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Summary Report of Haiti Human Rights Delegation—March 29 to April 5, 2004

Phase I of the National Lawyer's Guild human rights delegation to Haiti began on March 29, 2004, exactly one month after the violent change in the Haitian government. That change resulted in the ouster and exile of democratically elected president Jean Bertrand Aristide in mid-term and the selection of Gerard Latortue as the U.S. -backed interim president. This phase of the delegation's work concluded on April 5, 2004.

The delegation's work focused on various aspects of the human rights and security conditions in Port-au-Prince, Haiti's capital, the cities of Petit Goave and Gran Goave west of Port-au-Prince, and Les Cayes, the third largest city in Haiti, in far southwestern Haiti. The delegation also spent time in a remote village in the Southwest Department that typifies life of the Haitian peasantry outside of city centers.

In general, the delegation found the human rights situation grave. The conditions are especially precarious and evidence little hope for improvement due to the almost total lack of knowledge about, and media attention to, the human rights abuses taking place. Layered upon the gravity, there is a general sense in the people of insecurity due to, among other things, (i) killings, (ii) curfews, (iii) the lack of police or any form of working judicial system, (iv) patrols of private, heavily-armed militias, (v) the doubling or tripling of food and fuel prices, (vi) the fall of the Haitian currency against the U.S. dollar, (vii) an abnormal lack of electricity in the cities, and (viii) the unauthorized return of the uniformed and armed soldiers of Haitian Army that President Aristide had decommissioned in 1994 for its historical oppression of Haiti's poor.

Although a 3,600 member multinational military force (U.S., French, and Canadian marines) is present, its patrols were not observed of Port-au-Prince and, within Port-au-Prince, it is generally seen only in the poorest of the crowded slum neighborhoods (e.g., Cite Soleil, Bel Aire, La Saline).

Finally, the delegation found overwhelming evidence that the victims of the threats and violence have been supporters of the elected government of President Aristide and the Fanmi Lavalas party, elected and appointed officials in that government or party, or employees of the

government, including police. Many are in hiding in the mountains or in Port-au-Prince, others have been beaten and or killed. Many of their homes have been selectively destroyed, mostly by arson.

What follows are bullet-point findings of the delegation's first phase. A more detailed report will follow.

I. The Situation in Port-au-Prince

a. General Information

-10:00 p.m. to 6:00 a.m. curfew enforced by HNP and multinational force.

-many neighborhoods without electricity or water since Feb. 29th (water flow depends on electric pump)

-gas prices doubled since Feb. 29th, hindering private and public transportation

-U.S. dollar trading for 7.5 to 8.0 Haitian dollars

-people generally unaware of who the government is, what the near future holds, and generally unaware of human rights abuses taking place; all aware that it is not safe to be on the side of the elected government or to be known as a Lavalas member, associate, or supporter

b. Repression of Popular Organizations

-Leaders of almost every popular organization ("OPs") (formed to work with the elected government to address basic community needs) have been threatened or killed.

-None of those who met with the Delegation are living at home, others have been killed. Those from outlying areas have gone into hiding in Port-au-Prince, and have not seen their families since March 1, 2004. Others have gone into hiding in the mountains, taking spouses and children.

-Former militaries and supporters of the political opposition to the elected government continue to visit the homes of OP leaders that have not been burned to keep them from coming home and to intimidate neighbors.

-Many grassroots leaders have had their homes destroyed by arson. The majority of the arsons took place in the first week of March, but continued during our delegation. The threats have been carried out by former militaries and FRAPH members as well as other supporters of the opposition.

-The OP leaders we spoke with who have sought asylum at the U.S. Embassy have been turned away. They have also been turned away by the embassies of Canada, France, Mexico, and Venezuela.

-Many OP leaders reported that government funding and other support to the OPs has been summarily cut off. This includes the closing of literacy programs, food and shelter programs, and orphanages.

-The grassroots leaders pleaded with the Delegation to ask the current government to provide security to return to their homes with their families, to return to schools and jobs, or, in the alternative, to open the path to asylum.

c. The Multinational Military Force

There is a general tension in the people of the city due to the intermittent presence and patrolling of marines. They typically spend hours standing in small groups in targeted neighborhoods in full battle uniform, holding automatic rifles. In the evenings, they will occasionally select a city street and walk it with pairs of soldiers slowly walking in one direction on both sides of the street, followed by two or three patrol vehicles full of soldiers bringing up the rear.

Some believe that the marines have killed approximately 8 people in Port-au-Prince to date, though the Delegation had heard reports of many more killings by the multinational force. There remain questions as to whether the actions by marines, including arrests, and home searches, violate the Haitian constitution. Families do not feel confident to refuse a home search.

Marines interviewed by the delegation stated that they are not a "police force" but are merely maintaining security in the city until a permanent U.N. peace force takes over.

d. The State Morgue in Port-au-Prince and Cadaver Disposal

-The Director refused the Delegation's request to view the cadavers and to review the record books.

