here, it appears that the violence perpetrated in these neighborhoods and against these people, including women, and children, are specifically designed to stifle dissent, and to punish those who dare to speak and march for freedom, justice, and popular government. The Commission has observed that the chosen method is, with the help of the media, to dehumanize, criminalize, and demonize the very poorest. Indeed, due to the growing number of killings and arrests, the government actually is reducing the quantity of citizens who would otherwise be free elect and participate in their own government.

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## **International Tribunal on Haiti**

### ***PRELIMINARY REPORT OF THE COMMISSION OF INQUIRY*** **FIRST INQUIRY – OCTOBER 6 to 11, 2005** **Port-au-Prince, Haiti**

#### **I. INTRODUCTION**

The International Tribunal on Haiti held its first session in Washington, D.C., on September 23, 2005. At the conclusion of the session, the Tribunal selected a Commission of Inquiry to further investigate human rights violations and crimes committed against the people of Haiti by the interim government of Haiti (“IGH”), the United Nations Forces occupying Haiti, and foreign governments and non-governmental actors providing the IGH with strategic, material, financial, and/or political support.

This is a preliminary report of the first inquiry conducted in Port-au-Prince, Haiti, from October 6-11, 2005. It is a summary distillation of the Commission’s findings.

The Commission has archived the names and addresses of witnesses, as well as photographs of the witnesses, film footage of interviews, film footage of atrocities provided by witnesses, supporting documents, and names of those killed or injured. Although witness names will remain confidential for their protection, other information may be made available upon request.

##### **a. The Commission of Inquiry**

The Commission of Inquiry is led by former U.S. Attorney General Ramsey Clark. The members who conducted this first inquiry in Port-au-Prince included Mr. Clark; U.S. Army Captain (ret.) Lawrence Rockwood; David Welsh, San Francisco Labor Council delegate; Kim Ives, filmmaker and editor of Haiti Progres; John Parker, west coast coordinator of the International Action Center, and Thomas Griffin, attorney and former federal law enforcement officer who is the primary author of this report.

##### **b. Scope of the Inquiry**

During this first inquiry, the Commission met with, interviewed, photographed, and filmed approximately sixty victims and witness of atrocities, crimes, and human rights abuses committed by the Haitian National Police (“PNH”), United Nations forces and former soldiers. The Commission met with UN force members and leaders, and the newly appointed Chief of the PNH. The Commission also visited and inspected the Haitian National Penitentiary, various police stations and jails, and several inner-city neighborhoods.

## II. FINDINGS

### a. The Siege and Massacres in the Central Plateau

In early 2001, according to numerous witnesses, a contingent of former members of the disbanded Haitian Army established a camp on a mountainside in Belladere, in Haiti's Central Plateau region. From this outpost, the former soldiers terrorized peasants and destabilized the elected Lavalas government with operations throughout the Central Plateau and Artibonite regions. The group is known to have frequently traveled back to their main camp in the Dominican Republic. The group is reported to have consisted of approximately 30 men, former Haitian Army ("FADH") soldiers and civilians. They had large military weapons and increased their arsenal with smaller arms that are believed to have been stolen from police stations they had attacked.

The leader of this group was current presidential candidate, ex-FADH, and former police supervisor, Guy Philippe.<sup>1</sup> Other members of this group included ex-FADH soldier Remissainthe Ravix, ex-FAHD Arnold Chavre, ex-FADH Fernand Edouard, ex-FAHD Clouteur Jean Baptiste, and civilian attachés Volaire Jean "Poltille" Baptiste, Edouard Casimir, Guy Casimir, Mara Joseph, Lemon Larose, and Bell Panell.

Witnesses from Belladere stated that they have all been displaced from their homes, and some from families, out of fear. Members of the Philippe group continue to occupy the Central Plateau, and all Lavalas officials, supporters, and sympathizers are under threat.

Among other atrocities committed by Philippe's men were the following:

- (i) During Sunday night June 23 into Monday, June 24, 2002, members of Philippe's group descended their mountain camp into Belladere searching for local Lavalas coordinator Cleonor Souverain. Mr. Souverain was not home. The assassins then had the household members go outside and lie in next to each other. The following five were executed on the ground by gunshots:
- **Mimos Brizard**, 38 year-old female
  - **Natalie Souverain**, 17 year-old girl (killed by blast from a shotgun inserted into her vagina)
  - **Dobuisson Brizard**, adult male
  - **Rosetta Souverain**, 24 year-old female
  - **Ramil Louis Albert**, 14 year-old boy

Four-year-old Bertrand Hussien was shot in the neck and is now paralyzed.

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<sup>1</sup> In early 2004, Philippe and his forces would travel from the Central Plateau toward the capital, Port-au-Prince, to perform a coup d'état. On their way, they took over police stations, killed dozens of police officers, other government workers, and elected officials.

### The Perpetrators:

Remissainthe Ravix, assault leader; Clateur Jean Baptiste, former FADH; and civilian attaches Voltaire Jean "Poltille" Baptiste, Edouard Casimir, Guy Casimir, and Bell Panell.

All except Ravix, who was killed in the summer of 2005, are said to continue to operate in Belladere.

According to witnesses who spoke with a Guy Philippe turncoat (name withheld), Philippe paid each assailant \$1,500 (U.S.) to commit the massacre. Philippe's goal in the area was to kill all the Lavalas leaders, kidnap all Cuban doctors working in Belladere, the local Catholic priest and the Baptist minister. The ultimate goal was to force the departure of President Aristide.

The turncoat, who was also a participant, admitted that Guy Philippe and his group were responsible for the failed coup attempts on July 28, 2001, and December 17, 2001.

- (ii) On September 28, 2003, members of Guy Philippe's group entered Belladere and killed Emmanuel Larose, then buried him in his own garden.
- (iii) On February 15, 2004, Guy Philippe's group executed Jonas Maxime, the police chief in the town of Hinche, Central Plateau, and took over the police station.
- (iv) On June 18, 2004, Remissainthe Ravix publicly executed Marais Pierre, a Belladere restaurant owner. According to witnesses, the execution was punishment for Mr. Pierre's hosting of the Minister of the Interior, Jocelerme Privert, on his mission to investigate the earlier murder of a judge. Mr. Pierre was considered to be a Lavalas supporter.

In addition to the above, witnesses informed the Commission that numerous people had been detained and tortured since the February 29, 2004, coup d'état.

### b. The UN Massacre in Cite Soleil, July 6, 2005

The Commission interviewed numerous victims/witnesses, most of whom had family members killed in the onslaught, when Cite Soleil came under heavy UN military ground and air attack in the pre-dawn hours of Wednesday, July 6, 2005.

According to all witnesses (and as the UN publicly admitted) the operation's primary target was Emmanuel "Dred" Wilmer. Wilmer, a self-described Lavalas supporter struggling for the return of President Aristide, has been variously

described as a neighborhood leader, a protector of the impoverished slum dwellers against police and UN attacks, a rival warrior against the infiltration of gangs financed by anti-Aristide powerbrokers, and a gang leader/thug. Wilmer lived in the Bois Neuf neighborhood Cite Soleil.

Witnesses stated that the UN forces, led in Cite Soleil by a contingent of Jordanian soldiers, had made at least two prior attempts to either arrest or kill Wilmer in Bois Neuf. Therefore, the UN forces knew the physical layout of Wilmer's proximate neighborhood, including the roadways, allies, the number and density of the residences. They were also on notice of the presence of thousands of innocent children, women, and men packed into shacks in the slum. Wilmer had been living in a shack separated from the roads by layers and rows of other families' shacks, which was accessible only via narrow shoulder-width alleys.

According to all witnesses, the UN's siege began at approximately 3:00 a.m. when the sounds of helicopters, tanks, and gunfire erupted, shaking the neighborhood. Helicopters using floodlights illuminated the Bois Neuf neighborhood. They began dropping exploding devices on shacks with families inside. UN tanks rumbled down the main road using canon-fire and gunfire from soldiers to saturate the roadside homes with bullets. Turning off the road, the parade of tanks created a path to Wilmer's house by collapsing the homes with canon-fire and crushing through homes directly in their pathway. As families burst out of their shacks to find cover, men, women, boys, girls, and parents carrying babies were fired upon. Many were shot in the back as they ran away or tried to find cover.

