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Human Rights Indicator

The high cost of living in Haiti

Over the course of a few months, the Haitian population has been witness to a phenomenal surge in price of basic necessities. From November till present, a small sack of imported rice has risen from 625 gourdes to 1000, a pot of sugar has risen from 75 to 110 gourdes, a gallon of oil rose from 220 to 350 gourdes, a pot of ground corn costs 100 gourdes—though previously it only cost 50, and a gallon of gasoline costs 218 gourdes... Because the market is not regulated, increases in price for basic necessities occurs on a daily basis. This creates a veritable disaster for the Haitian population who no longer know which Saint to turn to to cope with this dizzying rise in prices.

The right to food, one aspect of the right to life, is violated. The majority of the Haitian population is incapable of feeding itself. 75% of the population does not have a regular job to go to each day and, consequentially, does not have the revenue available to allow them access to quality food. In reaction, the Préval/Alexis government removed itself from responsibility, affirming that it does not have a miracle solution because, it claims, the causes of the high cost of living are both internal and external and the State is incapable of responding to the current crisis.

The economic path chosen by the government clearly explains this manner of discourse and, consequentially, prevents it from reacting to the accusations of non-compliance with the international economic agreements they have signed and the obligation of non-intervention in the free market.

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The case of Jean Léopold Dominique, already at 8 years

April 3, 2000 Jean Léopold Dominique and Jean Claude Louissaint were coldly murdered. The judicial inquiry into this case was entrusted to several investigation offices, but has never been carried out. In total, nine investigating judges have worked on the case:

- Judge Eddy DARAND,
- Judge Jean Senat FLEURI,

Jean Léopold Dominique, killed April 3, 2000

- Judge Claudy GASSANT,
- Judge Josiard AGNANT,
- Judge Bernard ST VIL,
- Judge Napela SAINTIL,
- Judge Jean Perez PAUL,
- Judge Jean Ostrick Hercule, and
- Judge Fritzner Fils-Aimé.

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Current events January – March 2008

These past three months, the political situation in Haiti was principally marked by: extending the mandate of one-third of the Senate; the election of a new office in the Senate of the Republic; the question of double nationality; the dismissal of two senators; the resignation of the General Director of the Provisional Electoral Council (CEP), Jacques Bernard; the nomination and installation of a new General Director of the CEP, Pierre Louis Aupont; the interpellation of the Prime Minister, Jacques Edouard Alexis, by the Chamber of Deputies; the appointing of a new Director for the Central Unit of Financial Information (UCREF); and insecurity.

Mandate extension for one-third of the Senate

Following a compromise reached between the Executive Power and the Senate of the republic, one-third of the Senate, or 10 senators, whose mandates were to have constitutionally reached their end the second Monday of January 2008, will remain in their post until the promulgation of the electoral law relative to the organization of partial senatorial elections and indirect elections for the establishment of regional assemblies occurs.

Double nationality

January 18, 2008, a new office of the Senate was elected. It is comprised of: Kelly C. Bastien (President), Rudolph Henri Boulos (Vice President), Fritz Carlos (Parlimentary Administrator), Eddy Bastien (First Secretary), and Judnel Jean (Second Secretary).

January 19, 2008, one day after the elections of the new office of the Senate, the Third Senator from the South, Gabriel Fortuné, questioned the election of Senator Rudolph Henry Boulos as the Vice President of the Senate. According to Senator Fortuné, Mr. Boulos has American citizenship and possesses two passports (American and Haitian). The Third Senator from the South urged authorities to uphold the Constitution and the laws of the republic concerning accessibility to certain functions. Following these allegations, a special senatorial commission was created to investigate the nationality of the senators and ministers of the Préval/Alexis government. The senators decided that the members of the Commission on Justice and Foreign Affairs should be part of this special investigatory commission.

The commission produced a damning report against senators Rudolph Henry Boulos and Ultimo Compère. The report was presented at the senatorial assembly March 18, 2008, and nearly all of the senators present approved it.

Senator Rudolph Henry Boulos was forced to address the assembly and announced his resignation, then left quickly. Less than 24 hours after his declaration of resignation, Senator Boulos retracted, arguing that his constituents have questioned his decision.

Meanwhile, Senator Untimo Compère left the country and still has not returned.

According to that which was revealed by the Minister of the Interior and Local Authorities and the General Director of Immigration in the special senatorial commission, Senators Boulos and Compère traveled with their American passports through 2007. The senatorial assembly signed a resolution calling Mr. Boulos and Mr. Compère title usurpers and demanding that their names be removed from the list of senators of the republic.

