

ANNUAL REPORT OF THE IACHR 2007

CHAPTER IV

HAITI

I. INTRODUCTION

158. The Inter-American Commission on Human Rights (IACHR or “the Commission”) has decided to include in the present Chapter consideration dealing with the Republic of Haiti, a member state of the OAS whose human rights practices merit special attention because is in a situation covered by the fifth criteria provided for in the Annual Report of the IACHR for 1997 and mentioned above, i.e. a

Temporary or structural situation that may appear in member states confronted, for various reasons, with situations that seriously affect the enjoyment of fundamental rights enshrined in the American Convention or the American Declaration. The criterion includes, for example: grave situations of violations that prevent the proper application of the rule of law; serious institutional crises; processes of institutional change which have negative consequences for human rights; or grave omissions in the adoption of the provisions necessary for the effective exercise of fundamental rights.

159. The Commission has prepared this section of Chapter IV of its Annual Report in accordance with Article 57(1)(h) of its Rules of Procedure and has based its analysis on information obtained during its on-site visits and general hearings described below as well as on other reliable publicly available sources. On November 27, 2007, the IACHR transmitted to the State a copy of a draft of the present section of Chapter IV of its Annual Report for 2007, in accordance with the aforementioned Article, and asked the Government of the Republic of Haiti to submit its observations on the section within thirty days. The State submitted observations within that time limit.

160. In its recent reports on Haiti,^[186] the Commission examined the human rights situation in the country and, more particularly, developments in the political situation, public security, administration of justice, impunity, vulnerable groups and socioeconomic conditions. During this period (2003-2006) the Commission consistently expressed its concern for the grave situation of human rights in the country, namely, the loss of civilian life due to armed confrontations and related violence by armed gangs, the inability of the State to guarantee public security, the lack of accountability for perpetrators or assurances of a legal remedy for victims, excessive periods of prolonged pretrial detention, poor prison conditions and the incapacity of the State to provide basic social services to the majority of the population. Further, the Commission consistently emphasized the impact of such conditions on vulnerable groups, especially women and children, human rights defenders and journalists.

161. The year 2007 marked the second year of the Rene Preval Administration after the conclusion of a 2-year interim transitional government in Haiti (2004-2006) following an armed rebellion in February 2004, which led to the ousting of former President Aristide and the disruption in constitutional order. In comparison with previous years, the Commission observed a notable improvement in the situation in Haiti, specifically with regard to the reduction in deadly violence and kidnappings of civilians. Further, the Commission recognizes a series of initiatives by the State to address key challenges to achieving sustainable peace and security. In particular, the Commission notes a concerted effort by the State, with support of the international community, to strengthen institutions in the administration of justice, including the introduction of a specialized response to the

problem of prolonged pretrial detention, legislative measures in the area of judicial independence and the reinforcement of the national police force. As such, the year 2007 was characterized by signs of progress. In this connection, the Commission encourages the Haitian State to maintain its commitment and efforts to achieving its stated goals and priorities, especially to reinforce the rule of law and institutions charged with the administration of justice and to promote national economic and social development. In spite of the signs of progress during the year, the situation in Haiti remains largely precarious and state institutions remain weak, deficient and in need of structural reforms and significant immediate and long-term assistance. Further, Haiti's social and economic situation remains extremely fragile for the majority of Haitians, creating a serious risk to citizen social and economic security, and further obstructing Haitians' access to legal remedies.

162. As such, the Commission remains concerned with deficiencies in the following key areas, the administration of justice and citizen security, namely public security and the state's capacity to guarantee access to basic social services for the population. Accordingly, the Commission finds that relevant state programs and initiatives must be encouraged, while additional resources and sustained financial and technical assistance must be allocated to these sectors to ensure effective protection of fundamental rights of Haitians. Given the essential role of the justice system in ensuring respect for fundamental rights as well as the full realization of democracy and the rule of law,^[187] the Commission continues to conduct follow-up observations, as contained herein, with respect to its amplifying findings and recommendations in its 2006 report on this topic and reiterates the importance of the state's capacity to administer justice effectively and promptly with due judicial guarantees in order to ensure the respect for human rights in Haiti.

