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## Haiti: Breaking the cycle of violence: A last chance for Haiti

### A summary of Amnesty International's concerns

In the aftermath of the departure of former President Jean-Bertrand Aristide, Haiti is confronted with a number of human rights challenges it must meet if the country is to break with the violence and impunity that has characterized it for so many years.

An Amnesty International delegation visited the country from 25 March to 8 April 2004 and was deeply concerned for the security of the civilian population. Despite the presence of the UN-mandated Multinational Interim Force (MIF), a large number of armed groups have continued to be active throughout the country and to abuse human rights. These groups include both former insurgents (made up initially of former military officers and former members of a paramilitary group active during the 1991-1994 military regime, responsible for serious human rights abuses in the past), armed criminal gangs, escaped prisoners and militias loyal to former President Aristide.

In the current climate of violence and insecurity, the first challenge Haiti must meet is the protection of civilians and the restoration of the rule of law. Amnesty International believes that the first step towards ensuring this is by setting up a comprehensive, nation-wide disarmament of all the groups currently in possession of weapons. This includes not only the violent groups associated with the former government, but also those who participated in the insurgency against former President Aristide, as well as criminal gangs, former prisoners, and private security officers.

Haitian rule of law institutions, already plagued by politicization, mismanagement and corruption, were further weakened by the recent conflict: courthouses, prisons and police stations were burned, looted or otherwise destroyed, and many officials were forced out or fled. While the capacity of the police and judiciary is limited, the interim government has swiftly moved to arrest members of former President Aristide's Fanmi Lavalas party suspected of acts of political violence or corruption, but has not acted with the same commitment against accused or convicted perpetrators of grave human rights violations, some of whom played a prominent role in the recent insurgency. On 22 April 2004, Louis-Jodel Chamblain, convicted *in absentia* for his part in human rights abuses, turned himself in to the police. He is entitled to a retrial according to Haitian law. His case is an important test for Haiti's judicial system. It is also a test of the country's commitment to put an end to impunity. Unless Haiti can demonstrate that no one is above the law, and that the law is applied impartially to both government supporters and opponents, impunity will continue to be rife and there will be no end to the violence and instability that have taken hold of Haitian society for so long.

The international community has recognized that Haiti cannot respond to these challenges alone. The United Nations' Stabilization Mission in Haiti (MINUSTAH) has been mandated by the UN Security Council to support the constitutional and political process, governance and development and assist in maintaining public safety and public order. MINUSTAH also has a strong mandate to support the transitional government and Haitian human rights institutions in promoting and respecting human rights, to assist in the reform and institutional strengthening of the judiciary and with disarmament programs.

But Haitian ownership of human rights and justice programs is essential if lasting progress is to be achieved. Haiti and MINUSTAH must work in close co-operation from the start, and MINUSTAH support must be matched by an equal commitment by the Haitian authorities to uphold the rule of law

and to guarantee the impartial and independent functioning of its rule of law institutions. For its part, the international community must make sure that it provides the long-term resources needed to forge a permanent solution to Haiti's ongoing political, financial and human rights crisis.

## Context

On 5 February 2004, after months of unrest and demonstrations demanding the departure of President Jean-Bertrand Aristide, conflict broke out in Gonaïves, the country's fourth largest town, when armed opponents of the government attacked police stations and court houses, forcing the police and local authorities to flee. The insurgents were mainly officials of the disbanded Haitian Armed Forces (Forces Armées d'Haïti, FAdH); former members of the paramilitary organization Revolutionary Armed Front for the Progress of Haiti (Front Révolutionnaire Armé pour le Progrès d'Haïti, FRAPH) and a group based in Gonaïves called the Cannibal Army (Armée Cannibal), which had initially supported Aristide but which later called for his ouster.(1) All of these groups had been involved in human rights violations both before and during the present conflict. The insurgents were led by former army officer and one-time Haitian National Police commissioner Guy Philippe, who had fled the country in 2000 after he was accused of participating in a coup attempt, and by Louis-Jodel Chamblain, former second in command of the FRAPH, who returned from exile earlier this year. Chamblain had been sentenced *in absentia* to life in prison for the 1993 murder of pro-Aristide businessman and human rights activist Antoine Izméry and for his role in the 1994 Raboteau massacre, and has been implicated in other human rights crimes. (2) The leadership also included Jean Pierre, alias "Jean Tatoune", a former FRAPH leader who was sentenced to forced labour for life for participation in the 1994 Raboteau massacre. He was among the prisoners who escaped from Gonaïves prison during an August 2002 jailbreak organized by the Cannibal Army. Gang members under the direction of "Jean Tatoune" have been accused of numerous abuses against officials and supporters of the Aristide government, as well as other Gonaïves residents, over the past 10 months.