All the witnesses who came before the Commission stated the following: UN soldiers specifically stopped their vehicles to pick up and load the bodies of men onto UN trucks; they passed over the bodies of the young boys and girls, infants, and women whom they had shot in clearing the swath to Wilmer's house. They did not attend to the injured.

A selection of victim/witness statements:

*(i) Nellie LAST NAME WITHHELD ("LNW"), 53 year-old female.*

Nellie stated that the United Nations soldiers attacked her neighborhood and killed her pregnant daughter, Roslyn, 17, and her sons Ernest, 25, and Victor, 22.

She detailed how a UN tank ran over her house and crushed it to the ground. Due to the destruction of her home and family, Nellie now lives with her sister in law in her shack in Cite Soleil, and cares for 8 children.

***In Nellie's own words:***

"The helicopters started shooting at 3:00 a.m. and the tanks on the ground were shooting. When we

were running from the UN bullets, my daughter was shot in the forehead. My sons were both shot in the back. I was able to retrieve my daughter's body, but not my sons'."

*(ii) Anastazi LNW, 52-year-old female.*

In the early morning attack on July 6, 2005, the UN soldiers attacked shooting and driving tanks into her neighborhood. The UN soldiers shot and killed her daughter, Carline, 30. They also shot and killed Carline's three children, Evelynne, 8, Marceline, 5, and Casimir, 3. Anastazi's entire house was obliterated by gunfire and was run over by a UN tank.

***In Anastazi's own words:***

"There was a cannon shot from a UN tank that hit the house. First, the UN tank smashed into the house, then the cannon was fired into the house. The roof fell on top of the children. When it was over, the children were dead. We had to dig them out -- remove the rubble to get their bodies."

*(iii) Venette LNW, 30 year-old female.*

In the early morning of July 6, 2005, in the Bois Neuf section of Cite Soleil, the UN soldiers attacked with tanks and guns. The UN soldiers shot and killed her unarmed husband, David Delix, 33, through the paper-thin walls of her house.

***In Venette's own words:***

"They came about 3:00 a.m. and gave no warning. The UN just started shooting while we were sleeping. A UN tank fired into our house and my husband was shot in the head and stomach. I ran out of the house. The UN soldiers just stayed in their vehicles and fired. I could see the blue helmets. I didn't see any police. There were around 20 UN armored vehicles there . . . We lived along the road. There is no way to Dred Wilmer's house by road. You had to cut through our houses to reach it."

*(iv) Milien LNW, 25 year-old female.*

In the early morning of July 6, 2005, the UN soldiers attacked her small shack with rapid automatic gunfire in an effort to clear a path to Dred Wilme's

house in the Bois Neuf section of Cite Soleil. The UN bullets killed her two little daughters, Roselyn 5, and Roselord, 3, and her husband, Jean-Marie Forester, 35.

***In Milien's own words:***

“When the UN shooting started, I took my daughter [Rosemarie, 6] and ran toward a neighbor's house. We had to hide in a ditch to avoid the shower of bullets. The UN was firing bullets steadily into our house. My husband and daughters Roselord and Roselyne were shot to death on the doorstep as they were trying to run away. The UN soldiers took my husband's body away and left the children's bodies. My husband was not armed . . . From the ditch, I could see some of what was happening at the other houses. They were firing into the houses like they did to ours. When people tried to run away they were gunned down. The shooting didn't stop. . . . They were knocking down our whole row of houses, clearing a path to Dred Wilmer's house.”

*(v) Ilome LNW, 18 year-old female.*

In the early morning hours of July 6, 2005, the UN killed her husband, Roosevelt Victor, 22, and her two year-old daughter, Guerline as they tried to escape the armed onslaught. During the attack, UN soldiers loaded Roosevelt's body into a UN armored vehicle and drove away.

***In Ilome's own words:***

“When the UN came, I was the first to leave my house, with two children – my little boy Roseman, 5, and my daughter Nelia, 3. I took the children to my neighbor's house. Then Roosevelt left our house with Guerline, 2. They were going towards his mother's house when they were shot. I saw it happen from my neighbor's house. They were shot from the front and fell backwards. Both of them were riddled with bullets. . . . The UN was shooting from tanks. You could see red fire coming from the guns. I recovered Guerline's body, but not my husband's. Someone was pulling dead bodies into the tank. They put my husband's body into the tank. . . . That's the reason this group [of witnesses before the Commission] is all women – there are no men left anywhere around there.”

c. The Soccer Match Massacre at Gran Ravin, August 20, 2005

According to witnesses, on August 20, 2005, the Haitian National Police (“PNH”), together with civilian attachés wielding machetes, attacked the crowd at a well-attended soccer match. The game was sponsored by the United States Agency for International Development (“USAID”) as part of a “Play for Peace” program. Ten to 20 are said to have been shot and/or hacked to death at the game.

One witness before the Commission, who was in the audience at the game, gave the following eye-witness account:

The game, attended by approximately 2,000 to 3,000 spectators, began at 5:00 p.m. at the Saint Bernadette school soccer field in the Grand Ravin section of Martissant on the west side of Port Au Prince. A famous player, Johnny Decolin, helped to draw the sizeable crowd. The field does not have stadium seating, but rows of spectators stood several layers deep around the field, and others stood sat on top of walls or on the roof of the nearby school buildings.

Some uniformed PNH were in the area apparently providing security at the game. UN forces were also nearby, but not at the field.

As half-time was coming to a close, twenty PNH, some wearing black masks over their faces, and all wearing helmets, entered the playing field. They were clearly being commanded by an officer in street clothes, jeans and a white polo shirt. According to all witnesses, the commander was well-known to all in the area and is PNH Inspector Jean Michel Gaspar.

The uniformed officers carried large firearms and were wearing side arms. Inspector Gaspar had a handgun in his hand, and carried no large gun.

One of the officers went to the DJ table and took the microphone. He first ordered the players to lie on the field. While some players did as instructed, Johnny Decolin and others refused the order. The officer using the microphone next ordered the entire crowd to lie down. Again, some did as instructed, but most refused. Suddenly, the officers began to shoot into the air. Everyone started to run.

In response, the police trained their guns on the fleeing crowd and began to fire. Just as the shooting began, a band of men in civilian clothes entered the stadium, each brandishing a machete. They had plainly teamed with the PNH officers and began to attack those they could reach. Many of those who were felled by bullets were then hacked by the machete-wielding men.

Some in the crowd were chased out onto the street by the machete-wielders. At least one young man fleeing onto a “tap tap” (bus or small pick-up used for public transportation) was pulled out and hacked to death on Cite Macoute Street. (The dead man’s mother also came before the Commission as a witness.)

Those carrying the machetes, also known as police “attachés,” were generally recognized by the local people in the crowd as the “Lame Ti Manchet” (“LTM”) or

the “Little Machete Army.” According to witnesses, members of the LTM had recently reorganized in the Grand Ravin neighborhood, after more than a year away. Prior to August 20, 2005 there were rumors in the neighborhood that they were going to do “something big” to mark their return.

The following day, Sunday, August 21, 2005, the LTM, again in the presence of uniformed PNH officers, returned to the Grand Ravin neighborhood, wielding machetes. They walked through the neighborhood searching for those who had apparently been targeted, but were not found at the soccer match. Witnesses stated that again they did not find their targets. Instead they terrorized the neighborhood by burning several houses.

According to several witnesses before the Commission, the Martissant area of Grand Ravin — one of the poorest and most densely populated slum areas of Port-au-Prince—has long been known as a pro-Lavalas and pro-Aristide area. During the months after the ouster of President Aristide in February 2004, the LTM had begun to terrorize the neighborhood, with robberies, rapes, and other violent criminal activity. The LTM forcibly recruited members, and punished some who refused to join.

In approximately May 2004, after the April killing of Francois Fleuran, 32, for refusing to join LTM, some neighbors came together and were able to drive LTM out of Grand Ravin. The LTM leader was arrested and taken to the National Penitentiary. Other members of the LTM were said to have fled to other towns.