163. During the year 2007 the Commission continued to closely monitor the human rights situation and paid particular attention to the State's efforts to provide adequate public security for its inhabitants and related measures to strengthen and reform the Haitian National Police, and closely observed developments in the design and implementation of plans to promote strengthening and/or reform of state entities and institutions charged with the administration of justice and the rule of law. The Commission's primary sources of information for its assessment include two on-site visits by the Commission, including one visit in April 2007^[188] by the Rapporteur on Haiti, Sir Clare K. Roberts, and one visit in June 2007^[189] by the Special Rapporteur on Persons Deprived of Liberty and President of the Commission, Mr. Florentin Melendez, as well as several working visits by members of the Executive Secretariat to conduct training seminars and meetings with government entities and civil society members. Further, the Commission held several hearings on Haiti during its 127th, 128th and 130th regular periods of sessions where advocates and representatives of the state shared information about the current conditions and developments in the country.

II. SUMMARY OF KEY EVENTS IN HAITI DURING 2007 RELATIVE TO HUMAN RIGHTS

164. As a context for its discussion of the human rights situation in Haiti during 2007, the Commission will provide a brief overview of the major events during the year that affected human rights.

165. Haiti held municipal elections in December 2006 and completed a second round in April 2007. On October 10, 2007 the government spokesperson, Joseph Jasmin, announced a decision to dissolve the Provisional Electoral Council (CEP) due to allegations of corruption within the CEP. This body was given the temporary mandate to organize presidential and legislative elections (in two phases), which were organized in February and

April 2006, respectively. However, as prescribed, the second phase of the legislative election is expected to be scheduled at the end of 2007, and for which the government has yet to determine the mechanism that will be responsible to organize this election. With respect to this pending decision, the President of the Republic announced that a meeting with political parties would be convened to decide how prospective legislative elections will be carried out, given the termination of the CEP's mandate and the lack of a permanent electoral mechanism to organize this second phase of the legislative election in Haiti.

166. The Government of President Rene Preval identified a number of priorities for the country, including peace and stability, national development and economic growth and the specific need to adopt measures to improve the social and economic conditions of the Haitian people. In this connection, Mr. Preval also noted the main challenges to achieving these objectives, which are the illicit drug trade and organized crime, thereby fueling corruption and violent crime in the country and attracting the involvement of the many unemployed and poor youth. In this respect, the Haitian government has exerted efforts to address the problem at the national and regional level, namely by organizing a regional conference in the Dominican Republic in March 2007 to discuss strategies to address the problem, and at the national level, by strengthening the Haitian National Police and taking steps towards creating a functional and equipped coast guard. In this connection, the government has also adopted initiatives to fight against corruption in state institutions.

167. The Commission notes that during Haiti's previous transitional government, conditions in Haiti were extremely fragile and efforts by the government and the international community largely focused on the organization of elections and public security. As a result, the situation in Haiti, namely the social and economic conditions and the rule of law significantly deteriorated in recent years, with very little resources or attention placed on these aspects. Thus, in 2007, while international assistance was renewed and development projects re-launched, much of the observed conditions in Haiti from previous years (as noted in past annual reports of the Commission)^[190] largely persisted, especially the precarious living conditions of Haitians which considerably worsened due to the political and public security crisis.

168. Overall, the security and human rights situation in 2007, improved in comparison to previous years. This year witnessed fewer cases of kidnappings, acts of rape or murder and abuse treatment by gangs than in previous years, although a number of serious cases were registered, which confirms that the situation, although improved, remains a concern for the Commission and therefore merits close monitoring and evaluation.^[191] While the Haitian National Police, with the support of the United Nations Stabilization Mission in Haiti (MINUSTAH) force, adopted a more aggressive approach to dismantling violent criminal gangs and apprehending key members in early 2007, the judiciary was not able to respond as effectively or swiftly due to lack of resources, support and sufficient planning on how to handle to the influx of persons in the criminal justice system. Due to the frequent joint interventions conducted by the Haitian National Police (HNP) and MINUSTAH, the crime rate appeared to notably diminish by mid-2007, from daily accounts of multiple kidnapping to a couple per week, which provided some reprieve for residents of Port-au-Prince and allowed them to resume their daily activities without constant fear for their personal safety. While ongoing measures to strengthen the HNP are necessary, the sustainability of the security situation will also depend on the judiciary's ability to respond effectively.

