

HAITI

REPUBLIC OF HAITI

Head of state: Boniface Alexandre

Head of government: Gérard Latortue

Death penalty: abolitionist for all crimes

International Criminal Court: signed

UN Women's Convention: ratified

Optional Protocol to UN Women's Convention: not signed

Excessive use of force by police officers continued and there were reports of extrajudicial executions. No proper investigations were carried out, reinforcing the climate of impunity. Unlawful killings and kidnappings by illegal armed groups escalated, exacerbating political tensions ahead of elections. Clashes between UN soldiers and illegal armed groups continued throughout 2005. Violence against women persisted and officials failed to take adequate steps to prevent and punish it. The justice system remained dysfunctional and scores of people remained imprisoned without charge or trial. Impunity for past human rights violations prevailed.

Background

2005 was marked by instability and violence, particularly in Port-au-Prince, the capital. The large quantity of small arms in circulation fuelled criminal activities and human rights abuses. The number of kidnappings for ransom increased dramatically with over 1,000 cases between March and December. All sectors of society were targeted, along with foreign nationals. Among the victims was one of Haiti's best-known journalists and poets, Jacques Roche, who was kidnapped and murdered in July. Many children were abducted to extort money from their parents. At least 20 Haitian National Police (HNP) officers were arrested for taking part in kidnappings.

The security situation improved generally across the country, although armed gangs in the capital, particularly in the Cité Soleil district, continued to defy both the HNP and soldiers from the UN Stabilization Mission in Haiti (MINUSTAH). Clashes between armed gangs and MINUSTAH military and HNP officers continued throughout 2005 – most of those killed and injured were unarmed civilian men, women and children, although several gang leaders were also killed. Reports of unlawful killings, rape, extortion and arson continued to be frequent in the impoverished neighbourhoods controlled by armed gangs.

MINUSTAH had its mandate extended until February 2006 and its strength increased to more than 8,000 military personnel and UN police officers. In March, MINUSTAH forces reclaimed two police stations in Petit Goâve and Terre-Rouge that had been occupied since 2004 by former officials of the Haitian Armed Forces (FADH), disbanded in 1995, and former rebels. MINUSTAH

acknowledged responsibility for the deaths of civilians during military operations carried out in Cité Soleil in July.

In April, Remissainthe Ravix, the self-proclaimed leader of the demobilized armed forces, was killed in a clash with police. Disarmament of the ex-FADH officers and former rebels was not implemented by the end of 2005. Former members of the FADH pressed the interim government to pay them compensation for their demobilization in 1995 and to reinstate their pension fund. The interim government agreed to pay US\$28 million in compensation to the ex-FADH officers, without making the payment conditional on implementing a disarmament and demobilization programme. In addition, hundreds of ex-FADH officers were incorporated into the HNP without proper vetting of their past human rights record.

Delegations from the UN Security Council and the Inter-American Commission on Human Rights visited Haiti in April. Both delegations raised concerns about the human rights situation. The UN Security Council strengthened MINUSTAH's mandate to give it a more vigorous role in professionalizing the HNP, after numerous reports of human rights violations by police officers. In June the Minister of Justice resigned and the Director of Police was dismissed after criticism from the international community over the administration of justice and the failures of the HNP to comply with international standards of policing.

Local, legislative and presidential elections were initially scheduled for October and November but were postponed on four occasions until early 2006. Shortcomings in organizing the ballot and delays in registering more than 4 million potential voters, particularly those living in impoverished neighbourhoods and rural areas, gave rise to serious concerns over the capability of the interim government and the Provisional Electoral Council (Conseil Electoral Provisoire, CEP) to organize the elections according to international standards. The CEP endorsed 43 political parties and 35 presidential candidates, only one of them a woman.

There was continued concern about the independence of the judiciary after the interim government dismissed five members of the Supreme Court following their decision to allow a candidate with US and Haitian nationality to stand for president.

Violence against women

Gender-based violence, in particular rape of women by gang members, was reported increasingly frequently in impoverished neighbourhoods of the capital.

Long overdue reforms to the Criminal Code to address flaws in the criminalization of gender-based violence, including rape, were finally introduced in October by a Presidential decree. Under the amended Criminal Code rape was defined as a criminal offence – previously it was considered a moral offence – punishable by up to 10 years' forced labour. However, the majority of rapes were not reported to the authorities for fear of reprisal or because of lack of confidence in the authorities and the justice system.