According to witnesses, the leadership of LTM includes:

- **Jean Yves George**, aka “Brown” -- believed to be imprisoned since May 2004;
- **Frantz Laramé**, aka “Gerald” current LTM leader;
- **Toussaint Roland**, aka “Generale;”
- **Pierre Elifed**, aka “Tet Kale;” and
- **Rudy Kernisant**, aka “Kanibal.”

According to witnesses, a pro-Lavalas/pro-President Aristide gang had begun to operate in the months following the ouster of LTM from Grand Ravin. However, with the PNH/UN crackdown against poor young men perceived to be Lavalas supporters, the LTM apparently felt confident to return to the neighborhood, particularly because they had the assent and protection of the PNH.

According to several witnesses, members of the LTM sometimes identify themselves by wearing straw hats or United States flag kerchiefs around their necks.

The Commission interviewed Mario Andresol, who had taken office as national chief of the PNH on July 29, 2005, about the massacre. See entire interview of Chief Andresol at section II.e. Chief Andresol stated that the PNH unit at the soccer match was operating under orders to work with a civilian informant planted at the match. The plan was for the informant to point out so-called pro-

Lavalas gang members whom the PNH were to quietly arrest during the game. Chief Andresol stated that PNH collusion with attachés, use of the public address announcement, and the killings all were illegal. An Internal Affairs investigation had already begun at the time of the interview. He also stated that the PNH informant had been killed at the game.

Other rank and file PNH officers interviewed separately by the Commission had a different view than Chief Andresol. These PNH officers stated that the members of LTM are merely “victims rightfully asserting revenge.” Further, they stated that the LTM is “supporting the work of the PNH to wipe out criminal gangs.” Two PNH detectives (Agent Antoine and Agent Cazeneuve), interviewed at police headquarters in downtown Port-au-Prince regarding the massacre, said that the massacre was “justifiable in order to establish the rightful order of things in Port-au-Prince.”

Asked to explain the use of the open-air, public hacking of people as an official police tactic, the detectives stated that it is merely “former victims manifesting an uprising to set things right.”

d. The Official Forces Attacking Poor City Neighborhoods

The Commission interviewed many groups of witnesses who gathered before the commission to detail their specific victimization by the Haitian National Police (“PNH”), the UN forces, or a combination of the two, as well as the recent phenomenon of PNH working in tandem with machete-wielding gangs or “attachés.”

Below is a selection of some of what the witnesses, by neighborhood, told the Commission:

*(i) The Port-au-Prince Neighborhood of Bel Air*

A. UN Warrantless Mass Search and the Burning of Homes

Numerous Bel Air residents gave statements that on June 4, 2005, UN forces conducted warrantless searches of residences in front of the Church of Our Lady of Perpetual Help – the front plaza of which had been a gathering place for pro-democracy/anti-interim government demonstrations. As the searches proceeded, the homes were also set on fire. The residents believe that the UN soldiers set the fires.

One 84 year-old, blind, female resident, Lidy LNW, who lives across from the church, said she heard a “foreigner” enter her bedroom talking and telling her to stay in the house. Moments later, she smelled her house burning, sensed the fire, and escaped.

Another resident, Jean Philip Jean Baptiste (aka Samba Boukman), a popular democracy activist and neighborhood leader, stated that a total of 12 homes adjacent to Lidy's were burned on June 4, 2005, immediately following a UN mass house to house search. He stated that 25 residents are missing and presumed dead as a result of the conflagration.

#### B. Warrantless Arrests and Unconstitutional Detention

Ghieslaine LAST NAME WITHHELD ("LNW"), a 54 year-old woman stated that she and her six children left their Bel Air home during the summer of 2005 due to repeated violent operations carried out by UN forces using heavy automatic weapons fire. Ghieslaine and her children returned to Bel Air in September, 2005, when the frequency and intensity of the operations declined.

On September, 29, 2005, however, two of her sons were arrested by UN soldiers from the Brazilian contingent. One was arrested in her home, without a warrant. The other was arrested in the street, also without a warrant. Ghieslaine later went to a Brazilian UN unit in Fort National, near Bel Air, to inquire about her sons' whereabouts. Brazilian Captain Leonidas told her that her sons were "bandits" and that once the UN handed them over to the PNH; they were no longer the UN's responsibility. She later discovered that one of her sons was being held in a PNH station, and the other was in the National Penitentiary. She was told that she could pay for their release. She did not have the money that the PNH demanded.

#### C. May 18, 2004, Joint Haitian Police/UN Attack on Democracy Demonstration

Gomez LNW, a 26 year-old director of an elementary school, gave a detailed, compelling account of the violent targeting of democracy demonstrators by the PNH, with affirmative assistance by the Multi-National Interim Force ("MIF"). The MIF consisted of combined military forces from the United States, Canada, and France, that first occupied Port-au-Prince after Aristide's ouster, which would later be replaced by UN forces.

According to Gomez, a well-planned, peaceful march had been organized by supporters of the ousted government for May 18, 2004, to commemorate Haiti's first Flag Day and memorialize the ousted elected government. While organizing students and young people in front of Our Lady of Perpetual Help Church, an English speaking MIF soldier approached Gomez and told him not to hold the demonstration. Then, PNH officers, all dressed in black, approached him and threatened that "people would die" if the demonstration took place.

As the group in front of the church grew, MIF soldiers surrounded it. Then a PNH officer used a megaphone to tell the demonstrators to cancel the demonstration or “it would not be good for you.”

Gomez stated that the decision was made to continue the march. They reminded the PNH officers that they had properly applied for a permit to demonstrate and that they advised the PNH of the march well in advance.

The marchers then turned as planned to move toward the downtown area, a very public and symbolic area near the National Palace, on the Champs des Mars.

Gomez noted that the marchers had complied well with organizer instructions to keep their shirts tucked in and their hands in the air during the march. This, Gomez explained, was routine for showing police that they were not carrying weapons. The demonstrators held signs that said “Down with the U.N,” “Down with the U.S.,” “Down with the Dictatorial Powers,” “Long Live Democracy,” and “International Justice and Liberty for Haiti.”

As the marchers approached the Lycee Petion, a school in front of the National Cathedral, Gomez noticed that PNH officers had taken strategic sniper positions in the neighborhood and had their guns trained on the crowd. The crowd continued to move, however, toward the Champs des Mars, the main commercial thoroughfare in downtown Port-au-Prince, where marches could be most publicly visible. However, as they turned down the road, they saw that the MIF soldiers had blocked the route. Unable to move forward because of the MIF blockade and unable to return as they had come, the marchers became trapped in the Cathedral/Lyce Petion area. The demonstrators were then ambushed by PNH snipers, who began to fire on the crowd.

With all main avenues of escape cut off by PNH officers and the MIF soldiers, the crowd dispersed down alleyways and narrow corridors between houses. Gomez said he saw pick-up trucks carrying PNH officers who were picking up bodies that lay on the street. He said he saw a friend’s head shot open, and a woman trying to hold his skull together.

Some marchers later gathered in front of Our Lady of Perpetual Help church to talk about what had happened. Gomez stated that a Commander of the MIF spoke to the group in English with a Creole translator. The Commander apologized for what the PNH had done to the marchers. The Commander gave a phone number and said that he should be contacted before any future march. The Commander was wearing the same uniform as the man who had threatened the group prior to the march.

Gomez stated that at 4:00 a.m. the next day he was awoken by the noise of a pick-up idling outside the Bel-Air school where he was sleeping. The pick-up held several uniformed PNH officers wearing black masks. The apparent leader of the unit began to accuse Gomez of “being the one mobilizing people to give the government problems.” Gomez ran. The police gave chase.

Gomez was eventually caught on shards of glass embedded in the top of a wall he tried to vault. He cut his head and arm. As Gomez hung from the wall, a PNH officer struck and broke his arm with a shotgun. When he fell, the police put him in the pick-up, and tied a black bag over his head.

Gomez stated he was then driven for three hours during which the PNH officers interrogated him about organizers of the demonstration. The officers wanted him to give the names of people working for the Lavalas movement or against the IGH. They told him he would be executed if he did not give names.

The pick-up stopped in Titanyen, the field where bodies unclaimed at the morgue, or massacred on the streets, had been dumped. He was told to run and that they would shoot him as he ran. His head still covered with the black bag, Gomez ran blindly into the field. He heard gunshots, but was not hit. He fell many times, but realized the police were only shooting into the air to terrorize him.

