

CENTER FOR THE STUDY OF HUMAN RIGHTS

UNIVERSITY OF MIAMI SCHOOL OF LAW

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HAITI

HUMAN RIGHTS INVESTIGATION: NOVEMBER 11-21, 2004

BY THOMAS M. GRIFFIN, ESQ.

In the background Haitian police (in brown), with two MINUSTAH officers, make their way into a Bel Air neighborhood on foot, following truckloads of police. A normally bustling street is deserted. (November 18, 2004)

EXECUTIVE SUMMARY

After ten months under an interim government backed by the United States, Canada, and France and buttressed by a United Nations force, Haiti's people churn inside a hurricane of violence. Gunfire crackles, once bustling streets are abandoned to cadavers, and whole neighborhoods are cut off from the outside world. Nightmarish fear now accompanies Haiti's poorest in their struggle to survive in destitution. Gangs, police, irregular soldiers, and even UN peacekeepers bring fear. There has been no investment in dialogue to end the violence.

Haiti's security and justice institutions fuel the cycle of violence. Summary executions are a police tactic, and even well-meaning officers treat poor neighborhoods seeking a democratic voice as enemy territory where they must kill or be killed. Haiti's brutal and disbanded army has returned to join the fray. Suspected dissidents fill the prisons, their Constitutional rights ignored. As voices for non-violent change are silenced by arrest, assassination, or fear, violent defense becomes a credible option. Mounting evidence suggests that members of Haiti's elite, including political powerbroker Andy Apaid, pay gangs to kill Lavalas supporters and finance the illegal army.

UN police and soldiers, unable to speak the language of most Haitians, are overwhelmed by the firestorm. Unable to communicate with the police, they resort to heavy-handed incursions into the poorest neighborhoods that force intermittent peace at the expense of innocent residents.

The injured prefer to die at home untreated rather than risk arrest at the hospital. Those who do reach the hospital soak in puddles of their own blood, ignored by doctors. Not even death ends the tragedy: bodies pile in the morgue, quickly devoured out of recognition by maggots.

There is little hope for an election to end the crisis, as the Electoral Council's mandate is crippled by corruption and in-fighting.

U.S. officials blame the crisis on armed gangs in the poor neighborhoods, not the official abuses and atrocities, nor the unconstitutional ouster of the elected president. Their support for the interim government is not surprising, as top officials, including the Minister of Justice, worked for U.S. government projects that undermined their elected predecessors. Coupled with the U.S. government's development assistance embargo from 2000-2004, the projects suggest a disturbing pattern.

The Center for the Study of Human Rights conducted an investigation in Haiti from November 11 to 21, 2004, meeting with businessmen, grassroots leaders, gang members, victims of human rights violations, lawyers, human rights groups and police and officials from the UN and the Haitian and U.S. governments, and observing in poor neighborhoods, police stations, prisons, hospitals and the state morgue. The Center's investigators concluded that many Haitians, especially those living in poor neighborhoods, now struggle against inhuman horror. The Center presents this report with the hope that officials, policymakers and citizens will not only understand this horror better, but will take immediate action to stop it.

WARNING: THIS DOCUMENT CONTAINS GRAPHIC PHOTOS.

HAITI HUMAN RIGHTS INVESTIGATION

NOVEMBER 11-21, 2004

Table of Contents

EXECUTIVE SUMMARY	i	F. Human Rights Advocacy in Haiti.....	28
I. INTRODUCTION	1	G. The United Nations Stabilization Mission“MINUSTAH”	30
A. Scope of the Investigation.....	1	H. Activities and Interviews of the Haitian National Police	31
II. SUMMARY OF FINDINGS	2	1. Haitian National Police Operations	31
A. The Poorest Neighborhoods	2	2. Haitian National Police Officer Interviews.....	36
1. Cité Soleil	2	I. General Hospital in Port-au-Prince Observations.....	38
2. Bel Air, La Saline, Lower Delmas, Martissant and Fort National	8	J. State Morgue in Port-au-Prince Investigation	39
3. Political Posture of the Poorest. Neighborhoods.....	9	III. CONCLUSION	45
B. The Richest Neighborhood.....	13	January 14, 2005.....	46
C. The Unlawful Return of the Haitian Army.....	13	APPENDIX	47
D. Haitian Political Prisoners	18	Notes	48
E. Politics, Democracy, and the Poor ...	20		
1. The Role of the United States in the Current Crisis: Interviews with Employees of US AID programs and the U.S. Embassy	20		
2. Interviews With Haitian Government Officials.....	24		
3. Industrialist/Powerbroker Andy Apaid Interview.....	27		

I. INTRODUCTION

In response to reports of a growing human rights crisis in Haiti since the ouster of elected president Jean-Bertrand Aristide on February 29, 2004, an independent human rights team lead by attorney Thomas M. Griffin conducted observations and interviews in Port-au-Prince Haiti from November 11 to 21, 2004. The investigation sought to assess, inter alia:

- reports of escalating violence in the poorest neighborhoods since September 30, 2004, including government-sponsored violence and extra-judicial killings;
- reports that the disbanded Haitian Army had returned and was openly patrolling and killing in the poor neighborhoods;
- reports of arbitrary arrests and detention of government critics and supporters of the ousted constitutional government and President Aristide's Lavalas political party;
- the conduct of the United Nations forces;
- reports of a dangerous lack of food and medicine, and chronically difficult access to schooling in the poorest Port-au-Prince neighborhoods where the majority of the capital's population lives.

A. Scope of the Investigation¹

The investigation included interviews, observations, and photography.² Interviewees included national government leaders, employees of U.S. government-funded programs, journalists, human rights workers, grass-roots leaders, slum leaders, political prisoners, police, former soldiers, a defense lawyer, business leaders, municipal officials, and UN peacekeepers. Investigators visited prisons, slum neighborhoods, the main base of the irregular army, the General Hospital, and the state morgue.

Some of those interviewed asked that their names not be published. Full transcripts of the interviews and all photographs, including those not selected for publication here, may be made available upon request. The Appendix contains a complete list of people interviewed and places visited.

¹ The investigation was led by Thomas Griffin, a principal in the law firm of Morley Surin & Griffin, P.C., in Philadelphia. Prior to becoming an attorney, Griffin was a federal law enforcement officer for 10 years, conducting investigations in inner-city Brooklyn and Boston. He received the U.S. Department of Justice Public Service Award for his investigation of a multi-million dollar drug and murder ring in Brooklyn, and received the Outstanding Service Award from the U.S. District Court in Boston. Before opening his Philadelphia practice, Griffin practiced white-collar criminal defense at Boston's Choate, Hall & Stewart. Griffin has volunteered in Haiti for humanitarian and human rights projects for many years and speaks Haitian Creole. In addition to his Haiti work, in 2002 Griffin was the legal representative for a delegation investigating the unsolved murder of human rights lawyer Digna Ochoa in Mexico City.

For this investigation, Griffin is indebted to attorney Judy DaCruz, based in Haiti, for sharing her contacts in Haiti's most forgotten places, and for her courage.

² The author acknowledges that some of the photographs are graphic and disturbing. All photographs were taken by the investigative team, unless otherwise noted.



A car frame bridge over a stagnant stream of filth in Cité Soleil. A little boy in an orange shirt is in the background, right. (11/04)

II. SUMMARY OF FINDINGS

A. The Poorest Neighborhoods

1. CITÉ SOLEIL

Cité Soleil, home to over 250,000 people, is cut off from the outside world by roadblocks and shooting galleries. Fleeing residents risk violent death or arrest. Since the demonstration in downtown Port-au-Prince on September 30, 2004, where police shot at unarmed participants, even the police do not enter the area to perform the anti-gang operations that they routinely conduct in other poor neighborhoods. The police station is gutted.³

³ As this report was undergoing final edits in early January, UN forces made several incursions into Cité Soleil, and have reported restoring some law and order to the area.

⁴ St. Catherine's reportedly re-opened on January 4, 2005 after three months of closure.

All the schools are shut down. The one hospital in Cité Soleil, St. Catherine's, has been shuttered since September 30, 2004.⁴ Teachers and medical professionals either will not or cannot enter Cité Soleil.

Since September 30, 2004, gang violence overwhelms the notorious hunger, disease, abandonment and despair of Cité Soleil. A well-armed, well-funded group in the Boston neighborhood of the Cité continually attacks the people in all its other neighborhoods. Witnesses repeatedly explained this siege as an effort to hold hostage and stifle the political voice of the poor, and to wipe out the Lavalas movement.



Cité Soleil residents, police officers and Cité Soleil leaders who refused Andy Apaid's overtures to switch loyalties, stated that Apaid "bought" Labanyè with \$30,000 U.S. dollars. They claim that the agreement turned Labanyè away from his support for Lavalas, and that Apaid's mission for Labanyè is to destroy the Lavalas movement in Cité Soleil through violence.⁵

Efforts to access Labanyè failed. Multiple sources stated, however, that Labanyè has a large United States flag draped in front of his headquarters under which he forces victims to kneel and beg for their lives before killing them.