Though Rudolph Boulos persists in wanting to serve in the Senate till the end of his mandate of six years, the office of the Senate, following a vote held March 26, 2008, replaced him in his position as Vice President with the Second Senator from Grand'Anse, Andris Riché.

Resignation in the CEP

The new Provisional Electoral Council (CEP), having been in place since December 12, 2007, has from the outset taken on the modification of internal regulations that have been in place till now. The modifications have been made particularly in the purview of the General Director of the Institution.

Jacques Bernard, who in 2005 – 2006 was responsible for this post within the CEP presided by Max Mathurin, was given extension by presidential decree. Seeing his powers reduced by the new internal regulations, he sent his resignation on January 24, 2008. 40 days later, on March 6, 2008, he was replaced by Pierre Louis Aupont.

Interpellation of the Prime Minister

February 28, 2008, following several hours of questioning regarding his general policy statements and the increasingly high cost of living, the Haitian Prime Minister, Jacques Edouard Alexis, received a vote of confidence from the

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Current events

Jacques Edouard Alexis,
resigned Prime Minister

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Deputies. The majority voted to keep the government, divided as follows: 63 against the dismissal of the Prime Minister, 8 for, and 13 in abstention.

UCREF

February 29, 2008, by presidential decree, Mr. Jean Ostrick Hercule, former investigating judge, was named General Director of the Central Unit of Financial Information (UCREF). Mr. Hercule succeeded Jean Yves Noel whose mandate had come to the end of its term.

It should be noted that Mr. Hercule, investigating judge, was among the nine judges called to investigate the case of Jean Léopold Dominique and Jean Claude Louissaint. Having shown no respect for the law, and having put forth no investigatory action, after four months he decided to return the case to the Dean under the pretext that his life was under threat.

Additionally, investigating judge Ostrick Hercule, following administrative reports related to the management of the former Aristide/Nepture government produced by UCREF, ordered a freezing of assets for several Lavalas dignitaries who are being prosecuted for economic crimes. In 2006, with the return of President Préval to power just two years later, he issued an order refusing to investigate, freeing millions of blocked gourdes under the pretext that the case was irregularly assigned to him, as though it is possible for a judge having previously posed numerous investigatory acts in the case of an affair to take two years to analyze the regularity of the case. In 2007, his tenure as investigating judge arrived at its end and was not renewed by the Minister of Justice, Mr. René Magloire, who judged that his work had been unsatisfactory.

It is clear that the appointment of Mr. Hercules Ostrick to the Central Unit of Financial Information is proof that the Préval/Alexis government does not have a true political will to combat corruption and impunity in the country

Insecurity

The Haitian population continues, today, to bear the brunt of insecurity. From January to March 2008, 51 people have been killed. At least 60 cases of kidnapping have been reported. 75 women and girls have been identified as victim of gender-specific violence. (Sources: SOFA, RNDDH)

Efforts made in the first six months of 2007 by security forces to dislodge gang leaders have been strained by prosecutors. Essentially, since July 2007, the Port-au-Prince Public Prosecutors' Office and certain investigatory offices have embarked on releasing detainees who are, for the most part, dangerous criminals. For example, we can point to Pascal Clergé, alias "Dilou" or "Zamorano;" Wendy Coles, alias "Didi;" Johanne Turenne, alias "Ti Okap;" and Agousta Diostena, alias "Callouchina" who were arrested January 2, 2008 by the national police and sent to the prosecutors' office January 9, 2008 for murder, attempted murder, and criminal association. They were released that same day. Remember that Pascal Clergé, alias "Dilou" is accused of being the leader of an armed gang known as "Baz Gran Blak," which is responsible for numerous cases of murder including the March 7, 2004 incident on Champ de Mars. This incident lead to the killing of Kesnel Saint Louis and Jean Gamo Saint Fort, respectively a worker for the Maritime Agencies Workers' Union (STAM) and a police officer assigned to Swatt. They were killed March 4, 2006 and May 22, 2005 respectively. We can also site the case of Pierre Richard Méllisse, alias "Kanson Fè," who was arrested and brought to court twice by the Port-au-Prince Public Prosecutors' Office for criminal association and murder, and who was released each time.

At the same time, from January 2008 to present, the Central Directorate of Judicial Police (DCPJ) has carried out operations in diverse locations of the Port-au-Prince metropolitan area that have led to the confiscation of 17 suspect vehicles and the arrest of at least 150 people, including Yvon Augustin, alias "Bèl Mwayen;" Junior Jean, alias "Black Af-

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Cost of living

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The Minister of Commerce and Industry, Maguy Durcé, has recalled that "the government opposes all subsidies on petroleum products and basic necessity goods, but a group of projects will be implemented, such as creating community restaurants to assist the needy." (Nouvelliste, Tuesday, March 25, 2008).

