

Haiti

Haiti made important progress in restoring democratic rule in 2006, successfully holding national elections without any of the major security disturbances that had prevented people from voting in past elections. The new government of President René Prével faces entrenched lawlessness and chronic human rights problems, including pervasive police violence and inhumane prison conditions.

Elections

Parliamentary and presidential elections were held in February 2006, after having been postponed four times due to security concerns and logistical difficulties. These were Haiti's first elections since Jean-Bertrand Aristide was ousted from the presidency in 2004. An electoral monitoring mission sent by the Organization of American States considered the elections a success. Yet when initial results showed that Prével had not won enough votes to avoid a run-off election, rumors of fraud triggered street protests and riots, which only ended after a political compromise was reached and Prével was officially declared president-elect.

Violence, Lawlessness, and Instability

Violent crime remains rampant in Haiti. Kidnappings for ransom of businessmen, students, journalists, aid workers, and foreigners are commonplace. Criminal gangs effectively control certain neighborhoods of the capital, most notably Cite Soleil, and gang violence often results in civilian deaths. In July 2006, for example, 22 people, including children, were killed in Grand Ravine, a poor neighborhood in Port-au-Prince.

The gangs have also clashed with the joint United Nations and Haitian security forces. Three peacekeepers from the Brazilian battalion of the Haiti Stabilization Mission (MINUSTAH) were shot and wounded in Cite Soleil in July 2006.

Police Abuses

Police lawlessness continues to be a major contributor to overall insecurity. The Haitian National Police (HNP) are largely ineffective in preventing and investigating crime. Moreover, they are themselves responsible for arbitrary arrests, torture, beatings, and the excessive and indiscriminate use of force. They also face credible allegations of having committed extrajudicial executions and of involvement in drug trafficking and other criminal activity. Untrained and unprofessional, the police suffer from severe shortages of personnel and equipment. Police perpetrate abuses with almost total impunity. Human Rights Watch knows of no members of the HNP who have faced criminal prosecution for their abusive conduct.

Justice, Accountability, and Prison Conditions

Haiti's highly dysfunctional justice system is plagued by corruption, politicization, and a lack of personnel, training, and resources. In the provinces, judges complain there are no police to execute warrants and no prisons in which to keep detainees. Few crimes are investigated. Where prisons exist, conditions are dire, with prisoners held in dirty and overcrowded cells often lacking sanitary facilities.

Arbitrary and long-term pretrial detention of suspects is commonplace. In several prominent cases, people who had been imprisoned without proper trial were released in 2006. For example, activist and folksinger Annette Auguste (known as So Ann), as well as her co-defendants, Georges Honoré, Yvon Antoine (Zap Zap), and Paul Raymond, were released in August 2006 after more than 27 months in jail without formal charges. Similarly, former Prime Minister Yvon Neptune was released in July 2006 after spending 25 months in prison, and his former interior minister, Jocelerme Privert, was released in June of the same year after serving 26 months in prison. Both men were incarcerated without trial on allegations of participation in the killing of 50 Aristide opponents in La Scierie, Saint-Marc in February 2004.

Accountability for past abuses remains out of reach. While the release of Neptune and Privert may have been warranted given the state's failure to properly try them, the La Scierie case was never fully investigated and the atrocities that the two men allegedly committed remain unpunished. While Haiti took an important step in 2005 by arresting 15 police officers for their alleged participation in a Martissant soccer

stadium massacre in August 2005, many of these men, including two senior officers, were released from prison in 2006 by the judge handling the case.

Persecution of Human Rights Defenders

Haitian human rights activists and journalists remain targets of acts of violence and intimidation. Bruner Esterne, the coordinator of the Grand Ravine Community Human Rights Council (CHRC-GR), was killed by unknown individuals on September 21, 2006, as he was returning from a meeting concerning the July massacre in Grand Ravine. Esterne had also witnessed the soccer stadium massacre in August 2005, which had allegedly been carried out by the same criminal gang that is believed to have been responsible for the Grand Ravine killing. Following Esterne's death, Evel Fanfan, a human rights lawyer who had worked closely with Esterne, received death threats.

Key International Actors

The UN stabilization mission in Haiti has been heavily involved in efforts to support and train the local police force to carry out its security functions. The UN Security Council voted unanimously in August 2006 to extend MINUSTAH until February 15, 2007. In mid-July 2006, the force, which was created by a Security Council resolution in April 2004, included approximately 6,200 troops and 1,687 police. The new resolution supported an increase in personnel and called on MINUSTAH to "reorient its disarmament, demobilization and reintegration efforts" in Haiti and to focus on a community violence-reduction program.

The United States is Haiti's largest donor and in 2006 made a new pledge of almost US\$210 million, to be allocated over a one-year period to aid in Haiti's economic recovery.

Canada, Haiti's second-largest donor, continues in its efforts "to restore security and stability" in the country. One hundred Canadian civilian police officers are currently part of MINUSTAH and Canada has pledged more than \$500 million to the country which will be distributed over a five-year period.

In 2006, the European Union remained committed to the presence of UN forces in Haiti and in June the European Commission's President, José Manuel Barroso,

announced that the Commission's aid to Haiti would "rise to €233 million (US\$293 million) for the 2008-13 period, from the €168 million set aside to cover 2002-7."

In October 2006, a federal court judge in New York ordered Emmanuel "Toto" Constant, the former leader of Haiti's notorious death squad known as the FRAPH who currently resides in New York City, to pay \$19 million in damages to three women who survived rape and torture committed by paramilitary forces under his command from 1991 to 1993.

UN High Commissioner for Human Rights Louise Arbour met with government and civil society representatives during a visit to Haiti in October 2006.