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Haiti

Abuse of human rights: political violence as the 200th anniversary of independence approaches

CONTEXT

1. In spite of nearly 200 years of independence, Haiti as a young democracy

Haiti's largely slave population won its freedom, and the country as a whole its independence, after 13 years of struggle in which Haitians overthrew the French colonial system and defeated invading armies from France, Great Britain and Spain before declaring an independent nation on New Year's Day, 1804.

In the two centuries since independence, Haiti has undergone a nearly unbroken chain of dictatorships, military coups and political assassinations. The first peaceful handover between democratically-elected leaders in the country's history took place in February 1996, when President Jean Bertrand Aristide, having spent over three years of his term in exile following a coup and returning to office only after an international military intervention, stepped down to make way for President René Préval.

After this promising start, the administration of President Préval quickly became mired in difficulties which hampered its ability to govern. In June 1997 the Prime Minister, Rosny Smarth, resigned following allegations of electoral fraud. The mandates of nearly all of the country's elected officials, including local and legislative officers, expired in January 1999, before elections had been held for their replacements. President Préval did not extend the sitting officials' mandates, beginning instead a period of rule by decree. Three days later, the vacant post of Prime Minister was filled by a candidate whose nomination had been previously approved by Parliament, but whose cabinet and government programme were not.

Elections to fill the 7,500 empty local and legislative posts nationwide were scheduled and postponed several times, finally taking place in May 2000. However, those elections were in turn contested, a dispute which has compromised the credibility and effectiveness of the current Haitian government. As demonstrated below, it has also contributed significantly to the increasing deterioration of the human rights situation.

2. Inability of all parties to resolve the 2000 electoral dispute hampers Haiti's capacity to meet its many challenges

The May 2000 elections had been declared generally peaceful by observers, with consensus that candidates of *Fanmi Lavalas* (FL), or Lavalas Family,¹ the party of Jean Bertrand Aristide and René Préval, had won the majority of contests. However, international and some Haitian observers declared the vote-tallying methodology, used by electoral officials to determine whether a second round was necessary in any given race, to be biased in favour of FL candidates.

As a result, the Organization of American States (OAS) withdrew its election observers before the second round in July 2000. A modified Provisional Electoral Council, or *Conseil Electoral Provisoire* (CEP), oversaw the November 2000 presidential elections, but the international community declined to support or monitor the presidential race and suspended much-needed aid. Former President Aristide was elected overwhelmingly, and was inaugurated in February 2001.

After two years of trying to resolve the electoral dispute, in September 2002 the OAS General Assembly passed Resolution 822, which set the framework for elections in 2003. The resolution urged the government to implement a disarmament program and to undertake a number of other measures, some of which the government took steps to fulfill. However, the November 2002 deadline for setting up a new CEP was missed, as opposition and civil society sectors refused to participate in the process on the grounds that the government had not met fully met the security and other conditions of the resolution.² Ongoing efforts by the OAS to move the process forward were unsuccessful.

¹ Lavalas, the Haitian Creole word for >flood,= was the term used to describe the vast popular movement that brought Jean Bertrand Aristide his first electoral victory in 1990. Fanmi Lavalas, or >Lavalas Family,= is the current name of his political party.

² The CEP is meant to be composed of nine members, one each from FL, the main opposition coalition *Convergence Démocratique* (CD), or Democratic Convergence, other political parties, the conference of Catholic bishops, the Protestant Federation of Haiti, the Episcopal Church of Haiti, the judicial branch, human rights NGOs and the business sector. FL and the judicial branch each named their representative, but the CD and the 'other political parties' have not. The other five have named representatives but have said that they will only agree to their being officially installed once outstanding problems have been resolved.

In June 2003 the OAS General Assembly resolved

... to urge all parties to take part in the formation of a credible, neutral and independent Provisional Electoral Council (CEP) when a climate of security conducive to free, fair and transparent elections has been created.”³

During its June summit, US Secretary of State Colin Powell urged the OAS to re-think its role in Haiti if significant progress in complying with Resolution 822 had not been made by the one-year anniversary of the resolution in early September. However, the main opposition coalition, *Convergence Démocratique* (CD) or Democratic Convergence, and some other parties state that they will not take part in elections as long as President Aristide is in power, and continue to refuse to name participants to the CEP; while President Aristide, for his part, has reiterated his determination to remain in office until his term expires in February 2006.

Meanwhile, the terms of all deputies and one third of senators expire in the second week of January 2004; if elections are not held, parliamentarians’ mandates will run out as they did in January 1999, creating a void in the constitutionally-mandated system of governance. In light of this, the authorities announced in August 2003 that elections would be held in November and December 2003, without the participation of opposition parties and other sectors in the formation of a new CEP if need be. This announcement was criticised by domestic and international sectors, including the OAS and the European Union, which expressed grave concerns about the legitimacy of the proposed arrangement.

