

HUMAN RIGHTS INDICATOR



RNDDH

National Human Rights Defense Network

Insecurity in Haiti



Evens Jeune accompanied to the Public Prosecution office of Port-au-Prince (photo: Yonel Louis)

Considering the issue of insecurity, the national police force (PNH), along with the UN forces (MINUSTAH), have carried out operations to dislodge and arrest several gang leaders, one being Evens Jeune alias "Ti Kouto". As a result of these operations, several women and children have become innocent victims.

The deployment of the 18th promotion of the Haitian National Police (PNH) throughout the capital, has played an important role in crime prevention within the armed groups. However, even if criminal acts diminish in their intensity, armed gangs will not be out of work as they continue to cause grief in Haitian families.

From January 1 to March 31 2007, at least 136 people have been killed by gunshots. Considering the night of March 19, 2007 alone, at least 7 people were killed in Bel Air during a confrontation between a rara band, called "*Chame yo*" based in Fort-Touron, and the residents of Bel Air. This incident took place after a resident of Bel Air, Kenny Dorcéus, was attacked by one of the lieutenants of a gang leader of Saline known as Billy, who was also a participant in the "*Chame yo*" parade.

Since the beginning of January to

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MINUSTAH / PNH Operations

At the end of November 2006, the school system was forced to close its doors following the surge of kidnappings targeting students. Armed criminals even began resorting to kidnapping people from public transportation.

Considering these ongoing incidents, MINUSTAH decided to intervene by dislodging criminals in the various shantytowns of Port-au-Prince, specifically Cité Soleil, in order to bring peace and security to Haiti as in conformation with their mandate. Heavily armed operations resulted in several casualties, injuries, interpellations and arrests. Some examples are listed below:

- On December 22, 2006, MINUSTAH arrested 24 presumed kidnappers and released 6 hostages during an operation in Cité Soleil.

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UN soldiers before an operation in Cité Soleil

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Conflicts between public power representatives

Parliament / executive

In Gonaives, the commemorative ceremonies of January 1, 2007, marking the 203rd anniversary of Haitian independence, was the scene of 2 opposing demonstrations. One group of demonstrators sided with the first senator of the Artibonite department, Youri Latortue, and the other group of demonstrators supported Prime Minister Jacques Eduard Alexis. The groups loyalty were made apparent by the favorable or hostile remarks directed towards the 2 representatives of the legislative and executive branches.

Parliament / PNH

After the saga between Michael Lucius, the General Inspector and Central Director of the Judicial Police, and Napela Saintil, Judge and Investigating Judge in the First Instance Court of Port-au-Prince, another incident came to the surface on January 12, 2007.

This second conflict was in between Deputy Michelet Casimir, from the 48th legislature, and General Inspector Jean Saint Fleur, the Central Director of the Administrative Police (DCPA). On January 12, Deputy Casimir, accompanied in his vehicle by his body guards, Emile Rebens, Frederic Charles, and Walker Vixamar, were heading towards the National Theater, when they were approached by General Inspector Jean Saint Fleur who ordered them to turn around and go back in the same direction they came from. A lively dispute followed and would have led to physical aggression against the Deputy and his companions.

Later on this same day, a complaint was placed in the Public Prosecution office of the First Instance Court against the DCPA for assault and battery with serious physical injury

to the persons of Deputy Casimir Michelet and his body guards. An arrest warrant was decreed against the DCPA and was submitted, by a delegation of the Deputy, to Mario Andrésol, the General Director of the Haitian National Police (DGNPH), for the purpose of execution.

On January 17, 2007, due to the refusal of the Haitian National Police (PNH) to proceed in arresting the General Inspector and bring him to the Public Prosecution office, the Assembly of Deputies united 87 deputies made a resolution for the General Inspector and all police officers implicated in the prior incident. The deputies gave the Minister of Justice, René Maloire, a 24 hours deadline to carry out the resolution.