169. Over the past year, developments at the national level have also been accompanied by the presence of the MINUSTAH, which was initially authorized for six months beginning on June 1, 2004, and has since been extended on numerous occasions,

including most recently on October 15, 2007 with an extension to October 15, 2008.^[192] Most recently, the UN Resolution called for the re-adjustment of MINUSTAH's composition and to realignment of its activities to reflect the changing circumstances and priorities on the ground. This should include maintaining support to the Haitian National Police, building institutional capacity generally and providing specialized assistance to key ministries, and to provide continuing support to the reform of rule of law institutions. Further, the resolution called for MINUSTAH forces to consist of a military component of up to 7,060 troops of all ranks and of a police component of a total of 2, 091 police. According to public activity reports, MINUSTAH has engaged in a variety of initiatives to implement its mandate. In addition, several visits to the country to assess the situation of peace and security were conducted by various United Nations officials, including the Independent Expert on Haiti, Mr. Louis Joinet, who also presented his report on the situation in Haiti to the United Nations Secretary General at the beginning of 2007, and in September 2007 the Human Rights Council decided to renew the mandate of the Independent Expert on Haiti for an additional year.^[193]

170. With respect to Haiti's participation in CARICOM, and following the 2006 decision by the organization to renew Haiti's membership, a CARICOM Representational Office (CRO) was reopened on October 19, 2007, three years after having been closed. The CRO will be charged with the task of promoting the full integration of Haiti into CARICOM, especially the Single Market and Economy, to identify and mobilize domestic, financial and other resources, and to promote relations with the media and undertake public education campaigns. Further, from October 15-19, 2007, Haiti hosted the 15th Meeting of Ministers of CARIFORUM the Caribbean Forum of African, Caribbean and Pacific (ACP) States to discuss ongoing trade negotiations between the regional organization and the European Union. Finally, a statement by CARICOM in early October emphasized the importance of maintaining international assistance to Haiti, and the UN peacekeeping force specifically, in order to ensure stability and peace in Haiti and the region.

171. For its part, the General Assembly of the Organization of American States (OAS) adopted Resolution AG.RES.2306 (XXXVII)-O/07,^[194] during its thirty-sixth regular session convened from June 4 to 6, 2007 in Panama City, Panama. Therein, the General Assembly announced the organization's commitment to support the professionalization of the Haitian National Police, to continuing to promote the disarmament process, and called on Member States to maintain support and cooperation for the development of Haiti, notably in the areas of poverty reduction, economic and social development and the consolidation of democratic institutions.^[195] The Resolution marked the conclusion of the OAS Special Mission for Strengthening Democracy in Haiti and conferred OAS representation in the country to the OAS Country Office in Haiti, "given the positive evolution in Haiti and the need to contribute to social and economic development". Finally, the Resolution recognized the efforts of the Haiti Task Force within the General Secretariat, which is charged with the coordination of the work of the OAS in Haiti and with enhancing cooperation between the OAS and other regional and international institutions. Numerous initiatives throughout the year have been undertaken by the organs and institutions of the OAS to implement the terms of the General Assembly's Resolution.

172. The Interim Cooperation Framework (ICF) established to ensure coherence and coordination of international assistance provided during the Transitional Government of Haiti (2004-2006) was extended until September 2007 while new initiatives have been undertaken to support the authorities in the Preval government in order to ensure a smooth transition from the ICF to a new mechanism of coordination and support to the Haitian government. The National Growth and Poverty Reduction Strategy process is expected to result in a National Growth and Poverty Reduction Strategy Paper, which will be

the principal mechanism to outline national development goals and strategic policies in the economic, governance and social sectors. The preparation of the Strategy Paper bears significance for the future of Haiti's development and for ensuring that adequate financial assistance is channeled accordingly.^[196] In this connection, important bilateral contributions were made to Haiti by the Governments of the United States of America, the European Union, and Canada, and is also expected to receive support from international financial institutions once the National Growth and Poverty Reduction Strategy Paper is finalized.^[197]

173. In conclusion, signs of progress in the country have been visible over the past year, notably the public security situation and the government's recognition of and efforts to address longstanding weaknesses. In this connection, the Commission encourages the support of the international community to the government of Haiti's expression of commitment to achieve progress and national development, promote human rights and tackle longstanding weaknesses in state institutions. However the Commission reiterates the importance of maintaining and enhancing state-sponsored efforts to ensure long-term peace and stability in the country, an effective judiciary and the accessibility of judicial remedies and basic social services. Against this backdrop, the Commission will provide an update on the overall situation of human rights in Haiti, which was described in last year's annual report.^[198]

III. COMMISSION'S ACTIVITIES CONCERNING HAITI IN 2007

174. During 2007, the Commission continued to closely monitor the human rights situation and to emphasize the importance of the role of the state in addressing longstanding weaknesses in the area of administration of justice, public security and the respect for social and economic rights. Further, the situation of vulnerable groups, including women, children, and human rights defenders was also the object of the Commission's monitoring, analysis and reporting. As such, the Commission conducted a number of visits to Haiti, organized several training seminars for government entities and members of civil society, and received information about the human rights situation in its general hearings during its three annual regular periods of sessions.