In the weeks following the PNH attack, Gomez had others keep the school running as he remained out of the public eye. Gomez's school, one of the few in the Bel Air neighborhood, has now been closed since the end of the 2004 school year out of fear for the children. It had an enrollment of 410 children, from toddlers in the daycare program through the final year of high school. Gomez said his was one of the biggest schools, because he kept his tuition very low, allowing even some of poorest children to attend.

Gomez stated that democracy organizers and Lavalas supporters have had to go underground in order to continue their work. The people are too afraid to have public meetings or demonstrations on a regular basis.

Gomez concluded his interview with this: "We who support Lavalas and democracy are simply organizing for and with the young people for a climate of liberty and peace. We want to have good health and medical care. We want professional schools to give an avenue for the young. We just want to live like everyone, so we don't have to cut sugar cane in the Dominican Republic or take a boat to Miami."

e. The National Penitentiary and Police "Lock-Ups" in Port-au-Prince

Members of the Commission visited and inspected the National Penitentiary in Port-au-Prince and police "lock-ups" at several police stations elsewhere in the capital. The conditions in these facilities are not fit for animals. There is also a lack of procedure, record-keeping, and administrative infrastructure. Arrests, whether executed by the Haitian National Police or by the UN forces, appear both arbitrary and capricious. They are directed primarily at the poorest young men and boys, from the poorest neighborhoods. Furthermore, the detention is indefinite and detainees are prohibited from exercising their constitutional rights to challenge the underlying arrest or the detention.

(i). The “Lock-Up” at Police Headquarters (West Department) in Port-au-Prince

In addition to two-story buildings containing various police offices, and a parking lot, this department headquarters contains several buildings with holding cells. On October 7, 2005, the Commission found 31 young men kept in the building’s largest cell, which measures approximately 20 feet x 8 feet.

According to interviews of the detainees themselves, 17 had been arrested by UN forces on September 29, 2005, in the Rue Timoa section of Bel Air, an extremely poor neighborhood in Port-au-Prince. Another group of eight had been arrested on October 4, 2005, by UN forces in the Fontamara section of Port-au-Prince. None of the detainees had been arrested pursuant to a warrant. Though all had been detained longer than 48 hours, none had been before a judge. This violates the Haitian constitution’s provision that arrested citizens be brought before a magistrate within 48 hours of arrest where the government must show cause for continued detention.

According to those arrested on September 29, 2005, the UN forces burst into many homes in their Rue Timoa neighborhood at approximately 4:00 a.m. arresting both men and women in all the households. They stated that, in addition to breaking in without warrants to make the illegal arrests, the UN forces looted their homes taking whatever objects seemed to appeal to them. The women were taken to another detention facility.

According to the Rue Timoa detainees, they were shocked and betrayed by the arrests because they had been working cooperatively with a “Captain Leonidas” of the UN forces in a UN sponsored disarmament and reintegration program.

The Fontamara detainees stated that on October 4, 2005, they had come under attack by a street gang. Some from the victimized group were able to run to UN officers and ask for help. However, when the UN unit arrived, they arrested the 8 in the victimized group, without warrants, and brought them to the holding cell. They are held without charges and have not been taken before a magistrate.

While the Commission was inside the jail section at police headquarters, two UN soldiers from the Brazilian contingent entered the facility from the street with two teenaged boys in plastic handcuffs. They handed the boys over to the Haitian National Police, who registered them by handwriting their names in a notebook, and placed them in the large holding cell.

Members of the Commission questioned the Brazilian UN soldiers about the arrest of the two. The UN soldiers admitted (i) that they had no warrants for the arrests; (ii) that the boys were not *flagrante delicto* at the time of the arrest; and (iii) that they were not in “hot pursuit” of the boys. Therefore, the arrests were in violation of the Haitian constitution.

The UN soldiers stated that the only basis of the arrest was that “the population” in the neighborhood told us that the kids were “bandits.” Members of the Commission told the UN soldiers that the arrests failed to meet constitutional standards. The UN soldiers responded saying “It is not our job to fix the Haitian justice system; we are just supposed to bring the kids in.”

The only documentation to memorialize the arrests, justify detention, or support any criminal proceedings against these detainees is a list that contains only the name of the detainee and the purported reason for arrest.

### *(ii) The National Penitentiary*

Members of the Commission entered and were allowed to conduct a limited inspection of the Haitian National Penitentiary on October 8, 2005. In addition to interviewing the director of the prison (“Chef de Poste”) in his office, the Commission walked through, and spoke with, prisoners in the “Titanic” section of the prison, and the compound where the IGH houses deportees from the United States.

The Chef de Poste refused to give his name. However, he expressed that he wanted to quit his job soon due to the worsening prison conditions. He stated that the prison was a powder keg about to explode holds twice as many prisoners as the 800 for which it was designed. He explained that prisoners were packed like sardines and adding any more would lead to rebellion.

He stated that it was “both sad and vicious” to keep prisoners there who never get to court and lack any real way of accessing the justice system to petition for release. The Chef de Post emphasized that he is most upset about the policy of detaining deportees from the United States in the prison. He stated that the warehousing of the men under these conditions was unfair because they have not only already served their sentences in the United States, but have never committed, or even been charged with, a crime in Haiti.

On a chalkboard in the office of the Chef de Poste was the daily prisoner count. As of the October 7, 2005, according to the chalkboard, there were 1,603 total prisoners. Of that 1,603, just 62 were listed on the board as having been convicted by a Haitian court, the rest being “pretrial detainees,” legally innocent under the Haitian constitution. Of that 1,603, just 86 were listed as deportees from the United States --less five who were listed as escapees.<sup>2</sup> According to the listing in the Chef de Poste’s office, 21 other deportees were detained in a prison in the town of Archaie.

Asked about prisoners with mental health problems, the Chef de Poste stated that all such prisoners are held in Bodet prison in Croix de Bouquets. This, however, was refuted by observations made by the Commission.

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<sup>2</sup> Escapees are categorized as “evade” on the official roster. The Commission could not confirm if the listed escapees actually escaped. The Commission notes that on December 1, 2004, there was a large-scale massacre perpetrated by guards against the prisoners, and a group escape led by an outside armed group that stormed the prison on February 19, 2005. There has been no official accounting for the dead or the escapees in either of these events.

A. The Deportee Section of the National Penitentiary.

The Commission can report that as of the investigation date the deportee prisoners are held indefinitely. There is no formal release program or release schedule. The Chef de Poste and his staff cited this as an additional problem in the prison that is not only unjust and oppressive, but which contributes to a powder keg of frustrations and abuse that they fear may lead to a prisoner rebellion at any time. At the time of the Commission's investigation, some deportees had already been in the prison for 11 months solely on the basis of arriving in Haiti as a U.S. deportee.

The Commission obtained a roster of the deportees which was kept by the Chef de Poste on the day of the investigation. The Chef de Poste stated that the list was accurate and up-to-date. Among other data, the roster contains the arrival date for deportees into the penitentiary. It is appended to this Commission report as Exhibit A.

The following information was gained from observing the deportee section, walking through it, observing the deportees in small groups, and talking to several prisoners in a group setting. The investigation at the prison was controlled by guards, and limited in time and scope for various reasons.

The deportees are housed separately from other prisoners. They have a small compound-like space within the high cement walls of the antiquated prison. This inner compound includes open space where detainees wash and hang their laundry, bathe, and use the "toilet." There is also a large, open, cement container of water in the yard. In the center of the compound are two cement barn-like structures, approximately 25 feet long and 15 feet wide, and 12 to 15 feet tall, where the men sleep— so close that they a touch each other. Some have thin mats; sleep on the bare cement floor.

The men are locked in these structures from 5 p.m. each day until 9 a.m. the next morning. The "barns" have no electricity, no water, and no toilets. They are simply four-walled cement structures with barred windows. The Commission observed the kindling and ashes of small fires in the center of the floor that the men stated they light at night to reduce mosquito infestation. The men pointed to the ceiling rafters in the barn structure and explained that rats crawl along them during the night and frequently fall on the sleeping men and bite them. Some of the men showed the Commission the rat bites on the backs of the lower legs.