Western countries prohibit countries with fragile and vulnerable economies from subsidizing their agriculture to protect it. However, developed countries do not refrain from granting subsidies to their own farmers, even though these practices are classified as "barriers to free trade" by international financial institutions (IFIs).

Furthermore, the response of the government to this crisis is purely cosmetic, the proposed projects do not take into account the root of the problem.

The international financial institutions (World Bank, IMF) and commercial cooperation with the big powers (USA, EU) impose the game rules for economic relations: neoliberalism, non-interventionism by the state, and other principles that do not take into account the social, economic, and cultural rights of countries such as Haiti.

The Haitian government does not seek to remove its economic policies that are harmful to the population. Proof is in the application of the National Strategic Document for Growth and Poverty Reduction (DSNCRP) or the recent signing of the Economic Partnership Agreements (EPAs). The Haitian government's commitment to this economic direction shows that it is little concerned with the economic, social, and cultural rights of its citizens. This indifference of the state regarding these rights represents a violation of one of its obligations, which is to progressively achieve collective rights.

Within the Haitian population, through the end of March, isolated acts of protest by groups of individuals and groups of grassroots organizations were carried out against the high cost of living. At the beginning of the month of April, violent demonstrations exploded throughout the country, particularly in Cayes, Gonaives, Petit-Goave, and Port-au-Prince. They resulted in at least four deaths and thirty persons injured.

It should be noted that protests to denounce the soaring prices of staple goods have taken place in numerous countries of the global South involving thousands of people in countries such as Cameroon, Burkina Faso, Senegal, and India. Demonstrations, vandalism, burning tires, looting, as well as acts of violence, etc began to emerge in Haiti in response to the indifference and laxity of the Préval/Alexis government regarding the deteriorating situation. The high cost of living, a force that is pushing the Haitian population to its end, may have serious consequences on the stability of the country: there are not only risks of large-scale popular protests, but also risks of vulnerable persons being taken over by armed gangs, allowing for a resurgence of insecurity, kidnappings, and other violent acts. The high cost of living may serve as a means of exploitation of persons who, increasingly, are living in misery.

The government can take urgent measures that would have positive effects on the long-term, such as changing the economic course from that which it is currently and defining a real national plan of development, taking into account the realities of Haiti, a respect for the fundamental rights of all, and the interests of the nation as a whole. ■

Current events

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rika;" and Pascal Clergé, alias "Dilou" who are implicated in acts of murder and criminal association as well as Edson Sanon, implicated in the October 23, 2007 homicide of Commissioner Lesly Delva. Six people arrested are involved in the August 12, 2007 abduction and disappearance of Lovinsky Pierre Antoine, Coordinator of the September 30 Foundation. They include Kénold Jean Simon, Adam Romilus, Osnald Romilus, Luxon Romilus—alias "Da," and Paul Jean Junior. The laptops of Antoine and his girlfriend were found in the possession of those arrested. Some of those arrested, known for their involvement in reprehensible acts, were released on the spot by the Port-au-Prince Public Prosecutors' Office. As an example, we can point to Pascal Clergé, alias "Dilou" or "Zamorano;" Wendy Coles, alias "Didi;" Johanne Turenne, alias "Ti Okap;" and Agousta Diostena, alias "Callouchina," arrested January 2, 2008 and sent before the prosecutors' office January 9, 2008 for murder, attempted murder, and criminal association. ■

Criminal trials in Port-au-Prince

A new session of criminal trials without juries took place in the Port-au-Prince Palace of Justice from March 17 to 31, 2008. Nine criminal cases involving 22 accused went before trial for the following charges: rape, robbery with illegal entry and breaking and entering, criminal association, kidnapping, and abduction and confinement of persons for ransom.

These criminal trials without juries led to the liberation of four people and the conviction of 15 others, including four who were sentenced to forced labor for life and 11 to forced labor for a specified time.

The table below provides details relative to the verdicts of these trials.

Findings:

Lack of representation

We see once again that for the majority of these cases, the victims were not represented in court. Two reasons can be put forth to explain this fact: first, people do not have confidence in the justice system and, consequentially, suffer from fear of reprisal. Second, access to justice is so costly that the majority of victims do not have the possibility of being represented by a lawyer. This implies that the application of justice is far from being fair.

