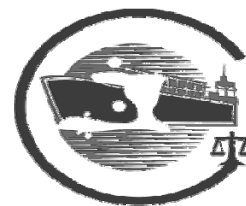


HUMAN RIGHTS INDICATOR

National Human Rights Defense Network



RNDDH

Prisoners' Lamentable Situation

The deterioration of the conditions of Haiti's prisoners, divided among the 17 prisons in the country, is becoming increasingly alarming. To illustrate this situation we use the example of the Civil Prison of Port-au-Prince, formerly the National Penitentiary. Since it is the largest prison in the country and includes approximately half of the penitentiary population, it is the only illustration which can express the realities of the Haitian prison system

The National Penitentiary was built on the vestiges of an old colonial cemetery, in approximately 1775, and restored during the American Occupation in 1918 in order to contain the insurrectionists principally led by Charlemagne Péralte. The return to constitutional order in 1995 brought an end to approximately 2 centuries of military administration.

The new authorities are faced with the need to address the rise of criminality, the increase of the prison population and the challenge to improve the conditions of detention as well as demolish the pungent space commonly referred to as "the hall"; an area which is meant to hold a maximum of 52 prisoners at one time but currently houses more than 400. In the location of the National Penitentiary, a central, 3-level prison intended to hold approximately 600 prisoners was built. The imposing facade of this building caused the prisoners to christen it "Titanic." All these physical improvements and the other advancements which followed increased the holding capacity of the building to 1,200.

Today the prison is truly a powder keg where the least spark would be sufficient to cause an explosion as a result of overcrowding, therefore a lack of resources, degradation of the medical situation, violence between prisoners and illegally prolonged

pre-trial detention, etc.

On June 30, 2007 this prison center was reported as housing 2,980 prisoners. The cells are crammed and overflowing, deprived of everything. The prisoners do not even have straw mattresses to lie down, and, in any case, they would not be of any use because of a lack of space. Some individuals are obliged to sleep upright while waiting to replace another when he wakes. The cleverest transform their clothes into hammocks attached to the bars of the cells (photo below).



Moreover, a space beneath the staircase of the Titanic, which the penitentiary authorities use as a confinement cell when it is necessary to control prisoners who are mentally sick or become very violent following their detention, is used today as a normal cell. In this space, an individual of normal height cannot stand upright, and yet, at present, approximately ten prisoners live there. Shocked by this reality we question their state and the conditions under which they evolved. Assuming that those individuals were going to make a severe

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Caring for the Environment: Human Rights Protection for the Third Generation

On June 5, 2007, Haiti was just one of many nations to participate in World Environment Day. The day was first proposed in 1972 by the United Nations, the same year it created the United Nations Environment Programme. Internationally, the theme for World Environment day was "Melting Ice – A Hot Topic?"

While Haiti is very far away from any icebergs, it is one of the most vulnerable nations on earth when it comes to climate change. Haiti's minister of environment took the opportunity to organize a conference on climate change, and spoke of the "dangers, threats and opportunities" that lie ahead as Haiti finds ways to deal with coming climate change.

The first great challenge will be posed by the melting icebergs themselves. As the atmosphere warms and icebergs melt, the ocean will rise, which could create serious problems for the majority of Haitians who live at or near sea level. But the more serious threat will come from above. It is a fact that weather patterns are becoming more volatile as a result of global warming. This means that Haiti can expect to see stronger and more frequent hurricanes and tropical storms each year.

This would be a problem for any country, but the threat is compounded in Haiti by environmental degradation, which means that each heavy rain carries away more and more precious topsoil. For this reason, the minister of agriculture was also present for the World Environment Day conference, noting that "It's important to avoid deforestation."

But what is the relationship between the environment and human rights?

The most fundamental human right of all, the right to life, is itself threatened by environmental degradation. In the last week of May alone, three people in Port-au-Prince died

when their houses were damaged by the heavy rains. And in a more gradual way, millions of lives are effected when Haitian farmers are able to harvest less and less each year because of soil depletion. A nation that cannot feed itself cannot guarantee social, economic and cultural rights to its citizens.

For these reasons, RNDDH believes strongly that today's environmental challenges will be the main

human rights challenge three generations from now. Likewise, protecting the environment now will help protect the human rights of our grandchildren. Fortunately, the Haitian state has recognized the seriousness of this issue, and has organized many activities around World Environment Day in order to educate the public – especially the children – about what they can do to make Haiti a stronger, safer and greener place.