In order to urinate or defecate during the daily 16-hour locked-down period, the men use plastic bags and throw them out one of the few windows. They then clean up the bags in the morning. When not locked down, there is a water-less, trough-like structure that is used as a toilet. This is just outside a window. According to the men, the stench of the outdoor waste blows through the window throughout the night, making them sick and keeping them awake.

In addition to the single toilet-trough in the outside area, there is a trough of water that is used for bathing, for drinking, and for taking water to wash clothes. The water is not potable for visitors from the United States, but is the typical parasite-infested water generally available to the poor majority of Haitians at public spigots.

The prison does not provide soap, shampoo, toothpaste, or toilet paper to the men. If they have such items at all, family members provide them. However, it appears that family visits are rare and extremely short in duration. It also appeared that few men have family in the area who can visit the prison.

The men are inconsistently fed once or twice per day when large communal bowls of rice, or rice and beans, are brought into the compound.

According to the men, there is no medicine or medical care at the prison, except for the occasional provision of anti-diarrhea medication. Men who have high blood pressure, diabetes, or other chronic conditions that require medication are forced to go without it. In the two cement barn structures, Commissioners observed approximately six men who were too sick to stand or speak. One man, who had reportedly lost over 100 pounds since arrival, was observed shivering under a sheet. Others reported that this man had not moved in three weeks. Another prisoner who had arrived paralyzed on the right side of his body from head to toe had been lying on the ground in the barn since his arrival at the prison (February 28, 2005) upon deportation from the United States, with no treatment. He was unable to move or talk to the Commissioners.

The men indicated that there is a “dispensary” or medical room at the prison, but stated that they avoid it because prisoners return from there with worsened conditions and infections.<sup>3</sup>

There is no treatment or medication for mentally ill prisoners. One prisoner told the Commissioners, “They get no help. They lie naked in the hot sun all day because they’re crazy.” Although one prison official told the Commission that the mentally ill prisoners, including U.S. deportees, go to a different jail, the Commission found this not to be true.

The Commission observed one severely mentally ill man in the deportee section who followed the investigators around during the investigation. He told the Commission that he receives no medication, though he regularly took several medications daily to control the symptoms of his disorder when living in New Jersey prior to his deportation. He appeared unable to explain or understand his current situation. Other prisoners told the Commission that this man had never received any medication or special attention.

Just outside the deportee area, in an alleyway within the prison, the Commission found an obviously schizophrenic man locked in a special, tiny,

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<sup>3</sup> Though not during this investigation, a member of the Commission has previously observed this room, and found that it had a nauseating stench. Prisoners with tuberculosis and other readily communicable infections were lying next to “patients” without infections. The Commission member at the time also found apparently “rich” prisoners, not U.S. deportees, and not in need of any medical treatment, in the dispensary beds. The Commission member learned that these “privileged” prisoners bribe staff because the dispensary room has the only beds in the entire prison.

makeshift cell tucked under a four-foot tall stairway with two other prisoners. The cell is too small to stand in and prisoners can only squat or lie down. He was naked and screaming the words to a song. A guard told the Commission that they keep “the dangerous ones” there. He said by dangerous he meant dangerous to others or in danger of being harmed by others.

The Commission found that many men had skin infections, which the men told came from dirty water and poor diets. Members of the Commission have repeatedly observed these skin infections over the years in the poorest urban and rural areas of Haiti.

The men told the Commission that guards beat prisoners who speak out or complain. Prisoners are beaten openly in order to set an example for others. The weapons used are metal and wooden rods. The Commission spoke with one man, with visible wounds on his back, who stated he had been beaten on his back 156 times with a metal rod as the guards counted each strike out loud. One man who was beaten was significantly larger and more muscular than the other prisoners. It appeared to the Commission that he was beaten to send a special message of control and shame. The Commission also observed a man with a broken and dislocated wrist, an injury which he said a guard had inflicted as punishment by smashing him with a metal rod.

The men told the Commission that the guards routinely chastise them as being worthless because they are deportees from the United States, not “true Haitians.” Some men told the Commission that the family visits last only three minutes, once per week, and the visiting family members are berated and discouraged from ever returning to the prison.

There are no telephones for prisoners, although they are commonplace in government offices and in the community. One young deportee, who had been detained there since April 2004, told the Commission to contact his mother to tell her that he was alive.

Based on what the Commission observed, if someone from the United States is deported to Haiti as a result of a criminal conviction in the United States, he will be imprisoned for an indefinite period of time. The deportees, and the bases of their deportation, are known to the Haitian interim government upon arrival.

#### B. Haitian Prisoners (regular population, non-deportees)

The Commissioners were given access to “The Titanic” – a nicknamed 5-story cement structure of prison cells, with 8 to 10 cells on each floor.

Each cell, approximately 15 feet by 20 feet, was so densely packed with men that not all could sit or lay down at the same time without doing so on top of one another. Feet were seen sticking out from the cell bars into the hallway from each cell.

There is no air circulation, and no light in the cells. There is no furniture, no chairs, no beds, and no tables. There is a steaming stench of sweat throughout the entire five-story structure. The darkness, the dankness, the sweaty, still air, and the constant forced bodily contact appears a breeding ground for any contagious or airborne disease. Indeed, sick prisoners languish on the floor, while others sit, step, or lie touching them. Clothing and water jugs hang over grating and bars above the cell doors. The large steel barred doors are manually controlled by a key.

The prisoners were visibly tense, depressed, and angry. Most did not want to speak with the Commissioners, who were closely watched by guards. Only one prisoner that the Commissioners were able to talk to had seen a judge. There was a palpable sense of doom with intermittent outbursts from an obvious underlying frustration and anger. No inmate appeared to have the wherewithal to afford an attorney or advocate to be brought before a magistrate. No prisoner interviewed had any sense that he would ever be released or justly treated. Many stated that they were randomly arrested due to where they lived or the neighborhood in which they were apprehended.

In addition to dangerous and inhuman overcrowding, the prison also appeared to be severely understaffed. There were approximately 10 total guards observed in the prison area. There was one walking along a catwalk with a rifle. No other guards were visibly armed. There is no reasonable way that the staff could meet the basic human needs of prisoners or provide rehabilitative treatment. Likewise, there appears to be no safe and secure manner to protect a prisoner from inmate-on-inmate violence or intimidation. Rather, in the packed, unsupervised, conditions, it appears that the inmates themselves keep order, enforce rules, and manage time, conflicts, and activities on a cell-by-cell basis.

Guards claimed that the Inmates are allowed out of the cells, one cell at a time, once daily to a yard or bathing area.

Several guards in the main entrance to the prison carried short barreled machine guns.

The only prisoner who had been seen by a Judge was Frantz Gardy, a journalist who was arrested for Association. He told the Commissioners that he had attended a hearing on September 17, 2005. According to prisoner Gardy, the judge issued a release order at the hearing. When the Commissioners reported this to the Warden, the Warden responded that he has yet to comply with the release order because sometimes judges have no jurisdiction, get names wrong or make other mistakes.

Given these conditions safe, secure, just, and efficient management of the prison appears impossible.

### C. Administration

There appeared to be no computerized record keeping system. Prisoner count by category (total, convicts, and detainees) is tracked with only a small chalkboard. The accuracy of any official information regarding status or location of convicts and detainees is questionable at best.

### D. Improvements

There had been reports that after the February 2004 coup, Canadians and US Marines had modernized the National Penitentiary to make it more state of the art and to improve security.

There has actually been no observable change to the prison interior since August 2002. There are, for example, no electronic doors; there is no public address system, and no improvement to cells or any security infrastructure. The prison is only older and more dilapidated. Razor wire still sits on top of the 20 foot cement walls painted blue and white. Cement staircases go up a wall to a catwalk in main entry yard.

The single improvement observed was to the sidewalk outside the prison. There is now a three sided cage which blocks entry to the main wooden doors. There is a remote-controlled sliding door on the sidewalk which is used to control ingress and egress. Just outside that cage, 5 PNH officers sit or sleep in a white truck. Standing next to the truck were three heavily armed UN Peacekeepers from Brazil. The Peacekeepers claimed that the post is manned 24 hours a day.