3. As the dispute continues, Haiti’s poverty increases

Following the 1994 return to democratic order, international aid to Haiti reportedly reached a high mark of US\$ 611 million; it declined significantly every year after that, and on the eve of the 2000 elections stood at US\$ 189 million.⁴ The international community responded to the 2000 electoral disputes by freezing most international loans and aid. In its report of early 2001 outlining the human rights challenges facing the new Aristide administration, Amnesty International gave details of the extremely worrying economic and social situation and stated that “reductions in international aid have potentially devastating effects.”⁵

³ OAS General Assembly Resolution AG/RES. 1959 (XXXIII-O/03) of June 10, 2003: Support for Strengthening Democracy in Haiti.

⁴ “On the road to a better Haiti,” Platform Haiti-Netherlands, 2003.

⁵ “HAITI: Human rights challenges facing the new government” (AI Index: AMR 36/002/2001), April 2001, p. 10.

Two and a half years later, Haiti remains the poorest country in the western hemisphere, and its standard of living appears to be declining. In its review of the socioeconomic situation in Haiti in 2002, the United Nations Development Programme (UNDP) summarised as follows:

Under the combined impact of political and institutional instability and the persistent decline in production and revenues, the Haitian population will continue to grow and to evolve beneath the absolute poverty line ... Haiti will need more than 50 years, or the equivalent of two generations, to recover from its current state if the process of recovery were to start now.⁶

According to UNDP's human development ranking, Haiti dropped from 146th in the world in 2002 to 150th in 2003, with reported life expectancy declining from 52.6 years in 2002 to 49.1 years in 2003.⁷ In December 2002, representatives of international non-governmental development organisations such as Christian Aid, Action Aid, Oxfam and the Lutheran World Federation issued a statement in which they expressed their joint concerns:

We are greatly alarmed by the accelerated degradation of the socio-economic conditions, by the lost economic opportunities at the national, regional and global level, and by the systematic deterioration of the environment. In effect, our regular contact with the population has allowed us to register the decline in certain indicators of quality of life. The nutritional situation is in the process of collapsing towards critical levels: 23% of children under the age of five suffer from chronic malnutrition, and the reports of local organisations mention a 30% increase in the cases of severe malnutrition in certain areas of the country ...⁸

Resolution 822, the September 2002 OAS resolution mentioned above, called for normalization of relations between Haiti and international donors; nonetheless, aid and loans remained frozen. In January 2003, the European Union extended measures partially suspending aid to Haiti until the political impasse has been resolved. Some governments continued to fund programmes in Haiti but passed all assistance through

⁶ United Nations Development Program, *The Economic and Social Situation of Haiti in 2002 (update)*. See <http://www.ht.undp.org/bes2002/>. Unofficial translation.

⁷ *Human Development Reports*, United Nations Development Programme, 2002 and 2003.

⁸ Message from international non-governmental organisations in Haiti on the occasion of the end of 2002 holidays; distributed by Haiti Support Group (UK).

projects run by non-governmental organisations (NGOs) rather than through government institutions.⁹

Responding to the seriousness of the situation in Haiti, in April the UNDP representative in Haiti presented the United Nations system's appeal to donors for funding for a new Integrated Response Programme with US\$ 84 million in projects on food security, health, sanitation, education, employment and the environment. For its part, the Caribbean Community, CARICOM, promised a donation to help Haiti make its debt repayments. In the meantime, Haiti took steps to meet the requirements of international lending institutions; some measures, like the ending of governmental fuel subsidies in January 2003, led to a near doubling in the cost of petrol, public transportation fares and kerosene, increasing the difficulties faced by struggling households.

After other measures, such as reducing budgets, Haiti eventually reached an accord with the International Monetary Fund (IMF) for a one-year staff-monitored programme, to run until March 2004. The programme includes audits of public enterprises and repayment of arrears to the Inter-American Development Bank (IDB), the World Bank¹⁰ and bilateral creditors, as a first step towards establishing the 'track record' required by the IMF before considering a longer-term poverty reduction programme.¹¹

Following this accord, in July the government of Haiti reached an agreement with the Inter-American Development Bank to unblock some of the frozen funds, reportedly with an initial loan of US\$ 50 million followed by US\$ 146 million for the health, education, sanitation and road infrastructure sectors over a period of three to five years.¹² The agreement was reached after the government announced having used funds from its dwindling foreign currency reserves to pay \$30 million in arrears on earlier IDB loans.