175. From April 16-20, 2007, the Rapporteur on Haiti, Sir Clare K. Roberts conducted an on-site visit to Haiti to observe developments in the situation of human rights in the country since the inauguration of the Preval government in 2006. The objectives of the visit included meeting the new members of the Preval administration and being informed about government priorities for the six year term as well as conducting a follow-up assessment of the situation of the administration of justice in Haiti after the release of its 2006 report on that subject, and finally, receiving information about the situation of human rights in the country, with an emphasis on the situation of women and girls. To this end, the Commission met with representatives of the Haitian government and members of civil society as well as representatives of international organizations. The Rapporteur also met with victims of human rights abuses and victims' groups. As part of its efforts to follow-up on its findings and recommendations in its 2006 administration of justice report, a roundtable on the situation of the administration and the reform of the justice system was organized during the visit to encourage dialogue between the various sectors and to further identify potential areas for reform that would render the Haitian justice system more efficient in its capacity to deliver justice.

176. From June 17-20, 2007, the Special Rapporteur on the Rights of Persons deprived of Liberty and President of the Commission, Mr. Florentin Melendez, conducted an on-site visit to Haiti to observe and receive information concerning the situation of persons deprived of liberty in select detention centers of Port-au-Prince, which was analyzed in its

2006 study on the administration of justice in Haiti, and to conduct follow-up observations regarding the Commission's recommendations on the subject of persons deprived of liberty.^[199] To this end, the Special Rapporteur met with State representatives, members of civil society and international organizations, and conducted visits to the following detention centers: the National Penitentiary in Port-au-Prince, the Petionville prison for Women and Girls, the Delmas prison for boys and detention cells within the Delmas police station.

177. From September 26-28, 2007, the Office of the Special Rapporteur on Freedom of Expression conducted an onsite visit to Haiti to examine developments and receive information on the current situation of freedom of expression in the country.^[200] During the visit, the Special Rapporteur met with State representatives, members of the recently constituted *Commission Indépendante d'appui aux Enquêtes relatives aux Assassinats des Journalistes* (Commission to Support the Investigation of Assassinated Journalists), members of civil society, media associations and the media.

178. In an effort to maintain an active engagement in Haiti, to further promote the IACHR system and to enhance human rights protection, the Commission continued to organize working visits and meetings with members of the Haitian government and to conduct training seminars for government officials and civil society organizations. As such, four human rights training seminars were organized during 2007, namely in April (training for government officials on the IACHR petition process), June (training on the rights of persons deprived of liberty and the IACHR system), August (training for civil society organizations on the IACHR petition process) and December of 2007 (training for government officials and civil society organizations on the universal and regional human rights mechanisms). In this connection, public events were organized during the visit of the Rapporteur on Haiti and the visit of the Special Rapporteur on the Rights of Persons deprived of Liberty. In an effort to conduct a follow-up assessment on the findings and recommendations contained in the Commission's 2006 report on the administration of justice, in April the Rapporteur on Haiti organized a roundtable on the reform and administration of justice in Haiti with members of the Supreme Court, the Secretary of State for Justice and a representative of the NGO justice reform advocacy network, *Forum de Citoyen*. Following the roundtable, in June, the Special Rapporteur on the Rights of Persons deprived of Liberty made a public presentation on international human rights principles and standards regarding persons deprived of liberty, conditions of persons deprived of liberty in Haiti and the region and the mandate and functions of the Special Rapporteurship.

179. The Commission considered the situation in Haiti during its 127th, 128th and 130th regular periods of sessions in February, July and October 2007, respectively. At the conclusion of two of the three sessions, the Commission issued press releases including a specific section on the situation in Haiti.^[201]

180. Based upon its visits and other activities relating to Haiti during 2007 and noting the Commission's observations on the human rights situation in Haiti in previous years, the Commission continued to monitor key areas of concern including public security, the administration of justice and rule of law, impunity, rights of vulnerable persons and social and economic conditions, which bear direct consequences for the enjoyment of the fundamental rights of Haitians. It is important to note that many of these problems are long-standing and deep seated, stemming from structural deficiencies and institutional weaknesses resulting from a history of political crisis, authoritarian regimes and corrupt institutions, and which have since resulted in the widespread and systematic violation of fundamental human rights of Haitians. Accordingly, state institutions would benefit from serious evaluation, strategic and long-term planning, and structural reforms in order to reduce the number and nature of human rights violations occurring daily in the country. As

such, these continue to be the main issues of concern, analysis and monitoring by the Commission. While these issues have been the subject of discussion in previous Commission reports and press releases, this chapter serves as a means of providing an updated assessment and evaluation of developments in these areas.^[202]

