



Inter-American Commission on Human Rights

Organization of American States

english

español

français

português

HOME

PUBLICATIONS

SEARCH

LINKS

PRESS COMMUNIQUÉ

Nº 16/05

IACHR CALLS FOR GREATER INTERNATIONAL ACTION IN HAITI

The Inter-American Commission on Human Rights (IACHR) has concluded a visit to the Republic of Haiti at the invitation of the government of that country. This visit took place between April 18 and 22, 2005. The delegation was composed of Commission President and Rapporteur for Haiti Clare K. Roberts, Commission attorneys Ismene Zarifis and Brian Tittlemore, and OAS Associate Staff Member and Romulo Gallegos fellow Ourania Georgoulas, and was assisted for part of its visit by OAS Associate Staff Member and University of Quebec at Montreal Law Professor Bernard Duhaime.

The aim of the Commission's visit, its first in 2005, was to obtain general information concerning the current human rights situation in Haiti, particularly in light of elections that are scheduled to take place at the end of this year, and to build upon the Commission's previous work in the country on the issue of administration of justice. Based upon the information gathered, the Commission considers that there is an urgent need for greater action on the part of the international community, and corresponding cooperative efforts by the government of Haiti, to address the most pressing issues of insecurity, deficiencies in the justice system, and fundamental inadequacies in health care, employment, and education. At the same time, a foundation must be established for longer term initiatives in these areas by the new government that is expected to take office in early 2006.

During the visit, the Commission met with representatives of the Haitian government and members of civil society as well as representatives of international organizations. The Commission met with the President of the Republic, Mr. Boniface Alexander, the Prime Minister, Mr. Gérard Latortue, the Minister of Foreign Affairs and Worship, Mr. Hérard Abraham, the Minister of Justice and Public Security, Mr. Bernard Gousse, the Minister of the Interior, Territorial Collectivities and National Security, Mr. Georges Moise, the President and Judges of the Supreme Court of Haiti, the Vice-President and Judges of the Court of Appeal of Haiti, the President and Registrar of the Court of First Instance of Haiti, and the Chief Prosecutor of Port-au-Prince. The Commission also met with the Inspector General of the Haitian National Police, Mr. Franz Jean François, the Chief of Cabinet of the Director General of the Haitian National Police, Mr. Max Jacques Louis, and the Ombudsman of Haiti, Mr. Necker Dessables, as well as representatives of the Provisional Electoral Council and the Conseil des Sages. In addition, the Commission held discussions with representatives of different sectors of civil society, including a wide variety of national nongovernmental organizations, women's organizations and the association of magistrates, and representatives of international nongovernmental associations including the International Crisis Group and the International

Committee of the Red Cross. In addition, the Commission met with staff of the OAS Special Mission in Haiti, the Head of the United Nations Stabilization Mission in Haiti (MINUSTAH), Ambassador Juan Gabriel Valdes, and other MINUSTAH officials, including representatives from its human rights section. Further, the Commission delegation visited the National Penitentiary in Port-au-Prince.

At the beginning of its visit, the Commission conducted a training seminar on the inter-American human rights system with officials and functionaries from various government ministries and agencies and, with the support of the Prime Minister and the Minister of Foreign Affairs, set the groundwork for the establishment, of an inter-ministerial working group to coordinate the Haitian State's international human rights responsibilities. As a complement to this initiative, the government expressed its commitment to ratify the remaining treaties of the inter-American human rights system, a measure that will further assist in consolidating the protection of fundamental rights and the rule of law in Haiti.

The Commission's main concern at the conclusion of this visit relates to the lack of control over security in the country, which has deteriorated markedly since the Commission's last on-site visit in September of 2004. Prior to and during this visit, the Commission collected information indicating that thousands of weapons remain in the hands of illegal armed groups, gangs, and other unauthorized persons. The Commission found that no systematic or comprehensive disarmament initiative has yet been undertaken and encourages the rapid implementation of the disarmament, demobilization and reintegration program. At the same time, the Haitian Police Force remains seriously understaffed and continues to lack sufficient training in order to carry out its role of providing security effectively. For example, estimates of the total number of police in the country remain between 3,000 and 5,000 for a total population of over 8 million, and the police force lacks sufficient essential equipment such as vehicles and firearms. Largely as a consequence of this volatile situation, it is estimated that since September 30, 2004, over 600 people have been killed, including 19 police officers. Kidnappings, carjackings and other episodes of violence are rampant, particularly in the capital of Port-au-Prince, and incidents of arbitrary killings by the police have also been reported. While cooperative efforts between MINUSTAH and the police have had some success against armed groups in recent months, it remains apparent that these efforts are insufficient and must be expedited and expanded. The Commission emphasizes the State's obligation to guarantee the safety of its population and to ensure their right to judicial protection. The Commission calls upon the Haitian Government, in collaboration with the international community, to take the urgent steps necessary to ensure the security of the people of Haiti.