Eyewitnesses, including two men on the poster, "Amaral" and Emmanuel Wilmer alias "Dred Wilme," stated that in July 2003, Andy Apaid invited several Lavalas street leaders in Cité Soleil (Amaral, Dred Wilme, Tupac, Billy, and Labanyè) to a meeting. Also in attendance were Leon Charles (Chief of Police since the change in government), and a representative of the Italian Consulate. Apaid asked the young men to become the violent arm of his movement to undermine the elected government, and to crush the democracy movement in Cité Soleil. Only Labanyè agreed.

Tupac has since been killed and Billy is in jail, see "wanted poster" row two. Amaral and Dred Wilme (see poster, row one) are unable to leave Cité Soleil. Their mantra is a vow to bring Aristide back to the poor, or die trying. The violent methodology of these Cité Soleil "celebrities" however, adds to the stifling fear of the voiceless poor.

According to witnesses, the amplitude of the violence skyrocketed on September 30, 2004, when a large group of Cité Soleil residents began to walk out of Cité Soleil to join the pro-democracy march near the National Palace. Labanyè and his gang began shooting at the crowd, stopping them from leaving Cité Soleil. Many were killed, the crowd scattered, and only a few Cité Soleil residents joined the march. Since then, the regular Saturday morning political meetings for Lavalas supporters in Cité Soleil have been cancelled due to fear.

Numerous witnesses stated the Boston gang leader, Thomas Robinson, alias "**Labanyè**," receives financial, firearms, and political support from wealthy businessman and politico, Andy Apaid and businessman Reginald Boulos. Cité Soleil witnesses and police officers reported that Apaid's support of Labanyè keeps the police from arresting him.

Apaid, the leader of the Group of 184, a business-backed organization established to oppose President Aristide, told investigators that he has directed the Haitian Police not to arrest Labanyè but to "work with him." See Apaid interview, infra; police interviews, infra.

Official government protection of Labanyè appears evident in the one "wanted poster" that appears in every Port-au-Prince police station. It contains the names and photos of 30 suspected gang leaders, but not Labanyè, perhaps the best known of all local gangsters. Police confirmed that all those pictured are believed to be Lavalas supporters. Numerous police officers also confirmed that Labanyè is killing for Apaid (see police interviews, infra), and that they remain under orders not to arrest him.

⁵ Apaid admits to having influence over Labanyè, and to asking the police to protect him. Apaid denies that he is involved in violence. See, Apaid interview section, infra.



AVIS DE RECHERCHE



Zap Zap



P. Enock François



Bismahuel Willem
Dread Willem



Amaral



Ti Nous



Samba Papito



Tupac



Dirty



Black Samuël



Paty Cool



Sabin Peterson



Charles Michélat



Durand Désulme



Elmeus Jn Rigaud



Lazarre Georges



Réne Jean Anthony
Grenn Sonnen



Sanon Renald



Rincher Gary



Annoual



Edouard Carlin



Josemond Ansy



1



2



3



4



5



6



7



8



9

Appelez la PNH aux numéros suivants : **244-7001 / 6002 / 8604**

E-mail : info@policehaiti.com | 7 Jours sur 7 | 24 / 24 heures

www.policehaiti.com

The "wanted poster" -- all suspected Lavalas street leaders, no Labanyè. (11/19/04)

In response, a gang has congealed to protect Cité Soleil from Labanyè and his Boston gang. This “security force,” openly demanding the return of the elected government and rejecting the current government, is lead by Dred Wilmer, a young man who, as a boy, resided at *Lafanmi Selavi*, a shelter for street children founded by President Aristide before he entered politics.

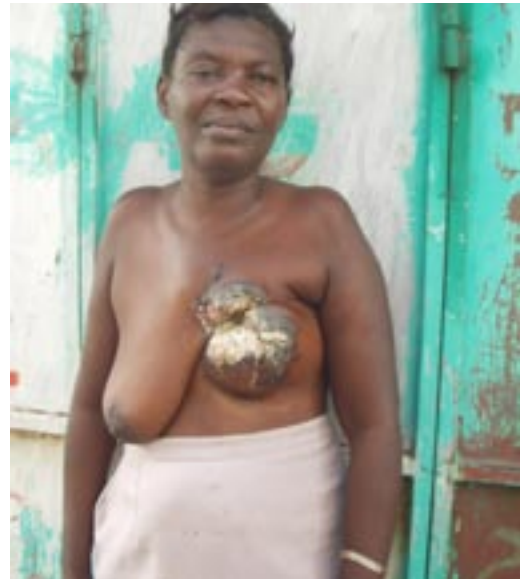
Dred Wilme, interviewed while surrounded by dozens of Cité Soleil residents in an otherwise deserted marketplace, stated that he is willing to die to defend Cité Soleil against Labanyè and for Aristide’s return. This was echoed by Amaral. The senior Lavalas political leader in the area, John Joseph Jorel, an older man

not known for violence, also stated that the people of Cité Soleil only want to be free to exercise their right to gather, march, and demonstrate for the return of the constitutional government.

Numerous witnesses stated that both Labanyè’s gang and the pro-Lavalas gangs are indiscriminately violent, harming even those within their own constituencies. The investigators heard that dozens of people were dying from bullet wounds in Cité Soleil. The investigators met with and photographed people with severe, infected bullet wounds, dizzy, feverish, and apparently near death, who have no access to medical care. See photos, below.



Gunshot wounds said to come from Labanyè. (11/04)



Marianne Fifi, shot in the chest selling goods, severely infected.



Robinson Demitri, bullet wound to the head, left, and his face, swollen with infection, right. (11/04)

**The U.N. (MINUSTAH)
at work in Cité Soleil.
(11/04)**



Since September 30, 2004, the police do not enter Cité Soleil, apparently for fear of their own lives. The United Nations peacekeeping forces, however, routinely enter in their tank-like vehicles called “APCs” (armored personnel carriers) with large fixed machine guns and soldiers pointing automatic rifles in all directions. Once or twice a day, groups of three or four APCs rumble down Cité Soleil’s main streets and depart. Dred Wilme stated that notwithstanding the limited nature of these entries, they do prevent Labanyè from completely wiping them out.

In response to Labanyè’s Boston group cutting off exits from Cité Soleil, the gangs in other neighborhoods have established a type of martial law and have taken control of their own borders. Armed guards stand at entryways.⁶ As a result, there is no commercial traffic into Cité Soleil. The marketplaces sit empty. The outside world and its food can only be

**MINUSTAH forces
heading into Cité
Soleil. (11/04)**



safely reached in makeshift boats. The little food that does reach Cité Soleil comes at a premium. Few young men leave, as police wait on the other side of the bay to make arrests at the waterfront near the Venezuelan embassy.

**The only way out of Cité Soleil,
sailboat. There, children chanted To
investigators, “Aristide, n’ap tann
ou” (Aristide, we’re waiting for you”)**



⁶ Gangs have ripped up the roads at many entry points, and installed barriers. Investigators were stopped at a checkpoint, and guns were pointed directly at them. After questioning, they were allowed to pass through.



Dogs eat the body of a man recently killed in Cité Soleil.
(photo by Cité Soleil resident, 10/04).

The complete lack of impartial governmental support and security has added stifling fear and murder to one of the most distressed and hungry gatherings of humanity in the world. The anarchy appears to have made leaders and heroes out of the young men who perpetrate violence best. Paranoia and suspicion are rapidly unraveling the social fabric that had been keeping these poorest of the poor afloat for decades in Cité Soleil, just above the surface of a sea of despair, malnourishment and disease.



***On the road
out of
Cité Soleil, victims
appear almost
every morning,
devoured
by pigs
and dogs.***

Photo left (11/04)

2. BEL AIR, LA SALINE, LOWER DELMAS, MARTISSANT AND FORT NATIONAL



Peacekeepers rushing into Bel Air. (11/18/04)

These extremely poor sections of Port-au-Prince, where several hundred thousand people live, differ from Cité Soleil in two significant ways: (i) they are not cut off from other neighborhoods, and (ii) the police routinely enter to conduct operations which are often murderous attacks, often with fire-power support from the UN Civil Police and Peacekeeping forces. Entry to these areas is restricted, however, by residents suspicious of outsiders, who are suspected of spying for the police or the “blan” (“foreigners”) -- the name used to describe the UN forces (officially called the United Nations Stabilization Mission in Haiti “MINUSTAH”). Likewise, hardly any young men (from pre-adolescent youngsters to men in their thirties) leave the neighborhood for fear of being arrested as a *chimère*, the derogatory label given to them by the pro-government media.

*...hardly any young men leave the neighborhood for fear of being arrested as a **chimère**, the derogatory label given to them by the pro-government media.*

Bel Air in the morning of November 18, 2004. UN forces on the move.



MINUSTAH on a midday peace operation with HNP in Bel Air. (11/18/04)



On an almost daily basis, the Haitian National Police (“HNP”), in various units and dressed in a wide variety of uniforms, often masked, select and attack a neighborhood in operations reported as efforts to arrest armed gang members, with UN soldiers backing them up.