Defense of the accused

An effort has been made by the Port-au-Prince Bar Association to improve the quality of defense for the accused in criminal trials: interning lawyers are often supervised by professional lawyers. At the same time, work remains to be done in this sense: a more rigorous supervision of interns and a systematic presence of these professionals from

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Names	Accusations	Verdicts
Dominique Pierre-Louis	Criminal conspiracy, Abduction and confinement	Forced labor for life
Wildy Fils-Aimé	Complicity to murder, Criminal conspiracy, Abduction and confinement for ransom	Forced labor for life
Johnson Louis	Complicity to murder, Criminal conspiracy, Abduction and confinement for ransom	Forced labor for life
Marc Eddy Gachette	Complicity to murder, Criminal conspiracy, Abduction and confinement for ransom	Forced labor for life
Wilfrène Joseph	Criminal conspiracy	7 years of forced labor
Faveur Josil	Criminal conspiracy	7 years of forced labor
Patrick Jean Mary Laurent	Criminal conspiracy	7 years of forced labor
Julot Lebon	Criminal conspiracy	7 years of forced labor
Edmond Joyeuse	Criminal conspiracy	7 years of forced labor
Ronald One	Criminal conspiracy and Confinement of persons	3 years of forced labor
Kerby Gachette	Complicity in criminal conspiracy	4 years of forced labor
James Bazelais	Illicit drug trafficking	3 years of imprisonment
Saint Louis Brownson	Illicit drug trafficking	3 years of imprisonment
Auguste David	Criminal conspiracy, Rape, and Robbery with illegal entry, and Breaking and entering	3 years of imprisonment
Paul Germain	Criminal conspiracy, Rape, and Robbery with illegal entry, and Breaking and entering	3 years of imprisonment

Carl Rubens Francillon: an emblematic case of the March 2008 criminal trials in Port-au-Prince

On November 8, 2006, around 2PM, Frantz Fleurimont and Wildy Fils-Aimé abducted a 6½ year old child in front of the premises of his school, the Saint Jean the Evangelist School. The kidnappers demanded a sum of 80,000 $US to release the child. After negotiations, the father of the victim promised to deliver 75,000 gourdes to the kidnappers.

November 19, 2006, a rendez-vous was set at the old Port-au-Prince civil aviation runway. Kerby Gachette, then 16 years old, was dispatched to the location to recover the ransom. Ralph Francillon, a cousin of the victim, gave him a sack containing a sum of 50,000 gourdes and 2,000 $US. The ransom was judged insufficient, and the child's father was ordered to pay a new sum of 25,000 gourdes that same day, at the same location, to the same person.

Meanwhile, the child was taken to Cap-Haitian, to the house of Johnson Louis where he spent at least seven days. November 26, 2006, his body was found at Morne Virgie. Carl Rubens Francillon was killed by strangulation. His putrefying body, after being legally certified, was immediately buried in Cap-Haitian.

March 19 and 20, 2008, five of the six people involved in this case appeared before court. However, the principal author, Frantz Fleurimont, had died in the National Penitentiary on May 9, 2007, during the course of the investigation. The five accused, Wildy Fils-Aimé, alias "Tiko;" Marc Eddy Gachette; Johnson Louis, alias "Dabord;" Kerby Gachette; and Julio Joachin have been prosecuted by the public prosecutor for criminal association, abduction and sequestration for ransom, followed by murder. After having been formally identified by Ralph Francillon as being those to whom the two payments of ransom were made, Kirby Gachette (now aged 18) confirmed the facts and, hence, his participation in the barbaric act. Convinced, the court declared the accused Marc Gachette, Wildy Fils-Aimé, and Kerby Gachette guilty of the charges brought against them and sentenced the first two to forced labor for life, and the latter to four years of forced labor. They were also sentenced to pay 75,000 gourdes in damages. The participation of Julio Joachim could not be proven, and the court ordered his release.

The case of Carl Rubens Francillon was judged with the utmost rigor, thereby constituting a signal for kidnappers, their accomplices, and all potential abductors. The judicial apparatus must continue to work with this momentum in order to effectively combat this phenomenon that is equally as atrocious and cruel for the victims as for their families. ■

Criminal trials

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the beginning to end of the trials seems necessary to assure a quality defense.

Gap between judicial decisions and passed sentences

Beyond the problem of effective execution of the duration of sentences, it is noteworthy that the types of penalties imposed do not correspond to those declared by the judges. Essentially, the only sanction actually applied to the condemned in Haiti is incarceration, even though the law allows for a variety of forms of punishment according to the violations committed and societal needs. An individual sentenced by a judge to four years of forced labor, for example, will simply be imprisoned for four years and will not carry out the forced labor to which he/she was assigned. Similarly, there is an asymmetry between the decision by a judge to send a minor in conflict with the law to a reception and rehabilitation center, and the effective implementation of this measure, which boils down purely and simply to imprisonment of the child in question, despite the legal and lawful ban on placing minors in prison.

