



Human rights, not politics, should be priority for Haiti

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Debate

By Michael Deibert [1]

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A recent article in the British medical journal *The Lancet* 'Human rights abuse and other criminal violations in Port-au-Prince, Haiti: a random survey of households,' [2] rather than serving as a sober analysis of the myriad of human rights abuses that occurred under Haiti's 2004-2006 interim government, appears to be little more than part of an ongoing attempt to rehabilitate the public image of former Haitian President Jean-Bertrand Aristide and elements of his political party, Fanmi Lavalas [3].

The article in question, quoted extensively by Mr. Aristide's U.S. attorney, Ira Kurzban, in a recent editorial in *The Miami Herald* [4], was co-authored by Athena R. Kolbe, who has previously written extensively about Haiti under the *nom de plume* Lyn Duff. Described as "a friend of Aristide" in a 2004 article [5] in the magazine "Dissident Voice," Ms. Kolbe worked at Mr. Aristide's Lafanmi Selavi center for street children, which served as one of the nexuses for the gangs who terrorized Haiti during the latter's 2001-2004 tenure as Haiti's president. All of this naturally begs the question of how Kolbe/Duff's "research" into the issue of human rights violations and the perpetrators can be regarded as objective when she states that for three and half years she was an Aristide employee, and states that her sympathies are solidly with Haiti's disgraced former president.

The atmosphere of violence in Haiti today did not spring out of a vacuum. With some of the ghastly rapes and murders carried out in the town of Saint Marc as the Aristide regime sputtered to its bloody dénouement in February 2004 [6] [7]- including one in the ruins of the city's burned-out commissariat by the pro-Aristide Bale Wouze (Clean Sweep) gang - carried out in the presence of Corps d'Intervention et de Maintien d'Ordre (CIMO) and *Unite de Securite de la Garde du Palais National d'Haiti* government forces (at the time reporting directly to Mr. Aristide's National Palace), one must ponder whether these sexual assaults were happening with government sanction.

In his Miami Herald editorial, Mr. Kurzban writes that "The University of Miami School of Law's Center for Human Rights, led by the prominent human-rights author and professor Irwin Stotzky, Harvard University's Human Rights Clinic and the Institute for Justice and Democracy in Haiti all detailed executions and systematic human-rights violations after Aristide's removal."

While no one disputes the fact that human rights abuses took place during the 2004-2006 interim government in Haiti (in a personal aside, I lost several friends to Haiti's violence during this period), the devil, as they say, is in the details.

The University of Miami School of Law's Irwin P. Stotzky was a long-time board member of Mr. Aristide's aptly misnamed "Foundation for Democracy" and his own biography on the school's website [8] announces that "he has served as an attorney and adviser to Haitian President Jean-Bertrand Aristide." The only attorney in Haiti thanked by name in the pages of the university's voluminous Haiti report was for a considerable time an employee of an Aristide government-funded legal organization, the Bureau des Avocats Internationaux. One of the report's key claims - that pro-Aristide armed gangs congealed after the president's departure - has been revealed to

be false by the reporting of many journalists, foreign and Haitian, working on the ground in Haiti since 2001 [9] [10].

The Institute for Justice and Democracy in Haiti (IJDH) , for its part, listed Mr. Kurzban as one of its founders and "a member of the Board of Directors" in a 24th March 2005 letter sent to Santiago A. Canton, Executive Secretary of the Inter-American Commission on Human Rights of the OAS [11]. Though the organization is ostensibly headquartered in Oregon, where its lead attorney resides, donations are directed to be sent to a Florida address, where Mr. Kurzban resides. The group's 2005 annual report lists \$53,836 of contributions from several "individual supporters" with long-standing links to Mr. Aristide, including Mr. Kurzban himself [12]. Recently, the organization has busied itself with an attack on a Haitian public servant of unimpeachable integrity, Port-au-Prince chief prosecutor Claudy Gasant, who had to flee Haiti for his life during Mr. Aristide's tenure while attempting to investigate the murder of Haiti's most prominent journalist, Jean Dominique, and who the IJDH maligns as a "a prominent Lavalas critic" in a recent press release [13].

In a similar vein, when Mr. Kurzban writes that Haiti's 2004-2006 interim government "paid a U.S. law firm \$250,000 a month retainer solely to bring against Aristide a civil suit that was ultimately dismissed," he errs in that the case was in fact withdrawn with an option to refile, not dismissed. When it comes to the subject of expenditures, Mr. Kurzban declines to reveal that, according to US Department of Justice *Foreign Agents Registration Act* (FARA) filings, his own law firm received an astonishing \$4,648,964 from the Aristide government of behalf of its lobbying efforts alone between 2001 and 2004 [14], and that Mr. Kurzban still serves as Mr. Aristide's attorney in the United States. By way of putting things in perspective, Mr. Kurzban was thus earning from the Haitian state more than 2,000 times the average yearly income of any one of the more than 7 million people in Haiti who survive on less than \$2 per day. For his part in Mr. Aristide's propaganda campaign, the public relations firms of former U.S. congressmen and head of the Congressional Black Caucus Ron Dellums received the relatively modest sum of \$989,323 over the same period.