A group of students organized by JUPED to fight against environmental degradation

Prisoners' Lamentable Situation

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indictment against the prison authorities, we were greatly surprised to hear them state that they are better off under the staircase as they are less exposed to the bad weather than in the normal cells.

During this year, the conditions of detention and the health situation worsened despite our repeated appeals to change the situation.

Diseases related to food, such as beriberi, are endemic. Overpopulation along with a lack of hygiene results in health problems ranging from rashes to tuberculosis. For many of prisoners, the National Penitentiary can be described in only one word: hellish.



Prisoners locked in a makeshift cell under a staircase in the Titanic ward.

Haitian Tragedy at Sea: Turks and Caicos Islands

In the dark hours of the morning of May 4, 2007, in the middle of a harsh storm, another Haitian tragedy unfolded in the Caribbean Sea. A boat full of Haitian refugees was trying to reach the shores of the Turks and Caicos Islands when it capsized, resulting in many deaths. The exact death toll may never be known, but it may have been as many as 90 people. Sixty-one bodies were recovered from the ocean, some partially eaten by sharks; at least twenty more were never found. The 69 known survivors were immediately repatriated to Cap-Haitian.

Adding to the tragedy is the dispute over what exactly took place on May 4. Haitian refugees on the boat insist that it was the coast guard of the Turks and Caicos Islands which caused them to capsize. According to the Haitians, the coast guard first rammed them, and then attached a chain to haul them further out to sea, which is when the boat capsized. Even as people began drowning, the Haitian survivors insist that the coast guard did nothing to help. The coast guard disputes this story, saying that they were hauling the boat into port – not further out to sea – when it capsized. They also claim

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Authorities' Indifference to the Right of Health

Private hospitals are popping up like mushrooms in Port-au-Prince. In addition to the services offered by some of these hospital complexes, the qualifications and professionalism of the medical personnel often leave something to be desired. While other basic rights are respected and protected, the public's right to health is mocked. Let us stress that the rights are indivisible, and there should be no one right which is superior to another. The Haitian state is compelled to make available, and effective, the right to health for all, as formulated in the 1987 Haitian Constitution, stipulated in article 19: *The State has the absolute obligation to guarantee the right to life, health, and respect of the human person for all citizens without distinction, in conformity with the Universal Declaration of Human Rights.*

The indifference of the authorities with regards to this right has caused the death of several people. Among others, we cite the following:

- March 2007, Reynold Mathieu a fourth year law student, 26 years old, died in the hospital situated at Delmas 35 following an injection;
- March 17, 2007, Francilia Colas Ghislène Limage and Emerson Delva, died following injections;
- June 10, 2007, Adeline Labordes Toussaint died, 7 months pregnant, due to negligence;
- July 3, 2007, Ansy Georges died following an injection.

This situation also results from the application of the neo-liberal plan which removes state responsibility and social obligations with respect to the population. The Haitian state is charged to exert serious control over the operation of private hospitals and clinics regarding the quality of services offered to the population.

Frustration of the Victims of the La Scierie Massacre

At the beginning of February 2004, the Aristide/Neptune government repulsively orchestrated a massacre involving the assassination and burning of many individuals, the rape of several women and the incineration of houses. Following this massacre, after several victims brought forth complaints, Mr Cluny P. Jules, investigating magistrate, opened a judicial inquiry and, on 14 September 2005, a judicial order remanding the case brought in front of a Criminal Court, without the assistance of a jury, was returned. Within the framework of this massacre, there were clues and sufficient charges brought against approximately 30 people, including: Yvon Neptune, Jocelerme Privert, Jocelyne Pierre, Amanus Mayette, Biron Odige, Roland Dauphin alias Black Ronald, Calixte Delatour, Jean Gerard Dubreuille Rody Berthomieux, Jean Robert Esther, etc. These individuals were required, according to this judicial order, to appear in front of the court to be tried in accordance with the law. The mandates brought were thus initiated against these individuals and some of succeeded. Indeed, around the middle of 2004, during the transitional government, Amanus Mayette, Yvon Neptune, Jocelerme Privert, Roland Dauphin, Hora Jean Baptiste and Whantalès Lormejuste were arrested. Meanwhile, certain individuals among them, Jocelerme Privert, Amanus Mayette, Hora Jean Baptiste, etc., dissatisfied with the judicial order, appealed. During intermission, negotiations were implemented in order to release those who were under arrest. Evaluate the results for yourself.

