

HAITI HUMAN RIGHTS REPORT

Let Haiti Live: Coalition for a Just U.S. Policy

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Human Rights News

Police Violence Mars Peaceful May 18 Demonstration in Port-au-Prince

A peaceful demonstration of several thousand protestors on May 18 was brutally disrupted by police who shot and killed at least one person present. Simpson Saintus, known as Titus, age 23, died from bullet wounds allegedly inflicted by police officers from Special Force units (CIMO) as the demonstrators from the Bel Air neighborhood of Port-au-Prince approached the Champ-de-Mars area where the National Palace is located. The only item in his possession was a Walkman disk player. News reports state demonstrators threw no rocks or engaged in any behavior to provoke the shooting.

The Inspector General of the Haitian National Police, Jean Yonel Trécil, had indicated Monday over the airwaves of several Port-au-Prince radio stations that the police had not been notified of the demonstration. Lt. Col. Dave Lapan, spokesperson for the Multinational Interim Force (MIF), confirmed that "the HNP (Haitian National Police) requested assistance from the Multinational Interim Force in dispersing the demonstrators." He said that the director general of the HNP, Léon Charles, had informed him that no groups had submitted requests to conduct a demonstration by the time required (up to 48 hours prior to the time of the demonstration). Organizers of the march displayed proof of a receipt of a letter sent on May 12 the director general of the police requesting permission for a demonstration, which had been publicly announced weeks before it took place. Per AHP, Léon Charles admitted on Thursday that the police had received the letter. Organizers also sent a copy of the letter granting authorization for the demonstration to several international institutions.

One group reported that a contingent of about 50 U.S. Marines patrolled every hour at the start of the march in Bel Air in an attempt to intimidate the population there. An American journalist who was filming the action reports being threatened by Marines present and later being shot at when he attempted to take a photograph of those.

There are unconfirmed reports that more protestors were killed and several others were arrested.



Simpson Sainus, 23, died from bullet wounds allegedly inflicted by police officers during a peaceful May 18 demonstration.



Photo of Ti Moto taken in the General Morgue, May 19. His body was located among many others. Also found was the body of a man executed with hands tied behind his back. The identity of this body could not be determined.

Radio and Tele-Timoun Closed

The interim government closed the offices of Radio and Tele-Timoun on the afternoon of May 18, just after the demonstrations were stopped. The offices were closed by the Justice of the Peace of the Peace of Croix-des-Missions, who was allegedly accompanied by 50 police officers. The seals closing the media outlets were applied at the verbal order of the Minister of Education of Youth of Sport of Culture. Radio and Tele-Timoun are owned by the Aristide Foundation for Democracy, a nonprofit organization (AHP). The de facto authorities have provided no justification for this action, which appears to violate the Haitian Constitution's protection of the press and free speech.

Killing in Martissant, May 19

A man with the alias Ti Moto and a man accompanying him were killed on May 19 at around 8.00 pm at Pont Breard in Martissant 1 by Ti Junior, an escaped convict and leader of a gang who has allegedly been terrorizing the zone of Martissant for months now. Ti Moto is a member of Groupe 12, a popular organization based in Martissant and is affiliated with Fanmi Lavalas. Two other members, Philippe Eliphete and Herold were killed at

the beginning of April by the same Ti Junior. He reportedly killed another man called Hippie, an alleged criminal, on Easter Sunday. On that day members of the multinational force and Haitian police came to collect the body but Ti Junior, who was present at the time, was not arrested. Following the killing, Ti Junior was allegedly asked by someone what happened and he declared that he has accomplished a mission and was seen distributing money to other members of his gang.

Massacre at St-Michel de l'Attalaye

The Haitian Press Agency reported on April 29 that at least four people were assassinated and many others wounded by individuals armed with machetes accompanied by former soldiers in the communal section of St-Michel de l'Attalaye. About 20 homes were reported to have been burned and many animals killed by machetes. The attacks followed resistance by residents of the commune to resist the reinstatement of a *chef de section*, or a rural police chief, by former members of the Haitian army (Agence Haitienne de Presse, 4/29).