Though the Lancet report chronicles no rapes or murders committed by Fanmi Lavalas partisans, something that flies in the face of the on-the-ground reporting of journalists who have worked in Haiti for the last two years, it may be instructive to recall that, over the last two years, defectors from Mr. Aristide's party have charged publicly that former president was orchestrating a large part of Haiti's violence from exile with the connivance of former officials of his government [15]. Citing the July 2005 murder of Haitian journalist Jacques Roche, a May 2005 attack on a Port-au-Prince marketplace that killed seven people and saw a large part of the market, which served the capital's poor, burned to ashes and what they charged was a campaign of rape by gangs supportive of the exiled president in the capital's slums, last year four of Haiti's most politically progressive organizations - the Groupe d'Appui aux Rapatriés et Réfugiés (GARR), the Plateforme haïtienne de Plaidoyer pour un Développement Alternatif (PAPDA), Solidarité des Femmes Haïtiennes (SOFA) and Centre National et International de Documentation et d'Information de la Femme en Haïti (EnfoFanm) - all signed a petition calling for Aristide to be judged for his crimes against the Haitian people [16].

Rape and other transgressions, unfortunately, appear to be looked upon as just another weapon in the arsenal of some of Haiti's politicians by which they can crush opposition to them and whatever designs they may have on power. It is high time that it be denounced without regards to who is committing it, and that foreign lawyers, journalists, researchers and others stop attempting to shield the guilty from having to answer for their crimes.

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- [2] - ["Human rights abuse and other criminal violations in Port-au-Prince, Haiti: a random survey of households." by Athena R Kolbe and Royce A Hutson, The Lancet, 31 August 2006.](#)
- [3] - ["Journal reconsiders article about Haiti rights abuse," by The Associated Press, 9 September 2006.](#)
- [4] - ["Latortue's disturbing legacy," by Ira Kurzban, The Miami Herald, 7 September 2006.](#)
- [5] - ["Debunking the Media's Lies about President Aristide," by Justin Felux, Dissident Voice, 14 March 2004.](#)
- [6] - ["Town taken from rebels feels heat of reprisal," by Marika Lynch, The Miami Herald, 24 February 2004.](#)
- [7] - [Notes from the Last Testament: The Struggle for Haiti \(Seven Stories Press\) by Michael Deibert, November 2005.](#)
- [8] - [University of Miami School of Law Faculty bio.](#)
- [9] - ["Haitian Gangs Combat Demonstrators," Gerry Hadden report for National Public Radio's "All Things Considered," 10 February 2004.](#)
- [10] - ["Militias' might key to Aristide's grip on power," by Steven Dudley, Boston Globe, 19 February 2004.](#)
- [11] - ["Letter to Inter-American Commission on Human Rights," 24 March 24 2005.](#)
- [12] - [JJDH Annual Report 2005.](#)
- [13] - ["Demand Fairness for René Civil" by the Insitute for Justice and Democracy in Haiti, 31 August 2006.](#)
- [14] - [Foreign Agents Registration Unit \(FARA\) Semi-Annual Reports \(Haiti\), 2001-2004.](#)
- [15] - ["Un ancien zélé partisan d'Aristide passe aux aveux," by Radio Metropole, 28 January 2005.](#)
- [16] - ["Pétition citoyenne pour réclamer la mise en accusation de Jean-Bertrand Aristide et de ses partisans en Haïti," by PAPDA, GARR, EnfoFanm and SOFA, 26 July 2005.](#)

From: Peter Dailey <phdailey@msn.com>

Last week the results of an elaborate statistical survey of violence and human rights violations in Port-au-Prince since Aristide's departure in February, 2004 was published in The Lancet. The study revealed that out of 8,000 murders and 35,000 sexual assaults that it estimated had occurred during this period, not a single one had been committed by either the U.N. forces or Lavalas partisans.

It then transpired that the principal author "Athena Kolbe" was in fact Lyn Duff, a well-known pro-Lavalas hack, and Kevin Pina's partner at Pacifica Radio, Flashpoints, the SF Bay View etc, a fact well-known in the Aristide camp.

