

**“WE BECAME GARBAGE
TO THEM”
INACTION AND COMPLICITY IN
IDP EXPULSIONS**

**A CALL TO ACTION TO THE US
GOVERNMENT**

International Action  *Ties*

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The internally displaced of Port-au-Prince, more than six months after the earthquake, face continuing challenges to everyday survival as well as a deep and unsettling uncertainty about the future. **In particular, three ongoing issues related to land and resettlement are prompting increasingly frequent (and highly preventable) violations of the human rights of IDPs:**

- 1) Forced expulsions from both private and public land without acceptable relocation alternatives,**
- 2) Lack of political will within the Haitian government and UN system to prevent illegal expulsions and develop sustainable solutions for IDPs, and**
- 3) Prioritization of profit-making and political interests over the basic needs and physical protection of IDPs.**

A number of factors exacerbate the effects of these problems. Private landowners use tactics ranging from violent force to the blocking of aid to push residents off their land. NGO's are often compliant to such landowner demands, thus acting counter to international humanitarian imperatives. Relocation sites are vastly insufficient, isolated, and planned without the direction of community members who will continue their lives in them. Protection and service provision favor private interests and top-down decisions over the lives of those caught within the grasp of poverty and structural violence. Proper shelter is an essential basis for physical protection, health, and livelihoods, and without access to land the right to adequate housing is breached. Expulsions can lead to homelessness, conflict, and the deterioration of existing community support networks.

From early April, such issues were documented and brought to the attention of relevant United Nations authorities.^{1,2} Reports were subsequently released calling for decision-making and action.^{3,4} Four months later, the same situations are occurring.^{5,6,7} The magnitude of the problem is illustrated by a few statistics: 60% of

¹ CCCM and Protection cluster meetings through March and April, 2010. International Action Ties direct participation and meeting minutes.

² Memorandum: IDP Forced Removal and Relocation Updates - International Action Ties. TransAfrica Forum. April 12, 2010. <http://www.transafricaforum.org/policy-overview/where-we-work/haiti-earthq-2010/forced-idp-reloc-memo-41210>

³ "Towards a More Just Response: Rights of Internally Displaced People in Haiti." Haiti Response Coalition, April 17, 2010. <http://www.haitiresponsecoalition.org/towards-a-more-just-response-rights-of-internally-displaced-people-in-haiti/>

⁴ Shelter and Relocation Supplemental Sign-On to US Congress. April 21, 2010.

⁵ Stop Forced Evictions of Haiti's Earthquake Victims. Institute for Justice and Democracy in Haiti, May 25, 2010. <http://ijdh.org/archives/12237>

⁶ Haiti, Cherie: A report of field missions to Haiti conducted February - June 2010. TransAfrica Forum. July 12, 2010.

camps are located on private land; up to 70% of IDP's rented their homes before the quake and only 19% of IDP's have homes that they can repair.⁸ **These numbers suggest that documented cases are only a small sample of a pervasive pattern of land and relocation problems plaguing the communities of camp dwellers, many who have already been struggling for basic survival in unsupported, makeshift conditions.** In a recent study conducted on a random sampling of officially recognized Port-au-Prince IDP camps, one in eight was unexpectedly found to be closed - without awareness on the part of authorities or protective action taken to prevent violations.⁹ Meanwhile, 85% of IDP's are still in the same commune where they previously lived, meaning that any relocation to distant, planned camp sites would move them away from community, home, and their elected municipal governmental representatives.¹⁰ **This underscores the importance of quick action on land and settlement issues, as well as community input in planning relocations.**

The inadequate response from the Haitian government and international community is in violation of a legal basis for better treatment in both the Haitian constitution and international human rights law. While policy proposals by the United Nations and a commission on land issues by the Haitian government have been put forth, results have been few thus far.¹¹ Meanwhile the needs are urgent and must be addressed from all possible points of influence. **The United States government is in a unique position to lobby for these changes, both through the US registered international organizations within which it has influence and by making recommendations for active decision-making regarding land on the part of Haitian and United Nations authorities.**

Through these channels, the US Government should advocate for the following solutions:

Proactive intervention to stop expulsions through:

- *An immediate moratorium on expulsions called for by the Haitian Government*

An immediate moratorium on expulsions of IDPs must be implemented and enforced utilizing the labyrinth apparatus of established MINUSTAH, OCHA, GoH, community systems and partners. This action is not only urgently necessary to protect basic human rights essential to survival, but firmly grounded in international and Haitian law.¹² Haitian law specifically states that

⁷ Vanishing Camps at Gunpoint, International Action Ties. July 12, 2010.

www.internationalactionties.org

⁸ Registration Update, February 25-June 25, 2010. Haiti Camp Coordination Camp Management Cluster. International Organization for Migration.