IV. COMMISSION'S OBSERVATIONS ON THE SITUATION OF HUMAN RIGHTS IN HAITI DURING 2007

181. During 2007, the Commission observed initial signs of progress in the country following the presidential and legislative elections and the subsequent inauguration of a constitutional government in early 2006. In this connection, the Commission noted the commitment by the international community to support Haiti in its post-transition process and corresponding contributions of certain international donors to the Haitian state to promote social and economic development and reconstruction. Most notably, the government's response to the rise in violent crime resulted in advances in the dismantling of armed gangs, the arrest and detention of criminal suspects and the reduction in violent crime by mid-year. Further, Haiti's head of state also acknowledged several challenges to national and economic development, and announced that his government would address the development of a state response to the illicit drug trade and the related dilemma of poor border control, and the tackling of corruption in state institutions and reinforcement of Haiti's rule of law institutions. Amongst the positive developments figure an improvement in public security from previous years, and a number of state-led initiatives including the creation of a special commission to address cases of prolonged pretrial detention, the organization of more frequent criminal trials, the presentation and adoption of draft laws on the judiciary, the creation of a special commission to investigate the deaths of journalists, and the elaboration of reform plans and other initiatives to eradicate corruption, drug trafficking and arms proliferation. Additionally, Haiti ratified a number of international treaties.

182. With regard to public security, during the first three months of 2007 the Haitian National Police and the UN forces proceeded to conduct a series of aggressive interventions in Cité Soleil to apprehend gang leaders suspected to have been involved in the wave of kidnappings in the city. On one hand, these interventions led to the arrest of a number of suspects and the eventual prosecution and conviction of some, which many observers have indicated was rarely observed and to which many attribute the reduction in violent crime in Haiti since these interventions took place. On the other hand, immediate consequences of the armed HNP-MINUSTAH interventions reportedly resulted in mass arrests of suspected criminals without warrants, and were reportedly conducted with the use of excessive force against civilians and causing a number of casualties.^[203] At the same time, these events appear to have produced a chain of effects causing a number of human rights concerns that will be explained below. The mass arrests themselves resulted in a record number of individuals entering the criminal justice system in a short period, a system already overburdened and not equipped to process or investigate the numbers of cases it received. This situation resulted in a number of irregularities, such as illegal arrests, mass arrests and the failure to submit evidence by the relevant and competent authorities. For example, during the first three months of 2007, police reportedly proceeded to conduct mass arrests of 30-40 persons on a weekly basis. This practice resulted in increased cases of persons in arbitrary detention or prolonged pretrial detention in extremely poor conditions and/or in facilities (police station holding cells) not equipped to hold persons for prolonged periods. Further, the mass arrests of suspects and their subsequent detention also resulted in extreme overcrowding of detention facilities, the incarceration of men, women and adolescents in the same police holding cells, presenting additional risks to the personal safety of the prison population (health risks due to lack of adequate sanitation,

food and water) and public security threats to the national population due to a combination of factors, including the poor security and construction of facilities, lack of capacity of facilities, and facilities are often located in densely populated areas.

183. In this connection, due to the imbalance in the allocation of resources, financial support, technical assistance and training between the national police and the judiciary (national police receiving the majority of the budget under the Ministry of Justice and Public Security), the judiciary has not had the adequate capacity or resources to respond as promptly or effectively, resulting in the backlog of cases and the unprecedented numbers of persons in detention in Haiti's prison facilities, the majority of whom have been detained arbitrarily and for excessive periods. In this respect, the Commission is concerned with the immediate human rights implications of the armed security operations by the HNP and MINUSTAH and recommends that judicial guarantees are ensured for those subject to arrest and detention. The Commission further recommends that additional resources, equipment and adequate infrastructure be provided to the judiciary in order for the judiciary to function adequately and for criminal cases to be handled promptly and effectively.

184. With respect to the general human rights situation in Haiti, the Commission finds that the weaknesses in the administration of justice, impunity for human rights violations and extremely poor social and economic conditions continue to constitute primary concerns. Moreover, there remain significant challenges for the government to ensure conditions of peace and security in the country for the long term. According to the President of the Republic, Rene Preval, the combination of the drug trade in Haiti, corruption in state institutions and poor social and economic conditions are primary elements that lead to and maintain high levels of criminality and impunity.^[204] As such, the current government has prioritized these issues in its public policies and developed state programs to address each one respectively. One aspect of this is to evaluate the variety of factors fueling violence in Haiti and develop appropriate measures to prevent acts of violence from recurring. The Commission is encouraged by the state's actions to tackle these issues and emphasizes the necessity to allocate resources to the planning and implementation of necessary state policies, legislation and mechanisms in these areas. In this connection, the Commission encourages relevant state institutions and the international organizations working in Haiti, notably MINUSTAH and related UN agencies, to maintain their efforts to reinforce the Haitian National Police and the judiciary, and especially, to develop a comprehensive and holistic approach to ensuring sustainable peace and security, including domestic job creation and development of national industries.