15 June 2006, Jocelerme Privert, former Minister of the Interior and Local Authorities Department during the Aristide/Neptune Government was released following a decision on the aforementioned law in the Gonaive Court of Appeals.

On 20 April 2005, the former Prime Minister Yvon Neptune began, for a second time while he was hospitalized in the Argentine Hospital, a hunger strike which lasted 1 year and a few months. This strike led to his release on 27 July 2006 founded on humanitarian reasons.

On 3 February 2006, Wanthales Lormejuste died in prison in Saint Marc following his transfer from the hospital.

Until April 2007, no more than three of the accused in this affair remained imprisoned: Amanus Mayette, Roland Dauphin alias Black Ronald and William Baptiste.

On 24 April 2007, the chief judge of the Court of First Instance in Saint Marc returned a decision to liberate Amanus Mayette within the framework of the Habeas Corpus legal rights. This decision occurred following the death, in an obscure traffic accident on the night of April 23, 2007, of the Presi-

dent of the Gonaive Court of Appeals, Mr Hugues Saint Pierre. Let us remember that he was summoned to the Ministry of Justice within the framework of this case.

With the release of Amanus Mayette, the victims witnessed the crumbling of their hope to one day see this case resulting in a judgment where the silent backers and perpetrators of this massacre are tried and condemned in accordance with the law. Today, only two of the individuals accused within the framework of this file are still imprisoned; William Baptiste, and Roland Dauphin, alias Black Ronald. They remain incarcerated on other grounds. Let us recall that the judicial order required approximately thirty people to be presented in front of the court. Among them, ten were arrested and then released. The victims are considered powerless faced with this charade of justice, while painfully remembering the irreversible loss of their close relatives, dignity and possessions. The right of the Haitian people to know what really occurred has been trampled

Loss of Convicting Evidence of Individuals Arrested by MINUSTAH

In its operations aimed at countering armed gangs, MINUSTAH has carried out many arrests. Several, however, without handing over the evidence of the offences to the Haitian authorities.

For example, on March 11, 2007, 13 individuals were arrested by MINUSTAH, under the indictment of criminal conspiracy and illegal firearms. They were being handed over to the Haitian police without evidence of the charges. The group, consisting of Laventure Max, Milord Jean Eddy, Junel Etienne, Pierre Renald Dolcin, Mathurin Dimmy, Romelus Frantz, Joel Francois, Getro Voltaire, Jacques Louissaint, Eugene Patrickson, Diver Jameson, Rico

Hypolite and Lucksen Noel, were held in Delmas 33 police station.

An interview with the sitting judge of the Cite Soleil Peace Court, Mr Leveque Evens, confirmed that the individuals possessing illegal weapons, arrested by MINUSTAH, were given over to the judicial courts without the evidence. Accordingly to the judge, the United Nations force seems to want to disarm the gangs, however, when the firearms constituting the evidence are not transferred, the accused are released according to the rules established by the Haitian government.

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RNDDH has worked on the case of Johnny Pierre-Louis, alias Ti Bazil, right arm of Evens Jeune, who was arrested by MINUSTAH on February 27, 2007. He was sent to prison for possession of illegal firearms; lacking evidence, he was acknowledged to be not guilty.

It must be emphasized that Johnny Pierre-Louis, alias Ti Bazi, was arrested once more by the Haitian National Police (PNH) on Saturday, 30

June 2007.

Let it be noted that there were several individuals formally questioned as a group at the time of the arrests, regarding the evidence and identification. They were taken to the Public Prosecutor's Office, but they still didn't get the chance to be heard by the public prosecutor and were thus returned to the police stations where they were released some time later.

These situations, abnormal to say the least, attracted the attention of

the general population and human rights defenders in particular. The Haitian constitution of 1987 stipulates, in article 26, "*No one may be kept under arrest more than forty-eight (48) hours unless he has appeared before a judge asked to rule on the legality of the arrest and the judge has confirmed the arrest by a well-founded decision;*" This general disposition works in favour of all and all without distinction.

Violence / Arrests

The Préval/Alexis government, since its establishment, has promised to work to restore peace in the country in general and, in particular, the metropolitan zone. In December 2006 a wave of joint operations began between MINUSTAH and the PNH in order to dislodge the gang members in the largest metropolitan shantytown, Cite Soleil (see December 2006's bulletin for more details).