On January 19, 2007, the Central Director of the Administrative Police, Jean Saint Fleur, along with the Chief General Inspector of the Haitian National Police (IGPNH), Fritz Jean, and the Assistant General Inspector of the IGPNH had a hearing in the Public Prosecution office by the assistant public prosecutor, Frantz Poteau. A second hearing was set for January 22, 2007. On this date, after having heard the 2 litigating parties, the assistant public prosecutor, Frantz Poteau, decided to send this case to the Judicial Investigation office for further investigation. More on this conflict to follow...

Insecurity in Haiti

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the end of March 2007, several children were kidnapped and then assassinated despite ransoms being paid to the captors in exchange for these children's release.

The most horrendous case is that of the five month old infant, Christopher Toto Castor, the son of Milouse Germain and Ysmalle Castor. While the mother was sleeping, Christopher was stolen out of his bed from a Delmas 18

The Venezuelan President in Haiti

On March 13, 2007, the Venezuelan President Hugo Chavez and the Vice President of Cuba spent a couple of hours in Port-au-Prince. Chavez was warmly welcomed at the airport by thousands of demonstrators, most of who were Lavalas supporters. During the visit, an accord on health, energy and gas was signed by the representatives of the three countries, which was followed by a press conference at the National Palace. According to President René Préval, this accord is not based on interests (supporter/debtor). It is based on the supply of 14,000 barrels of gas each day from Venezuela under "Pétrocaribe" program; as well as the arrival of Cuban and Venezuelan technicians for the construction of three central electrical power stations with a capacity of 40 megawatts to be located in Gonaives, Cap-Haitien, and Port-au-Prince; and finally a humanitarian fund to the sum of 21 million dollars, created by Venezuela for Haiti's benefit. These funds will aid in the acquisition of medical equipment and lodging of new Cuban doctors which will be sent to Haiti.



Crowds gather to greet President Chavez

residence during the night of March 21, 2007. With the help of the infant's parents, the police were able to arrest the kidnapers and assassins: Francklin Ginès, alias "Blanc"; Stanley Michel; Réginald Chéry; and Isnard Stéril. Those arrested confessed and admitted that the baby was suffocated with a pillow on Saturday, March 24, 2007; after, his corpse was tossed into the Orphelin canal. His small body was carried away by water which runs along the zones of Solino, Delmas, 2, 4, and 6.

“Soley Leve” - A fair experience?



Crowds gathered to celebrate Carnival “Soley Leve”

Music, colors, costumes, crowds – for the 3 days of “gras”, February 18-20 2007, many gathered in Champ Mars for Haiti’s largest cultural celebration. This year’s carnival theme was “Soley Leve” (the sun rises).

Carnival around the world is renowned for its artistic expression and indulgent behavior. However, it is distressing that during this ambiance of festivities and relief from insecurity within the country, Champ Mars carnival was accompanied by incidents of violence.

Despite the abundance of anti-violence slogans adorning stands and floats, the Red Cross and other aid organizations, along with the PNH, reported treating 700 injured people over the 3 day festivities. Many of these injuries were from stab wounds, police brutality, suffocation, and other various injuries from being in the dense crowds. Unfortunately, 3 people were killed (one from being stabbed), and women’s organizations, documented around 50 cases of rape that took place over the carnival period.

The Campaign for the Reduction of Violence stationed peace brigades in order to subdue the crowds where they were located. According to

some of the brigades, they were able to have an impact by pacifying potentially violent situations.

As well, there was a very visible presence of the Haitian National Police (PNH). PNH units were stationed in many strategic locations, surveying the activities of the mass crowds. Organizers estimated that more than a million people were gathered for the 3 final nights of carnival. One can imagine the task of the police force to maintain control of the crowds, which for the most part, they were able to do without the presence of United Nations Stabilizing Mission in Haiti (MINUSTAH).

However, several participants from this year’s carnival said that they often saw specialized units of the police using excessive force and hitting people with their batons to clear a path in the crowd, unnecessarily contributing to the number of injured persons.

For most participants, Carnival Soley Leve was a great success. Yet, for those who were victims of violence, especially from the police force, carnival was not a fair experience.