The interim government failed to combat the culture of tolerance of violence against women and to provide assistance for victims of sexual violence.

Killings and attacks by illegal armed groups

Illegal armed groups or gangs killed dozens of civilians. Twelve police officers were also killed during 2005. Gangs allegedly supporting former President Jean-Bertrand Aristide committed most of the killings. Inter-gang warfare decreased after a gang leader linked to the Lavalas opposition was killed in February.

☞ On 31 May, an armed group allegedly supporting the Lavalas party attacked Tèt-Boeuf public market in Port-au-Prince and set it on fire. More than 15 people reportedly died in the attack.

☞ On 10 August, groups armed with machetes (widely known as "*attachés*"), allegedly acting in collusion with HNP officers, reportedly killed at least 10 people in the Delmas 2 and Bel-Air neighbourhoods of the capital.

Excessive force and unlawful killings by police

The HNP continued to use excessive force and there were several allegations of extrajudicial executions. The victims included criminal suspects, a journalist and Lavalas supporters.

☞ On 14 January, HNP officers allegedly killed Abdias Jean, a Miami-based radio reporter, while he was covering a police operation in Village de Dieu, Port-au-Prince. The police denied the killing. Local residents claimed that Abdias Jean was killed because he was investigating the deaths of four alleged bandits killed during the police operation. According to witnesses, he identified himself to the police officers as a journalist before he was shot dead.

☞ On 27 April, HNP officers opened fire on a peaceful demonstration in front of MINUSTAH headquarters. Five people were killed and several others wounded.

☞ On 20 August, the HNP interrupted a football match attended by about 5,000 people in the Martissant stadium. According to reports, HNP officers ordered everyone to lie down while "*attachés*" belonging to a group called the Small Machetes Army (*Lame Ti manchèt*) attacked people identified by the police as criminal suspects. The stadium was surrounded by police officers and "*attachés*" who shot or hacked to death those who attempted to flee. Nine people were killed and four injured. At least 13 police officers were arrested in connection with the killings.

Prisoners of conscience, political prisoners

Scores of detainees were held for long periods without legal basis and denied a fair trial. In November, Louis Joinet, the UN Independent Expert on Haiti, expressed concern about the lack of transparency of the justice system and the unjustifiable delays in bringing detainees to trial. He called for the release of all political prisoners.

The UN Security Council and other international bodies urged the interim government to expedite the cases of political prisoners, in particular that of former Prime Minister Yvon Neptune.

☞ Former Prime Minister Yvon Neptune, imprisoned since June 2004, staged a hunger strike in March and April in protest at his prison conditions and detention without trial. In June, the investigative magistrate finally indicted Yvon Neptune and 30 other individuals for their involvement in an alleged massacre at La Scierie in February 2004. At the end of 2005, he was still awaiting trial.

☞ On 21 July, Father Gérard Jean-Juste, a Catholic priest and Aristide supporter, was taken into police custody after a mob attacked him outside the church where journalist Jacques Roche's funeral took place. Considered a potential presidential candidate for the Lavalas party, Father Jean-Juste was illegally arrested and held on trumped-up charges. He was a prisoner of conscience.

☞ Annette Auguste (known as Sò Ann), a grass-roots organizer and folk singer, remained imprisoned without having been formally charged. The 65-year-old woman was arrested on 11 May 2004 by US Marines, part of the Multinational Interim Force deployed in Haiti hours after former President Aristide went into exile. Annette Auguste was handed over to the Haitian authorities, who imprisoned her in the Pétiion-Ville Penitentiary. The reason for her initial detention was unclear but she remained imprisoned without trial on suspicion of inciting Lavalas supporters to attack university students in December 2003.

Journalists under attack

Journalists were harassed and subjected to abuse throughout 2005. In September the Council of the Wise (*Conseil des Sages*), a body of notable citizens created to guide the interim government, publicly threatened to prosecute journalists who broadcast the views of opposition leaders advocating the return to Haiti of former President Aristide.

☞ On 14 January, *Le Nouvelliste* newspaper reporters Claude Bernard Serrat and Jonel Juste were assaulted by mobs in Bel-Air, a stronghold of Aristide supporters. The mobs reportedly accused the press of contributing to the ousting of the former president.

☞ Kevin Pina, a US journalist and film maker, and Jean Ristil, a Haitian journalist working for the *Associated Press*, were arrested on 9 September while monitoring a search at Father Jean-Juste's church (see above). They were accused of showing disrespect to the magistrate executing the warrant, but were released without charge four days later.