Holmstead's three page attempt at damage control states that concerns had been raised by the fact that the author of the study "once wrote articles under the name Lyn Duff." This hardly begins to do her justice. During the period-

December, 2005- when Duff/Kolbe was conducting her survey in Port-au-Prince, articles were appearing under her byline such as one in the San Francisco Bay view on December 7, 2005 headed "Bloody U.N. siege on Cite Soleil" which begins "At least 15 residents were killed and dozens wounded by United Nations troops during incursions in the zone of Cite Soleil this past week." Persons curious about the scope of her activities can consult the three page entry in Wikipedia- presumably submitted by Athena Kolbe- which states that since

February 29, 2004, Lyn Duff "has regularly covered the situation in Haiti for the San Francisco Bay View, Pacifica Radio's Flashpoints and Pacific News Service... Subjects have included politically motivated mass rape, the United Nations mission in Haiti, killings by American marines in Port-au-Prince, civilians taking over the neighborhood of Bel Air, murders of street children by police and ex-soldiers, presidential/legislative elections, and the general human rights situation."

Within hours, the whitewash of Lavalas partisans and finding that U.N. troops had threatened civilians with death and sexual violence- and how seriously should such threats be taken if in fact no deaths or sexual assaults ever occurred?- were being trumpeted by Brian Concannon, Ira Kurzban, Amy Goodman etc. It is probably not surprising that Aristide's attorneys, who have been operating a "Lavalas Defense Fund" under the guise of an independent non-partisan human rights organization, would see no conflict in the Duff/Kolbe situation. (However, for an exercise in hypocritical sanctimoniousness, see the same parties comments on the news that a reporter for NPR was also broadcasting reports- under her own name- for VOA.)

Which brings us back to the question of what Lyn Duff would have us believe: her December, 2005 survey that absolves the UN from any deaths during

the 22 month period or her December 7, 2005 article in the SF Bayview in which states that during the past week UN troops had been responsible for at least 15 deaths and dozens of wounded? There is no way to reconcile the two.

All of the reports of reputable human rights organizations like Amnesty and HRW confirm what everyone even remotely familiar with the situation in Port-au-Prince since Aristide's departure knows already: that UN troops, gangs of Aristide partisans, the HNP, former soldiers, government security forces, and anti-Lavalas gangs have all been responsible for a substantial number of deaths and other civilian casualties. How reliable is a survey that fails to register this elemental fact? How does it account for the remarkable drop in violent crime, kidnappings etc. in the four month period following Preval's election?

There are significant flaws in the methodological underpinnings, design of the questionnaire, and way the survey was carried out that make much of the data worthless. One is the reliance on the "GPS." The 1250 households were chosen at random geographically from the greater Port-au-Prince area through the GPS (Global Positioning System), a method ordinarily used in geological surveys that had apparently been applied to a study of this nature once before. Under this system of random selection, a household in Turgeau would be given equal weight with one in La Saline. This flies in the face of the general assumption that violent crime is greater in poor, densely-populated areas than in upper middle-class neighborhoods, and suggests that the number of deaths, sexual attacks etc. was much greater than the survey asserts. However, Duff/Kolbe states that a comparison of the results from Cite Soleil and those of Petionville did not reveal a statistically significant difference. Again, this contradicts what everyone in Port-au-Prince knows: that there are "zones of danger" official or otherwise.

Another instance was the survey's estimate that 9.6% of all restaveks had been victims of sexual assault during the past 22 months. The survey was made

on the basis of randomly chosen households. Just as the reliance on the "GPS" failed to give sufficient weight to the results of households in densely-populated neighborhoods, so it failed to give sufficient weight to middle-class enclaves in estimating assaults on restaveks. However, an even more fundamental defect lies in the way the survey was conducted. In each of the randomly selected households, the head of the household or other adult was questioned about the experience of all other members of the household. So in other words, the sexual assaults on restaveks documented by the survey were only those reported by the head of household or family member. If you believe that family members are responsible for a significant portion of such assaults, then it follows that the figure of 9.6% substantially underreports the problem.

Another problem with the survey is that although it purports to measure levels of crime since February 28, 2004, there are, not surprisingly, no similar statistics for the period prior to 2004. How are we to interpret these figures? Does the number of assaults represent an increase, and if so by how much, etc.

It is hard to see what if any value this survey contains.

I had assumed that the Wayne State Dept. of Sociology, like the Lancet, were victims of the Lyn Duff/Kolbe hoax but this was apparently not the case. Duff's supervisor and co-author Prof. Hutson is quoted as saying "The charges of bias are baseless. We were aware that Athena had written (note: and was writing) under another name and found no conflict. Our concern is the way UN soldiers are interacting with Haitians." Well, at least the Professor is up front about it. Some of the rest of us had been misled into thinking that the purpose was to determine the number of human rights abuses and other criminal violations in Port-au-Prince through a rigorous, and impartial, scientific survey.

Peter Dailey