Conference on drugs, security and cooperation

On March 16, 2007, in Santo Domingo, the president of the Republic initiated a regional conference on drugs, security and cooperation. This conference was organized by the Dominican Republic, Haiti, Columbia, and Trinidad and Tobago with the presence of various international organizations and country regional representatives, including the Haitian Campaign for the Reduction of Armed Violence, via RNDDH, KSIL, and PEJEFE.

During the conference, various speakers made interesting points with statistics that drugs are a threat to the stability of our planet. Drugs are accompanied by violence, insecurity, corruption, homicide and impunity. In world trade, drugs are in third place after gas and arms, generating 322 millions of dollars and accounting for 88 % of gross domestic product of countries around the world. In addition, close to 5% of the population of the planet consumes them. According to the speakers, no country on its own can stand and fight against this plague. There must be a regional and international cooperation to create change and obtain results.

This conference closed with the signing of a quadrangular declaration involving 12 points between Haiti, the Dominican Republic, Columbia, and Trinidad and Tobago. Each one of these signing countries will be a part of the cooperation between these states which will benefit from the organization of similar seminars, the design of a system of information, participation in civil society, judicial reform, the installation and the reinforcement of a national observatory.

MINUSTAH / PNH Operations



MINUSTAH soldiers during an intervention in Cité Soleil

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- On December 26, 2006, the stronghold of gang leader Belony was partly destroyed in Bois Neuf, and 5 presumed members of his gang were wounded during a shoot out with the UN.
- On January 5, 2007, MINUSTAH arrested Pierre Edner, alias "Zachary", who was in command of kidnapping for Belony's gang, as well as another gang leader in connection with Belony during an intervention in Bois Neuf. According to MINUSTAH, several of Belony's followers, including his brother, lost their lives during this intervention. As of this moment, Belony may be taking refuge in a small town (Marmont/ Non Pòl) in Saint Michel of Attalaye.
- On January 24, 2007, the UN troops took control of certain strategic locations, including a building, occupied by gangs. 6 people were killed and 4 others were wounded during these interventions.
- On January 25, 2007, 5 people were killed and 12 others were wounded in Cité Soleil.

- On January 31, 2007, MINUSTAH launched an operation to take control of a house in Bois Neuf of Cité Soleil. According to the UN, this house acts as a criminal base for several

gangs which operate throughout Port-au-Prince. 10 people were arrested; there was no record of anybody being killed or wounded.

- On February 9, 2007, MINUSTAH intervened in Boston, a sub division of Cité Soleil, in order to take control of this area occupied by armed groups led by Evans Jeune, alias "ti Kouto" or "Bwa Lyann". During this intervention, 3 people were arrested.
- On February 28, 2007, 20 people were arrested in Bois Neuf.
- On Sunday, March 11, 2007, MINUSTAH arrested 30 presumed gang members in the areas of Linto and Ti Ayiti from Cité Soleil. 2 hostages were released during this intervention.
- On March 13 2007, Evans Jeune was arrested in Cayes, in the area of Laurent. He was transported by helicopter to Port-au-Prince. On March 15, 48 hours after his arrest, Jeune stood before the justice of the peace from the South department, Gabriel Ambroise, for the preliminary investigations.
- During carnival, MINUSTAH launched

several operations within the subdivision of Bélékou, which for along time has been under the control of gang leader Amaral Dulona. On February 20, 18 people were arrested from Bélékou, including 2 women, one was called Yoyo Piment. MINUSTAH has taken possession of the escapee, Amaral Dulcona's, residence.

These interventions have been launched after General Major Dos Sanos Cruz announced his intentions to intensify the efforts against criminal operations within the Haitian capitol. These orders have been visibly manifested through the increased number of operations targeting gangs and their criminal bases. The spokesperson for MINUSTAH has emphasized that Martissant and Cité Militaire are not exempt.