A member of the Haitian National Police (HNP) moves on Bel Air. (11/18/04)

Observations and interviews in Bel Air revealed that there are dead bodies in the street almost daily, including innocent bystanders, women and children. See Police Operations section, *infra*. The violent repression by police and former soldiers (see Return of the Haitian Army section, *infra*) with the UN forces visibly acting as support for, rather than a check on the official violence, has generated desperate fear in a community that is quickly losing its young men to violent death or arbitrary arrest. In a circle of violence, police attacks frustrate non-violent demonstrations and stifle articulate peaceful leaders. In turn, the courageous exercise of constitutional rights becomes subordinated to the fearlessness of gunmen in gangs. Anyone suspected of colluding with the police risks a violent interrogation and death.

3. POLITICAL POSTURE OF THE POOREST. NEIGHBORHOODS

On November 16, 2004, the investigators were escorted through a labyrinth of shacks and dark, narrow alleyways, passing through a flurry of children playing, women doing chores, and armed young men, to meet with a political leader in Bel Air who uses the name Samba Boukman. He carried several folders of handwritten notes, detailing the dates and times of police attacks, and the names, dates of birth, and family members of those who have been killed during the HNP operations from September to the present.

Boukman’s list showed approximately one hundred dead and many others disappeared. He also had a record of the license plates of police vehicles used for the operations. During the interview, a young man displayed an unexploded hand grenade that the former soldiers, now reuniting, had thrown at a house in a recent operation.

Like the leaders in Cité Soleil, Samba Boukman stated that all that the people want is to freely gather and peacefully exercise their right to demonstrate for the return of President Aristide and constitutional government. He stated that the police shattered this possibility when they shot at unarmed demonstrators in downtown Port-au-Prince on September 30, 2004. He stated that police, and often former soldiers, have continued to reinforce the message of repression by committing open-air massacres at mid-day.

The Carrefour Pean massacre. The gaping hole in the head of the boy at the far right (in the white shirt) suggests the use of a large-caliber gun, at very close range. (Haiti Information Project photo)



Specifically, Boukman referred to the documented massacre of 12 young men on October 25, 2004, in the Fort National neighborhood in broad daylight by uniformed police officers that arrived in HNP vehicles.⁷ Boukman stated that the incident was followed by another documented massacre of five young men on October 27, 2004, in the Carrefour Péan section of Delmas 2. At approximately noon on that day, according to multiple witnesses, police vehicles blocked a two-block long section of Rue St. Martin, forcing traffic and pedestrians to stop. They then brought five boys out of the vehicles and forced them to lie face down in

the street. The police shot one at a time in the back of the head. One got up and ran before he was shot, was hit in the back, and died the following day at the General Hospital. The police shouted out that the bodies should be left there. Contrary to Haitian law, no Justice of the Peace came to investigate the scene. The bodies remained on the street for two days. Investigators obtained photographs of the four bodies at the scene, one with a massive hole in his head.⁸

Boukman stated that there was an attempted peaceful demonstration in Bel Air on November 10,

At approximately noon on that day, according to multiple witnesses, police vehicles blocked a two-block long section of Rue St. Martin, forcing traffic and pedestrians to stop.

⁷ See, e.g., “Haiti: Amnesty International calls on the transitional government to set up an independent commission of enquiry into summary executions attributed to members of the Haitian National Police,” November 11, 2005, available at www.amnesty.org, and www.IJDH.org.

⁸ See *Id.* (corroborating Boukman’s statements).

UN forces bring ambulances along on "peacekeeping" operations. (11/18/04)



HNP and later found dead at the morgue.

Boukman stated that these HNP/former soldiers/UN operations had come at a rate of two to four per month after the ouster of the elected government. Since September 30, 2004, however, they have occurred on a daily basis. See sections on observations of HNP operations in Bel Air, and MINUSTAH operations, *infra*.

As detailed more fully in the "Haiti National Police Operations" section, *infra*, those residents who are shot during an operation but not taken away dead or under arrest, remain in their homes to treat their

2004, at the neighborhood center square in front of the Church of Our Lady of Perpetual Help. However, this was broken up when HNP shot into the crowd and approximately 200 demonstrators were rounded up, forced to lie in the street, and taken away with help from former soldiers. Boukman stated that the police do not have handcuffs so they enforce compliance by beating the prone people with their gun butts and force them into large trucks for transport to jail.

wounds or die. The wounded stated that they avoid the hospital because HNP arrest anyone in the hospital with bullet wounds. See General Hospital Observations section, *infra*. Furthermore, as observed by the investigators, the Haitian Red Cross ambulance service refuses to go into the poor neighborhoods to provide emergency treatment or transportation.

Boukman stated that the police usually pick up the dead bodies and take them away at the end stage of an "operation." Sometimes family members find them at the morgue. Some are found in the dumping ground at Piste D'Aviation (an old military airport) and some are never found.⁹

MINUSTAH forces, together with HNP, have established a base on the square in front of the Church of Our Lady of Perpetual Help, usurping the popular

Victims wearing T-shirts with a photo of President Aristide's face have been found with a bullet hole through the photo. Boukman reported that some victims of police shootings who dare go to the hospital have been taken away by



Haitian "paddy wagon" parked at the Anti-Gang Unit. (11/04)

⁹ See *id.*; see also reports of the National Lawyers Guild at www.ijdh.org, and the Haiti Accompaniment Project at www.haitiaction.net.



UN Civilian Police (CIVPOL) prepare for "guerrilla war" in Bel Air. (11/18/04)

repression of free speech, with voices or with arms, will be wiped out because they are so overmatched. He said that the silencing of Bel Air and other poor neighborhoods is the government's objective.

Boukman represents the pro-Lavalas group Mouvmman Rezistans Baz Popile (MRBP), which includes 23 popular organizations from all over Haiti. Boukman stated that over 500 group members have been arrested since the summer. The group's objectives are: (i) the return of Aristide, and (ii) peace in Haiti. MRBP's seven-point platform can be found in the Appendix.

meeting spot for residents.

Because of these attacks, the people have lost hope of being able to demonstrate peacefully. Some have responded by gathering arms to protect themselves and their families. Boukman stated that if the current "under siege" conditions continue, all that resist the

A copy of the interview of Samba Boukman, along with his list of those killed in HNP/former soldier/MINUSTAH operations, and license plates of HNP vehicles used on operations, is available upon request.



In the background Haitian police (in brown), with two MINUSTAH officers, make their way into a Bel Air neighborhood on foot, following truckloads of police. A normally bustling street is deserted. (11/18/04)

B. The Richest Neighborhood

The investigators observed conditions and conducted interviews in the Pétionville suburb, the richest neighborhood in the Port-au-Prince area. Pétionville is home to many of Haiti's wealthy, its business elite, foreign ex-patriots, international reporters on assignment, and temporary foreign workers (from NGOs, the Red Cross, the UN, etc.). High-end shopping, restaurants, upscale hotels, and French- or English-speaking Haitians can also be found here.

According to residents and municipal authorities, Pétionville has operated normally and without major incident since President Aristide's ouster. The major complaint is that many street vendors (virtually all women) from Port-au-Prince neighborhoods under siege are coming to sell their wares in Pétionville. Municipal authorities state that they are not arresting them and are trying to find places for them without displacing the regular vendors.

Residents and authorities stated that they have not been victimized by violence and attribute most of that to the protection afforded by members of the officially disbanded Haitian Army. Former soldiers have established a base in Pétionville and they patrol the town's perimeter each night, checking incoming vehicles. See The Return of the Haitian Army section, infra.

There is an obvious tension between the HNP, who have a large station and jail in Pétionville's center, and the soldiers. The HNP are visibly nervous, while the soldiers swagger with large firearms, marching and drilling, speeding through and out of Pétionville on operations in the day, and patrolling nightly. Despite some sense of insecurity and fear of the poor, driven



"General" Ravix, FADH commander, at his base in Pétionville. (11/18/04)

more by the media than by actual events in Pétionville, it seems that most of Pétionville is at ease. Residents not only have protection from the HNP, but a heavily armed regiment ready to serve the neighborhood that has been feeding and housing them.

C. The Unlawful Return of the Haitian Army

In Pétionville, investigators confirmed the repeated, highly consistent reports from neighborhoods under siege that former soldiers have reunited, calling themselves the "Haitian Army." The soldiers insist that the army be reinstated and included in any discussion of Haiti's future. These heavily armed soldiers assist HNP operations, and conduct their own, in the poorest and most densely populated neighborhoods of Port-au-Prince. They dress in green military fatigues or camouflage, and green helmets and carry large military guns.¹⁰

¹⁰ The official Haitian Army (*Forces Armées d'Haïti*, or "FADH") was known primarily for conducting coups and brutalizing its own citizens. It was disbanded after the return of the constitutional government in 1994. Among other things, former soldiers now demand pay for the last 10 years. In early January, the government announced it would give soldiers nearly \$30 million in back pay.

The investigators went to the Pétionville base where 300 heavily armed and uniformed irregular FADH soldiers were milling about, some sporting swords and carrying gas masks in addition to automatic rifles. They have been given a large apartment building for their use, and neighborhood residents supply their food and spending money and wash their clothes. All soldiers interviewed stated that Pétionville's residents "love us very much."