#### f. Interview of Director of Haitian National Police

Members of the Commission met with Mario Andresol, the leader of the Haitian National Police (Director Generale Police ationale' Haiti "PNH") on October 10, 2005. Mr. Andresol stated that he replaced Leon Charles. Mr. Charles had taken the office immediately following the ouster of the elected government on February 29, 2004. Mr. Andresol assumed his new post on July 25, 2005. He indicated that he had previously been the Central Director of the Judicial Police, and prior to that he had been a captain in the Haitian Army.

During the interview, Mr. Andresol repeatedly indicated that he would surrender his office in January 2006 to make way for a new government which had then been scheduled for November elections and inauguration on February 7, 2006. Mr. Andresol said he took the job to help his country root out police corruption, to end police atrocities and impunity, and to set the department on a professional course.

The Commission showed Mr. Andresol a copy of the indictment that is the subject of the International Tribunal on Haiti, where he is named, along with Leon Charles, as a defendant.

During the first 15 minutes of the interview, Mr. Andresol repeatedly explained that he should not be accountable for acts of his predecessor or any PNH officer that occurred prior to his taking office. He emphasized the altruistic nature of righting a corrupt police force and bringing justice to a chaotic and violent atmosphere. Following his speech, the actual interview began. Mr. Andresol then asked that the Commission stop videotaping the meeting.

According to Mr. Andresol “there is no police system in the country now that is capable of protecting the people.” He said that, because of this, “the country is paralyzed.”

Mr. Andresol stated that he believes it is unfair that he should be held accountable, in the Tribunal’s indictment or otherwise, for crimes committed by the PNH that took place prior to July 25, 2005, or under the command of Leon Charles. He also stated that he does not believe it is fair to hold him accountable for the corruption and atrocities of officers who have been historically out of control, or in the control of “rich people who pay them to do bad things or political things.”

To give an example of the endemic corruption, Mr. Andresol, he used an example of what he called his own “victimization.” Mr. Andresol stated that said he had been “arrested by Aristide” in 2001 “for no reason” and remained in jail for 27 days. He said that he had also been beaten at the airport on October 8, 1991, “a week after the first coup,” while attempting to protect elected official Evans Paul (aka “K-Plim”) from anti-Aristide thugs as Paul tried to flee the country.

Mr. Andresol stated that there are many hierarchical levels of command between him, at the top, and the PNH officers in the streets confronting citizens. Therefore, Mr. Andresol explained, it is “impossible to get involved with every incident.” He said that he is not responsible for individual PNH officers’ actions. This is the responsibility of the local commanders.

The Commission members explained to Mr. Andresol that “command responsibility,” a cornerstone of the Tribunal’s indictment, is a legal concept which holds him, as top commander, accountable for all illegal actions of subordinates of which he knows, or should know. It further holds him responsible if he does not immediately investigate and redress the illegal actions and impose the appropriate sanctions. The Commission also informed Mr. Andresol that, as top commander, he was responsible for investigating all known incidents of police misconduct that have yet to be addressed by the interim government, even if they occurred before July 25, 2005, or under Director Leon Charles.

The Commission specifically questioned Mr. Andresol about the August 20, 2005, police-led, machete massacre at the soccer match in Gran Ravin. (See section II.c. on the Gran Ravin Massacre above.) In response, Mr. Andresol stated the following:

- it was an official, planned police operation;

- he has taken responsibility for investigating it and punishing all involved;
- he has already questioned and arrested 15 officers (reportedly detained in the Petionville, Delmas, and Port-au-Prince lockups) who were involved in the massacre; and
- he had arrested PNH Inspector Jean Michel Gaspar who, Mr. Andresol admitted, was the operation's leader at the site.

Mr. Andresol stated that PNH Commanding Officer Carlo Lochard, Commander of the PNH Department of the West (the geographical department that includes Port-au-Prince and Gran Ravin), is responsible under PNH regulations for issuing an investigative report of the incident, and stated that Lochard has failed to issue any report to date.

It is noted that Mr. Andresol admitted that he believes that Commander Lochard planned and authorized the soccer match attack and is guilty of multiple crimes for doing so. Mr. Andresol stated that he, however, has not yet arrested Lochard because he wants to encourage the detained subordinate officers to inform against him and strengthen the criminal case.<sup>4</sup>

Additionally, Mr. Andresol stated that he has already taken the following actions in pursuit of his goal of ending PNH corruption, atrocities, and impunity:

- shut down the notorious Anti-Gang Unit, which was headquartered across from the National Palace;
- banned the use by any PNH officer of any mask or other face-covering; and
- insisted that there be a written report by a commanding officer for every police operation, including details of officers firing their weapons, and listing identifying information of those injured or killed.

The Commission asked if the PNH kept a list of citizens who are missing, killed, or injured in the wake of police operations. Mr. Andresol stated that such lists are kept and promised to provide them to the Commission.<sup>5</sup>

Mr. Andresol made the following promises to the Commission:

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<sup>4</sup> Mr. Andresol stated that Commander Lochard's failure to investigate and report the incident triggered an investigation by the PNH Inspector General. Mr. Andresol explained that the soccer match operation had been originally designed to arrest "bandits" whom informants had indicated would be found attending the match. Mr. Andresol stated that the arrests could have been properly made during the game as the informant pointed out the "bandits." Mr. Andresol related that he is appalled that PNH officers entered the stadium with attaches, asked for all to lie down, and then engaged in a massacre. Mr. Andresol added that the informant was killed during the operation.

<sup>5</sup> As of this writing, and despite multiple e-mail requests for these lists, Mr. Andresol has failed to provide the lists to the Commission or even to confirm that they exist.

- that he would provide a list of all wounded or killed in PNH operations since Feb. 29, 2004, including name, date, time, place of incident;
- that he would provide list of all persons reported missing in Haiti;
- that he would ask the UN forces to monitor and report police misconduct and weed out bad officers;<sup>6</sup>
- that he would inspect the National Penitentiary, and all other jails, and order the release of all prisoners (i) who have no charges or record of charges against them (he admits there are many); (ii) who have been detained for more than 48 hours without a magistrate hearing in violation of the Constitution; and (iii) who were arrested illegally (i.e., without warrant, after 6 p.m., or not *flagrante delicto* etc.).

As of March 2006, the Commission has no evidence that Mr. Andresol has taken any steps to fulfill any of these promises.

Finally, the Commission reported to Mr. Andresol that its evidence as well as that gleaned from multiple other investigative sources, suggests that the PNH, together with the UN forces, are solely focusing their power and resources on real and perceived behaviors of the poorest people, in the poorest neighborhoods—specifically against uneducated and disenfranchised young men and boys and their families.

In this context, the Commission asked if there was any PNH force trained for and dedicated to investigating frauds, tax evasion, bribery, influence peddling, labor law violations, and other “white collar” crimes more typically committed by people in Haiti’s middle and upper classes and business owners. Mr. Andresol responded that there is a “Brigade des Affaires Financiers” that undertakes such investigations. He indicated that a man named “Sandy Andal” was recently arrested for a financial crime.

g. Interview of United Nations Headquarters Officer

The Commission was denied, at the last minute, a promised interview with UN forces Colonel Michel Duhamel, ranking third in command in Haiti. Instead, the Commission was offered an interview with Col. Duhamel’s Administrative Chief of Staff, Major Charles Tisdale, at UN Headquarters in the Hotel Christophe. Major Tisdale, a career officer in the Canadian Army, arrived in Haiti in May 2005. From May to August 2005 he served with the logistics operation.

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<sup>6</sup> Mr. Andresol noted that affirmative acts of cooperation by the PNH with the UN forces is extremely problematic because there is rampant nationalism in the police and in other sectors of Haiti and the accompanying distaste of having “outsiders” reporting on, or controlling the conduct of Haitians.

He stated that the headquarters offices are “the brain in the body of the United Nations Force Command” in Haiti.

The Commission’s inquiries were directed toward armed operations conducted by the UN forces in Port-au-Prince, including sieges against neighborhoods, arrests of residents, killings of residents, and atrocities committed against the civilian population in violation of Haitian law and international law. Major Tisdale admitted that there is no investigative or internal affairs unit in the entire Force Command in Haiti, and no systematic disciplinary procedures to check, or redress, atrocities and crimes against the population committed by UN soldiers and police officers. Major Tisdale stated, “We try to separate the chain of command from investigations.”