Following these operations, there seems to be a contagious fever to submit weapons to the National Commission of Disarmament, Demobilization, and Reintegration (CNDDR). According to the CNDDR, while Amaral Duclona was in hiding he revealed and submitted 13 assault rifles, 2 hand pistols and 1 gas launcher. Less than 24 hours later, the lieutenants of Evens Jeune followed in his foot steps and submitted 6 automatic rifles, around 20 chargers and 100 bullets outside of the Boston area. These weapons were revealed to the press on Friday, March 16, 2007, by the president of the CNDDR. 6 days later, on March 22, 14 automatic rifles, 2 pump rifles of 12 gauge and 3743 gauge cartridges were presented by the president of the CNDDR which affirms that this stock pile was submitted by the gang members of Bélyony.

The Haitian population, in particular of that of Port-au-Prince, welcomes the relative calm and security following the launch of the joint operations of the PNH and MINUSTAH from December 2006 to March 2007.

It is noted that on February 15, 2007, MINUSTAH renewed its mandate for a duration of 8 months.

Burglary in the Public Prosecution office

During the night of Saturday, January 6, 2007 the Public Prosecution office of the Port-au-Prince Civil Courts was broken into by men dressed in police officer uniforms. Pieces of evidence were taken, as well, the office of the Public Prosecutor, Claudy Gassant, was completely emptied. At the beginning of February, a damage assessment of the burglary was submitted, declaring the disappearance of around 50 fire arms, and various documents, including court evidence, for 93 judicial cases.

On Wednesday, January 10, 2007, the Minister of Justice, René Magloire, accompanied by the Secretary of State and Public Security, Luc Eucher Joseph, and the Director of the Haitian National Police (PNH), Mario Andrésol,

carried out a surprise visit to the Public Prosecuting office. On location, they spoke with the guard and the chief bailiff, Pierre Roussel Beauport. Following this visit, the Minister of Justice declared that at first sight, there was no evidence of a break-in.

The Public Prosecutor for the Port-au-Prince Civil Court, Claudy Gassant, was not informed of the visit ahead of time and did not appreciate the attitude of the Minister.

On January 15, 2007, Claudy Gassant decided to momentarily withdraw from office until the investigation was finalized. Fanfan Guérilus temporarily assumed Gassant's position. On April 4, 2007, Gassant decided to return

to his duties.

On April 5, 2007 in a press conference, Prime Minister Jacques Edouard Alexis, upon returning from an official trip, disapproved of the manner in which Gassant reinvested his duties, arguing that if a letter was submitted for him to step aside, facilitating the investigation and Fanfan Guérilus to act as his replacement, then another letter must revoke the first in order for Gassant to reassume his duties. Following these declarations, Claudy Gassant left the country on Friday April 6, 2007. He returned on the following Monday and reassumed his position.

Criminal Trial Sessions

2006

Criminal trial sessions without jury assistance began in Port-au-Prince on December 13, 2006, only to be interrupted several days later due to a strike within the Judicial system. During the 3 days of criminal hearings, on December 13 to 15, 2006, 9 cases involving 13 individuals were heard. Out of these individuals, 5 were convicted to a sentence for up to 2 to 10 years of prison, and 1 individual was acquitted. The other cases were not deliberated as the strike prematurely terminated the trial sessions.

In the Artibonite department, trials with and without jury assistance were organized in Gonaives from December 7 to 21, 2006 as well as in Saint Marc from December 11 to 22, 2006. In the Gonaives jurisdiction, 12 cases, 3 with jury assistance, were heard, while in the St. Marc jurisdiction, 6 cases without jury assistance were heard. From December 7 to 21, 2006, a total of 18 cases were heard before the criminal court within the Artibonite department.

2007

In Port-au-Prince, the criminal trial session without jury assistance recommenced on February 12, 2007, and has not yet come to completion. Currently, 17 cases, including 5 individual cases, are posted. The compilation of these cases makes up 43 accused persons which can be categorized into 2 cases of rape, 4 cases of theft, 7 cases of criminal conspiracy, 6 cases of kidnapping, 1 case of attempted murder, 1 case of assassination, 3 cases of murder, 1 case of complicity of murder, 1 case of complicity of

theft, 1 case of forgery and usage of a false title; 1 case money fraud and counterfeit, and 2 cases of illegal possession of fire arms. Thus far, it should be highlighted that 4 individuals were convicted with a life sentence for kidnapping, and 2 police officers implicated in the events of the St. Bernadette park massacre in Martissant were released.