Meanwhile, on 7 April 2003, the 200th anniversary of the death in French custody of Haitian independence leader Toussaint Louverture, the government of Haiti claimed

⁹ For example, the USA government said in June 2003 that it had increased its annual assistance to Haiti by US\$ 6 million, to nearly US\$ 70 million; the aid is disbursed through non-governmental rather than governmental channels.

¹⁰ The World Bank had suspended disbursements to Haiti in January 2001 due to arrears owed, and World Bank projects were closed by the end of that year. A Country Assistance Evaluation in February 2002 concluded that the World Bank programme had not had a significant impact on Haiti's development. ("Haiti: Staff-monitored Program," IMF Country Report No. 03/260, August 2003).

¹¹ Ibid.

¹² "IDB Reactivates Haiti Loan Program," IDB Press Release, 23 July 2003.

over US\$ 21 billion in restitution and reparation from France for an indemnity paid to it by Haiti in exchange for recognition by France of Haitian independence. France had demanded the indemnity for its expenses and losses during the slave uprising, which began in 1791, and subsequent fight for independence; to begin making the payments, Haiti was forced in 1825 to borrow 24 million francs from private French banks.

ON THE EVE OF THE BICENTENNIAL: HUMAN RIGHTS ABUSES IN THE CONTEXT OF INCREASING POLITICAL VIOLENCE

Due to the weakness of the institutions most implicated in guaranteeing respect for human rights, namely the judicial, police and prison systems, Haiti faces endemic problems. These include ongoing impunity for human rights violations, failures of due process and in the administration of justice, restrictions on freedom of expression and assembly, and abuses by illegal armed groups acting on behalf of individual officials. These matters have been of continual concern to Haitian authorities and civil society organisations, as well as of international human rights observers.

In addition to these ongoing difficulties, however, the drawn-out political impasse has contributed to creating a different set of human rights concerns. These have emerged in a context of increasing use of violence by unofficial groups with apparent political motivation. At the same time, the official police force has been accused of responding with heightened politicisation among its ranks and more frequent human rights violations.

In a worrying indicator of growing tensions, as this report went to print the body of **Amiot 'Cubain' Métayer** was found on the outskirts of St. Marc, department of the Artibonite. He was believed to have died from gunshot wounds to the eyes and chest on 21 September. Schools and public buildings closed as local residents took part in days of protests in Gonaïves, during which both demonstrators and police officers were reportedly wounded. Supporters attributed the killing to the government, claiming that Métayer was last seen in the company of a friend and former state employee, and called for the ouster of President Aristide. The government firmly denied any involvement, and in a 25 September communiqué, the Minister of the Interior blamed the killing on armed anti-government groups operating from the Central Plateau.

Amiot Métayer was a Lavalas activist during the period following the 1991 coup.¹³ His attempted arrest was believed to have sparked the 1994 Raboteau massacre, at which time he was forced to go into exile. Following the return of President Aristide to Haiti in late 1994, Amiot Métayer came back to the Raboteau area of Gonaïves. He was alleged to have been involved in violence against opposition figures following the 17 December 2001 attack on the National Palace and in other acts of violence in the area, and was arrested in July 2002 only to be broken out of prison by his supporters a month later.¹⁴ His armed gang, the '*Armée Cannibale*' or 'Cannibal Army,' was one of several groups accused of human rights abuses during clashes between government and opposition supporters in Gonaïves in November 2002. Prosecutions of all those implicated in the December 2001 abuses was one of the elements for implementation contained in OAS Resolution 822 of September 2002; however, in May 2003, local prosecutors dropped all charges against him.

Below is an overview of other recent incidents of concern to Amnesty International.

1. Human rights abuses attributed to armed groups in the lower Central Plateau

Amnesty International has written to the Haitian authorities to express its concern at reports of attacks on the right to life and physical integrity of official and pro-government targets by a group of unidentified armed individuals in the Pernal section of the commune of Belladère, lower Central Plateau near the Dominican border. These attacks have been variously attributed by different authorities to the '*Force de Protection Civile*,' 'Civil Protection Force,' or the '*Armée sans manman*,' 'Motherless Army,' alleged by the government to be composed in part of former soldiers of the disbanded Haitian army.¹⁵

The government claims that up to 25 people have been killed by armed commandos identifying themselves as former soldiers in the area.¹⁶ Government spokespeople have on many occasions publicly accused opposition parties of links to the armed group; opposition leaders, however, have repeatedly and publicly denied any such ties.

¹³ See Amnesty International Urgent Action 417/93 (AI Index: AMR 36/35/93), 26 November 1993; also Urgent Action update (AI Index: AMR 36/03/94), 21 January 1994.

