



HAITI

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Open Letter to Evans Paul, new Prime Minister of Haiti: Put human rights as the priority of your new government

Dear Prime Minister,

Amnesty International is writing to you to highlight some human rights issues that our organisation believes your government should address as a matter of priority.

Although we understand that the stated priority of your government is the organization of the long-overdue parliamentary and local elections, your government is still under the obligation of fully respecting and promoting human rights for all in Haiti. Moreover, our organisation believes that tackling the following issues as a matter of priority is crucial in the current political and post-earthquake reconstruction contexts in Haiti.

ENSURING THE RIGHT TO FREEDOM TO PEACEFUL ASSEMBLY

In the last two years, Amnesty International has been receiving an increasing number of reports of excessive and unnecessary use of force by security forces during demonstrations, including by UN peacekeepers, often resulting in a high number of people injured and occasionally in the death of the demonstrators. Investigations were opened in some cases but no security personnel or other authority is known to have faced criminal charges for their involvement in any of these incidents.

Most recently, on 15 December 2014, following reports that one man might have been killed and two others injured as a result of the excessive use of force by the police and the UN peacekeeping force during a demonstration in Port-au-Prince, our organization called for a thorough and impartial investigation and for steps to be taken to prevent further abuses.¹

The rising number of people killed by the police, including during demonstrations, and the lack of accountability for these acts has also raised the concern of the UN

¹ Haiti: allegations of excessive use of force during demonstrations must be thoroughly investigated, AMR 36/015/2014, <http://www.amnesty.org/en/library/info/AMR36/015/2014/en>

Human Rights Committee, which in October 2014 recommended the Haitian authorities to carry out timely and effective investigations into all killings committed by the police and to bring those responsible to justice. The Committee also recommended Haiti to continue training its security forces in order to ensure compliance with the UN Basic Principles on the Use of Force and Firearms.²

Amnesty International welcomes your commitment “to respect the right to peacefully demonstrate” expressed in a meeting with US diplomats on 21 January. In the current context of instability and widespread dissent, it is crucial that those statements are effectively translated into actions aimed at bringing justice for the victims, holding those responsible accountable for human rights violations and preventing future abuses.

PROTECTION OF HUMAN RIGHTS DEFENDERS

Amnesty International is concerned about the increasing reports of attacks, threats and harassment against human rights defenders, including lawyers, in the last two years. In many cases the acts were strictly related to their work in the defence of human rights. In most cases, thorough and prompt investigations failed to be carried out, and the authorities have not implemented effective protection and comprehensive measures to enable human rights defender to carry out their work without fear and negative repercussions.

As also recommended by the UN Human Rights Committee last October,³ the government must take all necessary measures to protect human rights defenders so as to enable them to carry out their activities without fear. The Haitian government must therefore fully, promptly and effectively investigate all allegations of attacks, threats and intimidation against human rights defenders, make the results public and bring the perpetrators to justice.

Given the sensitive political context in Haiti at the moment, it is crucial to contribute to ensuring a safe and enabling environment in which it is possible to defend human rights without fear of reprisals or intimidation, in accordance with the UN Declaration on Human Rights Defenders.

ENSURING THE INDEPENDENCE OF THE JUSTICE SYSTEM

Amnesty International is also concerned that the full independence of the Haitian justice system is far from being achieved.

Despite the hopes that the establishment of the High Council of the Judiciary (Conseil supérieur du pouvoir judiciaire - CSPJ) had created, reports of the executive branch’s

² Comité des droits de l’Homme, Observations finales concernant le rapport initial d’Haïti, 31 octobre 2014, CCPR/C/HTI/CO/1, para. 10.

³ Comité des droits de l’Homme, Observations finales concernant le rapport initial d’Haïti, 31 octobre 2014, CCPR/C/HTI/CO/1, para. 19.

interference in the administration of justice have not stopped, and on the contrary seem to have increased in recent times.

For example, last October, both Haitian human rights organisations and some members of the CSPJ denounced that the Minister of Justice ordered the appointment, transfer and dismissal of numerous judges without the prior agreement of the CSPJ, as mandated by law. This concern was also echoed by the UN Human Rights Committee in October 2014.⁴

Amnesty International is also concerned that several people might have been arbitrarily detained under false charges or with little justification motivated by their political activism. Most of these contested cases were handled by the same investigative judge, whom Haitian human rights organisations believe to have been illegally appointed. The lack of independence shown by this judge in the handling of one of these cases led the Port-au-Prince Bar Association to suspend him from the exercise of the profession of attorney for ten years in 2013.