The criminal trial sessions have proved to be one of the most efficient ways to manage the epidemic of extended pre-trial detention which clogs the prisons of the country.



The Courthouse of Port-au-Prince



Two accused persons leaving the Courthouse of Port-au-Prince

Prisons in Haiti and insecurity

The role of the prison is not only to detain lawbreakers, it also needs to act as a correctional rehabilitation center to prepare offenders for reintegration back into society. In the case of prisons in Haiti, this institution system acts as a source of reinforcing delinquents in their criminal activity, such to the extent it effects the overall functioning of the prison on all levels: health, security, and justice.

Health plan

The prisoners are crammed into their cells like sardines. Most of the cells do not have sufficient beds, forcing most of the prisoners to sleep on the ground or on mats. As well, the water being used by the prisons is not treated, directly resulting in rashes and infections breaking out on the prisoners, such as ameba dysentery or boils.

As a source of impunity

The Insecurity that overshadows the prison system is directly connected to the decaying prison building structures, the lack of logistical means, the number of working officers, and the complicity of certain guards. Not a year goes by without there being a case of murder or an escape taking place within the prison system. When Investigations are carried out on these matters, often reports are set aside and ineffective.

Case in point, on January 4, 2007, an incident took place in the Jérémie prison and resulted in the death of Dieuseul Laguerre, an level 3 DAP officer. In addition, 5 prisoners escaped in this incident.

Judicial plan

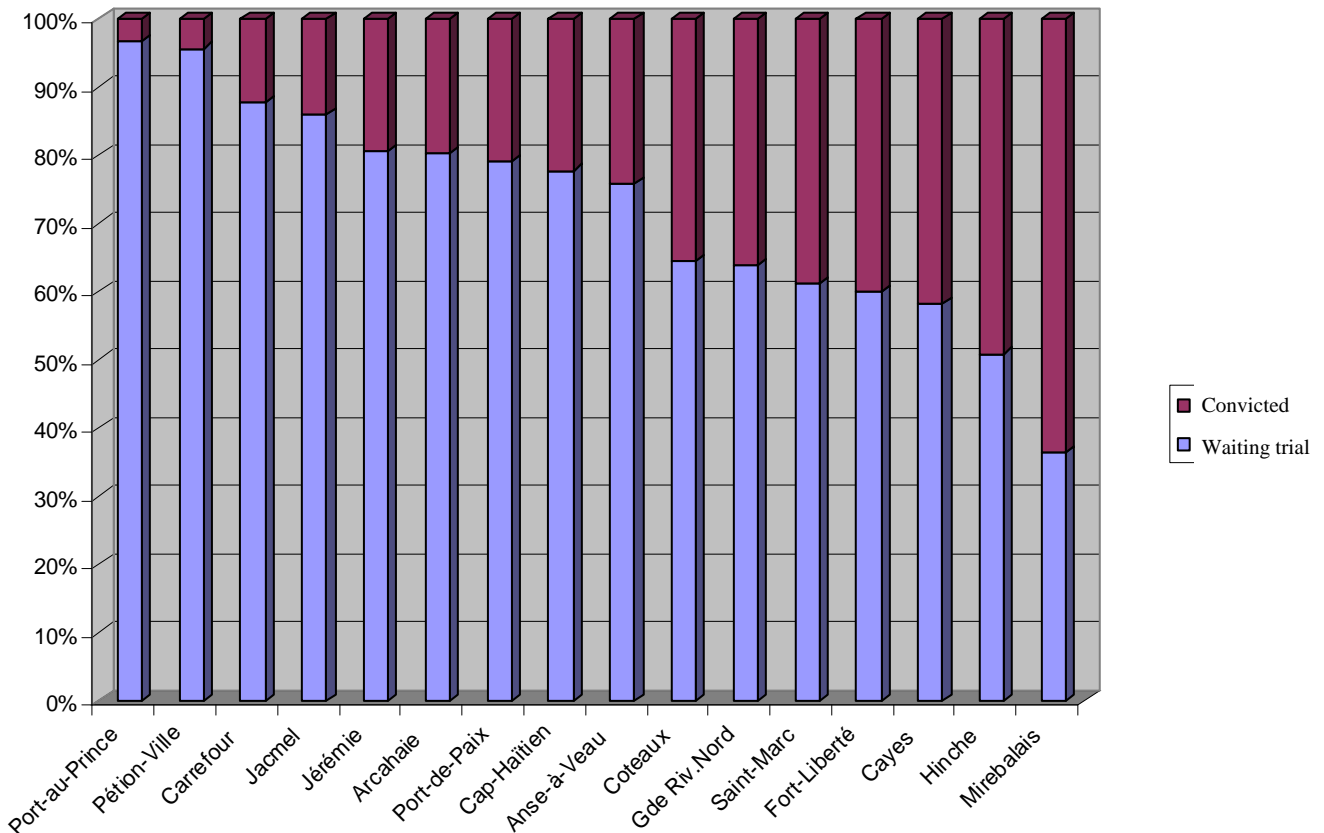
Prisoners in Haiti do not benefit from normal judicial guarantees, such as presumed innocence, a reasonable time-limit in pre-trial detention and/or a fair