UN Reports on Deteriorating Security Situation

The United Nations reported on May 4 that violent crime is on the rise in Haiti. The report noted that despite the presence of 3,700 forces in the country, the multinational interim force has had a limited effect on the overall security. The report noted that there still remains a shortage of police, and some towns in the Northwest still remain with police protection (UN News Centre, 5/4).

Ongoing Executions

There are reports that on April 28 or 29, 13 young men were kidnapped from Cité Soleil, tied to each other, and executed. One of the young men was found the next day in the General Hospital morgue by his family. Witnesses reported that he was kidnapped in the Projet Linto area with two other men. Searches for the other men by their families have thus far proved unsuccessful.

Continuing Reports of Executions in Port-au-Prince

Although less frequent than in the weeks immediately following February 29, reports of executions continue to emerge from Port-au-Prince. On May 2, the employee of an internet café at Rue Bojoli in Fontamara was shot and killed by two men. Nothing was stolen from the business. On the same day, near the fish market at La Rochelle 31, another man was shot twice. His condition is unknown. On May 4, Maxo Jean was killed after he was beaten and shot by several men at Route Douillard in Cité Soleil near a pump station.

Justice and Peace Commission: More than 300 Bodies in Street

The Justice and Peace National Commission recently reported that it counted more than 300 bodies in the streets of Port-au-Prince in February and March. A report issued by the Commission estimated that the final cadaver count could exceed 500. Most victims included in their count had died of gunshot wounds. Father Jean Hansens of the Commission speculated that most of the street murders were of a political nature (AHP, May 3).

Reports of Rape and Violations against Women and Girls

Since the beginning of the armed conflict in February, there have been reports of rape and violence against women and girls. UNICEF found that child rapes increased significantly in urban areas during the height of the armed conflict, citing reports from a human rights organization of nine rapes of girls in a two day period in Cabaret. Oxfam warned in April that women and girls in Cap-Haïtien were particularly vulnerable to assaults and rape in the current climate of lawlessness of impunity. In recent weeks, there have been unconfirmed reports gangs of former convicted criminals are committing robberies at night in Cité Soleil and when they are not able to find money, they commit rape against girls and women, assaults against other persons present and in one case, have kidnapped two young men from their homes. (UNICEF, <http://www.unicef.org>, 4/19; Oxfam, April 8 2004, <http://www.oxfam.org.uk/>).

Prisoners Remain at Large

As rebels led their insurrection against the elected government in February, they liberated the entire Haitians prison population. Approximately 3,000 prisoners were freed, including many who were serving sentences or awaiting trial for serious human rights violations. Reuters reported on May 6 that prisoners were threatening individuals and businesses and carrying out robberies, shootings, and kidnappings. A delegation from the National Lawyers Guild found no apparent effort being made to capture the escapees, among which were persons convicted in the Raboteau Massacre trial in 2000. The delegation heard one report that 128 of the 1,028 prisoners who escaped from the National Penitentiary in Port-au-Prince had been rearrested. It could not, however, find evidence to corroborate this claim, and none of these allegedly rearrested prisoners were being held at the National Penitentiary (Reuters, 5/6, National Lawyers Guild Delegation, Phase II, 4/12-4/19)

National Campaign of Repression Continues, National Lawyers Guild Reports

Numerous reports from Haiti continue to emerge of a campaign of repression aimed primarily at supporters of deposed President Aristide and his political party Lavalas. Jonas Petit, a spokesperson for the Lavalas party stated: "We won't [participate in the electoral council] until the government puts an end to the killing, persecutions, illegal arrests, and destruction of personal property of our members and supporters" (Reuters). Although many groups have been accused of carrying out violations since February 29, no other major political group has claimed to have been subjected to political persecution since that date.

