



Amnesty International briefing for the Security Council at its 8 April meeting to prepare for its 13 -16 April 2005 visit to Haiti

8 April 2005

The human rights and security situation in Haiti remains of great concern even though the UN Stabilization Mission in Haiti (MINUSTAH) has nearly reached its fully authorized strength level. The past few weeks have seen renewed violence after considerable efforts were made by the UN mission to restore calm. Recent assaults by armed groups targeted police officers and public institutions leaving at least 4 police officers dead.

The ongoing armed confrontations between security forces and illegal armed groups in which many victims were wounded or killed underline the urgent need to implement a comprehensive disarmament, demobilization and reintegration (DDR) programme. Ever since March last year, Amnesty International has urged the international forces in Haiti to make disarmament of rebel forces and militias a top priority. We regret that so far so little has been achieved in addressing this, admittedly, very complex issue. However, obstacles can be overcome provided there is a concerted effort by the Transitional Government, strong support by the international community and by experts willing to commit to this task. A National Commission on Disarmament (NCD) has been finally created and its legal framework adopted by presidential decree. Amnesty International welcomes that the Council will assess the DDR programme and its legal framework in its forthcoming mission to Haiti. The Council should impress upon the Transitional Government that comprehensive DDR is the only way to ensure Haiti's future stability and rule of law, and that it must be carried out in respect of all armed groups, whatever their political persuasion.

Since the Transitional Government took office in February 2004, hundreds of Haitians have reportedly been killed and many more wounded, some may have been summarily executed by officers of the Haitian National Police (HNP). Today impunity for such crimes remains the rule.

During its November visit, Amnesty International raised with Haitian authorities, the Special Representative of the Secretary-General and the CIVPOL Commissioner specific incidents involving alleged human rights abuses, also involving women and children as victims, which should be investigated. The killing of at least 7 and possibly 13 people in Fort National by the HNP on 26 October 2004, is only one such example. But up till today we do not know whether investigations were carried out or what findings were. Haitian authorities failed to properly pursue investigations into allegations of extrajudicial executions committed by officers even when an initial investigation was carried out by CIVPOL personnel. Holding investigations

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into such allegations of serious human rights violations, with the publication of its findings in full, will help restore Haitians' confidence in national law enforcement and the work of MINUSTAH in this crucial area. It would also send a clear message to rogue police officers that impunity will not prevail and to victims that they can finally seek justice and reparation.

Violence continues on a daily basis. Continuing gunfire is heard daily across the capital while Cité Soleil, the vast slum in North-West Port-au-Prince, is still under the grip of armed gangs despite recent MINUSTAH operations in the area. The slum inhabitants, estimated to number 400,000, are victims of indiscriminate violence adding to the already serious humanitarian crisis. Inhabitants of this area are forced to flee their homes in fear for their lives while survivors of firearms attacks and women victims of rape seldom receive any medical treatment or support. Similar conditions are reported in Bel-Air, Martissant, Village de Dieu, yet other deprived neighbourhoods of Port-au-Prince where support for the Lavalas Family Party is strong. Violence against women has taken appalling proportions. The US-based Institute for Justice and Democracy in Haiti documented more than 160 new cases of rape since the beginning of the year 2005. The Haitian authorities never hear of them because the victims simply do not file a complaint with the police as the national police is not trusted by the population.

Numerous incidents where police officers have allegedly used excessive force or committed unlawful killings owed the Haitian National Police the label of a "repressive" force. For instance, on 28 February 2005, HNP officers opened fire on a peaceful pro-Lavalas demonstration killing two people and wounding several while MINUSTAH was observing the event. HNP officials argued that the demonstrators were armed which was later denied by a MINUSTAH spokesperson. Furthermore, human rights abuses committed in the course of joint operations with the HNP in poor neighbourhoods may negatively affect MINUSTAH's image and hinder its efforts to address disarmament, demobilization and reintegration (DDR) issues at the community level.

The reports of the Secretary-General (S/2004/698, S/2004/908 and S/2005/124) commented on the imprisonment of Lavalas supporters. Amnesty International is concerned about evidence of politically motivated persecution of Lavalas Family party members and supporters, many of whom have been detained for months without charge or trial. Pending cases such as those of former Prime Minister Yvon Neptune and former Minister of the Interior, Jocelerme Privert, should be addressed immediately by the Haitian authorities. In spite of several calls on the Transitional Government made by the Security Council and the Secretary-General to expedite proceedings in these sensitive cases, M. Privert and M. Neptune remain in custody without formal charge since April and June 2004 respectively. They are on hunger strike to protest against the lack of progress in their case. The lack of judicial oversight and due process guarantees currently affects hundreds of prisoners held in dire conditions without charge or trial. Other prisoners were ordered to be released but remain in prison because the police or prison officials fail to comply to the judges' instructions.

MINUSTAH has a mandate to monitor and report on human rights. However, delays in deploying human rights monitors is hindering an authoritative assessment of the human rights situation which the Council must have to decide effective action to address peace and security. As no human rights information appears to emanate from the different components of MINUSTAH the Council should reinforce the mission's monitoring and reporting capabilities. Amnesty International is concerned that the current number of 48 human rights monitors may be insufficient to adequately confront the current human rights situation across the country, particularly in remote areas where the absence of rule of law and state authority facilitate continuing violations of fundamental rights. Effective monitoring and substantial reporting should also help prevent abuses and help create conditions for free and fair elections due in October and November this year.

We now call on the Council to take immediate, concrete steps to ensure that fundamental human rights and the rule of law are fully observed on the ground and that civilian's rights are effectively protected under the Transitional Government and in the future. In the run-up to the elections, MINUSTAH should ensure that all Haitians, regardless of their political affiliations, feel safe to express their opinions freely. These conditions have not yet been met. Armed men swept the parish of a possible presidential candidate for the Lavalas Family Party, Rev. Gérard Jean-Juste, with automatic weapons on 25 March 2005. Despite another reported attack on the parish the day before, CIVPOL reportedly declined to respond to Rev. Jean-Juste's calls. There are worrying plans that the Transitional Government may seek to integrate hundreds of former military personnel – who may have committed serious human rights abuses in the past – into the HNP, before the elections are held.

Amnesty International urges the Security Council to:

- continue to press upon the Transitional Government and all illegal armed groups the need to act decisively to halt human rights abuses, including unlawful killings and rape;
- ensure that with the support of MINUSTAH, the Transitional Government takes clear steps to address impunity for past violations of human rights;
- urge the Haitian Transitional Government to review without delay all cases of individuals being held without formal charge or trial and to ensure full respect for due process, judicial guarantees and the rule of law;
- help ensure that a DDR programme is implemented comprehensively and without further delay, that it covers all illegal arms groups and all individuals without distinction and that DDR operations are carried out with due respect for the safety of the general population;
- help ensure that ex-military personnel, especially those now being demobilized, and to be incorporated in the HNP, are adequately trained and thoroughly vetted for possible human rights abuses or serious crimes they may have committed.
- ensure that MINUSTAH monitors and publicly and frequently reports on the human rights situation in Haiti as its mandate requires. Human rights monitors should include those with gender expertise and must have a strong mandate to engage in active verification including raising and following-up specific cases with the authorities;
- urge donors to provide substantive and long-term support to the priorities set forth in the Interim Cooperation Framework particularly to efforts to protect human rights protection and restore the rule of law.