A former soldier, Remissainthe Ravix, calls himself "General Ravix." The self-titled nation-wide military leader has relocated from the North to this Pétionville base, attesting to its strategic importance. At the time of the investigation on November 15, 2004, FADH commanders stated that General Ravix was "out on an operation" and could not be interviewed. Investigators interviewed the second in command, Commander Jean-Baptiste Joseph, age 42.¹¹

Commander Joseph stated that a force of 5,000 of the irregular FADH soldiers is currently on "active duty" throughout Haiti. In addition to the 300 soldiers stationed in Pétionville, Joseph stated that the irregular FADH has established large bases in Ounaminthe, Cap Haïtien, Fort Liberté, Jérémie, Petit Goave, and Jacmel.

Joseph stated that FADH opened its base in Pétionville on February 29, 2004, the day of President Aristide's ouster, but that the high command did not arrive until the end of October. He stated that FADH is in Pétionville upon the "invitation of the residents of Pétionville."

Joseph stated that the Army is standing by in Pétionville until the Government gives them what they demand: official authority to provide security to the city. He stated that his soldiers do, however, go out "whenever they receive a call."



The American-trained soldier, in civilian clothes, giving orders for the emergency operation in La Saline. (11/15/04)

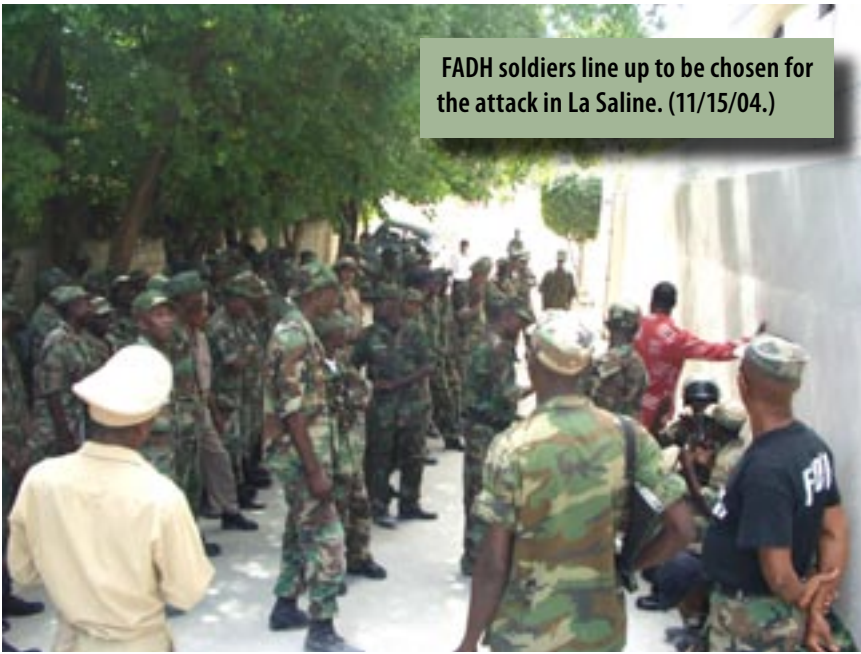
Joseph did not explain what responding to a call meant, because the interview was interrupted by a heavy-set man in civilian clothes who burst into the room and announced that help was needed in La Saline. Commander Joseph then apologized, put on his helmet, grabbed a semi-automatic rifle, and jogged out the door and down the steps of the building.

The man who had interrupted, pictured with the Hawaiian-style shirt, above, then told the investigators, in unaccented English, that "our men have been attacked" while providing back-up security to the APN, Haiti's official port police unit.



On November 18, the American-trained, English speaking soldier (left, in bulletproof vest) appears for the General Ravix press conference.

¹¹ In December, the government announced a warrant for Ravix' arrest. As of the report's issue he has not been arrested, and continues to give frequent radio interviews.



Subsequently, the man shouted commands as approximately 100 soldiers lined up. A group of about 20 were chosen to ride in an SUV and a pick-up truck to respond to the report. Some of the chosen men blessed themselves while others yelled, “we are going to kill all the ‘rat pa kaka,’” a dehumanizing term for the poor young men assumed to support Lavalas and the return of President Aristide. The soldiers sped away, large firearms in full view, driving several miles through Port-au-Prince to La Saline.

One of the trucks had no license plate. The other operation truck displayed official government plates.

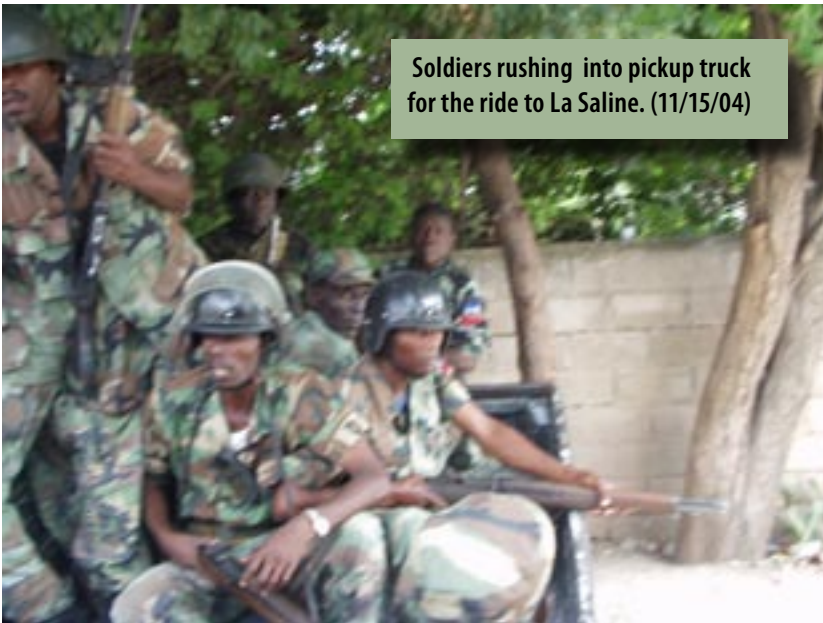


The English speaking officer refused to provide other details about the irregular FADH’s work, but stated that he learned English because he was “fully trained in warfare in the United States.” He gave his name as “Jean André.”

The investigators went to the Pétionville base where 300 heavily armed and uniformed irregular FADH soldiers were milling about, some sporting swords and carrying gas masks in addition to automatic rifles.



Heading out of a plush base in Petionville to La Saline (brown rifles visible on rear door, on roof, and pointing toward camera in passenger window). (11/15/04)



Soldiers rushing into pickup truck for the ride to La Saline. (11/15/04)



...the man shouted commands as approximately 100 soldiers lined up. A group of about 20 were chosen to ride in an SUV and a pickup truck to respond to the report. Some of the chosen men blessed themselves while others yelled, "we are going to kill all the 'rat pa kaka,'" a dehumanizing term for the poor young men assumed to support Lavalas and the return of President Aristide. The soldiers sped away, large firearms in full view, driving several miles through Port-au-Prince to La Saline.

November 15 2004



Soldiers, with field rifles, speed out of their Pétionville base to the slum in La Saline. (11/15/04)

On November 18, 2004, the national holiday of the Battle of Vertières (commemorating the slave army's victory over the French, and known to the FADH as "Army Day"), the irregular FADH planned to march from Pétionville to the National Palace. However, following reports that Prime Minister Latortue and MINUSTAH would not let the parade proceed with weapons, General Ravix cancelled the march.

Investigators observed an approximately 200-man force of MINUSTAH soldiers stationed one-quarter mile from the FADH base on the road out of Pétionville to downtown Port-au-Prince. MINUSTAH soldiers indicated that they were there to stop any armed parade by FADH.

In lieu of the parade, General Ravix held a press conference. Displaying his sword on his desk, he gave a speech in Haitian Creole. He said that the Haitian Army is the key to ending insecurity. General Ravix stated that the Latortue government is a puppet, afraid to recognize FADH's authority because of international pressure, and afraid to use more force against those who challenge its authority.

Invoking the spirit of the slave

revolution, General Ravix stated that the Army could restore the pride in young people, prevent insecurity, and plant trees. He also pledged that he would step down and have his soldiers retire upon recruitment of Haiti's youth. Reportedly, there have been no new recruits and FADH consists only of soldiers who were members of the army when President Aristide disbanded it in 1995.

General Ravix ended by making veiled threats against the Latortue government and democracy supporters, warning that Latortue is too weak in his approach to wiping out sources of insecurity, and hinting that the army is prepared to

make the changes in the government if the government will not change. A recording of General Ravix' press conference is available upon request.

General Ravix stated that the Latortue government is a puppet



General Ravix, positioned his sword on his the desk in his room before his speech. (11/18/04)



Partial view of the 9-foot square cell at the Anti-Gang HNP station. Some had been there for more than 30 days. Many appeared to have been beaten. None had been charged. (11/04)

D. Haitian Political Prisoners

In response to reports of hundreds of political prisoners¹² -- arrested for suspected support of the elected, constitutional government, or for criticism of the interim government -- the investigators visited prisoners in two jails, and spoke with a respected defense lawyer.