The Haitian state must provide the judicial system with the means permitting it to effectively apply judicial decisions, whether that be a structure for the application of forced labor or the creation of a reception and rehabilitation center for minors in conflict with the law.

Perspectives of the Port-au-Prince Court of First Instance

The Dean of the Port-au-Prince Court of First Instance, Mr. Rock Cadet, announced that efforts aimed at organizing criminal trials with juries are underway. The judge is said to be expecting the delivery of the lists of potential jurors by justices of the peace within the jurisdiction of Port-au-Prince. ■

Jean Léopold Dominique

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In 2003, a first order was issued. It was controversial because the investigatory work performed by Mr. Bernard Saint Vil did not identify the intellectual authors of this double murder. However, the order led to the indictment of six people whose names are as follows:

- Dymsley MILIEN, alias "Ti Lou;"
- Jean Daniel JEUDI, alias "Guimy;"
- Markengton PHILIPPE;
- Ralph LEGER;
- Freud Junior DEMARATTES; and
- Ralph JOSEPH.

Jean Léopold Dominique

On August 4, 2004, the Court of Appeal delivered an ordinance that liberated Ralph LEGER, Freud Junior DEMARATTES, and Ralph JOSEPH. This same stop-order also brought Dymsley MILIEN, alias "Ti Lou;" Jean Daniel JEUDI, alias "Guimy;" and Markengton PHILIPPE before criminal trial without a jury to be judged, conforming with the law. In the mean time, these three who were charged profited from a riot at the National Penitentiary on February 19, 2005 and escaped, and the Court of Appeal requested that a rogatory commission complete the investigation. The High Court made, on June 29, 2004, a decree confirming the stop-order of the Court of Appeal.

Meanwhile, it was just April 3, 2005 that judicial authorities designated an investigating judge—Fritzner Fils-Aimé—as requested in the stop-ordinance of the Court of Appeal.

Various hearings were held. The judge requested the presence of several people, but they did not come. Warrants were issued, but to date have not been executed. Today, only 2 people are in prison in the context of this case: Mercidieu Toussaint, alias "Macaron," arrested August 26, 2007 and Police Commissioner Jean Daniel Ulysse who was chief of the office of Central Directorate of the Judiciary Police (DCPJ) in 2004, arrested December 10, 2007.

The creation of a rogatory commission by the Court of Appeal, responsible for the completion of the case's investigation for which the mandate was not clearly established, and the total inertia of the government in meeting its responsibilities and in deciding not to strengthen the judicial-legal mechanisms are seeming barriers erected around this case. The government chose to create extrajudicial mechanisms, proving yet again its readiness to sacrifice quality trials for a greater number of non-substantial trials, as was done in the case of Brignol Lindor.

A criminal trial that is incapable of illuminating a case, of tracing the motives of a crime and the strategies used in committing the act, cannot be considered a trial that has rendered service to society.

One hopes that measures will be taken, such as, for example:

- The realization of responsible work by the investigating judge and the delivery of a report to the Court of Appeal;
- The putting in place, by the government, all provisions required to execute the warrants issued in connection with this case;
- The capture of all the accused still on the run;
- The realization of a fair and equitable trial that will inform the nation of who killed Jean Dominique and Jean Claude Louissaint, and, above all, who was the intellectual author of this crime. ■

Two Canadians in Cayes involved in a case of pedophilia

Denis Rochefort, 59 years of age, a Canadian who has worked for a dozen years with orphans in Haiti along with his colleague, Armand Huard, 64 years old, were accused last February of sexually abusing 10 minors aged 13 to 16 in an orphanage called "Kad Timoun Nan Sid" near the town of Cayes. The abuses were allegedly to have occurred between December 2006 and March 2007.

Although throughout Canada Huard is a particularly well-known and admired person for his humanitarian work, the situation is completely different in Haiti. A Catholic orphanage located in Ile à Vache, in the South department, affirms having dismissed Huard and Rochefort seven years ago because they were suspected of suspicious activities with the minors. The two men work in three other orphanages before settling in Cayes.

The director of Kad Timoun Nan Sid finally lodged a complaint against the two men with the Haitian National Police (PNH). The PNH requested the assistance of the UN police (UNPOL), which caught the attention of Canadians working with the United Nations in Cayes. The Canadian police then examined the case. According to Canadian penal code, the Canadian police have the right to initiate legal proceedings against its citizens accused of sexual crimes in a foreign country. This is only the third time that Canada has used this law. The penalty for such acts ranges from 45 days to 10 years of imprisonment. In Haiti, the penalty would be 10 years of forced labor.