¹⁴ See Amnesty International Annual Report 2003.

¹⁵ The *Forces Armées d'Haiti* (FADH), Haitian Armed Forces, were abolished by Aristide following the return to democracy. A new civilian Haitian National Police was created in 1994, and is the country's only official law enforcement and security force.

¹⁶ "Concretizing Democracy," 25 August 2003, Michelle Karshan, Foreign Press Liaison of the Government of Haiti.

A number of the recent incidents are described below.

- In Ousasèk, near Pernal, a vehicle transporting a Ministry of the Interior delegation was reportedly ambushed on 25 July 2003 as it returned from installing a communal council in Belladère. **Four civilian Ministry employees**, Wilfrid Thomas, Chériel Augustin, Jean Marie Dépeignes et Adrien Célestin, were killed; the Minister of the Interior, Jocelerme Privert, told the press that the attackers had mutilated and burnt the four men's bodies. One other Ministry employee, Félix Mayenne, was said to have been shot twice and was hospitalised in the Dominican Republic.
- Heavily armed men reportedly carried out a series of raids in the lower Central Plateau on the night of 21 June 2003, attacking private homes of key supporters of the dominant *Fanmi Lavalas* (FL) party in Lascahobas, Pernal and Lagroune. Minister of the Interior Privert indicated that grenades had been thrown into the homes, and that the victims were then tied up and tortured before being executed; **four government supporters** were reportedly killed, including Pierre Marais, a trader in Pernal.
- On 6 May 2003, a group of up to twenty armed men reportedly attacked the Péligre hydroelectric dam in the lower Central Plateau, the country's largest power source. Arnoux Célestin and Esthénio Jean, **civilian security agents** of the *Electricité d'Haiti* company, were killed. The attackers reportedly set fire to the control room and threatened staff. While escaping, they reportedly stole a hospital vehicle and identified themselves to hospital staff as former FADH soldiers. At the request of Haitian authorities, Dominican security forces had earlier arrested five Haitian nationals in the Dominican Republic on suspicion of involvement in armed attacks in Haiti; all five were quickly released, reportedly due to lack of evidence.

Reports indicate that police officers and stations in and around the commune of Belladère have been attacked on a number of occasions by unidentified armed assailants, causing several deaths. In response to the Haitian government's request, the OAS has provided some international police experts to assist in professionalising the police force and providing security. Some of the most recent arrivals have reportedly been deployed to the Central Plateau.

While most information regarding such abuses has come from the lower Central Plateau area, a number of similar incidents have been reported in other areas.

- On 2 February 2003, after rising political tensions, violence broke out in **Petit Goâve**, department of the West, when an unidentified hooded attacker reportedly shot Micky Fleurilus, member of a pro-FL popular organisation, in the head, killing him.

At the same time, a second FL activist, Samuel Polo, was said to have been severely injured when his house was burnt; he died several weeks later from his injuries. In the aftermath of these incidents, President Aristide was reported to have announced that a special police contingent had been sent to the area to apprehend members of the 'Motherless Army,' which he indicated was responsible for the attacks. Meanwhile FL activists reportedly engaged in reprisal attacks in Petit-Goâve, burning the houses of two opposition supporters, blocking roads, threatening motorists and carrying out illegal searches of vehicles.

2. Human rights abuses attributed to political activists

Amnesty International has repeatedly written to the Haitian authorities about reported human rights abuses by political activists against supporters of other parties. In some incidents, public warnings were issued by officials that violence might occur; others appear to have occurred more spontaneously. Some of the most recent incidents are described below.

- On 12 July 2003, the opposition coalition *Groupe de 184*, Group of 184, held a motorcade from the airport to the Centre Sainte Thérèse D'Avila school in Soleil 4, Cité Soleil, Port-au-Prince, as part of the group's '*Caravane de l'Espoir*' or '**Caravan of Hope**' political campaign.¹⁷ A member of the local mayoral council had reportedly issued a public warning that the caravan would not be welcome. Upon their arrival in Cité Soleil, government supporters reportedly stoned caravan vehicles and the meeting center. Some reports indicate that shots were fired, while windscreens and tyres of the motorcade vehicles, including those of observers from the diplomatic corps, were damaged. The HNP were present but reportedly did not intervene to stop the violence, in which 30 to 40 caravan participants were said to have been injured. After their departure, the school building was said to have been vandalised and the priest's car burned.