⁹ Mark Schuller, "Falling through the cracks or unstable foundations?" Huffington Post. August 8, 2010.

¹⁰ Registration Update, February 25-June 25, 2010. Haiti Camp Coordination Camp Management Cluster. International Organization for Migration.

¹¹ "Proposal for a Policy of the Haitian Government on a Moratorium on Expulsions and the Gradual Closure of Camps." Protection Cluster - Haiti

¹² The right of IDPs to remain (grounded in freedom of movement established by the CCPR, ratified by the Haitian government) as well as the rights of IDP children to a standard of living

landowners must undergo a multi-step process which can take a period of years in order to legally expel people from their land, meaning that all forced removals that have been occurring are illegal.¹³ The US Government should recognize these expulsions as illegal and encourage the international system to do the same.

- *Fulfillment of UN mandate on protection of the human rights of civilians.*

The current mandate for MINUSTAH reaffirms the organization's human rights mandate, which requires it to support "Haitian human rights institutions and groups in their efforts to promote and protect human rights; and to monitor and report on the human rights situation in the country," and additionally, to "promote and protect the rights of women and children" as in Security Council resolutions.¹⁴ All possible efforts must be taken to ensure that this role is fulfilled. MINUSTAH and police personnel in the country represent sufficient capacity to achieve these objectives in the present moment. If they can be assigned by the dozens to enforce barricades every time there is a political demonstration, they can surely be deployed to protect IDPs as well.¹⁵

- *Encourage international NGOs to prioritize vulnerable communities and their basic needs over the requests of landowners, and to allocate resources to negotiate a stop to expulsions where they are threatened*

Complacency by NGOs effectively supports illegal landowner efforts to further displace and deprive IDPs. Organizations should display a zero tolerance policy for any pressurizing tactics toward eviction and continue to aid earthquake victims with vigilance. If a community wishes to stay on private property rather than be transplanted elsewhere, efforts to persuade the landowner to let them stay must be undertaken, including the deployment of funds (e.g. compensation, free repairs) or potential outlay of other resources to prevent expulsion. Given the large number of US registered organizations and their

suitable for normal development, and to free education are also legally binding on the Haitian government by ratification of the CRC. (Conversely, the right to private property simply protects against "arbitrary deprivation" of property, and is not legally binding in international human rights law.) Also, evictions, under Haitian law, must be carried out by a court-supervised process that often takes years.

¹³ Doucet, Isabeau. August 2, 2010. Interview with Privat Precil, former Director General of the Ministry of Justice (from 2003 - 2004) and Haitian attorney with extensive experience in land rights. He explained that Haitian law follows from the Napoleonic code, which requires landowners first obtain a letter from a juge de paix stating that people are living illegally on the land, then to follow up with a court process against them, which can take two years or more before an eviction warrant can be served. The rules apply not only to legal tenants but to anyone living on a landowner's land (ie IDPs without first getting a court order, which usually takes an average of two years to obtain).

¹⁴ Security Council Resolution 1927 (2010)

¹⁵ Letter to the UN Security Council. Haiti: NGO request for the Security Council to re-evaluate the mandate and troop totals set forth in UN resolution 1572 (continued through Res 1840) regarding the United Nations Stabilization Mission in Haiti (MINUSTAH). Mennonite Central Committee. September 25, 2009.

influence on the response and recovery operations of Haiti, the Government of the United States should advocate for compliance with human rights law, its standards, and guiding international principles on forced evictions.

Pursue sustainable solutions to land and resettlement issues through:

- *Endorsing rapid land acquisition for camps and resettlement*

The Haitian state has a right to declare private property for social and housing purposes under the Haitian Civil Code (5 September 1979 Law) and the 8th of July 1921 Decree on the Recognition of Public Interest. Additionally, the Government of Haiti has the authority, due to article 16 of the Law on the State of Emergency, to requisition for relief assistance additional means and buildings belonging to private owners, where the logistical means of the public authorities are not sufficient. Transparency of land tenure must also be ensured; estimates hold the number of private landowners without proper title involved in evictions as high as 70%. The state can work to immediately verify land ownership claims and to exercise transparency about what is private and what is state-owned; while these activities are forthcoming all expulsions should be proactively discontinued. The US Government can encourage the Haitian government to take these measures to create feasible land solutions for IDP communities.