The suspicion that many people might have been arbitrarily arrested as a result of their political activism was corroborated by the fact that over 20 political activists were released in December 2014, following the recommendations of the advisory commission, appointed with the task of proposing measures aimed at appeasing tensions. The advisory commission called for the “immediate release throughout the country of ‘political prisoners’ who had not been heard by a judge and the issue of a decree gracing all those who are involved in judicial proceedings”.

The guarantee given by the newly appointed Minister of Justice in his inaugural speech that he will ensure the “absolute independence of the judiciary” and that “the scrupulous respect and protection of human rights and fundamental freedoms” will be a Ministry’s priority, are most welcome. These statements have now to be followed by concrete measures to ensure that the judiciary is able to operate free from interference and that every person is free to exercise their civil and political rights without fear of reprisals or retaliation.

PROMOTE THE RIGHT TO ADEQUATE HOUSING

On 8 January, Amnesty International published the report “**15 minutes to leave. Denial of the right to adequate housing in post-quake Haiti**” (AMR 36/001/2015).⁵

While acknowledging the enormous challenges of the post-earthquake reconstruction process, the report highlights that durable solutions to the housing crisis remain out of reach for hundreds of thousands of people displaced by the disaster.

As you know, more than 79,000 people are still living in makeshift displacement camps, where living conditions remain extremely precarious. Most people who have left the camps have not benefitted from durable housing solutions, especially those

⁴ Comité des droits de l’Homme, Observations finales concernant le rapport initial d’Haïti, 31 octobre 2014, CCPR/C/HTI/CO/1, para. 16.

⁵ Available at <http://www.amnesty.org/en/library/info/AMR36/001/2015/en>

who did not own land or a house before the earthquake. As a result, the housing problems that existed before the earthquake have been exacerbated and entrenched.

In addition, Amnesty International's research shows how forced evictions of thousands of internally displaced persons (IDPs) from displacement camps, carried out or condoned by the authorities, have had traumatic effects on a population already gravely affected by the earthquake. While the number of forced evictions in the context of displacement camps decreased in 2014, forced evictions in other settings continues unabated – particularly in the framework of reconstruction and infrastructure development projects. The demolitions of hundreds of houses and forced evictions of residents in downtown Port-au-Prince in May 2014 in order to clear the area for the construction of public administration buildings are a clear example of what could become a growing and worrying trend.

Our report also acknowledges the adoption of the first National Policy for Housing and Habitat and the willingness of the Haitian authorities and the international community to explore options allowing more durable solutions for IDPS, such as the transformation of some IDP camps into neighbourhoods and the regularization of informal settlements like Canaan. However, the report points out that clarity on crucial issues, such as ensuring security of tenure for all and establishing how those most in need will be identified and supported in accessing adequate housing, remains elusive.

In the light of all the above, we believe that your government should take much more decisive action in tackling the issues of internal displacement and lack of adequate housing by stopping forced evictions, moving forward initiatives providing durable housing solutions for IDPs and facilitating access to adequate housing for all in Haiti, especially those living in poverty.

In the report you will find a set of specific recommendations. In particular, Amnesty International calls your government to:

- Immediately end all forced evictions in Haiti, including from displacement camps.
- Carry out full, thorough and independent investigations in all cases of forced evictions and fires that have resulted in evictions, and ensure that those responsible or involved are brought to justice.
- Ensure that all evictions, including those carried out in the context of expropriations for purposes of public utility, comply with international standards on forced evictions.
- Ensure that formalization programmes targeting IDP camps and informal settlements, such as Canaan, do not result in forced evictions, provide security of tenure to all beneficiaries and include options enabling those living in poverty and other vulnerable groups to access adequate housing.

- Fully implement the National Policy on Housing and Habitat in a manner that ensures access to adequate housing, particularly the most vulnerable and marginalized, such as those living in poverty.

In conclusion, I thank you in advance for your kind attention and look forward to receiving your response to the issues raised in this letter and Amnesty International's recommendations.

Yours sincerely

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Director for the Americas