The following day, Prime Minister Yvon Neptune told the press that the opposition had provoked violence to draw attention away from events in the Central Plateau; Group of 184 spokespeople denied the claim. On 22 August, Secretary of State for Public Security Gerard Dubreuil informed reporters that the police had investigated

¹⁷ The caravan had previously visited a number of Haitian towns including Jacmel, St. Marc, Hinche, Gonaïves, Fort Liberté and Cap Haitien. Most visits occurred peacefully. However, on 15 March while visiting Les Cayes, department of the South, the meeting was reportedly broken up by armed government supporters, who threw rocks and bottles at participants and then prevented them from leaving. Participants were forced to remain overnight, and were escorted out of the town by police the next morning.

the incident and concluded that the Group of 184 had provoked the violence, which had been unplanned and spontaneous.

Meanwhile, following later reports from government sources that four Cité Soleil residents had also been killed, Group of 184 leader André Apaid was summoned twice to the Port-au-Prince prosecutor's office, and subsequently released. No information on the circumstances of the deaths, or on any charges or evidence against André Apaid, has been made public to Amnesty International's knowledge.

The Group of 184 has reportedly submitted a complaint to the Inter-American Commission on Human Rights regarding the Cité Soleil events.

- On 6 April 2003, at least one person was reportedly killed and several others wounded by gunfire in confrontations between pro- and anti-government activists in the neighbourhood of **Carrénage, in the city of Cap Haïtien**, department of the North. Police apparently indicated that FL supporters had not given official notice or received authorisation to hold their march through Carrénage, said to be a primarily opposition area. The premises of the local *Radio Sans Souci* station were attacked, reportedly by FL supporters, while the man killed was identified as Donald Julmice, an FL activist. Another man, Evens Lucien, died several months later from injuries reportedly sustained when he was shot while standing unarmed at a makeshift barricade in Carrénage by gunmen firing from inside a state vehicle assigned to a local official.

3. Violations by the Haitian National Police in responding to political violence

Amnesty International has continued to communicate its concerns about reported human rights violations by the HNP, whether during confrontations with suspected criminals, against individuals already in custody or in crowd control situations. When faced with violence between political partisans, the police force has sometimes intervened; on other occasions, and most frequently when confronted by abuses by FL supporters, police have remained inactive. As abuses by political activists have increased, the HNP has frequently been accused of politicisation and bias. High turnover in its leadership has not helped to stabilise it.

On the eve of the June OAS conference, President Aristide announced that Jean Robert Faveur had been named as the new General Director of the HNP; this was seen as a move to demonstrate to the OAS that the government was serious about tackling insecurity and meeting the other requirements of Resolution 822. The previous head, Jean Claude Jean Baptiste, had been in the post for under three months. Within days,

however, Faveur resigned and fled the country, claiming that the executive branch had tried to dictate the behaviour and uses of the police force. At the end of June he was replaced by Jocelyne Pierre, the former senior judge of the civil court. The appointment was criticised by human rights and other civil society groups, who expressed concern that the new head of the police was insufficiently independent and experienced for the post.

Even more worrying than its inconsistent response to abuses, however, are allegations that police have themselves committed human rights violations when confronting political violence. Amnesty International is concerned at reports that, in responding to the Central Plateau attacks described above, members of the HNP and its specialised units in the lower Central Plateau have burnt homes and beaten residents they apparently suspected of being sympathetic towards the attackers. Journalists attempting to cover the story have reportedly been threatened, particularly those alleged to have interviewed members of the armed group. A joint report by two Haitian NGOs, among the few such groups that have been able to visit the area and document the situation there, concluded that

At Pernal, the peasant farmers cannot circulate freely, or work in their fields; they are in danger and can at any moment be shot if there is a confrontation. They find themselves between the hammer and the anvil, since they can be taken for assailants if they approach the military and on the opposite side if they approach the police.¹⁸

Amnesty International has shared its preoccupation with the Haitian authorities about a number of incidents. Some of the most recent are described below.

- Opposition parties announced a demonstration calling for the removal of President Aristide for **Sunday 14 September 2003, in Cap Haïtien**. In response, *Fanmi Lavalas* activists called for a counter-demonstration, issuing public threats of violence against opposition supporters. In spite of these threats and a history of confrontation between the two groups, police allowed the two marches to occur simultaneously in the same area and were allegedly unable to prevent them from converging. Officers reportedly tried to hold back the pro-government demonstrators, and fired shots in the air and used tear gas against them in order to try to prevent confrontation between the two groups; eventually, after rock- and bottle-throwing by

¹⁸ "Followup mission on the situation of human rights in the Central Plateau," June 2003, *Haiti Solidarité Internationale (HSI)*, Haiti International Solidarity, and *Institut Mobile d'Education Démocratique (IMED)*, Mobile Institute of Democratic Education, HSI/IMED Network. Unofficial translation.

demonstrators escalated, tear gas was deployed against both groups. A number of people were reported to have been injured, and government officials indicated that one government supporter, Gracien Dorsaint, had been killed. The circumstances of the reported death are unclear. Opposition parties called for a strike the following day, 15 September, to protest the events, but reportedly received little popular response.