As the violent rebellion swiftly spread to other areas in the north and centre of the country, others joined in. Among them were former *chefs de section*, rural police chiefs, notorious for human rights violations, who were disbanded when former President Aristide first took office in 1991, reformed by the military regime that overthrew him in 1991 and disbanded again in 1994, as well as others opposed to him. Over the two weeks following the uprising, government authorities had been forced out of much of the national territory. Other groups, unrelated to Guy Philippe, also rebelled in other parts of the country, for example in Les Cayes in the South Department. Prisoners were released as the insurgents took over towns and cities, and many prisoners also joined their ranks.

On 29 February, as the insurgents threatened to advance on Port-au-Prince and forcibly remove President Aristide, he left Haiti in disputed circumstances.(3) In the atmosphere of lawlessness that followed his departure, all prisoners escaped from the National Penitentiary in Port-au-Prince. Among those who escaped were other human rights violators convicted in the same trials for the same violations as Louis-Jodel Chamblain and "Jean Tatoune". Amnesty International had at the time expressed its concern that the escaped prisoners could join their former colleagues among the insurgents, thus gaining access to weapons and potentially to positions of influence in which they could commit further human rights violations.

Within a few hours of Aristide's departure, Supreme Court President Boniface Alexandre was sworn in as the new Interim President.(4) On 4 March a Tripartite Council was established, consisting of three members: one representative of former President Aristide's Fanmi Lavalas Party, one of the Democratic Platform (Plate-forme Démocratique) a group opposed to former President Aristide, and one representative of the international community. The next day, the Tripartite Council selected seven eminent persons to constitute a Council of the Wise (Conseil des sages) from key sectors of society:

Church, human rights groups, academia, the private sector, the Democratic Convergence (Convergence Démocratique) an anti-Aristide political grouping, and Fanmi Lavalas, and charged it with selecting an Interim Prime Minister. Gérard Latortue, a businessman and consultant with the United Nations living in the United States, was appointed as Prime Minister on 9 March and a transitional government was formed a week later. In the absence of a working Parliament, the Council of the Wise acts as an advisor to the government.

## **The current situation**

### ***The state of the justice system***

The endemic problems faced by Haiti's judicial system, of which the main features have been corruption, lack of resources, personnel and training and lack of independence from the Executive, could not be overcome by the post-1994 administrations despite the creation of a Magistrates' School and training and considerable assistance by the international community. While the level of training of judges and other judicial officials in both formal and informal conflict-resolution mechanisms improved drastically with the inputs of the United Nations (UN)/Organization of American States (OAS) International Civilian Mission in Haiti (Mission Civile Internationale en Haïti, MICIVIH) UN agencies and bilateral donors, the judiciary continued to suffer from chronic underfunding, lack of personnel, resources and equipment, and the Magistrates' School operated throughout without statutes and formal existence under Haitian law. The situation was aggravated in recent years due to the high level of politicization of the judiciary and the intervention of the Executive in its decisions. During the Aristide presidency, several judicial officials denounced pressures they received from officials at both central and local levels of government. Several judicial officials were either dismissed, or went into exile or *marronage* (hiding) when they refused to yield to this pressure. Impunity continued to be the rule, not the exception, when it came to human rights violations. Public confidence in the judiciary was virtually non-existent.

The recent conflict further affected the capacity of the judicial system to operate: at least eight court houses were destroyed (Saint Marc, Gonaïves, Cap Haïtien, Hinche, Mirebalais, Fort-Liberté, Port de Paix, les Cayes), and many judges ceased to report to work. At the time of the Amnesty International visit, a commission of the Ministry of Justice had started an assessment of the destruction of judicial infrastructure. It was not known either how many of the approximately 600 judges the Haitian system is comprised of were active. Amnesty International delegates met several judges from the provinces who had gone to the capital Port-au-Prince to ask for transfers. Some complained about threats from escaped prisoners.

