

AMNESTY INTERNATIONAL

Media Briefing

AI Index: AMR 36/030/2004 (Public)
News Service No: 085
8 April 2004

Haiti: Armed groups still active Findings of Amnesty International Delegation

At the end of a 15-day mission to Haiti, Amnesty International is deeply concerned for the security of the civilian population. Despite the presence of the Multinational Interim Force (MIF), a large number of armed groups continue to be active throughout the country. These include both rebel forces and militias loyal to former President Aristide.

Amnesty International is particularly concerned for the safety of judges, prosecutors, criminal investigators, victims, witnesses and human rights defenders involved in prosecutions relating to past human rights abuses. Judge Napela Saintil, the chief judge in the trial of those responsible for the 1994 Raboteau massacre, was severely beaten on 30 March by an armed man. The judge told Amnesty International delegates that his attacker had threatened him for the part he played in the conviction, *in absentia*, of Louis Jodel Chamblain, one of the participants in the massacre.

The delegation interviewed Haitians from across the political and social spectrum. All expressed a profound sense of insecurity and fear for their own safety from one or the other of the armed groups currently at large.

These include those who participated in the 1991 coup d'état; the Chimères who remain loyal to former President Aristide; unofficial armed pro-Aristide gangs; non-political armed gangs; as well as former military authorities and former rural police chiefs, or ***chef de section***, known to have been responsible for serious abuses in the past. Members of the abolished Haitian Armed Forces and former paramilitary leaders convicted of past human rights violations are emerging as new actors in Haiti's political scene and have taken control, especially in areas where state authority is weak or absent.

The interim government has yet to establish control over the country's legal institutions. When visiting the national penitentiary in Port au Prince, the Amnesty International delegates found that part of the prison was controlled by US marines. US officials have since acknowledged they are guarding some of the just under 40 detainees that Amnesty International was informed are being held in the prison. Among them is Jocelerme Privert, the former Minister of the Interior who has just been arrested.

US officials were unable to provide Amnesty International with details about the prisoners or the legal context of their detention. The Haitian prisoners reportedly include persons allegedly involved in drug trafficking and, in one case, terrorism. Amnesty International called on the US authorities to immediately clarify the legal basis justifying their effective detention in US custody and the steps that have been taken to ensure that they have access to full legal safeguards.

Amnesty International welcomes the assurances that it received from Léon Charles, the

new Director General of Police, during its mission, that Haiti's new police force will adopt a neutral approach and will show impartiality in its actions. The organization believes that such an approach would be key to restoring confidence in the security forces' respect for the rule of law in Haiti.

Since coming to power, however, the interim government has swiftly moved to arrest members of former President Aristide's Lavalas Family Party suspected of acts of political violence or corruption, while failing to act against a number of known perpetrators of grave human rights violations. Louis Jodel Chamblain and Jean Pierre Baptiste ("Jean Tatoune"), for instance, remain free. As do others who were named in Amnesty International's most recent report, Haiti: perpetrators of past abuses threaten human rights and the re-establishment of the rule of law.

"By only arresting Lavalas supporters the government is sending the wrong message. Known perpetrators of serious human rights violations among the rebel forces must also be taken into custody," Amnesty International said. "The Haitian government must make the defence of human rights a central part of its political agenda. No one should be able to get away with committing human rights violations, including murder, without fear of arrest, prosecution or punishment."

Haiti's recurring political crises are rooted in long-term patterns of human rights violations committed with impunity. Amnesty International strongly believes that the Haitian Government must commit itself publicly and firmly to ending the cycle of impunity by ensuring that perpetrators of serious human rights violations from all factions are brought to justice.

Amnesty International has also received recent reports of killings and kidnappings of persons belonging to pro-Aristide grassroots organizations in poor neighbourhoods of Port-au-Prince. Among those allegedly responsible were several escaped prisoners who had been jailed for rapes and other common crimes. These men have reportedly been working together with the Haitian police and MIF forces to identify people associated with the Lavalas regime.

The driver of a former Lavalas deputy was attacked on 3 April in Martissant and died the next day as a result. On 4 April, another man with Lavalas connections was shot dead outside the market in Martissant. After his killing the assailants went to his house to look for his wife, who is now in hiding, threatened to kill her and burned the house. In addition, two members of KOMIREP, a grassroots organization that included victims of the 1991 coup d'état, were kidnapped, one in Martissant and the other in Cité l'Eternel, in the street on Monday 4 April. Their whereabouts are unknown.

One young woman told Amnesty International delegates that she is receiving threats from a police officer who has recently escaped from prison. He and at least four other men were accused of gang-raping the girl in November 2003. Two of the men were subsequently arrested, including the officer. Both escaped from prison during a mass jailbreak on 29 February. The women's organization and the human rights organization that have been supporting her have also received threats.

The crucial first step towards restoring the rule of law and ending impunity must be a nationwide disarmament that applies to all armed groups. Amnesty International calls on the new government to set up a national disarmament plan to ensure the security of all Haitians.

Amnesty International is dismayed that the Multinational Interim Force has not made a serious attempt to work with the Haitian National Police to establish such a disarmament programme. US Secretary of State Colin Powell and the French authorities, part of the US-led multinational forces, have talked about the need to disarm, but that has not been followed by the determined action that is required.

"The international community must take disarmament seriously now and work closely with the Haitian National Police to that end", Amnesty International said. Security Council resolution 1529 gives them ample scope to do so.

Amnesty International believes that the US-led multinational forces are in a unique and powerful position to contribute to the national disarmament effort before their scheduled departure at the end of May when a United Nations peacekeeping force is scheduled to take over.

Upholding the rule of law and human rights requires not only an effective police force but also a fully functioning judiciary. Rebuilding the judiciary at all levels was one of the key recommendations of the Haiti National Commission for Truth and Justice in 1996.

"Amnesty International calls on the Haitian authorities to draw up a national plan of action to strengthen its rule of law institutions in close consultation with civil society and while building on the pertinent recommendations made in the past by Haitian bodies such as the National Commission."

"Reforming the justice system must be part of a larger plan to reduce poverty, repair Haiti's environment, and build-up its health, sanitation and education systems," the organization said.

Background

As a result of a joint military and paramilitary operation that began on April 1994 in Raboteau, a heavily-populated shanty town along the coast at Gonaïves, an estimated 20 people lost their lives.

Efforts to bring those responsible for the massacre to justice continued for several years. The trial opened in October 2000 and 16 people were convicted of taking part in the massacre. Twelve of these were condemned to life in prison with hard labour; the four others received shorter sentences of between four and ten years.

Thirty-seven defendants, including General Raoul Cédras, head of the military government; Emmanuel Constant, founding leader of the paramilitary organization FRAPH; police chief Michel François; and Cédras' deputy Philippe Biamby were tried *in absentia*. They were all sentenced to life in prison with hard labour, and were fined one billion gourdes, roughly US\$43million. However, they remained at large.

In February 2004, armed government opponents attacked police stations, court houses in Gonaïves, the country's fourth largest town, forcing the police and local authorities to flee. As rebellion spread throughout the centre and north of Haiti, former police and army officers who had left Haiti returned. The rebel forces are led by men like Louis Jodel Chamblain and Jean Pierre Baptiste ('Jean Tatoune'), convicted of carrying out egregious violations under the *facto* military dictatorship of the early 1990s.

On 29 February, as rebels threatened to advance on Port-au-Prince and forcibly remove Aristide, he left Haiti in disputed circumstances. A Multinational Interim Force composed by mainly US, Canadian and French troops arrived, and was mandated by the UN Security Council to help ensure law and order and protect human rights.

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