☞ On 3 October, President Boniface Alexandre's security guards attacked Guylar C. Delva, a *Reuters* correspondent, and Jean Wilkens Merone, a *Radio Metropole* reporter. Both journalists were covering a ceremony marking the beginning of the judicial year when they were dragged into a courthouse and severely beaten.

Impunity

There was no effective system to administer justice, uphold the rule of law and provide impartial protection of human rights. Abuses committed by HNP officials were committed with impunity. Investigations into

most police violations, when conducted, did not meet international standards. Prosecutions and convictions for human rights violations were non-existent.

The authorities also failed to address human rights violations committed in previous years, including long-standing cases of political killings and massacres. Former military leaders accused of human rights violations during the 1991-1994 military government continued to enjoy impunity. Investigations into the cases of murdered journalists Brignol Lindor and Jean Dominique were at a standstill.

☞ In May, the Supreme Court overturned the sentences passed in the Raboteau massacre trial on the grounds of a technical error. The court argued that the trial, in 2000, should not have taken place before a jury. Thirty-four former members of the military and paramilitary groups had been sentenced to prison terms of two to 10 years. The Raboteau trial was considered by human rights organizations as a milestone in fighting impunity in Haiti. Most of those convicted in the case had escaped from prison in early 2004.

☞ In August, Louis Jodel Chamblain, former second in command of a paramilitary group during the 1991-1994 military government, was freed from jail without any legal grounds. He was awaiting his second trial for the Raboteau massacre. He had been sentenced in absentia in 2000 and he turned himself in after President Aristide was ousted in 2004. According to Haitian law, those sentenced in absentia face a re-trial once they return to Haiti.

Disarmament

Little progress was made towards disarmament. A National Commission on Disarmament was created in February but only became operational in July. Repeated calls from the UN Security Council to implement without delay a disarmament programme remained unheeded. Lack of political will to disarm illegal armed groups undermined efforts to establish peace and a secure environment throughout the transition process. MINUSTAH initiated small-scale disarmament programmes as pilot projects at a community level, but faced opposition from sectors of Haitian society.

AI country reports/visits

Reports

- Haiti: Disarmament delayed, justice denied (AI Index: AMR 36/005/2005)
- Haiti: Arms proliferation fuels human rights abuses ahead of elections (AI Index: AMR 36/011/2005)
- Haiti: Obliterating justice — overturning of sentences for Raboteau massacre by Supreme Court is a huge step backwards (AI Index: AMR 36/006/2005)

HONDURAS

REPUBLIC OF HONDURAS

Head of state and government: Ricardo Maduro

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

UN Women's Convention: ratified

Optional Protocol to UN Women's Convention: not signed

The killing, torture, imprisonment on fabricated criminal charges and harassment of human rights defenders and indigenous community activists continued. Complaints of violence against women in the family continued to soar.

Background

In November elections, Manuel Zelaya of the opposition Liberal Party was elected President.

In June, Honduras had over half its external debt written off as part of a programme for heavily indebted poor countries. Some 64 per cent of the population lived in poverty, and Honduras ranked 116 out of 177 countries in the UN Human Development Index. Hurricanes left dozens dead, thousands homeless and crops destroyed.

Attacks on human rights defenders

Activists defending the environment and the rights of indigenous people were among those killed, tortured and imprisoned. The government showed little political will to end the abuses, instigated in most cases by powerful landowners or logging interests.

☞ Edickson Roberto Lemus, regional coordinator of a leading peasant farmer organization, the National Union of Farm Workers, was killed on 24 May. An unidentified individual shot him on a bus. He was on his way to visit the peasant group Renacer (Rebirth) in the community of El Pajuiles, Yoro department, which had been served with an eviction order on 19 May. The authorities had reportedly said they could provide no protection after he received threats. By the end of 2005 no one had been identified or detained in relation to his killing.

☞ Feliciano Pineda, a community leader in the municipality of Gracias, Lempira department, was attacked and seriously injured in June. He was handcuffed and arrested on his arrival at hospital, and subsequently imprisoned before he could receive proper medical treatment. Criminal charges brought against him were reportedly fabricated. In December he was acquitted of the charge of homicide but remained in prison on other lesser charges, despite the fact that the time limit for bringing him to trial on these charges had lapsed.

☞ The case of convicted indigenous community leaders Marcelino and Leonardo Miranda, who were attempting to have 25-year prison sentences overturned, was still before the courts. They were convicted after a politically motivated trial because of