185. Over the many years that the Commission has monitored the developments in Haiti, the Commission has observed the uniquely complex and challenging nature of the human rights situation in the country characterized by repeated periods of political crisis and some of the Hemisphere's most worrisome social and economic conditions. Such conditions have been accompanied by extreme deficiencies in Haiti's state institutions and longstanding problems in the areas of social, economic, civil and political rights. Consequently, such matters, which continue to prevent the country from making significant progress in its development, can not be fully resolved with short-term solutions, but will require long-term institutional reforms and sustained international assistance to address a number of central problems identified in this chapter and noted in the Commission's previous statements and reports on the situation in Haiti.

A. Security and Disarmament

186. Among the Commission's principal concerns, especially since 2004, has been the security situation in Haiti. In particular, the Commission has consistently expressed

concern with the acute deterioration in public security, due to widespread violence by armed gangs and the ineffective control over certain sectors of Port-au-Prince and the provinces. Acts of kidnapping, rape, murder, beatings and mass destruction of property became common occurrences in recent years leading to record numbers of civilian casualties in 2005, with a further increase in violent crime recorded in 2006. During the transitional period, the ability of the police force to respond to the crime wave proved ineffective and the security vacuum was quickly filled by the proliferation of armed groups acting with impunity, organized criminal rings, and the ongoing drug trade that resulted in better equipped and organized armed groups employing force and intimidation to secure control over parts of Port-au-Prince. Consequently, although democratic governance was restored to Haiti in early 2006 and initial steps to curb violent crime adopted, Haitian authorities and the international community will still need to take appropriate preventative measures to ensure long-term peace and stability through the adoption of a public security policy, strategy and plan that aim to address the key factors contributing to the persistence of violent crime in Haiti.

187. As noted above, in 2007 the Commission observed a visible improvement in the situation of public security in Haiti in comparison to previous years. The Commission received information that numerous arrests were made during January through April of suspected criminals for their involvement in the wave of kidnappings and other violent crimes. During its visit to Haiti in April and later in June, the Commission observed police patrols and posts around the city. Further, government sources reported and members of the population confirmed that the police presence in Port-au-Prince had notably increased since the beginning of 2007 and that the police had adopted renewed efforts to apprehend suspected criminals.

188. However, while the armed interventions are said to have contributed to the recent reduction in violent crime in the capitol city, reports by human rights observers, the media and residents of Cite Soleil indicated that the operations conducted in that densely populated neighborhood included cases of irregular searches of private residences without judicial guarantees, and caused collateral damage, namely civilian by-standers wounded or dead by the exchange of gunfire and aggressive tactics used by security forces on residents. In cases where MINUSTAH soldiers were involved, reports of abuse of force and illegal arrest have caused distrust and animosity by the population. Finally, human rights observers criticize the strategy by security forces to conduct muscled interventions, finding them to be short-sighted and producing only temporary results. Observers emphasize that long term and comprehensive measures must be adopted to ensure the sustainability of the recent situation of calm, including the reinforcement of the judiciary and the need to render it operational and effective, and the promotion of social justice and the creation of economic opportunities for the Haitian people.^[205] In response to alleged acts of abuse of force or illegal arrest by security forces, the Commission recalls that the duty to provide public security should be coupled with the duty to protect the life and physical integrity of persons at all times and to respect the judicial guarantees during arrests and the subsequent detention of individuals.

189. During the IACHR's on-site visit to Haiti in April, the President of the Republic of Haiti acknowledged that the public security issue is dependent on the State's ability to respond to the illegal arms and drug trade, the State's capacity to address organized crime through the building of a robust police force and equally functional justice system to ensure criminal accountability, and the provision of economic opportunities, job creation and the development of national industries to provide the population with constructive economic alternatives. In this regard, the Commission notes the State's initiative in March 2007 to organize a regional conference in the Dominican Republic,

involving the participation of representatives of the governments from the region, and the release of the Santo Domingo Declaration committing states to adopt measures to combat the illicit drug trade. The Commission hopes that this initiative marks the beginning of a relationship of close collaboration and coordination to develop an appropriate and multi-faceted approach to this regional problem.