- *Encouraging the provision of affordable housing, accessible to the poorest*

The effort to "encourage" the resettlement of IDPs out of camps has thus far resembled an effective ousting through deprivation rather than positive incitement through provision of proper living conditions elsewhere. As early as March, food and water distributions were terminated "as a means of reducing camp populations and stimulating the economy."¹⁶ Such measures, specifically when people have very little means to acquire these basic needs on their own, constitute human rights violations. Instead, the provision of low-cost housing, subsidized to make it accessible to the poorest and in areas throughout all communes, will serve as a preferential option for camp dwellers to move into permanent residences.

- *Insisting on the provision of a minimum level of free services addressing the basic needs of the internally displaced*

Termination of free water, sanitation and food distribution to vulnerable communities is also an attack on the human rights of IDPs and contrary to the humanitarian imperative on which international relief NGOs are founded. It is required by this imperative, and is within the capacity of these organizations, to uphold the Guiding Principles on Internal Displacement and the Sphere Standards (even when high-ranking UN officials state the contrary) as well as to embrace a human rights approach to planning and delivery. Services should also include immediate provision of transitional shelter, which does not require

¹⁶ Revised Terms of Reference, Protection Cluster - Haiti. June 24, 2010.

as vast or permanent a land area and is within the provision capacity of the international organizations.

- *Consulting civil society groups and camp communities to assure community-directed processes in achieving all of the above*

A verifiably representative camp committee should be considered the primary stakeholder in the negotiating process, as it represents the more vulnerable and sizeable group, and that most affected by the earthquake. In general, Haitian direction should be taken at all levels from individual camp management to the cluster, NGO, and government-level decision making.

International Action Ties' monitoring team has been visiting camps throughout Port-au-Prince since the earthquake. This document highlights case studies of camps that have experienced expulsion, poor relocations, and continued security or settlement-related threats that illustrate the need for action on these issues now. The camps described highlight extremely common challenges encountered by the internally displaced of Port-au-Prince.

This report represents more than a thousand hours of field interviews, community meetings, and interaction with the internally displaced living in Port-au-Prince camps, as well as the opinions and experiences these individuals have related to us over the past seven months.¹⁷

CAMP SAN LOUIS GONZAGUE, DELMAS

"When we lost our homes, we became garbage to them." - Earthquake survivor facing expulsion

HNP bullets were fired into the sky above **Camp Refugee** shortly after sunset on March 4th, 2010 to send warning that the time had come for the internally displaced of Camp Refugee to clear the land upon which they had lived since the earthquake. The CNE bulldozer did not hesitate to over run shelters built by the displaced, out of materials they collected or purchased, and the few personal possessions that were inside. IDPs were first removed by the uniformed police personnel who destroyed their tarp shelters and tents, and those who questioned or protested met with swinging batons and further assault.

On the other side of Delmas, a commune in the city of Port au Prince, another camp was also facing imminent expulsion. Just the previous day, on March 3rd, the Police Commissioner of Delmas, Carl Henry, had entered the grounds of **San Louis Gonzague** - commonly referred to as one of the most prestigious schools in Haiti - and informed

¹⁷ IDP Camp Monitoring Log. International Action Ties. July 12, 2010. www.internationalactionties.org.

the 11,867 displaced Haitians who were living on the property that they had one week to vacate the land. The school's principal and board member, Father Patrick Belanger, threatened the use of police violence, MINUSTAH troops, and tear gas against those seeking refuge on the shaded land of the school. This threat came after the expiration of an initial March 1st deadline set during a visit by Wilson Jeudy, the Mayor of Delmas, also threatening force against the IDPs.

With the understanding that increasingly vulnerable people are more easily controlled and exploited, the methods taken clearly resembled intentional attempts to further destabilize the displaced to the point where they could be manipulated.

San Louis Gonzague's Father Belanger locked the vehicle entrance gate and ordered food distributions stopped in the camp after February 9th, less than a month after the earthquake. Withholding of aid and repeatedly setting dates for eviction kept the displaced families in fear and uncertainty. This was done in an attempt to apply pressure on those that lost their homes in the earthquake off the multiple acreage of the school. Though the school's second deadline, March 10th, also passed without a forced removal, the following week saw a number of families flee due to the terrorizing threats and intentionally created anxiety.