-Director admitted that "many" bodies have come into the morgue since March 1, 2004, that are young men with their hands tied behind their backs, plastic bags over their heads, that have been shot.

-The Director insisted only 8 bodies were presently in the morgue (3/31/04).

-Morgue workers, however, told us in confidence that 50 bodies were then in the morgue. They confirmed that many bodies continue to come in that have hands tied behind their backs and bags over their heads.

-The Director admitted that 800 bodies were “dumped and buried” by morgue on Sunday, March 7, 2004, and another 200 bodies dumped on Sunday, March 28, 2004. The “usual” amount dumped is less than 100 per month. These are typically bodies not claimed by relatives because they are too poor to pay for a funeral and burial, or because of fear. The bodies are taken to Titanyen, approximately two hours north of the capital, and buried in a mass grave.

-There is usually a 22 day waiting period before a body is dumped. However, due to what the Director claims is a “broken motor” there has been no refrigeration since February 29, 2004. Therefore, the morgue dumps bodies within 5-6 days. The Director gave no estimate of when the motor would be repaired.

-We heard many reports that relatives are afraid to claim bodies of Lavalas members because of fear of the Lavalas connection.

e. The Bodies Dumped and Burned at Piste d’Aviation

-Several witnesses told the Delegation that 40 to 60 bodies were brought in trucks to a field near the Piste D’Aviation, bordering the Delmas 2 neighborhood of Port-au-Prince on Sunday March 22, 2004, along a road to the airport.

-On Monday March 23, 2004, the bodies were moved away from the roadside to a more remote field and were burned.

-The Delegation observed the massive ash pile, and pigs eating flesh of human bones that had not burned at Piste D’Aviation. The Delegation photographed fresh skulls and other human bones, some still tangled in clothes or with shoes and sneakers nearby.

-The fuel for the fire was misprinted Haitian currency.

f. The Event at Lafanmi Se Lavi

-During the Delegation’s interview of OP/grassroots leaders on March 30, 2004, some had told us that they had seen four men bound, lying face down, and shot dead in the back in front of Lafanmi Se Lavi, an orphanage and school founded by President Aristide in Port-au-Prince shuttered since February 29th.

-The Delegation immediately went to the site and found it closed off and surrounded by police. The police insisted that no one had been killed, and that the men were under arrest for trying to steal a generator from the site. They did admit that shots were fired at the men and one was hit and hospitalized. The policeman advised the Delegation to go to the local police station.

-Some blood was at the scene and a Delegation member found a spent bullet.

-At the police station, the chief advised the Delegation that the men were under arrest, but he could not say where they were being held.

g. The Haitian Human Rights Groups

-The Delegation spent time with the directors and legal staff of CARLI (Comite des Avocats pour le Respect des Libertes Individuelles) and NCHR (National Coalition for Haitian Rights), two well-known "human rights" organizations based in Port-au-Prince.

-CARLI has an IFES and USAID-sponsored telephone "Hotline" for victims of human rights abuses. CARLI then publishes a list each month of the names of the "abusers" using conclusory language condemning the person for the acts (typically murder and attempted murder) and calling for their immediate arrest.

-There is no evidence that CARLI conducts any investigation before condemning the named person. The person "condemned" to the list is never contacted to answer to the allegations.

-CARLI insisted that it conducts a thorough investigation of each of the 60 to 100 monthly calls and verifies all information beyond a reasonable doubt before publicly condemning a person by naming him/her. CARLI has no full time staff, there are only two lawyers at the office, and all are volunteers.

-The February list contained the names of approximately 85 human rights violators against whom calls were made in February, and their political affiliations. All were Lavalas supporters or members of the Haitian police ("HNP").

-Prior lists observed also contained only people named who are deemed by the list to be Lavalas supporters.

-Completed "hotline" intake forms observed used terms such as "a supporter of the dictator Aristide."

-CARLI leaflets issued to the public to publicize the "hotline" are written in French, not Creole. Two-thirds of Haiti's people do not speak or read French.

-CARLI insists that it will investigate cases involving Lavalas victims, but admits that none have come forward.

-CARLI gives that list to the police, other government agencies, USAID, and the U.S. Embassy, and other copies are distributed to the public. The lists contains the names and supposed party affiliation of the condemned, but does not contain their home addresses.

-CARLI was asked if it would consider ceasing the publication of the "list" because it was forcing innocent people into hiding and to fear for their lives, preventing people from returning to their jobs and schools, and, as a non-judicial forum, was creating the possibility of a extra-judicial execution squads, and non-judicial arrest warrants. CARLI refused.

-The Delegation met with people who are now in hiding because their names appear on the CARLI list. All deny being involved in any human rights abuses, and insist that the list exists to serve the political ends of the opposition to the elected government and to instill fear.

-NCHR is a well-funded and equipped "human rights" agency that purports to take all cases, regardless of political affiliation.