- Saturday 30 August 2003 marked the beginning of a “**Weekend of Solidarity**” in Cap Haïtien, organised by opposition groups including the Group of 184, the Democratic Convergence and the Citizens’ Initiative. The aim of the activities was said to be to establish a common position with regard to the government. Police had reportedly told organisers that they would be unable to ensure security for the event, due to the need to provide security for coinciding local festivals, and urged them to reschedule. However, opposition supporters decided to go ahead with the event.

In response, even before the rally began, FL supporters reportedly set up barriers in the streets to prevent participants from reaching the venue, in the Carrénage pro-opposition area. According to reports, they also threw bottles and stones, and broke vehicle windows. Police reportedly did not intervene. Delegates arriving from Port-au-Prince were blocked in the airport for several hours, before being allowed to proceed following mediation by foreign diplomats.

During the rally itself, stones were said to have been thrown from both sides in confrontations between demonstrators and police. Police officers then reportedly used tear gas to disperse the crowd, and also reportedly opened fire when some did not move. At least one demonstrator was reported to have been shot, and more wounded by stones, while the HNP reported that at least three officers had been wounded. A police authority claimed that the HNP had been fired upon, and that their vehicles had been damaged.

In a 1 September press conference, Minister of the Interior Jocelerme Privert and General Director of his ministry, Bell Angelot, accused the opposition supporters of firing on police officers in order to provoke a reaction. Mario Dupuy, Secretary of State for Communications, speaking on *Radio Métropole* on 2 September, accused the opposition of provoking violence in order to strengthen their argument of insufficient security for the holding of elections. For its part, the Special Mission of the OAS to Strengthen Democracy in Haiti, staff members of which were present during the incident, commented on the behaviour of both the HNP and the rally organisers:

The nature of the intervention, including the level of force used, by the HNP did not correspond to the actual gravity of the situation on the ground. That said, it must be remembered that those who want to hold a demonstration are obliged to inform the authorities of their intentions, under the existing mechanisms. If need be, a dialogue must be held between authorities and organisers. We believe to have understood that in this case the HNP had responded to the organisers that it was not able to ensure security at the time they proposed. The organisers were determined to carry out their plan. It is regrettable that a sustained and effective dialogue did not take place in a timely manner between the Haitian actors.¹⁹

An investigation into the injuries and damages on all sides has reportedly been opened. In early September several opposition organisers were summoned before the public prosecutor; the case is said to have been transferred to the investigating magistrates' office for followup.

- Four members of the Haitian opposition party, *Regroupement Patriotique pour le Renouveau National* (REPAREN), Patriotic Assembly for National Revival, were allegedly tortured following their arrest by the Haitian National Police (HNP) on 14 July.²⁰ **Judith Roi, Jeantel Joseph, Chavanne Joseph and Adeler Reveau** were detained on charges of illegal possession of weapons and involvement in planning attacks on officials. Following their detention on 14 July, the four were reportedly beaten with iron bars and other objects by men in police uniform. Later that day, they were said to have been beaten again by men in civilian clothes, who at one point reportedly stomped on Judith Roi as she lay face down in a cell. Human rights activists who visited the four in prison reported that they had bruises and other marks consistent with their accounts of the treatment they had suffered.

The arrests followed a search by HNP officers of Judith Roi's house on 8 May; a government spokesperson said that the search was carried out as part of investigations into a 7 May attack by unidentified gunmen on the Péligre hydroelectric dam (see above). He claimed that police discovered a cache of weapons in Judith Roi's house, as well as documents referring to plans for attacks on the National Palace and the private residence of President Aristide. Mario Dupuy, Secretary of State for Communications, accused Judith Roi of being a 'terrorist' and claimed that an agent of the Research and Investigations Office had earlier been killed during an attempt to arrest her.

¹⁹ Special Mission of the OAS to Strengthen Democracy in Haiti, press release, 3 September 2003. Unofficial translation from the French.

²⁰ See Amnesty International Urgent Action 223/03 (AI Index: AMR 36/006/2003), 24 July 2003.

Judith Roi denied the allegations and asserted that her organisation was committed to non-violence. The case is said to be under review by an investigating judge.