"I have an elderly mother, and there are a lot of children in the community. I could come out fine if they brutalize us, but people such as that will not be able to endure it." - IDP facing eviction

About five miles away in **Camp Refugee**, the violence and displacement of the already vulnerable IDPs, which had started on March 3rd, continued until March 7th. Of the 500 families that were reported to have lost their shelters, many fled to the southeast side of the hilled area and established Camp Toussaint Louverture. Others were reported to be simply "out on the street." On March 7th, the expelled IDPs and those in the surrounding camps reported that they had still not been informed why they were being forcefully removed. Talk of government presence in the expulsions led to rumors that the land would be used to build a new hospital or a school. Finally, on March 8th, the CNE bulldozers and police brutality ceased after the expulsion of hundreds of Camp Refugee families.

In the weeks that followed in **Camp San Louis Gonzague**, families continued reluctant departures to avoid the impending violence that was threatened. These families left, seeking their own solutions. Those that stayed held numerous community meetings to find solutions as the threats continued to loom over their heads. On April 3rd, committee members notified the IDP community that they had again received notification that they would be expelled from their camp the next day.

Many of the Camp San Louis Gonzague residents stated that they did not want to prevent the school from opening and could easily coexist with its operations. But in the meantime, they had collectively come together to establish a community volunteer-run school for the over 3000 students in the camp population; this would be

closed if the camp was disbanded. They questioned why the twelve hundred students of the private school took precedence over the children of the camps.

The following day, April 4th, San Louis Gonzague saw no forced eviction or police presence. But on this day, **Camp Refugee** and **Camp Toussaint Louverture** once again suffered further destruction of shelters and the redisplacement of IDPs. Again, CNE heavy machinery and police violence were the tools of the expulsion. This continued for the next three days. As the CNE machinery advanced deeper in the camp, families were forced with deciding whether to flee or stay in hopes that the expulsion would cease.

There were passing rumors that the expulsion of Camp Refugee was for the relocation of IDPs from San Louis Gonzague. These rumors became solidified when IDPs from San Louis Gonzague started visiting the area to assess their new home. The open land that had hosted the displaced earthquake survivors of Camp Refugee and Camp Toussaint Louverture was to become Caradeux, an official relocation site for the expelled IDPs from San Louis Gonzague.

Over the next passing weeks in Camp Refugee and the four surrounding camps, the international NGO community began to offer aid. Tarps were delivered for emergency shelter and latrines and bathing facilities being constructed. Stationary water bladders were installed and a daily water delivery was established. Camp San Louis Gonzague received repeated threats and deadlines for expulsion, and families continued to flee.

"We fear the PNH will be put on us if we do not leave." - San Louis IDP

On April 20, the Office for the Coordination of Humanitarian Assistance (OCHA) Protection Cluster alerted that eviction reports were on the rise. Two days later, Catholic Relief Services and the Government of Haiti began to relocate the internally displaced from Camp San Louis Gonzague to the now vacant and prepared land of the Carredeaux relocation site. This was and still is presented as a voluntary relocation, but statements by nearly all community members interviewed suggest the contrary. Though direct force was not used during the expulsion of the IDPs, the intentional terror and rights violations created by the restriction of food, shelter, and other aid, and by the verbal threats, did in fact force the families to leave. The already vulnerable population displaced by the earthquake became increasingly vulnerable with each day that passed with hunger, with threats, and with the prospect of being forced out of their community without acceptable alternatives.

CAMP IMMACULEE, CITE SOLEIL

"The refusal to protect the families at Camp Immaculee portrays the continuation of historic neglect and systematic prejudice against the most vulnerable. It's much more convenient to aid those in Petionville than to come here to Cite Soleil." - Aid worker in Cite Soleil

Two hundred and fifty families who lost their homes on January 12th were displaced onto a median in the middle of a road near an entrance to Cite Soleil. The camp had been described simply as "nonsecure" in nearly a month of International Organization of Migration's (IOM) weekly Camp Management Operations (CMO) reports.