The investigators made repeated visits to the single, 9-feet by 9-feet jail cell at the HNP Anti-Gang Unit headquarters across from the National Palace. On the first visit, there were 42 prisoners in the cell, some already there for as long as 30 days. None had been brought before a magistrate, as required within 48 hours of arrest under the Haitian Constitution. All stated they were arrested for supporting Lavalas. All appeared to be extremely impoverished and many had no shoes or shirts.

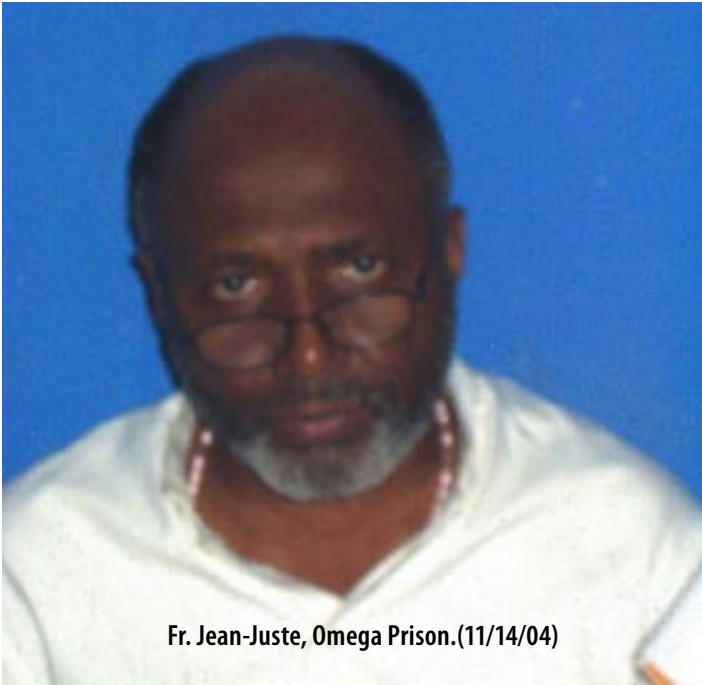
Several of the prisoners appeared to have been beaten and were severely injured, and none had been

seen by any medical professionals. After investigators' complaints and calls to the Red Cross, some prisoners were moved to the National Penitentiary. About 30 remained in the cell at the end of the investigation period.

Prisoners at the Anti-Gang unit, like those in other small detention facilities, receive their only food from family members who are allowed to visit at the cell door each morning. For bathing and toilet use, police take prisoners out of the cell in groups of four, once a day in the morning.

Jean-Marie Samedi, a popular non-violent Lavalas leader, was observed in the cell throughout the investigation period. He had injuries to his head, one eye, one ear, and his back due to police beatings. He had been

¹² The Catholic Church's Justice and Peace Commission, for example, estimates that there are over 700 political prisoners throughout Haiti.



Fr. Jean-Juste, Omega Prison.(11/14/04)

stopped by police, beaten, and arrested on November 11, 2004, in Bel Air, while riding on a scooter. Samedi was one of a group that had signed the request for the permit to march on September 30, 2004.¹³

On Sunday, November 14, the investigators met with Father Gérard Jean-Juste, the most well-known political prisoner at the time, at the Omega Prison, in Carrefour, two days after he had made his first appearance before a magistrate. He was in good spirits and hopeful about the judge's decision. He praised the judge for his fairness. Fr. Jean-Juste stated that he was subjected to questions including (1) where he obtains the money for his soup kitchen for poor children, (2) whether he has been speaking to Aristide, (3) whether he believes that Aristide should be returned to office, (4) whether he supports the current Latortue government, (4) whether he supports groups that call for Aristide's return, and (5) whether he supports violence.¹⁴ A full transcript of Father Jean-Juste's statement is available upon request.

Defense attorney Mario Joseph currently represents approximately 60 of the most high-profile political prisoners. Joseph contends that his clients were arbitrarily arrested and held on false charges due to their support for Lavalas or for the return of the con-

stitutional government. Among the political prisoners are elected officials (e.g., Yvon Neptune, former Prime Minister; Jocelerme Privert, former Interior Minister; Gerald Gilles and Yvon Feuillé former Senators; and parliamentary deputy Rudy Hérivaux. Included among those apparently held for their political beliefs are celebrated folk singer and activist Anne "So Ann" Auguste, Father Jean-Juste, and Lavalas activist Jean-Marie Samedi. At the time of the interview, November 21, 2004, only four of the sixty had been brought before a magistrate as required under Haitian law.¹⁵ The right to petition for writ of habeas corpus attached to each prisoner under the Haitian Constitution. However, according to Attorney Joseph, none of his clients had their petitions granted and many judges had simply prohibited the exercise of the right to petition.

**Defense attorney
Mario Joseph currently
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political prisoners:**

Yvon Neptune
former Prime Minister

Jocelerme Privert
former Interior Minister

Gerald Gilles
Yvon Feuillé
former Senators

Rudy Hérivaux
Parliamentary Deputy

Anne "Sò Ann" Auguste
folk singer and activist

Father Jean-Juste
Catholic priest

Jean-Marie Samedi
Lavalas activist

¹³ After the investigation, on November 22, 2004, the court granted Samedi a "liberation order." At this writing, however, the order has not been executed.

¹⁴ Father Jean-Juste was released for lack of evidence on November 29, 2004.

¹⁵ Gilles was released several days after his arrest in early October. Feuillé and Hérivaux were released on December 23, after three months in detention. The cases against them remain pending.

E. Politics, Democracy, and the Poor

Haiti's human rights crisis is linked to its political crisis, which led to the departure of the elected government in February 2004, and the installation of an interim government that has announced elections for late 2005. Although a complete analysis of Haiti's complex political crisis is beyond the scope of this report, investigators were able to conduct interviews with current and former officials of the Haitian and U.S. governments and with a business leader that shed light on the connection between politics and human rights in Haiti.

1. THE ROLE OF THE UNITED STATES IN THE CURRENT CRISIS

The U.S. has been a strong supporter of the interim government, providing substantial political and financial assistance. In order to obtain more insight into the U.S. role, investigators spoke with officials at the U.S. Embassy in Port-au-Prince, and with employees of the International Foundation for Electoral Systems (IFES), which implemented a series of civil society projects as a subcontractor of the U.S. Agency for International Development (USAID).

IFES is a U.S.-based tax-exempt organization that claims to provide "targeted technical assistance to strengthen transitional democracies." It has worked in Haiti since 1990. IFES' most recent Haiti projects are "Civil Society Strengthening Project for Judicial Independence and Justice" and "Victims of Organized Violence Program."¹⁶ Investigators separately interviewed two Haitian administrators of IFES' projects in Port-au-Prince, and an American who formerly directed the Victims Program.¹⁷

The administrators reported that USAID awarded IFES a series of contracts for millions of dollars, often as the sole bidder, and gave IFES substantial logistical assistance in Haiti. The administrators stated that they, and IFES, considered the programs to be an avenue to exposing, and then ending corruption in the Haitian government. They felt that President Aristide was corrupt, and that their job was to nurture civil society institutions that could provide a counterweight to the elected authorities.

The principle focus of IFES' programs was the Haitian justice system. The justice program began in about 2001 with an initial budget of \$3.5 million. Its purpose was, in the words of the administrators, "to advocate for the independence of judges from the executive branch via the formation of a range of coalitions from various societal institutions." The IFES programs involved many people now prominent in Haitian politics. For example, Minister of Justice Bernard Gousse and his cabinet member Philippe Vixamar were IFES consultants for several years. Among other things, Gousse was a "sensitization" speaker, wrote key reports, spoke at conferences,¹⁸ and played a leading role in the IFES exchange program for lawyers and judges at Tulane University in Louisiana in April 2003,¹⁹ and at seminars in Minnesota and Santo Domingo, Dominican Republic. See Interview of Justice Cabinet Minister Vixamar, *infra*. Prime Minister Gerard Latortue and Interim President Boniface Alexandre both participated in IFES justice programs. Latortue, a former UN official and a resident of Boca Raton Florida before becoming Prime Minister, was part of the association that IFES formed to include the Haitian diaspora in the United States. According to the administrators, he led the Haitian Resources Development Foundation (HRDF), a Miami-based group that claims to "initiate and/or support projects and programs aimed at developing economic and cultural resources in Haiti."²⁰

¹⁶ See http://www.ifes.org/reg_activities/haiti-reg-act.htm. According to the IFES website, William J. Hybl is the Chairman of the Board of Directors. Hybl is also on the board of Directors of the International Republican Institute (IRI), which receives funding from the National Endowment for Democracy (NED), and has been active in Haitian politics for several years. Witnesses described Hybl as "extremely close with Vice President Cheney." Almami Cyllah has been the director of IFES' Haiti programs for several years; before that he directed the Haiti programs of the National Democratic Institute for International Affairs (NDI), which is also funded by NED.

¹⁷ Interview transcripts available upon request.

¹⁸ http://www.ifes.org/reg_activities/haiti-reg-act2.htm#haiti_IFES

¹⁹ http://www.ifes.org/news/archive_04_2003.htm#Haiti_JudRef

²⁰ <http://www.hrdf.org>. The HRDF, USAID, IFES and other organizations co-sponsored a December, 2002 discussion of Haitian legal reform in Miami. http://www.ifes.org/news/archive_12_2002.htm#haiti_diaspora.