4. Ongoing attacks on freedom of speech

In the context of escalating political violence, freedom of expression, already under threat in Haiti, has been placed under even greater risk. Some positive indicators exist, such as the decision by the courts, in the investigation into the April 2000 killing of well-known *Radio Haïti Inter* director **Jean Dominique** and his guard **Jean Claude Louissaint**,²¹ to uphold the motion brought before the Court of Appeal by family members. That motion had urged that the examining judge's trial order and the prosecutor's brief be overturned due to the total absence of any information on the motives and intellectual authors of the crime; the Court of Appeal ordered that the investigation be re-opened to address these areas.²²

However, more work is needed: to Amnesty International's knowledge, the 25 December 2002 attack on **Michèle Montas**, the widow of Jean Dominique, in which her bodyguard **Maxime Séide** was killed, has yet to be fully investigated.²³ In February 2003, *Radio Haïti Inter* closed indefinitely due to fears for the security of the station and staff. Other stations have also closed; *Radio Etincelles* of Gonaïves was forced to stop broadcasting, reportedly following pressure from the pro-government armed group led by Amiot 'Cubain' Métayer (see above) at the time of violent clashes between pro- and anti-government supporters in the city in November 2002. In addition, more recent incidents of intimidation and threats against other journalists continue to cause great concern.

- Journalist **Liliane Pierre Paul** of *Radio Kiskeya* is a long-time advocate of free speech and an independent press in Haiti, and has received numerous threats in recent years. In one such incident on 30 April 2003, she reportedly received a package containing a bullet and a letter with death threats at the station.²⁴ The letter was

²¹ See *inter alia* Amnesty International: "HAITI: 'I have no weapon but my journalist's trade': human rights and the Jean Dominique investigation" (AI Index: AMR 36/001/2002), April 2002; and Amnesty International: "HAITI: Update of the Jean Dominique investigation and the situation of journalists" (AI Index: AMR 36/013/2002), November 2002.

²² The Court of Appeal also ordered the release of three of the six detainees indicted in the case, reportedly due to insufficient evidence.

²³ See *inter alia* Amnesty International Urgent Action UA 03/03 (AI Index: AMR 36/001/2003), 6 January 2003.

²⁴ See, *inter alia*, "Report of the Human Rights Observation Network," Platform of Haitian Human Rights Organisations, vol. 16, May-June 2003.

purportedly from a number of pro-government popular organisations; the members of one of the groups named had earlier admitted to involvement in the December 2001 killing of *Radio Echo 2000* journalist **Brignol Lindor**²⁵ in Petit Goâve. The letter threatened violence against Liliane Pierre Paul if she did not read out on the radio a message about France's obligation to pay reparations to Haiti for the indemnity forced from Haiti in the 19th century (see above).

CONCLUSION AND RECOMMENDATIONS

1. With regard to human rights abuses attributed to armed, apparently politically-motivated groups

Amnesty International shares the Haitian authorities' serious concern at reported abuses by unofficial, apparently politically-motivated armed groups. These abuses are in breach of the right to life and physical integrity guaranteed by the Haitian Constitution;²⁶ the Universal Declaration of Human Rights,²⁷ which is formally recognised by that Constitution; the International Covenant on Civil and Political Rights (ICCPR);²⁸ and the American Convention on Human Rights.²⁹

- Amnesty International unequivocally opposes and condemns deliberate and arbitrary killings by armed opposition groups, wherever they occur; these include summary executions, assassinations and other unlawful killings of civilians and others who are or have been rendered defenceless. The organisation calls on armed groups to immediately stop such abuses.

²⁵ See *Amnesty International Annual Report 2002 and 2003*; also "*HAITI: 'I have no weapon but my journalist's trade': human rights and the Jean Dominique investigation*" (AI Index: AMR 36/001/2002), April 2002; and "*HAITI: Update of the Jean Dominique investigation and the situation of journalists*" (AI Index: AMR 36/013/2002), November 2002.

²⁶ Art. 19: "The State has the pressing obligation to guarantee the Right to Life, to Health, to Respect for the Human Person, for all Citizens without distinction, in conformity with the Universal Declaration of Human Rights." Constitution of the Republic of Haiti, 1987. Unofficial translation.

²⁷ Art. 3: "Everyone has the right to life, liberty and security of person."

²⁸ Art. 6.1: "1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." International Covenant on Civil and Political Rights (ICCPR), adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. Acceded to by Haiti on 5 February 1991.

²⁹ Art. 4.1: "Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life"; and Art. 5.1: "Every person has the right to have his physical, mental, and moral integrity respected." American Convention on Human Rights (Adopted at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969). Acceded to by Haiti on 27 September 1977.

- All reports of human rights abuses should be promptly, thoroughly and impartially investigated by the authorities. The full truth about the abuses should be made known and those responsible brought to justice; no impunity for abuses may be permitted. The authorities should be seen to be tackling abuses by both pro- and anti-government armed groups with the same degree of diligence and independence.
- The government should enable monitoring groups, local human rights organisations and journalists to follow the progress of such cases through the justice system, and should ensure access throughout the process.