These operations also extended to other, at-risk, zones such as Martissant and Bel Air, etc. At the same time, feverish decommissioning of weapons - weapons revealed to the public by the CNDDR - was noted within

the armed gangs. The PNH and MINUSTAH have intensified their operations against the gang leaders. Up until June, at least 16 alleged gang leaders had been arrested and incarcerated. Together they comprise, according to the police reports, the majority of gang leaders and those of the most powerful gangs. The majority of them have already been presented to the Public Prosecutor's Office connected to the Port-au-Prince Court of First Instance.

At present, the gang members are, for the most part, held in the civil prison of Port-au-Prince under various charges of criminal conspiracy, possession of illegal firearms, murder, kidnap-

ping and confinement for ransom. At this stage it is important that the victims bring forth complaints so that the evidence found in the possession of these gang members are transferred to the legal system as proof. Otherwise, inconsistencies in the testimonies of the victims or problems with the evidence can allow the accused to walk free.

These gang members, perpetrators of various violent acts were arrested. It is therefore necessary that they are tried and sentenced. To this end, the victims can consult any human rights defence organization to accompany them to the Public Prosecutor's Office.

Name	Date of arrest	Place of arrest	Affiliation
Pierre Edner (Zacharie)	05-01-07	Drouillard	Belony
Orlando Lafleur (Toto)	09-03-07	Petit Goâve	-
Evens Jeune (Ti Kouto)	13-03-07	Cayes	Leader of Boston
Henri Du Temps	18-03-07	Maniche / Cayes	Evens
Chéret Belle Fleur	21-03-07	Sud Est / Découzé	Amaral Duclona
Delva Rodelin	21-03-07	Sud Est / Découzé	Amaral Duclona
Bernard Régis (Gro Black)	26-03-07	Sud/ Cayes	-
Toto Saint Vil	23/25-03-07	Jacmel	Evens Jeune
William Baptiste	04-04-07	Delmas	-
Allen Cadet	05-04-07	Route de Frère	Belony
Jean Eoldy Torchon (Bled Nasson)	08-05-07	Linto 2	-
Belony Pierre(Pasteur)	21-05-07	Saint Michel de l'At.	-
WillFort Ferdinand (Ti Will)	26-05-07	Gonaives	-
Willio Jeune	28-05-07	Station Cap Haitien	Older brother of Evens Jeune
Jean Denis Chéry	06-06-07	Martissant	Spokesman for the "Little Machete Army"

The Fight Against Corruption

During President Rene Garcia Preval's speech at the National Palace on 18 May 2007, the date marking the anniversary of the bicoloured flag, he ordained 2007 the, "Year to Fight Against Corruption." In his speech, the Head of State declared, "*in 1984 our ancestors fought for freedom, today we must fight for equality. Those which were opposed to freedom in 1804 are no different from those who practice corruption in public administration today.*"

This speech takes into consideration all the dimensions and facets of corruption, as well as regional and international conventions against corruption which have been adopted in Haiti. And yet, the president did all this without ever defining the very concept of corruption, or explaining exactly how it is possible for corrupters and those corrupted to continue carrying out their dirty work.

The definition proposed within this context is that of a multidisciplinary group of the Council of Europe: corruption is an illicit compensation or all other conduct with regard to individuals with responsibilities in the public or private sector which contra-

venes their duties under the terms of their statute as a state employee, private sector employee, independent agent or another relationship of this nature and which aims to procure undue advantages of some nature for themselves or a third party.

Corruption is not specific to Haiti but rather a transnational phenomenon concerning all societies and economies.

However it is believed that our society has surpassed the "point of no return." as it were. In a 2006 ranking of government transparency, Haiti was number 163, taking its place among the most corrupt countries on the planet.

In Haiti, corruption establishes a system and takes on different forms such as embezzlement, commissions, money laundering, fictitious employees, personal enrichment, racketeering, extortion, the selling of public services and posts, and the misappropriation of public funds. The list of individuals arrested and judged for corruption is almost insignificant in number, when compared with the actual size of the problem.

During the past two years

investigations were carried out and reports produced by the Financial Information and Control Unit (UCREF) and the Administrative Board of Inquiry (CEA) implicating those formerly responsible for the state in acts of misappropriation. These reports were transported to the justice system for the necessary follow up. Since this time they have been filed away.

Similar to drugs, corruption constitutes a threat to the stability and safety of society. It destroys institutions, the values and ethics of democracy, and the justice system, and takes away considerable amounts of state resources.