The security situation has also exacerbated problems with the administration of justice. The proliferating violence has added to the onerous work load of the police, judges lack the protection necessary to perform their duties without fear of threats to their physical integrity, and court facilities in some precarious areas have been forced to close. Further, two disturbances in the country's National Penitentiary in December 2004 and February 2005 resulted in the escape of approximately 491 prisoners, most of whom remain at large. The longstanding problem in Haiti of the prolonged detention of individuals without charge or trial also remains a grave issue. According to a November 2004 report by the Office of the Ombudsman, an average of approximately 90% of individuals held in detention centers in Haiti's 10 geographic departments have not been tried or convicted. For instance, the Commission visited the National Penitentiary and discovered that of the 1,054 inmates in the prison only 9 were convicted of any crime. During its visit, the Commission was informed that some efforts have been taken to address this problem, such as scheduling additional afternoon hearings before magistrates in criminal cases. At the same time, it is apparent that more immediate and vigorous measures are necessary to confront this crisis, as are additional resources and other assistance from the international community. In this respect, the Commission emphasizes the State's obligation to guarantee the right of all persons within its jurisdiction to due process which includes the right to know the charges against them and to

be tried within a reasonable time. The State also has an obligation to end impunity for all human rights abuses through demonstrably fair and effective procedures that conform to international standards. The Commission therefore calls upon the government, in cooperation with the international community, to take the urgent measures necessary to have the legal status of all persons in detention judicially reviewed and clarified as to guarantee their right to due process under domestic and international law.

The violence in Haiti continues to have a severe effect on the local population and has exacerbated the already desperate situation of women and children in the country. According to members of civil society, women and girls continue to be the victims of sexual violence by members of armed groups, gangs and others with impunity. Women in detention are held for prolonged periods and in inhumane conditions. While the Commission welcomes information indicating that a law has now been decreed in Haiti that renders rape a crime, it also emphasizes the need to enforce this law through effective investigation, prosecution and punishment. The volatile security situation has also continued to present dangers to human rights defenders, members of the media, and others involved in securing respect for fundamental rights and democratic governance. In recent months, the Commission has received numerous reports of threats and attacks against members of nongovernmental organizations and the media, including the murder of journalists. In this respect, the Commission reiterates the need for the State to take concrete steps to prevent conduct of this nature, including the effective investigation and prosecution of complaints of such acts.

Also of concern to the Commission are the threats that widespread violence in the country pose to the elections scheduled to take place in October and November of this year. A secure environment for political debate, campaigning and voting is essential for free and fair elections to take place. Urgent measures must therefore be taken to suppress the violence and to ensure that arrangements for elections proceed expeditiously, including completing the registry process and facilitating other preparations by the Provisional Electoral Council. In this connection, the Commission was pleased to learn of the creation of a national identity card that will not only permit Haitians to vote, but will also provide them with identification for other pertinent purposes, thereby giving effect to the right of all persons to an identity. Further, the Commission is hopeful that the National Dialogue process, which commenced approximately two weeks ago, will succeed in moving all Haitians, including its various political groups, beyond confrontation and toward reconciliation, which is essential to the future prosperity of the country.

Finally, the Commission emphasizes that respect for the fundamental civil and political rights of the Haitian people cannot be achieved fully without corresponding efforts to address the severe social and economic problems in the country, including poverty, lack of access to adequate health care, unemployment and illiteracy. In this regard, the information received by the Commission indicates that more than 80% of the populations in Haiti live below the poverty line and more than two-thirds of the labor forces do not have formal jobs. The conditions of health care are substandard and only 53% of the total population are considered literate. The Prime Minister informed the Commission that despite these desperate conditions, only 10% of the approximately US \$1.4 billion pledged by donors in 2004 was actually disbursed. In this context, the international community, including Member States of the OAS, with the collaboration of the Haitian government, must make every effort to ensure the funds and other resources pledged to Haiti are delivered and distributed on an urgent basis. By releasing pledged funds, the most immediate state functions such as education, health care and employment creation, as well as security and the proper functioning of the police and the courts, can be addressed. Haiti must be provided with the capacity to ensure its stability and prosperity in the longer term.

This press release will be followed by a preliminary report of the Commission's findings, which will be issued shortly after the delegation's return to Washington.

The Commission wishes to express its appreciation to the Government and people of Haiti for the cooperation, facilities and hospitality provided in the course of the Commission's visit, to the OAS Special Mission for its crucial assistance in organizing and executing the visit, to MINUSTAH for its security support, and to the nongovernmental organizations, civil society institutions, and international organizations concerned for their valuable participation in the Commission's activities.

Port-au-Prince, Haiti, April 22, 2005