The two defendants were extradited to their country of origin. At the preliminary hearings in February, Rochefort admitted to having had homosexual relations, but maintained that he was never involved with children. "I deeply regret what I did to those young Haitian men. They were young men, not boys. I never touched any boy," Rochefort said tot he judge. Huard and Rochefort were both released after paying a bail of 2,000 $US. They are forbidden from contacting anyone in Haiti and from being in the presence of minors. Their trial was scheduled for April 11, 2008.

This is unfortunately not the first time that foreign workers have been accused of sexual abuse in Haiti. At least three North American priests were forced to leave orphanages in the 1980s. More recently, around a hundred Sri Lankan MINUSTAH soldiers were forced to leave Haiti on allegations of sexual abuse. ■

Martine Lindor, one of the numerous victims of domestic violence

On Saturday, January 26, 2008, Martine Lindor, 27 years old, was victim of grave physical abuse from her ex-boyfriend, Berthony Sagesse, along with the complicity of his younger brother, Wilson Sagesse. Berthony Sagesse beat Martine Lindor to the point that her left eye burst, hitting her to the point of permanent disability. The following morning, Sunday the 28th, the Petit-Goave police proceeded to arrest the aggressor. In the afternoon of that same day, Mr. Hévince Eltimard, investigating judge for the Petit-Goave Court of First Instance, personally came to the police station to release the accused who is now a fugitive. The accused is Mr. Hévince Eltimard's driver. Mr. Eltimard took the case without any preliminary information or indictments being declared by the public prosecutors' office and issued a release order, executing his own decision.

By facilitating the escape of the accused, the judge violated articles 11, 12, 20, 22, 18, and according to the Criminal Investigation Code committed serious misconduct and abuse of authority. He also violated the provisions of Article 4 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Convention of Belém do Para), which was ratified in Haiti in 1996. In doing so, the judge made himself an accomplice to the accusation brought against Berthony Sagesse.

It is incomprehensible that an investigating judge allowed himself to invest a Sunday in the premises of a police station and to give the police a written order to free an arrested defendant in flagrant offense, without any preliminary information having been gathered, and without the public prosecutors' office having been made aware of the case or submitting it to a judge.

The judge's logic is clear: Berthony Sagesse, his dear friend, merely beat his ex-girlfriend, a trite fact. The judge, therefore, does not need to read the case, nor is it necessary to meet the victim because his good friend cannot remain in custody.

In the meantime, Martine Lindor had to leave her recently started law studies, and the assailant, thanks to the intervention of Mr. Hévince Eltimard, hasn't a worry! ■

Prisons and human rights

Detention conditions continue to be a source of great concern: environmental degradation, insecurity, and prolonged pretrial detention are all issues that highlight the precariousness of life for prisoners in Haiti.

Environmental degradation

The congested conditions in which the prisoners live—including unhealthy sanitary facilities and the lamentable state of the roofs of some prisons—characterize the unhealthy environment of prisons. The prison population has been increasing even though, since the events of 2004, the number of detention centers has dropped from 21 to 17. In 2004, before the departure of President Jean Bertrand Aristide, the prison population was estimated at around 3,500 prisoners; today it is estimated to be more than 6,000, nearly double, with a lower number of prisons. This state leads to the situation of overcrowding becoming the norm in penitentiary establishments.

Insecurity

Insecurity, both physical and sanitary, affects prisoners and Penitentiary Administration Directorate agents. Not a year goes by without registering a case of escape, of uprising, or of mutiny in the prisons. Just during 2007, RNDDH counted seven cases of escape, including three in Jérémie and two in Cap-Haitian, as well as two cases of mutiny in the Port-au-Prince civil prison.

During the first quarter of 2008, at least two cases of escape were registered in Cap-Haitian (on January 1st) and in Hinch (on March 6th). In total, two detainees escaped.

Prolonged pretrial detention

The drama of prolonged pretrial detention continues as a constant despite

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The Haitian National Police

Since 1995, the Haitian National Police (PNH) has been responsible for the security and the protection of the lives and goods of the whole national territory. The institution's first steps were strewn with pitfalls and, at a certain point in time, it was decried by the population. All the while, certain efforts have been made to try to restore the image of the police institution. These efforts have been inadequate because, even today, police are involved in acts that violate human rights. Let us take for example the case of officer Georges Jean Wilfrid from Fort National.