As we mentioned above, corruption in Haiti is part of the system and, as such, one cannot prevent it nor suppress it with simple slogans. If one wants to fight corruption it is necessary to call into question the whole system.

One cannot fight corruption in Haiti without passing a reform of the legal system. What could possibly be expected of a society when its own legal system, the very institution that is charged with applying the law, is itself corrupt?

Holding Centers in the Metropolitan Zone

During the months of March and April 2007, visits to the police stations and sub-precincts in the metropolitan zone allowed RNDDH to note that the police and judicial authorities are transforming police custody into de facto prison.

- In the police station of Thomazeau, both of the two detainees present had already been convicted.
- In the police station of Kenscoff, nine detainees out of eleven have a warrant authorizing them to be held in preventative custody pend-

ing trial.

Moreover, we report that certain police stations use children's school notebooks for keeping official records of their detainees. Examples of this were found in the sub-precinct in Bon Repos and the Thomazeau police station. This is against the Criminal Instruction Code, which states, in article 443 "*The guardians of holding cells, courts and prisons must have a register. This register will be signed and initialed, on every page, by the investigating magistrate and the chief*

judge of the civil courts, for the prisons and courts and by the government commissioner connected to the civil court, the prisons and penitentiaries." This arrangement is understood as a method of verifying all the information written in the official holding cell records. In addition, several deportees are kept in holding centers whereas, according to the multi-party commission which works on the cases of the deportees, they must be put in prison for the necessary time until the deliberations of the commission.

Haitian Tragedy at Sea

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that they immediately began a rescue effort when the boat tipped over.

The truth in this case may never be known, though it is certainly a fact that a similar incident took place in 1998 after the Turks and Caicos coast guard fired in the direction of a Haitian vessel. In addition, Haitians have become the target of increasingly intrusive raids on these islands, even being apprehended outside of churches. This tragedy at sea only exposes a larger tragedy: Haiti is the neediest country in the Western Hemisphere, and yet Haitians in general are not welcome anywhere beyond their own borders.

Education Plus : Summary 2006 - 2007

The National Human Rights Defense Network, through its Education Plus program, completed a series of human rights workshops for students in April 2007. The workshops were the final installation of a set of three trainings carried out in various schools over the course of the 2006-2007 academic year. It is worth noting that the first intervention concerned the Universal Declaration of Human Rights and the Convention Relative to Children's Rights. These two international documents are used to help children understand that they too are entitled to inalienable and inviolable rights, such as the right to life. The second intervention is an exploration of Haiti's 1987 Constitution, placing emphasis on the document's attention to children.

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An RNDDH speaker in Cap-Haitien explaining the benefits of nonviolent conflict resolution

Education Plus

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This intervention allowed RNDDH to evaluate the first two workshops, quizzing the students to see how well they had internalized the previous lessons. This was an important step, since the third intervention builds on the foundation established in the first two. The students are empowered to understand the notion of human rights on an individual, community, and national level. They explore the relationship between rights and responsibilities, which is vital in order to ensure human rights for all.

The module for the third and final intervention is Methods for Nonviolent Conflict Transformation. This intervention allows the students to tie together the lessons learned in all three workshops, giving them a picture of what human rights means for them, and what they can do to build a more peaceful and democratic society.

To sum up the work done by RNDDH's Education Plus program during the 2006-2007 school year: 14 schools participating; 25 workshops held; 1,185 students reached, including 619 boys and 566 girls. Generally speaking, the sessions were fruitful. This is thanks in part to the fact that directors and teachers of these establishments took it upon themselves to hold the information presented at each level, integrating it into the rest of their curriculum.

In one example, at the *Armee du Salut* secondary school in Fonds des Negres (Nippes department), one of the teachers who had sat through the first two workshops with the students participated fully in the session. He enjoyed the series, and reminded the students about the ideas that had been developed earlier. Later he expressed support for the idea of a three-level cycle, where pre-

vious information is elaborated and built upon. He noted that students will not retain a message until they have heard it three times.

The recruitment of schools for the 2007-2008 academic year has already begun, targeting students in four departments: the Artibonite, Nippes, Central Plateau and the West department.



An RNDDH speaker in Port-de-Paix leading the third-level workshop

RNDDH Available for Everyone

The National Human Rights Defense Network (RNDDH) is composed of seven 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 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 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*

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