### ***The police***

The Haitian National Police (HNP) is, since the disbandment of the army in 1995, the only official institution in charge of security in the country. Before conflict broke out, the number of police officers in the country amounted to some 5,000 officers for a country of 8.5 million inhabitants.<sup>(5)</sup> Considerable international aid went to train and equip the HNP since 1995, but especially in recent years, in addition to the lack of resources in terms of personnel, logistics and finance, the HNP was plagued by politicization, corruption and mismanagement. According to the United Nations "arbitrary promotions of Fanmi Lavalas loyalists, the incorporation of *chimères*, police abuse, rape and drug trafficking further contributed to the demoralization and erosion of professional standards within the police service and a loss of credibility in the eyes of the Haitian population."<sup>(6)</sup> The weak status of the HNP has also contributed to crime".<sup>(7)</sup>

During the recent conflict, the HNP virtually collapsed. Police stations were attacked, ransacked and burned down and police officers were killed or simply fled. Léon Charles, the new HNP Director, told Amnesty International that there were just over 2,000 men in active service. Although an effort is being

made to reassert police authority in different parts of the country, many areas are still outside HNP's control. In some areas, insurgents have taken control of police stations and appear to have assumed "law and order" functions. In the North Department, Louis-Jodel Chamblain and a group of insurgents were even seen presiding over impromptu trials.

A considerable effort will be required to achieve sustainable reforms and to strengthen the HNP with a view to restoring its capacity to maintain law and order. The international community can again help with policing activities while the HNP gets back to its previous level. They can also train, equip, rehabilitate infrastructure and vet new recruits. Nonetheless, there is a strong need to ensure that past mistakes are not repeated, and effective measures need to be integrated, from the start of any co-operation and reform programme, to prevent the politicization, corruption, mismanagement and human rights abuse that have so far plagued the institution, and to hold accountable those responsible. In addition, reform of the police, the justice system and the prison system must be integrally linked and proceed together. One of the lessons learned from the past is that although the new police force received a lot of training and assistance, its effectiveness was limited because the justice and penal systems did not advance at the same pace.

Following the announcement of the interim Haitian authorities that former army officers would be integrated into the Haitian National Police, Amnesty International is concerned that former military personnel with a record of human rights violations may be incorporated into the police force. The organization urges both the Haitian National Police and the international community to put in place an effective, fair and impartial vetting system to ensure that no one responsible for human rights violations, committed either under previous administrations or during the recent conflict, is recruited into the new police force.

### ***The imperative for disarmament***

In the current situation of violence and insecurity, disarmament of all the groups carrying weapons is the crucial first step towards ensuring the protection of civilians and restoring the rule of law. In a report by the Organization of American States (OAS) and the United Nations Development Programme (UNDP), it is estimated that about 25,000 people are in possession of weapons in the country.(8) Armed gangs are also reported to have recruited and/or pressured children to take part in the recent violence.(9) Groups to disarm include former insurgents (including former soldiers, former members of the FRAPH and former *chefs de section* and civilians who joined them – some of whom were also members of criminal gangs); *chimères* and other pro-Aristide gangs; former police auxiliaries; criminal gangs; former prisoners; private security officers and the "private sector" – the high numbers of individuals, especially in richer urban areas, who own weapons. Early disarmament of former insurgents is all the more pressing as police authorities are absent in many areas and it is important to prevent these groups, who are already posing a major threat to state authority, from consolidating their power and from continuing to commit human rights abuses.

### ***Ongoing Impunity***

Given the limitations described above, Amnesty International does not believe that the Haitian judicial system is currently in a position to try those alleged to be responsible for human rights abuses in trials which meet minimum international standards, unless it receives considerable international expert assistance.

One of the hallmarks of a functioning legal system is its ability to apply the rule of law impartially. Since coming to power, the interim government has swiftly moved to arrest members of the Fanmi Lavalas party suspected of acts of political violence or corruption, or has taken measures to prevent them from leaving the country, but has not demonstrated an equal commitment to act against accused or convicted perpetrators of grave human rights violations such as Louis-Jodel Chamblain, Jean Pierre

("Jean Tatoune"), Jean-Claude Duperval, Hébert Valmond, Carl Dorélien and others.(10)

Indeed, three days after taking office, Prime Minister Gérard Latortue – sharing a platform with convicted murderer "Jean Tatoune" – hailed the former insurgents as "freedom fighters". His remarks were all the more symbolic for being made during his visit to Gonaïves, where the insurgents had burned the police station, chased off the police forces and freed the prisoners. According to later press reports, Prime Minister Latortue said that his government's priority would be the neutralization of the pro-Aristide *chimères*, whom he accused of being responsible for the country's insecurity, and of all Fanmi Lavalas partisans who had committed crimes, adding that this phase should be completed before the government would focus on the cases of violators of human rights during the period following the coup d'état of 1991 and on those responsible for other acts of violence.(11)

On 22 April, following international criticism of the interim government's close relationship with the former insurgents, Louis-Jodel Chamblain turned himself in to the police. He had held talks with the authorities the previous day, the details of which have not been made public, and both the Director-General of the Police and the Minister of Justice were present at his surrender.

