

## Haiti

The bicentennial of Haiti's independence, 2004 was a year of turmoil, lawlessness, and humanitarian disaster. The interim government, which took power in March, has been unable to impose its authority over large swathes of the country or uphold the rule of law. With only a small, demoralized, and poorly-trained police force, the government has had to rely on the U.N.-mandated multinational force to maintain security, but that force's numbers are insufficient for restoring public order and stability.

In responding to mounting violence, the Haitian police are responsible for frequent illegal arrests and, in some instances, extrajudicial executions. The justice system is in disarray, with even the most serious crimes going unpunished. Prison conditions remain deplorable.

Haiti also suffered humanitarian tragedy in 2004, further impoverishing and destabilizing the country. Tropical Storm Jeanne slammed through Haiti in September, killing at least two thousand people, flooding certain areas, and adding to the country's litany of troubles. Armed gangs, taking advantage of the lack of security, stole humanitarian assistance meant for victims of the storm. Aid groups threatened to suspend operations if their safety could not be protected.

### ***Violence, Lawlessness, and Instability***

In February 2004, rebel forces captured large sections of the country and pushed President Jean-Bertrand Aristide from office. The rebels, who began by taking over police stations in the northern city of Gonaïves, included a solid core of former officers and soldiers from the country's disbanded army, as well as former paramilitaries responsible for innumerable atrocities during Haiti's 1991-1994 military government. Among their leaders was Louis Jodel Chamblain, one of the founders of the Revolutionary Front for Haitian Advancement and Progress (Front révolutionnaire pour l'avancement et le progrès haïtien, FRAPH), who had been sentenced in absentia to life in prison for the September 1993 murder of activist Antoine Izmerly, as well as for involvement in the 1994 Raboteau massacre.

The scene of the greatest violence was Saint Marc, a town an hour south of Gonaïves. During much of February, the town was terrorized by a violent pro-government death squad known as Bale Wouze, or Clean Sweep. Family members of the dead gave Human Rights Watch a list of twenty-four people who were killed in the violence, including Kenol St. Gilles, who was burned alive by Bale Wouze members on February 11.

Haiti's violence and instability did not end with the establishment of an interim government in March 2004. Despite the arrival of international military forces mandated to reestablish a stable and secure

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environment, much of the country remains under the control of irregular armed groups. The Haitian National Police—a demoralized and discredited force by the end of the Aristide presidency—is small, poorly trained, and under-resourced. Its personnel are outnumbered and outgunned by former soldiers, criminal gangs, and other irregular armed groups. Although a few weak attempts at disarmament have been made, the country remains awash with illegal weapons.

Former soldiers wanting back pay and the reinstatement of the army occasionally threaten to rise up against the government to enforce their demands. They have taken over police stations, former barracks, and other buildings in several cities and towns, painting the buildings yellow, the army's traditional color. They frequently have manned checkpoints, patrolled streets—sometimes in state vehicles—and taken over other government functions.

Armed gangs, some of which claim affiliation with the political party of former President Aristide, were responsible for a wave of escalating violence beginning in September 2004. Nearly two hundred people were killed in the months of September and October. On September 30, three police officers were reportedly shot to death in Port-au-Prince, with two of them later found decapitated.

### ***Police Abuses***

In responding to the wave of violence in September and October 2004, police arrested and detained people illegally, often carrying out arrests without warrants and failing to bring detainees before a judge within the forty-eight hour period mandated under Haitian law. Detainees included Yvon Fuille, the president of the Haitian Senate, and two other politicians associated with the Aristide government, who were arrested on October 2 at Radio Caraibes in Port-au-Prince. Indeed, hundreds of Aristide supporters were reportedly arrested on suspicion of involvement in violence. Whether the police have evidence to justify some of the arrests—like that of Father Gerard Jean-Juste, picked up on October 13 at his parish in Port-au-Prince—is far from clear.

Beatings and extrajudicial executions by police have also been reported. In November 2004, the National Coalition for Haitian Rights (NCHR), a nongovernmental human rights group, called for the establishment of an independent commission to investigate police responsibility for the October 26 killing of seven to thirteen youths in Fort National, a poor area of Port-au-Prince. According to reports received by NCHR, the youths were tortured by a “commando unit” of masked police officers before they were killed.

### ***Justice***

The justice system was essentially destroyed in February 2004, with court buildings in several cities and towns looted, burned, or both, and valuable court documents lost. The country's prisons and jails were entirely emptied.

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The new government has promised to rebuild the justice system and put an end to the impunity for which Haiti is notorious. Yet progress has been slow. Although the government arrested a number of people implicated in the February killings in Saint Marc, it has made few advances in prosecuting the case. And in August 2004, in a critical setback for justice, a jury acquitted former paramilitary leader Louis Jodel-Chamblain and ex-military police Capt. Jackson Joanis of the 1993 murder of Antoine Izmary. The trials were a hastily-conducted sham.

Prison and jail conditions are dire. Many detention facilities are still not in functioning condition; those that do hold prisoners are generally dirty and crowded, and often lack sanitary facilities.

### ***Election Conditions***

Interim Prime Minister Gerard Latortue has promised to hold elections in 2005. Yet unless the government and U.N. forces succeed in stabilizing the country, it is doubtful that Haiti will have the security conditions necessary for free and fair elections. In October 2004, further complicating progress toward elections, the chairwoman of the provisional electoral council resigned after a dispute with the council's treasurer over the alleged misappropriation of funds.

### ***Human Rights Defenders***

Human rights defenders, working in a dangerous, highly-politicized environment, face threats and intimidation. Anonymous death threats were reported by Renan Hedouville, the head of the Lawyers Committee for the Respect of Individual Liberties (Comite des Avocats pour le Respect des Libertes Individuelles (CARLI)), and Mario Joseph, a lawyer with the International Lawyers Office (Bureau des Avocats Internationaux (BAI)).

### ***Key International Actors***

Multinational troops arrived in Haiti just after President Aristide departed. In April 2004, the U.N. Security Council approved just over 8,300 peacekeeping troops for Haiti: 6,700 military personnel and 1,622 civilian police. The troop deployment in Haiti is headed by Brazil, which is seeking a permanent seat on the U.N. Security Council. Unfortunately, as of mid-October, the U.N. Stabilization Mission in Haiti (MINUSTAH) had far fewer personnel than allotted: a mere three thousand military troops and 650 civilian police. Besides Brazil, the countries sending troops included Argentina, Chile, Nepal, Peru, Sri Lanka, and Uruguay.

Despite Haiti's dire human rights and humanitarian conditions, the United States continues to deny Haitians on U.S. territory temporary protection from deportation back to Haiti. It also intercepts Haitians who flee their country and repatriates them immediately. In late February 2004, in a clear violation of international refugee protections, the U.S. Coast Guard dropped off hundreds of asylum seekers in the main port in Port-au-Prince, the site of violence and widespread looting.

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The Caribbean Community and Common Market (CARICOM), a fifteen-member group of Caribbean countries, suspended ties with Haiti after President Aristide went into exile. In November CARICOM leaders decided to maintain the suspension, stating that it was based on “fundamental principles of respect for human rights, due process and good governance.”

In October, the Inter-American Commission on Human Rights (IACHR) expressed grave concern over human rights conditions in Haiti.

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