The Cite Soleil CMO team initially misidentified the problem at the camp, saying attacks on police came from within it. In reality, the IDPs were enduring regular attacks by a small group described as "bandits", in an attempt to force them off of the public land (later CMO reports appear to recognize this). Despite intermittent patrols by Police National de Haiti (PNH), United Nations Police and the peace keeping troops with the UN Stabilization Mission of Haiti (MINUSTAH), the attacks continued and the displaced earthquake survivors stated they remained fearful and very anxious.

Having not yet received any aid, the community was already vulnerable. During the week of June 24, camp residents reported heightened attacks from armed aggressors. Each time, camp community members stated that a group of around 10-15 men, throwing rocks and/or armed with machetes and guns, were threatening the camp demanding they leave the area. The committee members stated that they could not identify with absolute certainty who was attempting to force them off of the land, but they suspected a music promotion group that wanted the space to host for-profit concerts.

These attacks continued for weeks. The armed aggressors entered the camp and cut holes in tarp-based shelters with machetes. Four cases of sexual assault, three of which involved victims who were minors, were reported. After each attack, the community would call the police and MINUSTAH units for protection. Though both the PNH station and the Cite Soleil MINUSTAH base were less than a two-minute drive away, no units arrived on the scene during a reported attack and no arrests were made.

Scheduled meetings requested by Camp Immaculee community representatives with NGOs, PNH, United Nations Police, and Brazilian MINUSTAH unit led to pledges of increased patrols in the area. The PNH and MINUSTAH officers interviewed admitted the patrols were not likely to constitute effective protection from attackers who can easily hide in corridors and strike once patrols have passed. Even after this pledge, overnight monitoring at the camp showed not a single patrol passed the camp from 1am to 5am, a time period during which the majority of attacks had taken place in days past. Again, the camp remained in fear and suffered violent attacks.

On the morning of July 12, the camp was observed to be completely empty. With every known possibility for protection proved thoroughly ineffective or unwilling, camp residents were unable to continue to live in the conditions that were created.

True to the community's suspicions, the music group they had cited erected a sign outside Place Immaculee the next day, advertising for-profit nighttime events.

Many camp residents had moved to a new plot of land called Michico, a few city blocks away, that the community had identified on its own. Since many nights had been spent away from the camp in the recent past, much of their shelter material had been stolen and residents began constructing small shelters with what they had.

While community members struggled to build new lives in these conditions, they learned they were not free from continued persecution. On more than three nights in the month that followed, community members experienced attacks by the same group of armed aggressors. The committee leader, Rosemond Joseph, cited this as "persecution" and complicity on the part of the aggressors, the Cite Soleil mayor's office, and the local judicial branch which considered their case.

In early August, after weeks of making requests for shelter and services for the Immaculee IDPs and adjacent camp, the community finally received an offer for shelter aid consisting of emergency kits with tarps, buckets, and tools. The distribution process was planned in detail by the community and set for the morning of August 11. On the night of August 10, a large group of the same attackers entered the camp at night, with arms and verbal threats, demanding a share of the aid material that would be distributed to the residents.

During the following day's distribution, after approximately three-quarters of the kits had been peacefully distributed, the attackers made an appearance. They disrupted the remainder of the distribution, prompting it to end prematurely leaving many families still without their promised shelter, and stole many of the shelter kits while the truck was driving away.

While PNH and UN Police officers were on site, they were ineffective in aiding the situation. PNH officers demanded a bribe of shelter kits and sent their pickup truck away with several of the boxes. The UN Police, who had stationed themselves to aid in line formation and pick-up, gave up their stations and retreated to talking in small groups while watching the events take place.

The interlacing web of issues related to this camp's experiences demonstrate fundamentally and structurally unsound approaches to land and relocation issues as well as protection for IDP's. Because the community was never provided with appropriate measures for services or security, nor was it supported in its own plans for such, even a distribution of extremely basic shelter could not be entirely successful.

International Action Ties (IAT) is a grassroots community development organization aimed at addressing the root causes of poverty by working towards structural change and community mobilization. IAT works together with marginalized and underserved communities to design and implement minimal exterior-input community based infrastructure development programs. Through the provision of field mobilizers, who work directly alongside community members, IAT's efforts address the interdependent areas of Education, Environment, Public Health, Social Equities, and Livelihoods. IAT has been working in rural Haiti since 2007, primarily in the Nippes Region, Petite

Riviere de Nippes. Like other members of the Haiti Response Coalition, IAT was one of the first organizations to reach Port-au-Prince and begin relief work.

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