Haitian law stipulates that anyone convicted *in absentia* should be arrested upon entry in the country, yet Chamblain circulated freely for over two months, and Minister of Justice Bernard Gousse reportedly told journalists that he would not have been arrested if he had not turned himself in.(12) Some 15 people who had been tried in person and convicted of the Raboteau massacre, including "Jean Tatoune", have escaped or been freed from prison, and no attempt has been made to re-arrest them. Amnesty International was deeply concerned by statements attributed in the press to Minister of Justice Bernard Gousse, who reportedly said that "Jean Tatoune" should be pardoned. "Jean Tatoune" had initially announced his intention to follow Chamblain's example and turn himself in, but he remains free, as do the other Raboteau convicts.

According to Haitian law, Chamblain is entitled to a retrial upon arrival in Haiti, with no presumption of guilt holding over from his previous *in absentia* convictions. Amnesty International welcomes the opportunity for Chamblain to be retried in his presence, in accordance with international standards for fair trial. However, the prospects for fair and effective trials, in which justice is done and seen to be done, have been compromised by factors beyond the inherent weaknesses of the Haitian judicial system. The original trial records were reportedly destroyed by insurgents in Gonaïves. A number of witnesses and surviving victims of the Raboteau massacre are in hiding; the lead judge in the Raboteau trial was recently attacked apparently because of his role in the case, and other judges connected with it have said they fear for their lives. The Minister of justice, who is responsible for appointing prosecutors, has declared that Chamblain "has nothing to hide". Although Chamblain was in jail at the time this report was written (May 2004), his allies remained in control of large areas of the country, despite the presence of international peacekeeping forces.

The treatment of Louis-Jodel Chamblain, "Jean Tatoune" and other known and suspected perpetrators of human rights violations by the Haitian justice system will set an important precedent in the struggle to end impunity. A functioning judicial system is a crucial part of the framework for building a culture of human rights and establishing the secure and stable environment that has so long eluded the Haitian people. The case of Louis-Jodel Chamblain is a particularly important test, and the new UN mission must take steps to ensure that Chamblain is tried in accordance with international standards for fair trial, both to protect his own rights as a defendant, and to ensure that witnesses and victims are able to testify freely, and that judges, prosecutors, police officers, lawyers and all others involved in the proceedings are able to work without fear or pressure.

### ***Socio-economic conditions***

According to the United Nations Development Programme, Haiti continues to be the poorest country in the Americas. In 2003, Haiti's human development ranking was 150th out of 173 countries, and life expectancy was 49.1 years. Food insecurity affected some 40% of households and more than 50% of the adult population was unemployed.(13) Even before the crisis, the situation of children was among the worst in the world. More than one in 10 Haitian children die before the age of five, 65% suffered from anaemia, 17% of under fives had insufficient weight and 32% suffered from development problems due to malnutrition. Some 200,000 children have lost one or both parents to AIDS, and up to 6.7 per cent of young women are living with HIV/AIDS. Maternal mortality is also among the highest in the world.(14)

Living conditions have been further aggravated by the recent conflict. For example, the transport disruption caused since February resulted in many peasants not being able to take their produce to regional markets and thus not earning any income; at the same time, difficulties in transport also resulted in an increase in the price of basic food and other essential items. The price of rice and other basic food items has increased so much that in early May, Prime Minister Gérard Latortue, in a widely criticized move, urged Haitians to change their eating habits and eat more corn meal instead of rice. The danger of famine in certain areas in the countryside was present well before conflict erupted but, during the recent crisis, with the restrictions on delivery of aid, the pillage of humanitarian stocks, the difficulties in communications, ongoing insecurity and the lack of access to markets, many people have eaten their food reserves.(15) In certain areas peasants have reportedly been forced to eat the seeds reserved for planting. Planting season is at the beginning of the rainy season (March-April) and, since many peasants relying on seasonal agriculture have exhausted their seed reserves, the danger of famine is real.