-NCHR however, could not name a single case in which a Lavalas supporter was a victim.

-NCHR took the delegation into a large meeting room where the wall was adorned with a large "wanted" poster featuring Aristide and his cabinet, in small photos, across the top. It named Aristide a "dictator" guilty of human rights abuses. Among a long list of other charges, it condemned him for the murder of John Dominique and included a large photo of Dominique's dead body. The poster calls for the arrest and imprisonment of Aristide and his associates.

-The Delegation suggested that NCHR's neutrality and inclusiveness might be better expressed with additional posters condemning, for example, FRAPH, Jodel Chamblain, Jean "Tatoune" Baptiste, Ti Kenley, etc. While the Director and the staff acknowledged the existence of all of those named, they laughed at the suggestion of adding other wanted posters to the office.

-The Delegation noted that many of the newsletters, "open letters," and advisories available in the NCHR waiting room refer to Aristide as a "dictator" and that none of them concern abuses against supporters of the elected government or Lavalas.

-NCHR was asked if they would investigate the 1000 bodies dumped and buried by the morgue during the last few weeks at Titanyen, and the alleged malfunctioning of the refrigeration at the morgue. The director and his staff denied ever knowing about these events, laughed, and said none of it was true.

-NCHR was asked if it would investigate the dumped bodies at Piste D'Aviation. The director and his staff laughed and denied that it was true. The Delegation then showed NCHR the photographs we had taken of the ashes and fresh human skeletons. In response, the NCHR director told us that the General Hospital routinely dumps bodies at the Piste D'Aviation.

II. The Situation in Petit Goave and Grand Goave

-The Delegation observed and photographed many homes in Petit Goave that have been destroyed by arson since February 29, 2004. All homes were owned or occupied by Lavalas associated families. All the occupants have fled to the mountains, including many women and children.

-Destroyed houses include those of a member of the House of Deputies, and local elected political and civic leaders, and student leaders. The houses of family members, including grandparents, uncles, and aunts were also burned.

-The Delegation interviewed several Lavalas-associated OP/grassroots leaders, and a national legislative deputy that are in hiding since their houses were destroyed.

-There are no police in Petit Goave as all have fled. Multiple sources in the area confirmed that security in the town is run by a man named "Ti Kenley." He and his gang are responsible for multiple murders and house burnings. The Delegation was informed that Ti Kenley had burned more Lavalas houses on April 1, 2004, in retaliation for the Delegation's investigation, including interviews with many residents, and photographing of burned houses the previous day.

-There are no police in Grand Goave, all having abandoned their posts. The security is provided by a small band of young men taking orders from former militaries. The Delegation observed the band traveling in a SUV adorned with "FADH" (the Haitian Army acronym) painted on each side. The gang was interviewed and insisted that it had no weapons and none were observed. The gang said it receives no money for its services. It denies making arrests or committing executions.

III. The Situation in Le Cayes

-Just prior to February 29, 2004, the police abandoned their post.

-The security void was filled by a 30 year-old called "Ti Gary" and his band of seven deputies and 22 enforcers. Ti Gary is a well-known militant opponent of Lavalas who had been at street war with Lavalas supporters for several years.

-Ti Gary was interviewed by the Delegation and admitted to committing at least 5 public executions of thieves during the month of March. He said he had to execute because the police were not functioning. Ti Gary stated that he committed executions regardless of the victim's political affiliations.

-During the interview of Ti Gary, he was nursing a massive gunshot wound to his left leg inflicted by a Guy Philippe deputy. According to Ti Gary, a Guy Philippe commando, "Captain Belizaire," threatened him with a gun to his head on March 15, 2004, for refusing Guy Philippe's orders to go into the La Savanne neighborhood and kill Lavalas supporters. Philippe's "Commandante Toussaint" saved Ti Gary's life by ordering that he only be shot in the leg.

-In Ti Gary's wake, some police have returned to their post. However, the former militaries have returned, in uniform, and have visibly subordinated the police.

-The Delegation interviewed militaries who believe their role is to provide security for the community. The police appear to have grudgingly accepted the militaries into their post and patrols, saying they have no other choice and that they will soon be integrated into the police force anyway.

-The Chief Inspector of the police denied knowing "Ti Gary" or where he could be found. They admitted that gangs had been carrying out executions.

-The police admitted that they had not undertaken any investigation of armed gangs and no related arrest warrants had been issued.

-The police admitted that Guy Philippe was in Le Cayes on Saturday, April 3, 2004. They said they had no intention to arrest him, despite his carrying illegal weapons, because "He is fighting on our side."

Conclusion

The National Lawyers Guild Delegation to Haiti continues with Phase II beginning in Haiti on April 11, 2003, with the goal of traveling north of the capital to the regions including and around Gonaives and Cap Haitien. The Phase I group is currently preparing a more detailed account of what appears herein, including photographs.

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