2. With regard to human rights abuses attributed to political activists

Amnesty International firmly opposes human rights abuses committed by any group, including by government or opposition activists. Strict adherence to human rights principles by all political parties is essential if the cycle of violence between supporters of opposing groups is to be broken and an open, frank dialogue established. Only in this way can the interests of all Haitian citizens be served.

- Amnesty International calls on all political leaders, both in government and opposition, to send a clear and unequivocal message to their members and supporters that abuses against supporters of political opponents will not be tolerated in any circumstances.
- Amnesty International urges the authorities to ensure that full, impartial and transparent inquiries are carried out into all incidents of alleged human rights abuses committed by political activists, so that the full truth can be made public and those responsible brought to justice.
- Amnesty International urges leaders of all political parties to exercise effective control over their supporters to prevent human rights abuses occurring. Any individual suspected of committing or ordering abuses should be removed from any position of authority and subjected to a prompt and thorough investigation. Political parties must cooperate fully with the authorities in investigating abuses and in bringing perpetrators to justice so that they can be held accountable for their actions.

3. With regard to violations by the Haitian National Police in responding to political violence

Amnesty International believes that human rights abuses allegedly committed by one party cannot be considered to exonerate those responsible for abuses committed by another.

Unlawful and disproportionate use of force, torture and ill-treatment by the Haitian National Police violate international human rights law. For example, the Code of Conduct for Law Enforcement Officials stipulates that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.”³⁰ The Code also bans the use of torture or ill-treatment under any circumstances:

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.³¹

Haitian authorities have the obligation to investigate allegations of involvement in armed attacks against government supporters in order to ensure that further abuses do not occur and to bring those responsible to justice. Investigations must be carried out in an impartial and non-partisan manner, with full respect for due process and the human rights of those involved. Amnesty International is disturbed to find that in some instances, Haitian authorities have appeared to attempt to justify alleged violations by the police against those accused of attacks against government supporters or installations by referring to the victims as ‘terrorists’ who needed to be dealt with harshly. Under the ICCPR³² and the American Convention on Human Rights³³ the rights to life, physical integrity and freedom of thought and conscience are recognised as non-derogable, and must in all circumstances, even in times of officially declared public emergency, be protected. Only by respecting fundamental human rights can the authorities effectively counteract the effects of human rights abuses committed by armed groups against other officials and government supporters.

³⁰ Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979.

³¹ *Ibid.* art. 5.

³² ICCPR, art. 4.2.

³³ American Convention, art. 27.2.

- Unlawful killings, torture and other grave violations of human rights are a criminal offence and violate both Haitian and international law. Allegations of violations must be fully and impartially investigated, and perpetrators held accountable for their actions before the justice system. Officers found guilty of violations must in addition be removed from the police force.
- Clear orders should be issued to all security forces that they must act within the framework of national and international law, and that they must cooperate fully with any investigation of human rights violations.
- Further, Amnesty International stresses again that these principle applies at all times. The prohibition against violations of the right to life, the right to be free from torture and other cruel, inhuman or degrading treatment or punishment, and the right to freedom of thought and conscience, as well as the essential safeguards for their prevention, must be respected in all circumstances, including in times of public disorder.
- Amnesty International urges that on all occasions when lethal force is used a full, independent and impartial investigation should be set up consistent with the Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, and its findings made public.
- The government of Haiti should ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

4. With regard to ongoing attacks on freedom of speech

Journalists in Haiti have frequently come under threat from government supporters claiming that their reporting undermined the authorities or strengthened the hand of government opponents. Under international law, the right to freedom of expression may only be subject to restrictions on limited and specific grounds. No restriction on freedom of expression or information may be imposed unless the government can demonstrate that the restriction is prescribed by law and is proportionate and necessary in a democratic society to protect a legitimate interest such as national security or public order. The burden of demonstrating the validity of the restriction rests with the government.

- Amnesty International urges the Haitian authorities to publicly declare their commitment to full exercise of freedom of expression, and to publicly repudiate

the actions of those of its supporters who have sought to restrict this fundamental freedom.

- All acts of intimidation or violence against journalists must be fully and promptly investigated, and those responsible brought to justice, regardless of their position or party affiliation.
- Amnesty International urges leaders of all parties to exercise effective control of their partisans to prevent threats and violence against journalists. Political parties must fully cooperate with the authorities in bringing those responsible for violence to justice.
- Any collusion of law enforcement officials in instigating or permitting abuses against journalists must be fully investigated, and those involved in violating fundamental human rights made accountable before the justice system.