The insurgency in February and March also caused damage to the water supply system and to the health, education and energy sectors, including sabotage of installations, looting of premises and theft of spare parts and vehicles. As a result of the conflict, the water supply has fallen to 75 per cent of what it was before, and some Haitians living in border areas have had to seek medical treatment in the Dominican Republic, while functioning health centres have reported a drop in patients because of the inability to pay for medical costs.(16) Some schools have also reported a lower attendance because of economic problems.

The budget deficit is reportedly almost twice of what is allowed for in agreements with the International Monetary Fund, and the new government says it needs an immediate injection of fresh resources if it is to carry out its task and begin to ensure a minimum of services.(17)

### ***The International Response***

#### ***The Multinational Interim Force (MIF)***

On the evening of President Aristide's departure, the Permanent Representative of Haiti to the United Nations submitted the interim President's request for assistance, which included international troops. UN Security Council Resolution 1529 (2004), adopted on 29 February 2004, authorized the immediate deployment of a Multinational Interim Force (MIF), for a period of three months. The US-led MIF, made up of US, Canadian, French and Chilean troops, started deploying soldiers that same day. Its mandate included assisting the Haitian police and coast guard "to establish and maintain public safety and law and order and to promote and protect human rights".(18) Significantly, the resolution, adopted under the binding provisions of Chapter VII of the UN Charter, also stated that the MIF was authorized "to take all necessary measures to fulfill its mandate", demanded that all parties in the conflict cease using violent means and reiterated that "all parties must respect international law, including with respect to human rights" and that "there will be individual accountability and no impunity for violators". (19) (20) (21)

reform and strengthening of the judiciary and the reestablishment of the corrections system". (32)(33) Significantly, the report also recommends that the Mission "assist the transitional Government... with comprehensive and sustainable disarmament, demobilization and reintegration programmes for all armed groups... as well as weapons control and public security measures". With regard to human rights, the Mission is to "monitor and report on the human rights situation, including the situation of returned refugees and displaced persons; and strengthen the Haitian institutional and societal capacity for the monitoring, promotion and protection of human rights, particularly of women and children, in order to ensure individual accountability for human rights abuses and redress for victims".(34)

Many of the Secretary-General's recommendations were reflected in Resolution 1542 (2004), adopted by the Security Council on 30 April. In it the Security Council created the United Nations Stabilization Mission in Haiti (MINUSTAH), to take over from MIF on 1 June. MINUSTAH will consist of 6,700 troops, 1,622 civilian police and additional local civilian staff. Unfortunately, the Secretary-General's proposal for an initial duration of 24 months was not accepted. Under strong pressure from the United States, the Security Council only authorized a mission for six months, although "with the intention to renew for further periods". (35)

Amnesty International welcomes the strong human rights component of the UN mission, which includes supporting the Haitian authorities with the investigation of violations of human rights and international humanitarian law "to put an end to impunity", as well as the importance attached to ensuring comprehensive and sustainable disarmament and the protection of civilians under threat of physical violence. However, the authorization of a UN mission for an, at least initially, short duration limits the capacity of the UN operation to engage in the effective, long-term planning required to address the complex task of re-establishing the rule of law and rebuilding justice institutions, setting up a nationwide disarmament plan and fostering sustainable development to address Haiti's widespread poverty and inequality which are at the root of many human rights violations. Amnesty International strongly supports the United Nations Secretary-General's opinion that "the most important lesson is that there can be no quick exit. Haiti will need our resources and our support for a long time. The current crisis is at least as much the result of irresponsible behaviour by the Haitian political class as of omissions or failures in previous international efforts. This means that true success will involve helping new and more responsible political groups to emerge... A long-term effort -- 10 years or more -- is needed to help rebuild the police and judiciary, as well as basic social services such as health care and education.... In a country like Haiti, it is only by sustained engagement, with both government and civil society, that we can help to build the institutions which enable democracy to take root".(36)

Amnesty International's discussions with a range of actors of civil society confirmed the need for long-term engagement, as well as for the international community to work alongside Haitians. It is essential that they themselves assume responsibility for needs assessments and development of proposals for long-term solutions to Haiti's problems. The commitment of Haitians, from government to civil society, is crucial if the international effort is to be sustainable and yield results in the long term. There is a need to establish clear objectives and achievement indicators, as well as regular assessments to ensure that the Haitian commitment to rebuilding their country matches the serious commitment required from the international community.