Members of the NLG delegation found extensive evidence supporting the claims made by Lavalas leaders of continued repression, violence and human rights violations towards supporters of the elected government. Thousands of individuals still remain in hiding and many families have been disrupted for more than two months. All persons in hiding interviewed by the delegation, including local and national government officials, the director of a community radio station, community and neighborhood leaders, teachers, and students, identified themselves as supporters of Aristide or the deposed government. Members of the delegation found that across Haiti, "security for government supporters and members of popular organizations working for peasants' rights, democracy, and/or Aristide was severely lacking and that these persons continued to be in grave danger" (NLG II).

Significant Internal Displacement, Human Rights Lawyer Reports

Numerous residents from the country side, in particular from the neighborhoods of Petit Goave, Gonaïves, Saint Marc, Cap-Haïtien, Jeremie, Limbé, Mirebalais, and Maïssade have been forced to flee to Port-au-Prince as a result of acts of intimidation and/or death threats. Several have been threatened with death upon their return to the area. Many who have tried to go back have been forced to return because of the continued presence of those who initially persecuted them. Similarly, those from Port-au-Prince who are being persecuted claim they cannot go to the country side because of the presence of former militaries and rebels in certain areas, and the lack of regular police forces.

Reports from the North: Climate of Lawlessness Prevails

During its week-long visit to Haiti (April 12-19), a delegation from the National Lawyer's Guild (NLG) spent several days visiting the North of Haiti and conducted interviews with many different individuals and groups in Cap-Haïtien, Gonaïves, and Milot. The NLG Delegation found the situation in the North of Haiti to be characterized by a lack of functioning local government structures. Police buildings were burned and abandoned from Gonaïves north to Cap-Haïtien. Although the NLG Delegation found evidence that the level of violence had declined since the weeks immediately preceding and following February 29, the delegation heard "persistent credible reports ongoing kidnappings for payment of ransom, threats, intimidation, and some targeted killings." Consistent with the findings of earlier delegations from Human Rights Watch and Amnesty International, the NLG delegation found extensive evidence of human rights violations in Cap-Haïtien, Gonaïves, and Port-au-Prince, and connections between these violations and the armed groups. (For a full copy of the NLG report, go to www.nlg.org).

The NLG reports that the presence of elected officials at the national and local level and the National Police have been supplanted by rebel forces comprised of convicted human rights violators, released prisoners, gang members, and other groups with a weak human rights record. The delegation observed that armed gangs continue to operate openly in Cap-Haïtien and Gonaïves without any intervention from the MIF. Others convicted in major human rights cases, including Jean "Tatoune" Pierre remain at large, and "Tatoune" remains a major power broker in Gonaïves. They also noted that the gangs play a more powerful role than police and even international troops in some areas.

The NLG delegation found no indications that the Haitian National Police, or the multi-national forces claiming to support the police, were seeking to arrest anybody for the killings of police, the burning of homes and police stations, or the killing, kidnappings, and threats being made against the civilian population. When interviewed, the press officer for the French forces in Cap-Haïtien, J.L. Duros, stated the role of the multi-national force was to provide assistance to the Haitian National Police as the police lack legitimacy because of their involvement in the former government and "need to regain the trust of people." He also indicated that the French troops were not involved in disarming people but would assist the police in arresting people who unlawfully possessed weapons. He stated the French troops did not have any direct contact with armed groups. The failure of the multi-national forces to disarm the rebel forces, the lack of a police presence, and the *de facto* security role of armed rebel groups was also noted by Human Rights Watch in its March assessment mission to the north of Haiti (Amnesty International, *Haiti: Perpetrators of past abuses threaten human rights and the reestablishment of the rule of law*, 3/3).