The premise of IFES' justice program was that President Aristide "controlled everything" and therefore controlled the judges in Haiti in contravention of the constitutional separation of powers. Because the judicial system was corrupt, so went the premise, Aristide must be the most corrupt. IFES' initially undertook to form a network of organizations that could concentrate opposition to the perceived corruption of the judiciary by the Aristide government. IFES formed new associations and established relationships with existing ones, making them more cohesive with a formally planned program of "sensitization" – what the administrators called "opening their eyes" to IFES' viewpoint that Aristide was corrupting the justice system. Through various programs -- that included catered meals, accommodations, entertainment, and payment of a cash "per diem" -- IFES "sensitized" attendees to the problems with the justice system under Aristide and insisted that they act as a united group for greatest effect.

The administrators reported that IFES set up the Coalition for Reform of the Law and Judiciary ("CHREDEJ" in French) as an umbrella organization. It helped judges and prosecutors establish a formal nationwide professional association, the *Association Nationale de la Magistrature Haïtienne* (ANAMAH). It pulled the fifteen regional bar associations into the nationwide *Federation des Barreaux d' Haiti* (FBH).²¹ The administrators reported that one of the speakers for the "sensitization" program for Haitian judges and lawyers was Louis Aucoin, a law professor at the Fletcher School at Tufts University in Massachusetts, who has worked on USAID justice programs in Haiti since the mid-1990's.

The administrators reported that IFES used the same formula to establish formal associations of "private sector" and "business sector" groups in order to "provide economic force" to the opposition movement.

IFES included a program to "sensitize" media and journalist groups, and to "use all the radio stations in Haiti" to publicize Aristide's corruption. Ultimately, they said, IFES stretched into "human rights" efforts, and then formed the *Fédération des Etudiants Universitaires d'Haïti* (FEUH), a "student group" based at the state university in Port-au-Prince. IFES even went so far as to bid for a mental health treatment contract to run a victims program in Haiti. According to the American who was hired by IFES to run the mental health treatment component of the program, she became disenchanted with IFES in Haiti after concluding that (i) IFES had no concept of how to run a mental health program and seemed only to want USAID contract money, and (ii) IFES was more concerned with political gains than with helping Haitians in need.²²

The administrators reported that IFES, through its creation or "sensitization" of associations²³, set the groundwork for the establishment and nurturing of the Group of 184 -- the business-centered coalition led by factory owner Andy Apaid that played a major role in Aristide's ouster. In fact, according to the Haitian administrators, when Andy Apaid's Group of 184 held a meeting in Cité Soleil in July 2003, the IFES leadership presented a program explaining that, under Aristide, "prosecutors won't prosecute."

When the Group of 184 wanted to introduce its "new Social Contract" at the *Inisyativ Sitwayen* ("Citizens' Initiative") presentation in Cap Haïtien, IFES financed it. The administrators stated that this group became "the first association to effectively resist Aristide." They stated that IFES rented the space for the meeting, paid for the logistics and sound system, funded all activities at the forum, and paid a "per diem" cash benefit to attendees.

As IFES' Haiti program was snowballing in Octo-

²¹ http://www.ifes.org/reg_activities/haiti-reg-act2.htm#haiti_IFES_FBH was headed by Jacques Sanno, member of the Group of 184.

²² According to the IFES website, the "Victims of Organized Violence Program" is designed to research ways to decrease torture in Haiti, increase the capacity of local organizations to document their work, and provide treatment to victims of torture. http://www.ifes.org/reg_activities/haiti-reg-act.htm.

²³ The administrators reported that IFES formed or "sensitized" many other groups, including the *Initiative de la Société Civile* (ISC), headed by Rony Desroches, and a member of the Group of 184; the *Centre Toussaint Louverture pour la Défense des Droits Humains et le Développement* (CTDH), headed by attorney Carlos Hercule, and a member of the Group of 184; *La Fondation Héritage pour Haïti* (LFHH), believed to be connected to the Heritage Foundation in the United States, and a member of the Group of 184 (LFHH is led by Marylin Allien, who also heads the Haiti Chapter of Transparency International, another purported pro-democracy group operating in many developing nations; and *L'Association des Industries d'Haïti* (ADIH), headed by Marie Claude Bayard, a member of the Group of 184).

ber 2003, it began a campaign to use human rights abuses as a way to highlight Aristide's purported corruption. IFES enlisted the *Comité des Avocats Pour le Respect des Libertés Individuelles* (the Lawyer's Committee for Individual Rights, or CARLI), and gave the small, volunteer-based organization \$54,000 to set up, operate, and publicize a telephone "hotline" for receiving human rights abuse complaints. IFES' plan required CARLI to issue monthly written reports detailing the alleged abuses, and to publish the names of alleged abusers to the police, the U.S. Embassy, the OAS, and other domestic and international organizations. See Haiti Human Rights Advocacy section (highlighting IFES relationship to, and effect on, CARLI's reporting) *infra*; see also National Lawyer's Guild report on Haiti of April 2004 (questioning validity of CARLI's methods while IFES controlled the complaint hotline).²⁴

The administrators stated that "we [IFES] put Aristide in a bad situation." They stated that IFES united "all forces against Aristide" because Aristide had co-opted the judicial system so that there were "no arrests and no prosecutions for offenders who supported him." They believed that violence by Aristide supporters during a demonstration at the state university on December 5, 2003, was the "mistake" that put him "over the top" and effectively signaled the end of his government. At the demonstration, university rector Pierre-Marie Michel Paquiot had his legs broken by thugs reported to be pro-Aristide demonstrators.

The administrators say that the University had been brought to the boiling point by FEUH, IFES' "sensitized" association of university students. They said that IFES had held "sensitization" meetings at the University that became anti-Aristide rallies.

When Rector Paquiot was attacked, it was IFES, along with Latortue's HRDF in Florida, that arranged to have the Rector flown out of Haiti within days, along with an IFES escort.²⁵ On March 1, 2004, less than 24 hours after Aristide's ouster, IFES held a meeting in Washington. According to a witness, Paquiot was presented, in a wheelchair, to energize IFES's call for an "increased presence" in Haiti.²⁶

The administrators claimed that President Aristide's other serious mistake was the murder of Amiot "Cubain" Métayer, a prominent leader in Gonaïves. IFES took the position that President Aristide had Métayer killed. After the killing, violence broke out in Gonaïves and, according to the administrators, Bernard Gousse wanted to be there to support the victims. He traveled to Gonaïves in a USAID-marked vehicle "for protection" and under the auspices of a "medical association" that IFES had formed or "sensitized," known as IMEDH. Asked to clarify whether Gousse went to Gonaïves in support of all victims of violence or a particular group, the administrators stated that "Gousse wanted to be with the rebels."

According to IFES administrators, the organization's Haitian staff members were directed to attend and observe all political demonstrations during the months leading up to President Aristide's ouster, on an "unofficial" basis. They were also required to write weekly "political situation reports" based on their observations and to provide these reports to the local office of USAID and IFES headquarters. The investigators obtained copies of some of the reports, which are available upon request.

The administrators were asked why Aristide, as president, could not simply stop IFES from acting or exclude IFES from Haiti. The administrators stated that IFES was bootstrapped to USAID, and that Aristide had to allow IFES to operate or else he would have had to forego humanitarian and other assistance from USAID. This would have damaged relationships with his own people who needed USAID services, and further alienated Washington, they said.

IFES "Judicial Reform Program," began shutting down in the summer of 2004, and officially ended in October 2004. IFES has since replaced it with a new program known as the "National Study for Haitian Courts." The administrators stated that the ouster of Aristide "was not the objective of the IFES program, but it was the result." They further stated that IFES/USAID workers in Haiti want to take credit for the ouster of Aristide, but cannot "out of respect for the wishes of the U.S. government."

²⁴ Available at www.nlg.org/news/delegations.htm.

²⁵ See, <http://www.hrdf.org/Forum-Juridique/humanitarian/humanitarian.htm>

²⁶ See, http://www.ifes.org/pressroom/News%20Archives%202004/archive_03_2004.htm#Haiti_Panel_Discussion.

2. INTERVIEW OF U.S. EMBASSY OFFICIALS

Officials of the U.S. Embassy granted interviews on the condition that their names not be used. They conceded that the human rights situation is “extremely grave.” They said this is because the “country is full of armed gangs and the police are not at full strength.” They acknowledged that the former soldiers are acting as an armed force, and are “particularly troublesome” outside of Port-au-Prince. However, they repeatedly emphasized that the major problem was the “armed gangs” in Cité Soleil. They blamed Aristide for arming them.

The officials stated that they had already completed their annual Department of State Report on Human Rights Conditions in Haiti for 2004, and sent it to Washington for publication in March 2005. The officials did not respond to questions about how human rights violations that occurred after that date- including the November massacres of boys at Fort National, and Carrefour Péan, the illegal arrest and detention of political prisoners-²⁷ could be included if the report was already at press. The officials stated that the conditions in Haiti were “much better” than they were under President Aristide, but they did not explain how they were better.