### **A legacy of human rights abuses**

Following the coup that deposed President Aristide in September 1991, the Haitian military and its allies, already notorious for widespread human rights violations, maintained control through extreme brutality and widespread human rights violations until a United Nations intervention force led by the US restored President Aristide to office in October 1994.(37) (38) Many of the military and paramilitary leaders responsible for the repression fled Haiti to live in exile in the USA and other countries; a number

Less than a month after Amnesty International made this request, the presiding judge in the case, Napela Saintil, was beaten in Port-au-Prince by a man who claimed to be sent by Louis-Jodel Chamblain.(43) Judge Saintil told Amnesty International delegates who visited him in hospital that on the evening of 31 March he was driving a friend home when a car with several men inside blocked his passage. An armed man approached the judge's car. Judge Saintil tried to back the car off but the man pulled him out of the car and beat him with his weapon, particularly around his neck and head. Another judge who participated in the trial, Jean-Senat Fleury, now director of educational programmes at the Magistrates' School, reported to the press that he also feared for his life.

#### ***Human rights abuses against Aristide opponents***

Opponents to Aristide say they have also been threatened in areas where the pro-Aristide armed gangs and *chimères* are still active. During its visit, Amnesty International interviewed over 25 students who had taken part in anti-Aristide demonstrations before the change of government. Many of them had fallen victim of the repression that followed these demonstrations, both by police officers and by *chimères* working with them. Several had been brutally beaten by pro-government counter-demonstrators, at the Humanities Faculty of the Haiti State University (Faculté des Sciences Humaines, FASCH), on 5 December 2003 while police forces stood by. They all claimed they had left their homes because they or their families had received threats for their involvement in demonstrations calling for Aristide's departure. Many live in poor neighbourhoods in Port-au-Prince where they claim the *chimères* are still active and looking for them. None of those interviewed had returned home by early April.

#### ***Threats against human rights defenders***

On the morning of 24 March 2004, a substitute justice of the peace at the Delmas Peace Tribunal, arrived at the offices of the Lawyers' Committee for the Respect of Individual Freedoms (Comité des avocats pour le respect des libertés individuelles, CARLI) accompanied by several men, and reportedly threatened to kill the staff. According to CARLI staff, the threat stems from the fact that CARLI named this judge in a list of alleged human rights violators published in its February 2004 report (CARLI publishes a monthly report of the cases it received under its "hot line" programme, whereby people can call a special number to denounce human rights abuses). CARLI had included him in the list as responsible for five illegal arrests, including that of human rights defender Kettelie Julien on 6 February 2004.

During an interview with Amnesty International's delegation, CARLI also denounced the almost daily calls threatening its workers and particularly its Secretary-General, Renan Hédouville, which have been received since 24 March. CARLI has also reported an armed robbery at the office on 22 April, which they believe is connected to the threats they have been receiving. Despite CARLI's call to the Director of Port-au-Prince Police and the latter's promise to send a patrol, no policemen arrived at the office. Nor have they received any response to their letters to the authorities regarding their case. "*La sécurité des militants des droits humains n'est pas la priorité pour les autorités haïtiennes*", "the safety of human rights militants is not priority for Haitian authorities", said Renan Hédouville.

CARLI's naming alleged human rights abusers in its reports has been a subject of controversy. Both local and international organizations have expressed concern that those named might be put at risk particularly as, until March, the list denounced mostly Aristide government officials or supporters.(44) During its visit, Amnesty International met with a pro-Aristide student who claimed to have gone into hiding following his naming in a CARLI list.

#### ***Attacks on Freedom of the Press***

Journalists in Haiti have long paid a high price for their work; many have been threatened, harassed or beaten; in 2003 alone, at least 27 journalists were reportedly attacked.(45) Two outspoken radio journalists -- Jean Léopold Dominique and Brignol Lindor -- were murdered in 2000 and 2001



respectively, and in neither case have the killers been brought to justice. During the armed insurgency in February, a group of journalists went into exile in France due to the threats they had received.

Since March, threats and intimidation have been directed primarily against journalists who worked in pro-Aristide private media or in government media during the Aristide regime. Some have been detained by former insurgents and released several days later. In the countryside, many journalists have simply stopped reporting about the political situation for fear of reprisals.

On 1 March, the offices of Radio and Tele Timoun, which belonged to President Jean-Bertrand Aristide's Foundation for Democracy, were ransacked by Aristide opponents and some of their journalists reported receiving threatening calls following the attack. Radio Solidarité also stopped broadcasting news on 1 March after receiving threatening telephone calls and only resumed broadcast on 6 April. Other pro-Aristide radio stations around the country have been attacked since 5 February.