On March 26, 2008, at Village Solidarité, Bérès Désir, age 27, was tortured by officer Georges Jean Wilfrid, A1, from the Fort National police station. Bérès was taken to this sub-station where he stayed for several hours. This incident occurred after a merchant asked the police officer to allow him to recount the

Bérès Désir, victim of officer Georges Jean Wilfrid

change he had given. Bérès Désir was maltreated by the officer for having proposed that the officer return the money given to him by the merchant in order to end the discussion.

The victim was examined by doctor Jean Claude Cadet, chief of the ophthalmology department at the State University of Haiti, who issued a certificate that the provisional and definitive diagnosis reported an injury to the left eye, a contusion.

The Inspector General, over the course of the past three months, has taken up 167 cases against a number of police officers involved in reprehensible acts. To date, 44 police officers are subject to precautionary measures, including 21 having been dismissed and 23 on leave. 21 isolation orders were issued and four cases transferred to the public prosecutor for legal action. Six dismissal orders have been decided.

One hopes that the police institution is working toward developing police officers who are entirely professional, who respond to the missions given to them. One also hopes that the officers involved in acts violating human rights will not only be subject to administrative measures, but also to penal sanctions, and that the public prosecutors' offices will cease to be a source of impunity for criminals. ■

Who pays for Carnival?

The 2008 Carnival in Haiti was, like each year, a major cultural event, an interlude of three days—particularly in Port-au-Prince—to the normal rhythm of Haitian life. The theme chosen for this year was "Pou uon Ayiti Vèt," or "For a Green Haiti." Meanwhile, in the planning and execution of Carnival activities, the Haitian state is accused of doing the opposite: rendering Haiti even less green. The government was also strongly criticized for allocating large financial resources for these activities even though the cost of living is soaring.

A float reflecting the theme of Carnival : For a green Haiti

The first critique was inevitable. While preparing Champs de Mars to host the three days of parades, the Mayor of Port-au-Prince had four large trees and branches of other trees cut, significantly degrading the natural beauty of the public space. The government still has not succeeded in creating a national strategy to protect the environment, even though President Préval and former Prime Minister Alexis were formerly agronomists.

The second critique, relating to the increase in the cost of living, is the object of debate on the question of whether or not the government is justified in spending such a large amount of money to hold the annual cultural event the most celebrated throughout the country. For many Haitians, the total amount spent by the government on Carnival 2008 (50 million gourdes, or 1.4 million $US), had it been spent elsewhere, would not be sufficient to improve upon the daily problems of the most poor citizens of the country. It is, therefore, a justified expense because these festivities allow hundreds of thousands of people to profit. On the other hand, for many people, the responsibility of the government is, first and foremost, to guarantee security, health, and well-being of its citizens, an objective that is far from being realized even today. Given the urgent needs of the population, the use of public funds for Carnival seems frivolous and irresponsible.

Furthermore, dozens of people who worked in preparatory activities on Champs de Mars for Carnival 2008 have yet to be paid, and, on March 3rd, they protested in front of the Mayor's office to demand their salaries.

Beyond the criticisms of the Haitian state for its management of Carnival 2008, it is certain that this event could hardly have been achieved if not for the millions of dollars from the private sector for the promotion of floats, stands, and everything related to Carnival. The biggest sponsors were the same as usual in Haiti, that is, the companies that lucratively benefit from the current situation in the country: rice importers, condensed milk brands, spaghetti companies, money transfer companies, alcohol vendors, and, of course, cell phone companies.

The estimated cost of the most elaborate and decorated stands is around 300,000 $US per stand. The largest floats cost between 150,000 and 250,000 $US apiece (Le Nouvelliste, 2/7/08). Considering the number of stands and floats that the population was able to appreciate during the Port-au-Prince Carnival, it is clear that the private sector greatly surpassed the government in spending.

And these companies did not spend their money in vain. They promoted their investments—logos and colors of the largest enterprises were displayed on the different stands and floats, choosing to share costs with other companies to gain greater advertisement coverage than had they dedicated their promotional money to pay only two or three floats. Thousands of T-shirts were distributed to assure that the public will continue to be a publicity vehicle for the sponsors well after all of the stands have been disassembled and the streets cleaned.

Even though the Haitian state does not have the same means to spend as the private sector, its floats and stands were, nevertheless, more beautiful and better decorated than those of the private sector. It is true that the Carnival organizers from the public sector made great effort for the creation of a series of floats intended to celebrate and encourage respect for the environment in Haiti, popular culture, and national production. Unfortunately, these positive messages were drowned out by the publicity and slogans of the private sector, as well as by the hypocrisy of the state in privatization, a lack of support for national production, and poor environmental management.