The Embassy officials admitted that they do not investigate human rights conditions first hand, and do not visit victims or detainees. They stated that they depend on sources including NCHR, CARLI, the Catholic Church’s Justice and Peace Commission, IMEDH (particularly Ketly Julian, a member of the Group of 184), and the U.S.-based Institute for Justice and Democracy in Haiti.

The officials were asked if they were aware of all of the victims of HNP “operations” including public massacre victims, in Port-au-Prince’s poorest neighborhoods. They responded that although the perpetrators may have dressed as police during the massacres, and used the vehicles the police use, they cannot be certain that they were police. They emphasized that Haitian

Police officers had been beheaded in a slum gang operation called “Operation Baghdad.”

In response to inquiries about “Operation Baghdad,” the officials stated that they (i) did not know any names of the beheaded police officers, (ii) were unsure whether it was “gangs” or Prime Minister Latortue who coined the term “Operation Baghdad,” and (iii) did not know that Haiti’s most widely read daily paper, the pro-government *Le Nouvelliste* had a regular section called “Operation Baghdad” dedicated to stories about slum violence. The officials also said that they were unaware of reports from sources, including CARLI (see Human Rights Advocacy section, *infra*), that the beheadings are believed to have involved only two HNP victims, and that the perpetrators were reported to be former soldiers, not Lavalas supporters.

Embassy officials stated that the situation would improve if the United Nations forces were augmented. They stated that the UN forces are not doing a good enough job because they are not using their authority to apply deadly force. The officials stated that the UN forces have been authorized under Chapter VII of the UN Charter as a “Peacemaking force” with full authorization for deadly force. The officials stated that the problem is that the MINUSTAH is only exercising Chapter VI powers as a “Peacekeeping Force” and Chapter VI does not authorize the use of deadly force.²⁸

The investigators invited the officials to comment on:

- (i) observations of the UN forces going on massive high speed mid-day strikes into bustling poor urban neighborhoods, with and independently of the HNP, while children play and women gather water;
- (ii) the seeming lack of any investment by the UN to promote peace through an invitation to dialogue between government entities and representatives of the poor neighborhoods, rather than via firepower; and

²⁷ Also the December 1 massacre at the National Penitentiary. The government admits that ten prisoners were killed, witness claim several times as many fatalities. See report at www.ijdh.org.

²⁸ UN Security Council Resolution 1542, adopted April 30, 2004, which authorizes MINUSTAH, bases the military and police components on Chapter VII of the UN Charter, and does not refer to Chapter VI. Chapter VI, “Pacific Settlement of Disputes,” does not refer to peacekeeping or peacemaking forces. See, <http://www.un.org>.

(iii) the fact that investigators had found no MINUSTAH officer able to speak Haitian Creole, the language of the poor urban residents.

The officials stated that they were unaware of the neighborhood attacks by police, but emphasized that “violent gangs must be stopped.” The officials stated that many of the UN forces speak French (the language of Haitians who are able to attend school). They added that “we can’t disagree that it would be a good idea for the UN to set up a table for dialogue,” to bring factions together, and give to the poor a safe place where they could be heard. The Embassy officials admitted that neither the U.S. nor the UN is doing anything to promote such dialogue.

2. INTERVIEWS WITH HAITIAN GOVERNMENT OFFICIALS

CABINET MEMBER, PHILIPPE VIXAMAR, MINISTRY OF JUSTICE

The investigators sought to interview the Haitian Minister of Justice, Bernard Gousse, about the current human rights conditions in Haiti. Minister Gousse was out of the country at the time of the investigation, so Philippe Vixamar, a member of the Minister’s cabinet who was standing in for Gousse while he was away, agreed to an interview. Vixamar revealed that the United States and Canadian governments play key roles in the justice system in Haiti, including paying high-level government officials. He denied that there are human rights and constitutional abuses within the criminal justice system. This is a summary of the interview.

(i) U.S. and Canada Connections to the Justice Ministry

Vixamar earned his bachelor’s degree from Boston University and a graduate degree from the University of Iowa. He stated that he is a political appointee of the Latortue administration, but the Canadian International Development Agency (“CIDA”) assigned him to this position and is his direct employer. Now in his fourth consecutive year of employment for CIDA, Vixamar had previously worked for USAID for 10 years

and was with the U.S. Department of Justice for three years.

Vixamar confirmed that Justice Minister Gousse had been employed by IFES from 2002 until the ouster of Aristide and his appointment in March. See separate interview of IFES workers explaining IFES’ role in the ouster of Aristide, *supra*. According to Vixamar, before IFES, Gousse worked for USAID, having taken over Vixamar’s position at USAID when he left it in the 1990’s. Vixamar believes that USAID shut down its justice programs in July 2000, when IFES replaced it with a program to use “justice” as a platform to work with “civil society.”

Vixamar explained that the Ministry of Justice is currently being advised by the U.S.-based National Democratic Institute (“NDI”) whose objective is “to work with local groups throughout Haiti and create liaisons with the Political Section at the U.S. Embassy.” See footnote 10, *supra* (concerning the NDI relationship to IFES).

(ii) Opinions on “Insecurity” in the Capital

Vixamar stated that he perceives no insecurity in Haiti despite the violence investigators had observed in the days prior to the interview. He noted that he travels without bodyguards and calmly drops off his daughter at school every day before driving himself to work in downtown Port-au-Prince.

Vixamar denied that the media is manufacturing the climate of insecurity, and remarked that it is “doing a good job.” He stated that he gets his news exclusively from radio station VISION 2000, which is widely known as anti-Aristide and is part of the Group of 184. Vixamar did not deny that VISION 2000 is a pro-government station, and stated that “I have no time to listen to other stations.”

(iii) Arrests, Detention, and Due Process

As to the current rash of warrantless arrests and reports that hundreds of prisoners have not appeared before a judge, Vixamar stated that “prosecutors and magistrates are frequently too afraid to come to work.” He also stated that “all prisoners in Haiti are seeing magistrates.”

Vixamar denied that there are any political

prisoners in Haiti. He stated the Ministry of Justice is fully confident in its exclusive reliance on human rights group NCHR (the National Coalition for Haitian Rights) to alert it when the Police or the Courts commit human rights abuses.²⁹

Investigators asked about the three Lavalas party parliamentarians who had been recently arrested without warrants while speaking at a radio station, two of whom were then in jail. Vixamar replied, “it was unfortunate that they were arrested while speaking,” but claimed that because the parliamentarians were en flagrante delicto at the time of their arrests, the constitution did not require warrants. Asked what crime they were committing while speaking at the radio station, Vixamar stated, “weapons were found in their car.”³⁰

Asked why the police do not effect similar arrests of the former soldiers, openly carrying large firearms at their Pétionville base and while driving through the city to “operations,” Vixamar responded. “It is MINUSTAH’s problem that these gun owners are not arrested.”

Investigators asked about Father Gérard Jean-Juste who, at the time of the interview, remained in jail after a warrantless arrest and had just been named a “prisoner of conscience” by Amnesty International. Vixamar’s only comment was “he was providing asylum to ‘chimères.’” In response to evidence that prisoners are being beaten, Vixamar replied, “of 21 prisons in Haiti, only 10 are functioning.”

(iv) Integration of Former Soldiers into the HNP

Vixamar confirmed that 200 soldiers from the disbanded army had been officially integrated into the Haitian National Police since Aristide’s ouster, taking posts throughout the country. See Haitian Police section, *infra* (noting that former soldiers have taken the highest HNP command positions throughout Haiti). “Many more,” he said, “are currently training at the Haitian Police Academy.”

Vixamar stated that he is confident that the former

soldiers integrated into the HNP are not among those known to have committed human rights and criminal violations while in the Haitian Army, explaining that “all former militaries are fully vetted by a human rights group” before being allowed into the HNP. Asked which organization conducts the “vetting,” Vixamar stated “NCHR.”

FORMER ELECTORAL COUNCIL PRESIDENT, ROSELOR JULIEN

Haiti’s current government is an “interim” administration, and its primary mandate is to prepare for and hold elections for a new, constitutional government. Although the Constitution required elections by June 1, 2004, the interim government has announced there will be no elections until at least November 2005. To find out more about the preparations for elections, the investigators interviewed Roselor Julien, who had resigned as President of the Provisional Electoral Council (CEP) a week before the interview (on November 9, 2004).

(i) The Structure of the Provisional Electoral Council and Corruption

Haiti’s 1987 Constitution established an appointed *Provisional* Electoral Council, made up of people appointed by different sectors of the nation- journalists, cooperatives, human rights groups, the judiciary, etc.- to run the country’s first elections, after which a *Permanent* Electoral Council would be established by elected officials. Eighteen years later, the Permanent Council has never been installed; instead elections have been organized by Provisional Councils appointed by an increasingly less representative group of sectors. According to Julien, the current CEP represents primarily elite and business interests, and contains no representative of Haiti’s poor majority. The following are the members of the current CEP, whose composition was the result of a 2002 compromise between President Aristide and the OAS and opposition parties, and their appointing bodies: Francois Benoit, Private/Business Sector; Max Mathurin, Anglican Church;

²⁹ See National Lawyers Guild Summary Report (Phase I), at www.ijdh.org (noting the observed anti-Aristide partisanship of NCHR).