Amnesty International's delegation met with two Port-au-Prince journalists, working with pro-Aristide media, who asked for their names not to be published. One went into hiding after armed men went to his house and threatened his wife and scared his two-year-old son on 29 February. Two days earlier, his car had been stoned while he was covering an anti-Aristide demonstration. He had also been receiving anonymous telephone death threats, and has been threatened by armed men in the street. The other journalist reported that he had been receiving repeated anonymous telephone calls on his mobile phone. The callers warned him that "we are watching you" or "be careful, we know your licence plates". Both journalists said that some 30 of their colleagues were thought to be in hiding at the time.

In early March, the home of Elysée Sincère, correspondent for Radio Vision 2000 in the city of Petit-Goâve, was reportedly shot at by an anti-Aristide armed group, after he had filed a report about the presence of two such groups vying for control of the town. He had also reported that two people had died in clashes between the two groups, and the existence of weapons caches in the town. In the attack, one of his relatives was wounded, his dog was killed and his car burned.

Lyonel Lizarre, a correspondent for Radio Solidarité and the Agence Haïtienne de Presse in Jacmel, was abducted over the weekend of 27 to 28 March and beaten by a group of former Haitian soldiers after he reported abuses by the group in the neighbouring town of Belle-Anse. He was also forced to disclose the location of the home of another colleague whom the armed group accused of being close to President Aristide.

On 16 April, Radio Solidarité correspondent in Mirebalais (Department of the Centre) Jeanty André Omilert, was seized by a group of former soldiers in front of the offices of Radio Excelsior, a local station where he hosts a discussion programme, and taken to the town's police station. According to the Secretary-General of the Haitian Journalists' Association (Association des Journalistes Haïtiens, AHJ) his capture was due to his "having broadcast news deemed contrary to the interests of the former rebels" that have controlled the Central Plateau since mid-February. His family was not authorized to visit him. He was released on 19 April.

### ***Stepping into the authority vacuum: Human rights abuses by insurgents***

In the weeks that followed the uprising against President Aristide, Amnesty International heard numerous reports of human rights abuses attributed to insurgents and their associates, including killings, beatings and other attacks, as well as illegal detentions.

In particular, Amnesty International has been concerned that many armed groups, mostly former insurgents, have taken control of smaller towns and cities throughout Haiti and are acting as *de facto* authorities, filling the police vacuum that exists in parts of the country. They have occupied police

stations and former military barracks. On several occasions, judicial authorities issuing arrest warrants have given them to these groups to enforce, as they are the sole "police" force in the area.

In Savanette, near Mirebalais in Haiti's Central Plateau, Fritz Duperval, his wife and his child were beaten by a former soldier who went to their house, reportedly in search of a weapon. Duperval was then taken away and held for a brief period. On 1 April, in Mapou 3, Savanette, an armed group associated with the former military who control the area reportedly shot and killed Plaisius Joseph and wounded three others. The incident took place when they were going to execute an arrest warrant issued by the local justice of the peace against persons involved in a land conflict. A few days later, the director of the local secondary school, Gabriel Guerrier, was briefly held and beaten by the same men.

On the island of La Gonâve, Jolès Sylvain, the director of the local secondary school, was reportedly arrested along with three colleagues, Jean Rémy Célestin, Kenil Loissant and Delamarre Pierre, a former mayor of La Gonâve, on 15 April. They were holding a meeting at the local church with others to discuss the re-opening of the school, closed since Aristide's departure, when around 30 heavily armed men burst into the church and "tied them up and beat them". The armed men, who reportedly were members of a gang linked to former FRAPH members, threatened to kill them and then took them to the empty police station. The apparent reason for their capture and ill-treatment was their alleged Fanmi Lavalas association. The four men were released later that evening following the intervention of the community, but went into hiding in fear for their lives. Reportedly, the gang is still looking for them.

In the Northeast department, an armed group known as the Kosovo Army (Armée Kosovo) alleged to have loose connections with Guy Philippe's Armed Forces of the North, has been acting as the *de facto* authority. Amnesty International received several reports of human rights abuses by the group since late February 2004, including the beating of the Catholic priest Anescar Fontrose and the pillage of his house in Grand Bassin and the illegal detention of Sinais Ambroise, one of Trou du Nord's deputy mayors. Similar reports were received from Fort-Liberté.