Misconduct by a UN force member should be addressed, if at all, by the particular country contingent to which the particular perpetrator belongs according to Major Tisdale. For example, he stated that if a soldier or police officer is from Jordan or Sri Lanka, the Jordanian or Sri Lankan force command in Haiti, and in turn its respective command in Jordan or Sri Lanka should, in theory, investigate and address instances of misconduct. He had no knowledge of any UN forces officer ever being disciplined for any misconduct.

Major Tisdale confirmed that there is a complete lack of outside checks and balances against the UN’s abuse of authority and misuse of lethal force. The lack of oversight has apparently contributed to UN impunity, especially regarding their actions in the poorest neighborhoods. Major Tisdale admitted that there is no civilian review panel in which Haitian citizens can give and take reports of misconduct, or redress the misconduct.

Major Tisdale explained that the Haitian law enforcement authorities have no authority or power to check UN conduct, as Haitian police authorities, themselves, are subordinate to the UN and are supervised by them under the current UN mandate. Finally, the outside governments that are supporting—and widely believed to be controlling—the Haitian interim government (United States, Canada, France), Major Tisdale stated, actually support and have members among the UN forces in Haiti.

The Commission presented specific eyewitness evidence, including date, time, and place, of killings, attacks, and other atrocities committed by the UN forces in Haiti to assess his knowledge of the events and obtain the UN explanation. Major Tisdale denied any knowledge of the events that the Commission presented, except that he had heard of the July 6, 2005, operation against Dred Wilme in Cite Soleil. (See UN Massacre in Cite Soleil section II.b. above.) When asked to explain the UN conduct during this operation, Major Tisdale stated that “there are two sides to every story.”

During the interview, Major Tisdale repeatedly claimed that the major force for instability and insecurity in Port-au-Prince is “bandi,” the Haitian Creole term that specifically means “bandits.” The term “bandi,” however, has been widely used in the pro-interim government Haitian media to demonize disenfranchised young men who have refused to succumb to the force and will of the interim government and its national and international security forces. Upon exiting the interview, the Commission observed several Creole language posters created and used by the UN in their campaign to persuade the poor against the so-called “bandi.” The campaign slogans, with translations, are attached as Exhibit B.

### III. CONCLUSION

The Commission’s investigation was limited as to events and conditions. Despite to these limits, however, the Commission was able to plumb deep into the matters at hand.

The detailed facts uncovered herein compel the conclusion that the day-to-day existence of “average” Haitians is filled with doom and palpable traumatic stress. This appears to be due to a lack of control of all basic facets of life. Haitians, today, have ample empirical knowledge that temporary calm could be shattered with arbitrary and sudden violence committed by official forces against communities, or the arrest and indefinite incarceration of individual children, relatives, or neighbors.

Those struggling to work or find work, meet minimal nutritional requirements, maintain the integrity of family, neighborhood, and community, and progress through education and social programs cannot look to their government for protection or services. Indeed, they fear their government. Likewise, there is substantial evidence that Haitians have come to fear the United Nations forces not only for its life-shattering brutality, but because of its both real and perceived alliance with the IGH and the foreign governments that had combined to encourage the fall of the elected government.

The doom, fear, and lack of control in the Haitian people appear to be the result of purposeful actions by officials and their national and international supporters. The result is a tragic attack on the dignity of Haitian citizenship as the freedom to challenge, change, or petition the government for redress of grievances have been shackled by violence, impunity, and neglect.

## EXHIBIT A

*Odibert*

**Liste des déportés en prison**  
(Actualisée au 6 juin 2005)

No.	Nom et Prénom	Date d'arrivée	Infraction reprochée
1-	ANTOINE Dieuseul	15/11/04	Viol mineur
2-	CASIMY Fito (évadé)	15/11/04	Viol, agression sexuelle
3-	CENATUS Hector (évadé)	15/11/04	Possession de cocaïne
4-	PAUL Jean François (évadé)	15/11/04	Vol à mains armées
5-	SAINVIL Alan	15/11/04	Possession de cocaïne
6-	YASINTH Wesley (évadé)	15/11/04	Vol de véhicule/ agression armée
7-	PHILIPPE Donald	29/11/04	Vol à mains armées
8-	ARISTHOMENE Enold	13/12/04	Cambriolage armé
9-	COLBERT Antoine	13/12/04	Possession de Marijuana
10-	SAINT-JEAN Yves	13/12/04	Homicide involontaire
11-	CHARLES Gérald	27/12/04	Vente de cocaïne
12-	METELLUS Reland Raymond (évadé)	10/01/05	Vol à mains armées
13-	NICOLAS Jorisilien	10/01/05	Vente de cocaïne
14-	NOPE Mark	10/01/05	Vente de cocaïne
15-	SAINVIL Jean François	10/01/05	Possession de cocaïne
16-	SIMEON Nesly	10/01/05	Trafic de cocaïne
17-	ALEXIS Paulson	24/01/05	Vol
18-	AUGUSTE Joseph	24/01/05	Possession de cocaïne
19-	BENJAMIN Thimothé	24/01/05	Possession de cocaïne
20-	LOUIMA Junior	24/01/05	Vol de véhicule
21-	SIRIUS Wangles	24/01/05	Poss. de cocaïne, abus sexuel sur mineure
22-	ABOUZEIDE Jackson	10/02/05	Possession de faux chèques, conduite avec licence périmée
23-	ALTUMEAU Anel	10/02/05	Vol
24-	EMILE Dutène	10/02/05	Vente de cocaïne, mauvaise conduite avec véhicule
26-	JOSEPH Patrick	10/02/05	Possession de cocaïne

No.	Nom et Prénom	Date d'arrivée	Infraction reprochée
27-	DARRIS Dejanel	28/02/05	Possession de cocaïne
28-	DORMILUS Wivens	28/02/05	Consommation de drogue et substance dangereuse
29-	MAGLOIRE Auguste	28/02/05	Possession de cocaïne, conspiration
30-	NEUS Volney	28/02/05	Vol à mains armées, agression, félonie, violence, trafic de cocaïne, tentative d'assassinat
31-	PHARISIEN Anniel	28/02/05	Possession de drogue
32-	REGIS Stanley	28/02/05	Possession de cocaïne
33-	GEORGES Wilson	28/02/05	Possession de marijuana
34-	COLON Joseph	14/03/05	Vente de cocaïne
35-	DABADY Darly	14/03/05	Possession de marijuana
36-	FIFI Jefferson	14/03/05	Cambriolage, possession de cocaïne
37-	JOSEPH Norilien	14/03/05	Vol, meurtre
38-	ULYSSE Gabriel	14/03/05	Consommation et possession de cocaïne
39-	ALEXANDRE Edy	28/03/05	Possession de cocaïne
40-	CHACHA Jean Adilé	28/03/05	Possession de cocaïne
41-	LOUIS Bernard	28/03/05	Possession de cocaïne, licence suspendue
42-	LOUIS Jean Idovick	28/03/05	Meurtre 2 <sup>ème</sup> degré
43-	PAUYO Herby	28/03/05	Possession de cocaïne
44-	VALVIL Carline	28/03/05	Trafic de cocaïne
45-	ALUSMA Jean Julex	11/04/05	Kidnapping, vol à mains armées
46-	BOISROND Livois	11/04/05	Violence domestique et possession de cocaïne
47-	BRAVE Jacques	11/04/05	Vente de cocaïne
48-	CADET Jean James	11/04/05	Vente de cocaïne, vol
49-	JOSEPH Evans	11/04/05	Conspiration de cocaïne et possession d'arme à feu
50-	HENRY Fritzner	11/04/05	Possession de cocaïne, de marijuana
51-	HENRY Marc Arthur	11/04/05	Vol 2 <sup>ème</sup> degré
52-	JOSEPH Fontain	11/04/05	Possession de cocaïne, agression grave
53-	JOSEPH Alexander	11/04/05	Vol à mains armées