190. More precisely, an essential aspect to guaranteeing security is the need to reinforce the Haitian National Police force, and equally to provide sufficient resources, training and equipment to the judiciary in order for it to respond as effectively. During 2007, the HNP showed positive signs of progress and growth, while receiving outside financial and technical assistance. Most notably, the HNP initiative to develop an anti-kidnapping unit has reportedly produced positive results in terms of investigation, and the arrest and prosecution of suspects. Further, the police academy, having integrated a human rights component into its training, produced at least two graduating classes of new recruits and the vetting program of officers continued with the technical support of MINUSTAH. The vetting program is especially important to tackle corruption in the force, given that police sources confirm the involvement of a significant percentage of the force in criminal activity, which prevents it from fulfilling its mandated role of law enforcement and further damages the integrity and credibility of the police as an institution.

191. The other critical aspect to ensuring public security and preventing recurring crime is the ability of the justice system to function effectively and to ensure criminal accountability for perpetrators. In this regard, given the increased number of arrests, the subsequent numbers of individuals awaiting a hearing and the excessive overcrowding of the national prison in Port-au-Prince, the Commission has found that the court of first instance in Port-au-Prince, and the courts of first instance in other cities across Haiti, exerted special efforts to hold more hearings on a daily basis and more frequent criminal hearings (without jury) during 2007, in order to address the backlog of cases in the criminal justice system. These efforts, however, have been undertaken without significant support, or the commitment of financial, technical assistance. Thus the system remains weak, under-resourced, ill-equipped and under-staffed, as noted in the Commission's report on the administration of justice released in March 2006.^[206] In this connection, the Commission continues to be concerned with the lack of resources committed to the judiciary in order to implement programs to improve the administration of justice and access to justice, including reconstruction and reorganization of the courts, the allocation of material and equipment, and ongoing training, while at the same time, addressing labor conditions for members of the judiciary.

192. Finally, the Commission acknowledges that the United Nations Stabilization Mission in Haiti has demonstrated strong commitment to ensuring conditions of peace and security in the country since the creation of its mandate in 2004, and has undertaken efforts to improve the public security situation by supporting the HNP in its efforts to prevent crime, and by placing greater emphasis on institution strengthening and reform of the police and the judiciary. Such efforts complement more long term programs carried out by the UN agencies, such as the United Nations Development Program, in the area of the rule of law and support to the prison administration. In effect, MINUSTAH retains a robust presence in the country and continues to provide support to Haiti's disarmament program.

^[186] See Chapter IV on Haiti, IACHR Annual Report 2006; see also Chapter IV on Haiti, IACHR Annual Report 2005.

^[187] See IACHR Report "Haiti: Failed Justice or the Rule of Law? Challenges Ahead for Haiti and the International Community" OEA/Ser/L/V/II.123 doc.6 rev 1 (26 October 2005) para. 9.

^[188] See IACHR Press Release N° 22/07 "IACHR To Conduct On-Site Visit to Haiti" (April 13, 2007); See also IACHR Press Release N° 24/07 "IACHR Encouraged by Efforts to Improve the Human Rights Situation in Haiti" (April 20, 2007) Also available at: <http://www.cidh.org/Comunicados/English/2007/24.07eng.htm>.

^[189] See IACHR Press Release N° 31/07 "Rapporteur on the Rights of Persons Deprived of Liberty To Conduct Onsite Visit to Haiti" (June 15, 2007); See also IACHR Press Release N° 32/07 "Rapporteur on the Rights of Persons Deprived of Liberty Concludes Visit to Haiti" (June 21, 2007) Also available at: <http://www.cidh.org/Comunicados/English/2007/32.07eng.htm>.

^[190] See, e.g., Annual Report of the IACHR 2005, Chapter IV, available at <http://www.cidh.org/annualrep/2005eng/chap.4.htm>; Annual Report of the IACHR 2004, Chapter IV, available at <http://www.cidh.org/annualrep/2004eng/chap.4.htm>.

^[191] See IACHR Press Release N° 40/07 "IACHR Concludes its 128th Regular Sessions" (August 1, 2007), also available at: <http://www.cidh.org/Comunicados/English/2007/40.07eng.htm>; see also, IACHR Press Release N° 54/07 "IACHR Concludes its 130th Regular Sessions" (October 19, 2007), also available at: <http://www.cidh.org/Comunicados/English/2007/54.07eng.htm>.

^[192] See UN Security Council Resolution 1780 (2007), UN Doc. S/RES/1780 (2007) (15 October 2007).