trial. On a national scale, out of 5339 inmates, only 15 % have received a judicial ruling, leaving 4538 still waiting a judicial sentence, and for the most part, these prisoners are waiting in extended pre-trial detention.

The judicial system is so inefficient that prisoners often serve out their prison sentence, before they even receive a judicial ruling.

In the last report on the incarcerated population submitted by the prison authorities on April 3, 2007, a trend was noticed that prisons within the capital have a higher percentage of prisoners being held in extended pre-trial detention than other prisons throughout the country. What does this observation say when most power, means, and materials are centralized and accessible within the capital?

The situation of prisons in the country is becoming more alarming. The Political and Civil society must take action and challenge policies in place to allow the penitentiary administration to properly play its double role of detaining and rehabilitating the prisoners.



Minor's Protection Brigade (BPM)

The Minor's Protection Brigade (BPM) was created by the Haitian National Police (PNH) in December 2002 and has been functional since May 23, 2003. Since December 2006, the BPM has been located in Port-au-Prince and is based beside the Central Headquarters of the Judicial Police (DCPJ).

A long term vision of the BPM is to one day implement a brigade in each Police station throughout the country. In light of the lack of available materials to implement this vision, the brigade authorities would be content to begin by installing a brigade office in the headquarters of each department, as well as in the boarder areas and other sensitive areas. In the meantime, the BPM members only travel on delegations to the countryside for exceptional circumstances.

Currently, there are 17 police officers enrolled in the BPM, in comparison to 33 police officers who were originally enrolled into the program at its debut. The BPM is divided into 4 sections:

- Minors in conflict with the law
- Social investigations
- Minors as victims
- Domestic violence

Minors in conflict with the law

According to the rules, all minors apprehended must be submitted to the BPM.

However, these transfers are not always completed in a systematic manner. Most of the time, minors are arrested and then placed in prison without ever being seen by the brigade.

Competence of the BPM

The BPM is competent to make swift interventions when minors are implicated or are victims of punishable acts. However, considering the lack of means, the BPM is often only able to dispatch a police patrol 1 or 2 times a week to recover and assume the responsibility of minors dispersed in the holding cells of police custody across the capitol.

Partners of the BPM

The BPM works in liaison with the Social Services and Research Institute (IBESR) and with other civil society organizations (human rights and women's rights organizations) so the BPM is able to best protect the interests of children.

Social Investigations

The BPM carries out investigations by police officers specifically trained in the domain and social context of minors. The investigations are performed in conjunction with other sections of the BPM. The results of the investigations are presented in police reports which therein inform the Public Prosecutor.

Minors as victims

The BPM receives minors who have become victims. These victims can file a complaint at the brigade so as to ensure a follow-up of their case and to better enable the police to apprehend the violators of their acts by deferring them before the judicial system.