No.	Nom et Prénom	Date d'arrivée	Infraction reprochée
54-	KNAGGS Hilaime	11/04/05	Possession et vente de cocaïne
55-	MONDESIR Patrick	11/04/05	Trafic de cocaïne, narcotiques
56-	ONNETTE Jumeau	11/04/05	Homicide
57-	PIERRE Steeve Jackson	11/04/05	Vol à mains armées
58-	ROCHE Junior Michael	11/04/05	Possession de cocaïne
59-	SEYMOUR Gregory	11/04/05	Possession et vente de cocaïne
60-	SIMILIEN Henry Charles	11/04/05	Vol
61-	THERMIDOR Jackson	11/04/05	Agression, possession de cocaïne
62-	VALENTIN Wilson	11/04/05	Vente de cocaïne
63-	VASSOR Charles	11/04/05	Agression sexuelle sur mineure, possession de cocaïne
64-	VERDIEU Arold	11/04/05	Se battre avec arme au poing
65-	VERSAILLES Donald	11/04/05	Attentat aux bonnes mœurs
66-	JEAN-AIME Yves Namaar	11/04/05	Vol, violation de probation, possession de cocaïne, cambriolage
67-	BAIN Pascal	16/05/05	Vente d'une substance contrôlée 3 <sup>ème</sup> degré
68-	BOUZY Archange Jr.	16/05/05	(Grand) larcin 4 <sup>ème</sup> degré
69-	CAYEMITTE Gérald Jr.	16/05/05	Possession de cocaïne
70-	CHRISPIN Joseph Gérald	16/05/05	Trafic de drogue, poss. illégale de permis de conduire, larcin, fraude
71-	CLAIREVOYANT Vernet	16/05/05	Possession avec intention de distribuer de la cocaïne
72-	CONTENT Gene James	16/05/05	Conspiration possession de cocaïne avec intention de distribuer
73-	ELMA Paul Emile	16/05/05	Possession de cocaïne, possession illégale d'arme, vol
74-	GUSTIN Jean Luc	16/05/05	Agression grave avec arme
75-	JULES Enave	16/05/05	Possession avec intention de distribuer de la cocaïne
76-	LAPOMMERAY Antoine	16/05/05	Possession de cocaïne
77-	LECLERC Joseph	16/05/05	Possession de cocaïne, séjour illégal
78-	PASCAL Aléancine	16/05/05	Conspiration possession de cocaïne
79-	PIERRE Frantz	16/05/05	Vente de cocaïne
80-	PIERRE CHARLES Gary	16/05/05	Drogue

No.	Nom et Prénom	Date d'arrivée	Infraction reprochée
81-	ROMAIN Jeannot	16/05/05	Possession avec intention de délivrer de la cocaïne
82-	ST CYR Pierre Kénol	16/05/05	Viol (enlèvement majeure de sa femme)
83-	ST FRERE Laguerre	16/05/05	Drogue (dossier à voir)
84-	SILVERT Vilhomme	16/05/05	Drogue, vol
85-	SIMON Hygenson	16/05/05	Homicide, voie de fait grave
86-	VALBRUN Jhonny	16/05/05	Grand larcin au 4 <sup>ème</sup> degré, possession de marijuana
87-	CHARLES Yves (Saint Soir)	06/06/05	Arme, possession de cocaïne
88-	DESRAMEAUX Lavius	06/06/05	Vente de cocaïne, ré-entrée illégale
89-	DIEUBON Waller	06/06/05	Agression, harcèlement, possession de marijuana
90-	DIEUDONNE Garry	06/06/05	Possession de cocaïne, arme
91-	EMMANUEL Philippe	06/06/05	Conspiration, importation de cocaïne (5 kilos)
92-	FENELUS Arousse	06/06/05	Possession de marijuana (fumeur)
93-	JEAN Joseph Olkine	06/06/05	Possession de cocaïne (7 <sup>ème</sup> degré)
94-	JEAN PIERRE Andrice	06/06/05	Conspiration avec intention de distribuer de la cocaïne
95-	JEROME Berlin	06/06/05	Agression armée avec intention de tuer
96-	JOSEPH Jean Rigaud	06/06/05	Cambriolage
97-	JOSEPH Frantzy	06/06/05	Possession avec intention de distribuer du crack
98-	JULIEN Prosper	06/06/05	Conspiration, distribution de la cocaïne
99-	LEONARD Benisoit	06/06/05	Distribution de la cocaïne
100-	LOUIS Ernst Junior	06/06/05	Viol 1er degré, sodomie, tentative de meurtre 2 <sup>ème</sup> degré
101-	MARCEUS Josué	06/06/05	Possession avec intention de distribuer de la cocaïne
102-	MARTIN Nicholas F.	06/06/05	Agression, voie de fait, possession de narcotiques
103-	MORIVAL Holly	06/06/05	Tentative d'agression 2 <sup>ème</sup> degré, possession d'arme
104-	PETIT Phanel	06/06/05	Possession d'arme 2 <sup>ème</sup> degré, vol, grand larcin 4 <sup>ème</sup> degré
105-	PIERRE David	06/06/05	Vente et possession de cocaïne

No.	Nom et Prénom	Date d'arrivée	Infraction reprochée
106-	ROSEMOND Jean Ricot	06/06/05	Possession de marijuana 5 <sup>eme</sup> degré
107-	SAINT VAL Wilner	06/06/05	Conspiration, distribution de la cocaïne
108-	SAINT VICTOR Samy	06/06/05	Kidnapping 1er degree
109-	THEOPHIN Gérard Fils	06/06/05	Tentative de vol, possession de cocaïne
110-	THOMAS Evens	06/06/05	Importation de cocaïne

111. Constant J<sup>e</sup> Renot 06/06/05 Vol de véhicule

## EXHIBIT B

### Three MINUSTAH “Bandi” Posters

#### Poster 1

This poster is an appeal to young men to “turn themselves in” and attempts to persuade them by stating that others like them had already done so to make a better Haiti.

Eske Nou Konnen?  
anpil nan bandi yo  
bouke ak aktivite  
malonet yap mennen

yo, anpil kite sa,

yo vi'n jwe'nn  
nou pou'n k  
konstwi yon lot ayiti  
E byen,  
Poukisa se pa  
Ou men m?  
Panse pou avni'w

*Did you know?  
many of the bandits  
are tired of  
their own dishonest  
activity  
many of them gave up on  
that  
they came to  
us so we can  
build another Haiti  
Then,  
Why not  
you too?  
Think about your future*



## Poster 2

This poster attempts to demonize the bandits by stating that they will destroy the future for “you and your children.” It then encourages people to provide information against them to the UN forces.

Pa Mele ak bandi yo!	<i>Do not mingle with the bandits</i>
-Yo pa ka pran bon desisyon pou ou	<i>They can't make good decisions for you</i>
-Y'ap detwi avni ou	<i>They are destroying your future</i>
-Yo se male total pou ou ak pitit ou	<i>They mean bad luck for you and your children</i>
-Le ou mele ak kriminel, sekirite w an danje	<i>When you deal with criminals, your security is in jeopardy</i>
Rele “Je we, Bouch pale”	<i>You see something, you let us know</i>
Souple, ede n Bare bandi Pou nou kapab Genyen yon Lavi miyo	<i>Please, help us catch bandits so you can have a better life</i>



### Poster 3

This poster is the UN's attempt to explain that the heavily armed military attacks, called "operations," which they engage in the poor neighborhoods are for the betterment of Haiti. It ends with an apology if for any "bother" these "operations" might cause the Haitian citizenry.

POUKISA MILITE YO  
ap mennen  
OPERASYON?

*WHY are the military  
conducting  
OPERATIONS?*

pou mare bandi  
pou retire zam nan men  
bandi

*to catch bandits  
to disarm bandits*

pou bay sekirite ak ke  
poze

*to establish security and  
peace of mind*

pou ede fe yon elekesyon  
lib, jis

*to help organize free and  
fair elections*

pou genyen yon bon  
gouvenman ki kapab pote  
limye

*to secure a good  
government which can  
bring a bright future*

pou peyi a  
ESKIZE'N POU  
SI TOUT  
FWA NOU DERANJE W!

*to the country  
EXCUSE US  
IF WE  
UPSET YOU!*