Things being what they are, it is unjust to focus on the negative aspect without mentioning the major improvement in terms of security: there were no fatalities recorded over the course of Carnival 2008, though three were recorded in 2006 and two in 2007. The number of injured, estimated around 600 for 2008, is also down as compared with the police estimate for 2007 of 750 injured. This

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Networks general assemblies

As mentioned in previous issues, the National Human Rights Defense Network (RNDDH) is a regional system composed of eight departmental networks that operate autonomously and, in accordance with their respective internal regulations, organize a general assembly each year.

Toward this goal, February 19 and 23, 2008, the departmental networks in the Artibonite (three years in existence) and in the Southeast (eight years in existence) held their general assemblies.

REDHA general assembly: Gonaïves, February 19, 2008

The Artibonite Human Rights Network (REDHA), which is based out of Gonaives, took the opportunity to elect a new executive committee composed of five members, including four men and one woman, which will be in place for three years. At the same time, the members of the Southeast Network of Human Rights (RESEDH) in Jacmel were called upon to discuss various points including the revision of the institution's internal regulations, a vote on the 2008 budget, and the elaboration of a strategic plan spread over a period of three years (2009 – 2012).

Those who took part in these general assemblies include the members of the concerned networks; delegates from the central RNDDH office; members of other departmental networks such as the Northwest Human Rights Network (RENODH), the Nippes Human Rights Defense Network (RENIDDH), the Central Human Rights Network (RECENDH); and members of other institutions working in the field of human rights such as the National Assembly for the Integration of Handicapped Persons (RANIPH), etc.

RESEDH general assembly: Jacmel, February 23, 2008

The organization of these network general assemblies reflects the functionality, transparency, and open communication between networks, and also a decisive step toward the strengthening of the structures called to protect and defend human rights in their respective regions. ■

Prisons

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state initiatives to improve the situation with the creation of several commissions responsible for examining the problem. Even today, despite commendable efforts by the judiciary throughout the year to organize correctional and criminal trials, the right of individuals to be tried within the timeframe set by the law is violated.

Take, for example, the civil prisons at Carrefour and Pétion-ville. As of March 13, 2008, the civil prison at Carrefour counted a total of 267 detainees, including 37 who had been convicted. This means that, on that date, only 14% of the center's population are aware of their fate. The findings are the same for the civil prison in Pétion-ville where, on March 18, 2008, records counted 238 detainees, including 27 minors. Only 16 detainees were convicted, or 7% of the population of this prison center. For these two centers, of a total of 505 prisoners, 452 still await judgment.

Despite all of the promises made by the concerned authorities to improve detention conditions, including the creation of new prisons, reducing the rate of preventative detention, rehabilitation of existing detention centers, establishment of effective social reintegration programs for ex-convicts, in short, a reform of the Penitentiary Administration, the situation, rather than improving, is deteriorating day by day. ■

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Institutionalizing Human Rights in Haiti

The National Human Rights Defense Network (RNDDH) is composed of nine regionalized human rights networks nation-wide 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. 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 Education 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 in action

During the month of March, RNDDH organized two human rights education sessions for grassroots organizations, held at the Sisters of Wisdom locale in Carrefour. The two sessions covered the third and last level, with the objective of training human rights trainers.

The first session took place from March 6 to 11, and the second from March 27 to April 1.

In total, 66 people (16 women and 50 men), members of grassroots organizations throughout the country, took part in the final step of the training, gaining the title of Human Rights Monitor. Among the 66 beneficiaries, 48 (including 11 women) passed the final evaluation examination and were awarded a certificate of accomplishment.

The third level of training covers topics such as Democracy as a responsibility of the State and citizens; economic, social, and cultural rights (the legal framework and relation between ESCRs and the Structural Adjustment Program); as well as civil and penal procedures.

The training also allowed the participants to visit and monitor a public institution, whether the civil prison of Carrefour, the Justice of Peace, or the Carrefour police station (Oméga). ■

Carnival

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decrease is primarily due to two factors: a security situation that greatly improved this last year, and a tactical plan more intelligently elaborated by the police. Anyone who participated in the two past Carnivals could see that the police forces this year were less aggressive, more numerous, and more strategically placed to stop or inhibit conflict before losing control. In 2007, the police had a much greater tendency to enter hostile situations, react violently, and make the situation worse than it had been prior to their intervention. Despite all the troubles related to this annual celebration, it is encouraging to see that the festivities of 2008, green or not, did not violate the most fundamental right of Haitians: the right to life. ■