Other reports from the city of Les Cayes have indicated that an armed group calling itself the South Department Resistance Front (Front de Résistance du Sud) -in control of the area since early March- had also carried out attacks, beatings, illegal arrests and killings.

While in Haiti, Amnesty International's delegation received reports that former *chefs de section* and their former assistants have now returned and retaken control of some areas and are committing abuses against the population, in particular those who opposed them before. Former large landowners, commonly known in Haiti as "*grandons*", have also reportedly returned to reclaim, by force, lands they used to control and which were the object of a land reform during the presidency of René Préval (1996-2001).

Jean O'Daniel Bastiany is a long-time human rights and peasant activist in Lermite, St. Michel de l'Attalaye, Artibonite. He was repeatedly arrested and beaten between 1983 and 1988. Following the 1991 coup, he fled to Port-au-Prince and worked at the Centre oecuménique des droits humains, Ecumenical Centre for Human Rights, and then at the French non-governmental organization Doctors of the World (Médecins du Monde, MDM). He was also a member of *M'ap viv*, I'll live, an organization of the victims of the coup. He returned home to Lermite in 2003. He told Amnesty International that on 28 February 2004 a group of armed men, connected to the former *chef de section*, went to his house to arrest him. He was in Port-au-Prince at the time and has not returned home since then.

Reportedly, in other areas in St. Michel de l'Attalaye the *chefs de section* are also staging a comeback. In the commune of Paul, efforts to reinstall the former *chef de section* to replace the elected communal council ended in the killing of at least two people and the beating of several others on 28 April. Abuses

continued throughout the weekend, when tens of houses were reportedly burned by an armed gang. It has been alleged that former landowners in the area may have been connected with these abuses.

Yet, in other areas, an odd alliance of armed Fanmi Lavalas supporters and former landowners seems to have taken control. In the Northeast locality of Bas-Moustique, the peasant movement Tèt Kole denounced the presence of former *grandons* who had been involved in the massacre of over 100 peasants belonging to the movement in the nearby locality of Jean-Rabel in July 1987.(46) According to Tèt Kole, since early 2004 the *grandons*, associated with pro-Aristide gangs, had been implicated in the burning of six peasant homes and gardens and the detention and ill-treatment of members of the organization. These men retained control of the area and continued committing human rights abuses over the weeks following the departure of Aristide. According to information received by Amnesty International, a group of *chimères* carrying weapons, grenades, tear gas and petrol, acting under the orders of a former *grandon*, destroyed vegetable gardens belonging to Tèt Kole members which were ready to harvest in the area of Savann Mak. Following this, several members of the organization went into hiding. Tèt Kole also denounced the arrest on 5 March of one of its members, Egzatis Maselis, and two others. The three men were seized by armed men whom they identified as *chimères* and were held in a prison in Savann Mak. According to the testimony, Medilya was badly beaten. All men were later released.

#### ***Human rights abuses attributed to escaped prisoners***

In its report on perpetrators of past human rights abuses, Amnesty International had expressed its concern that prisoners indicted or convicted on human rights charges and who had escaped in the massive jail breakouts that happened throughout the country in February, would carry out further human rights violations if not rearrested as a matter of urgency.(47) Reports have now emerged that escaped prisoners who had been jailed for rapes and other common crimes have threatened their victims and others who were involved in their prosecution. Some judges have also reported receiving threats from former prisoners they helped convict.

Amnesty International interviewed a 19-year-old girl who said she was gang raped by a policeman and six others in November 2003. The policeman and another man were later arrested. Their case was under investigation when they escaped from the National Penitentiary on 29 February. Since then, men claiming to be sent by the policeman have gone several times to the young woman's house and have threatened her, as well as the human rights organization CARLI, which is supporting her. The men reportedly said that the policeman was free and she and the others would pay for having him put in prison. The young woman, her mother and her brother, are now in hiding.

On 3 April, a man known as Hérold, a driver and security officer of former Fanmi Lavalas deputy Simson Libéris, was shot and wounded in an area called Sous Dalles in Martissant, Port-au-Prince. Some reports indicated that Hérold may have been involved in the violent 5 December 2003 attack on the Humanities Faculty of the State University.(48) On 4 April, another man with Fanmi Lavalas connections, Philippe Elifette, was shot dead outside the market in Martissant. After his killing the assailants went to his house to look for his wife, threatened to kill her and burned the house. She is now in hiding. According