Legal Concerns about Arrests

The Case of "So Anne"

At 12:30 on May 10, 2004, the U.S. military, acting as the Multinational Interim Force (MIF), forcibly entered the home of Annette Auguste, or "So Anne," a Haitian activist. No Haitian police were reported to have been present at the time of the entry, arrest, or interrogation. The U.S. soldiers are said to have blown up the gate where So Anne was living with a grenade and shot the dogs on

the property with automatic weapons. There were no weapons found on the premises. Photos taken at the scene show extensive damage to the property (photographs posted at www.haitiaction.net). MIF spokesperson Colonel David Lapan stated that So Anne had been arrested for making negative comments against the foreign soldiers and Haitian Police and said that the Marines used substantial force during their operation in order to demonstrate that the Marines were capable of defending themselves.

The arrest of So Anne and her family members occurred in clear violation of the Haitian Constitution: she was taken into custody of the Marines without an arrest warrant, in violation of Constitution Article 24.4. The arrest was made in the middle of the night, despite a constitutional ban on arrests between 6 pm and 6 am (Art. 24.3(4); 3). Eleven family members were arrested with her, including her five-year old grandson, in violation of Art. 24.3, which prohibits arrests of people for other's alleged crimes. The use of explosives and automatic weapons constituted excessive force. So Anne and her family members are reported to have been interrogated by the Marines, without legal counsel present, in violation of Art. 25.1 of the Constitution. It is reported So Anne is being held by U.S. Marines, not Haitian police, and international press have been denied access to see her at the time of writing.

Constitutional Questions Surround Arrests

The NLG delegation found evidence that So Anne's case is not isolated and that extra-constitutional arrests are common. According to their report, some of these arrests are being carried out either by or with the assistance of the U.S. Marines. The delegation interviewed prisoners who were being held in a Port-au-Prince jail. The prisoners indicated that they had been picked up by U.S. Marines who accused them of planning to shoot American soldiers and then took them for detention to the jail.

The Haitian Constitution (Art. 24.3, Art 26) requires that enforcement officials demonstrate a legally cognizable basis for arrests and detentions. The prison official questioned by the NLG delegation did not know or question the legal context of the prisoners' detention. There was no record of an arrest warrant and the Marines were expected to return to interrogate the men, who claimed they were merely out drinking. When interviewed by the NLG Delegation, a police official claimed that "No charges are brought because no charges need be brought against detainees." The official told the delegation that the five detainees in question would see a judge on the following Monday. They had been arrested on Wednesday. The Haitian Constitution requires that detainees be granted a court hearing within 48 hours of arrest. The police commissioner interviewed stated that he would make arrests on one of two following two bases: if he personally witnessed someone committing a crime or if a witness claimed to have seen a crime. In the latter case, the witness would be required to obtain an arrest warrant, and the police would then arrest the suspect.

Marines Control National Penitentiary

During a trip to the National Penitentiary, the NLG delegation found Marines present and in control of at least a portion of the facility. After initially receiving permission to tour the prison, the Inspector had a conversation with the Marine present, Corporal Pierre. The group was informed that one-half of the prison was under the exclusive security control of the U.S. military and it could not enter that portion of the prison. Corporal Pierre told the delegation that the U.S. forces did not arrest persons and bring them directly to the prison. He did not disclose whether prisoners were being held in that section of the prison; however another Marine later confirmed that the Marines were in fact holding prisoners when confronted by the family member of a person alleged to have been arrested by the U.S. Marines the previous evening.

The Haiti Human Rights Report is a publication of the Let Haiti Live Coalition. The purpose of the report is to disseminate information on the human rights situation in Haiti. It is not meant as an exhaustive catalog of all human rights violations occurring in Haiti. Submissions, subscription requests, comments, and requests for verification of materials may be sent to haitihumanrights@yahoo.com. Submissions will be reviewed for authenticity and investigated for corroborating evidence before being published in the report. The editor reserves the right to make final decisions on materials included in the report. For more information about the Let Haiti Live Coalition, visit www.haitireborn.org or email info@haitireborn.org.



Photo from the home of So Anne, where extensive damage was done in an arrest by U.S. Marines