^[193] See Report of the Independent Expert on Haiti to the United Nations Secretary General "Advisory Services and Technical Cooperation in the Field of Human Rights: Situation of Human Rights in Haiti", E/CN.4/2006/115, 62nd session UNCHR (January 26, 2006) also available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/104/54/PDF/G0610454.pdf?OpenElement>.

^[194] OAS General Assembly Resolution AG/RES.2215 (XXXVI)-O-06, "Strengthening Democracy and Socioeconomic Development in Haiti" (6 June 2006), available at <http://www.oas.org/main/main.asp?sLang=E&sLink=http://www.oas.org/consejo/GENERAL%20ASSEMBLY/default.asp>.

^[195] *Ibid.*

^[196] See Report of the Economic and Social Council Ad Hoc Advisory Group on Haiti; Economic and Social Council of the United Nations (E/2007/78) 13 June 2007, paras. 34-37.

^[197] *Ibid* at para. 38.

^[198] See, e.g., Annual Report of the IACHR 2006, Chapter IV, available at <http://www.cidh.org/annualrep/2006eng/chap.4.htm>.

^[199] See IACHR Press Release N° 31/07 "Rapporteur on the Rights of Persons Deprived of Liberty To Conduct Onsite Visit to Haiti" (June 15, 2007); See also IACHR Press Release N° 32/07 "Rapporteur on the Rights of Persons Deprived of Liberty Concludes Visit to Haiti" (June 21, 2007) Also available at: <http://www.cidh.org/Comunicados/English/2007/32.07eng.htm>.

^[200] See Office of the Special Rapporteur on Freedom of Expression Press Release N° 178/07 "See Office of the Special Rapporteur on Freedom of Expression Concludes Visit to Haiti and Makes Recommendations" (October 4, 2007), also available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=711&ID=1>.

^[201] See IACHR Press Release N°14/07 "IACHR Concludes its 127th Regular of Period of Session" (March 9, 2007) also available at: <http://www.cidh.org/Comunicados/English/2007/14.07eng.htm>; see also IACHR Press Release N° 40/07 "IACHR Concludes its 128th Regular Sessions" (August 1, 2007), also available at: <http://www.cidh.org/Comunicados/English/2007/40.07eng.htm>; see also, IACHR Press Release N° 54/07 "IACHR Concludes its 130th Regular Sessions" (October 19, 2007), also available at: <http://www.cidh.org/Comunicados/English/2007/54.07eng.htm>.

^[202] See, e.g., Annual Report of the IACHR 2005, Chapter IV, available at <http://www.cidh.org/annualrep/2005eng/chap.4.htm>; Annual Report of the IACHR 2004, Chapter IV, available at <http://www.cidh.org/annualrep/2004eng/chap.4.htm>; Annual Report of the IACHR 2003, Chapter IV, available at <http://www.cidh.org/annualrep/2003eng/chap.4.htm>; Annual Report of the IACHR 2002, Chapter IV, available at <http://www.cidh.org/annualrep/2002eng/chap.4d.htm>; IACHR Press Release N° 24/03 (August 22, 2003); IACHR Press Release N° 11/00 (August 25, 2000); See also IACHR Press Release N° 20/05 (June 6, 2005).

^[203] Information received from human rights observers and humanitarian workers in Cité Soleil in April 2007; see also, "US Embassy in Haiti Acknowledges Excessive Force by UN," Haiti Action Committee, also available at : <http://haitisolidarity.live.radicaldesigns.org/article.php?id=138>; see also "Haiti, Heavy Fighting Erupts in Cité

Soleil. MSF keeps assisting those wounded in the clashes," Reuters Newswire, also available at: <http://www.alertnet.org/thenews/fromthefield/msfbelgium/117015225057.htm>.

^[204] See IACHR Press Release N° 22/07 "IACHR To Conduct On-Site Visit to Haiti" (April 13, 2007); See also IACHR Press Release N° 24/07 "IACHR Encouraged by Efforts to Improve the Human Rights Situation in Haiti" (April 20, 2007) Also available at: <http://www.cidh.org/Comunicados/English/2007/24.07eng.htm>, and public statements in the press.

^[205] IACHR Press Release N° 54/07 "IACHR Concludes its 130th Regular Sessions" (October 19, 2007), also available at: <http://www.cidh.org/Comunicados/English/2007/54.07eng.htm>.

^[206] See IACHR Report, Failed Justice or the Rule of Law? Challenges Ahead for Haiti and the International Community, OEA/Ser/L/V/II.123 doc. 6 rev. 1 (26 October 2005) also available at <http://www.cidh.oas.org/countryrep/HAITI%20ENGLISH7X10%20FINAL.pdf>.