Any minor who has become a victim and approaches the BPM, the BPM automatically takes responsibility of them and brings them to the doctor. The doctor then carries out a medical examination, and provides a medical certificate for the victim.

A hearing for minors is carried out with parents' authorization and in their presence. In the absence of parents (orphans or street kids), the brigade makes an appeal to a human rights organization to assist them in accompanying the minor, which is always carried out in the presence of a lawyer or a social services agent.

Since the opening of the Brigade in May 2003 until the end of 2006, 254 minors filed complaints to the BPM: 38 complaints in 2003, 59 in 2004, 63 in 2005, and 94 in 2006.

The BPM urges to all parents of minors and to all those minors who have been a victim of an infringement, to come to the office as soon as possible after the offence is committed to file a complaint in order to enable one's best chance at attaining justice in a timely manner.

Students continued to be trained in human rights

From February to March 9, 2007, RNDDH carried out 22 training sessions in the departments of Nippes, North and North West, on the themes of the 1987 Constitution and Human Right. The students who partook in these workshops had already benefited from the first round of training sessions which were carried out in October and November 2006. The themes of the first workshop were the Universal

Declaration of Human Rights and the Convention Relative to the Rights of the Child. So far 1300 students have benefited from these sessions.

In general, the students were very attentive. Many among them retained information relating to the first training session. At the end of the second workshop, which builds on the concepts learned in the first workshop,



A session of Education Plus in the North department

Students continued to be trained in human rights



A group of students from the North test their knowledge in human rights.

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dents were able to discuss the Constitution, its role and importance in a democratic society; identify various fundamental rights guaranteed by the 1987 Constitution; and understand the Rights and Responsibilities of citizens.

In April and May 2007, RNDDH will complete the third and last level of the Education Plus program with these same students. The third workshop is focused on teaching methods of passive conflict transformation.

Human Rights Training : PNH

RNDDH in collaboration with the General Direction of the Haitian National Police (DGPNH), performed a training seminar for police officers of the Center department on April 2 and 3, 2007.

Through these trainings with the Haitian National Police (PNH), RNDDH's objective is to equip the PNH with knowledge of human rights to help reduce the number of violations committed by the force. With a reduced number of violations committed, RNDDH also hopes that the PNH will be able to

establish a better rapport with the population.

This seminar was carried out around the central theme: Role of the police in a democratic society. 41 police officers from 12 police stations of the department, and 4 MINUSTAH soldiers took part in the training.

This is the second training for PNH officers after the South-East department and is just one aspect of RNDDH's larger human rights training program.



Police officers attentively following a human rights training session in Mirebalais.

RNDDH Available for Everyone

The National Human Rights Defense Network (RNDDH) is composed of seven (7) nation-wide regionalized human rights networks and is an institutional member of the Platform of Haitian Human Rights Organizations (POHDH). RNDDH has also established partnerships with other local organizations and participates in various working groups dealing with specific human rights issues, such as the Working Group for Civil State Reform in Haiti. It is with years of commitment to the human rights struggle in Haiti and constant work, RNDDH has grown in its capacity, strength, and independence.

RNDDH's programs and activities – based on its global objective of contributing to the establishment of the Rule of Law in Haiti where all Haitians know their rights and responsibilities and where these rights and responsibilities are respected by one and all – revolve around two (2) areas: The **Human Rights Training Program** focuses on the provision of human rights education for the purposes of building the capacity of civil society, and the **Human Rights Monitoring Program** focuses on the monitoring of key State institutions in respect to their obligations to protect rights and uphold the rule of law.

Today, RNDDH is the leading human rights organization in Haiti because of its commitment to providing crucial, accurate, impartial, and on-the-ground information from its networks that represent the ten (10) geographic departments throughout the country.

RNDDH is devoted to Haiti's human rights struggle and is available to any person who is in need of or can provide, support or information on related human rights issues in Haiti.



RNDDH

Institutionalizing Human Rights in Haiti

Contact - us:

9 Rue Rivière
Port-au-Prince
Haïti

Telephone: 509.245.3486
Fax: 509.244.4146
E-mail: rnddh@rnddh.org

For more information
Visit our website:
www.rnddh.org