³⁰ Witnesses at the radio station claimed the guns in question arrived in a government car, after the police had surrounded the station. On December 23, the three parliamentarians were released for lack of evidence. No weapons charges were ever pursued. According to their attorney, their files contain no evidence of criminal activity.

Pouriste Jean-Baptiste, Protestant Federation; Rosemond Pradel, Democratic Convergence Political Party; Freud Jean, Human Rights; Louis Gerson Richme, Supreme Court; and Patrick Fequiere, Non-Aligned Parties.

Julien said she had resigned from the CEP because it became impossible for her to curb corruption within the Council and still maintain a collegial, cohesive, and productive atmosphere. She stated that the harder she worked to intercept corrupt schemes, the more aggressive her opposition grew. Ultimately, said Julien, her nemesis on the Council, Francois Benoit, orchestrated an insurmountable smear campaign against her in the media, and then she began receiving death threats.

According to Julien, all the members of the CEP, with the exception of Patrick Fequiere, had acted not for the establishment of free and fair elections, but to design an election that would ensure that their individual constituencies would (i) profit from the logistics of the elections, (ii) control the election process, and (iii) reap a financial windfall for themselves and their associates via a favorable election outcome.

Julien explained that the provisional council, as of her date of appointment in 2002, never included a representative from, or dedicated to sectors of the majority underclass (e.g., the peasantry, the urban poor, women, labor unions, etc). Holding the seat appointed by the Catholic Church Bishops, however, Julien said that she felt compelled to represent these least privileged sectors of Haitian society.

Julien stated that the tension and infighting on the CEP skyrocketed after President Aristide's ouster, when the CEP became a focal point of the transition and the international community pledged millions of dollars in election support. Most votes on propositions for elections were deadlocked, 4 to 4, with Benoit consistently coordinating her opposition. Benoit, reported to be a long-term employee of General Motors in the United States and a multi-millionaire, was a former ambassador for Haiti and is a strong supporter of the

Group of 184. Frustrated by Julien's refusal to favor the business elite, Benoit led business groups to pressure the Supreme Court for appointment of a ninth member to the Council to give his voting block virtual veto power over Julien. The Supreme Court chose Josepha Ramon Gauthier in the summer of 2004.

(ii) The Duvalierist Connections

Julien believes that the powerful in Haiti have never lost their links to the Duvalierists. She cited Josepha Ramon Gauthier as an example. She reports that Gauthier has deep ties not only to Benoit and the Group of 184, but to the Duvalier family that had ruled Haiti with an iron hand from 1957 to 1986. Among Gauthier's most significant connections is her husband, Claudel Gauthier. Mr. Gauthier is a well-known Duvalierist, and directs the anti-Aristide Signal FM radio station, which is a member of Andy Apaid's Group of 184. Signal FM, in turn, is owned by Anne Marie Issa, Gauthier's close friend, who was part of the panel that appointed Prime Minister Latortue.

(iii) A Proposal For Electronic Elections

Julien stated that her most significant battle at the CEP arose after President Aristide's ouster, when CEP member Francois Benoit proposed a nation-wide electronic election plan. His plan had a budget of \$112 million, and included the purchase of 3,500 laptop computers for election workers, with a price tag of \$1,300 each. The plan required that the computers be purchased by Claude Apaid's company. Claude Apaid is the brother of Andy Apaid, the Group of 184 leader. The plan ignored the fact that most of Haiti has no electricity, and that where there is electricity, it is sporadic, at best.

Julien countered with a non-electronic election plan with a budget of \$51 million. When the international community accepted her general plan (although agreeing to a reduced budget of \$42 million), Benoit began to target her for destruction via the media, said Julien. Julien stated that she could not effectively respond in the press because most of the Haitian media is part of the Group of 184.³¹

³¹This includes the largest media organization, the *Association Nationale des Médias Haïtiens* (ANMH). See "Haiti, Taking Sides," the Committee to Protect Journalists, July 26, 2004 ("The National Association of Haitian Media, a group of local media owners, actively participated in the Group of 184, an alliance of civil society organizations and political parties that organized demonstrations against Aristide and the Lavalas party beginning in 2003."). Julien stated that one of Benoit's last acts before her resignation was to have the CEP give \$60,000 to Accurate Satellite Access, a company owned by his friend, Jean Pierre Basil, for electrical and air conditioning work that did not take place. She said she stopped payment on the checks, and embarrassed Benoit.

3. INDUSTRIALIST/POWERBROKER

ANDY APAID INTERVIEW

Andy Apaid was interviewed at one of his factories in the industrial section by the national airport. He is most widely known in the United States as the founder and the leader of the Group of 184, the political “movement” or association ardently opposed to the elected Aristide government. The Group of 184 is made up of wealthy individuals, businesses, professional, media, and other associations. In combination with the violent band of armed attackers closing in on Port-au-Prince, it provided the political force in Haiti that led to President Aristide’s ouster in February 2004. During the investigation, investigators repeatedly heard reports from police and slum residents that Apaid pays a Cité Soleil gang leader to kill Lavalas supporters, and that he keeps police from arresting the gang leader, see The Poorest Neighborhoods section, *supra*. Professionals and business people told investigators that Apaid is “the real government in Haiti.” A summary of the interview with Apaid follows.

(i) The Group of 184, Human Rights, and President Aristide

Apaid, like his family before him, is the owner of several of the largest factories in Haiti.³² He has never been elected to, nor has he run for any government seat. He admitted that he is a United States citizen by birth, but noted that his family has a long history in Haiti. Unlike most Haitians, Apaid is white and of Middle Eastern ancestry.

Apaid emphasized that the Group of 184 “is not a political party” but “an association of people and entities that are exercising their democratic right.” He claims two-thirds of the members are former Aristide supporters.

³² Apaid stated that the factory (where the interview took place) sews T-shirts and jeans for numerous U.S. corporations, including Hanes and Fruit of the Loom. At this site, he employs 5,000 workers. He said that he pays “two and a half times minimum wage” (the minimum wage is 72 gourdes, about two U.S. dollars, per day) and 60% of their on-the-job meal cost, and provides an on-site health clinic. He provided only a limited tour of his factory.

³³ Apaid blames Aristide for the collapse of his own government because “he made a big mistake” when he held fast to the scheduled December 2000 date for the presidential election. Apaid said that he had told Aristide in a phone call that “you must repair the damage done by the fraudulent legislative elections in May 2000 before proceeding to the presidential election.” He wanted Aristide to agree to hold the elections in January 2001 so that the opposition could prepare a candidate and warned Aristide, “if you (the Lavalas government under President Preval) hold the elections before we are ready in January, you will mortgage this country.” Apaid stated that he repeated this in calls to all the ambassadors in Haiti. Asked his authority for dictating the national election timing, Apaid responded, “I was simply exercising my democratic right.”

³⁴ The leaders of Haiti’s 1991-1994 military dictatorship made the same claim.

³⁵ People interviewed in Cité Soleil describe a similar meeting, with the same participants, but in July 2003, 8 months earlier.

Apaid acknowledged that there is a grave human rights crisis in Haiti. He blames the crisis on Aristide who, he said, had created a culture of violence, terror, and corruption that will take a long time to “unlearn.” He asserted that Aristide supplies gun money and words of encouragement to violent street gangs from his residence in South Africa.³³

As for the human rights reports of bodies piling up at the morgue and in dumping grounds since Aristide’s ouster, Apaid said it is typical for a country that has only known violence. He said that, under Aristide, many more were killed, and that Aristide’s terror campaign included pulling bodies from the morgue, riddling them with bullets, and placing them strategically around the city.³⁴

(ii) The Relationship to Cité Soleil, and Gang Leader Thomas “Labanyè” Robinson

Apaid said he is personally active in the effort to curb the violence in the poorest neighborhoods. He explained that he had arranged a meeting with all Cité Soleil “gang” leaders three weeks after Aristide’s ouster, including Tupac, Amaral, Billy, Dred Wilme, and Thomas “Labanyè” Robinson, see The Poorest Neighborhoods section, *supra*.³⁵ Apaid says he asked each of them to agree to disarm, and only Labanyè agreed.

Apaid admitted that since Labanyè’s agreement, he has directed the police to protect Labanyè’s life, and “not to arrest him, but to work with him.” Labanyè deserves special treatment, he said, “because he is a witness to the others refusing to disarm.” Apaid remarked that he now has “great influence over Labanyè” citing that in July 2003, when he made a similar overture to Cité Soleil gangs to join his opposition movement, Labanyè’s gang pelted his entourage with rocks.

Apaïd denied providing financial support or firearms to Labanyè, and emphasized that he opposes violence and is committed to helping the poor of Cité Soleil. He noted that he has paid for 14 funerals of Cité Soleil residents killed in violence since September, but denied having an exclusive relationship with the people of Labanyè's Boston neighborhood in Cité Soleil. He said that "the poor should have a piece of the pie. We just need the structures in place that allow the pie to get bigger."

Apaïd closed the interview, emphasizing that he was late for a meeting at his factory with a group of Cité Soleil residents, who were "all poor people coming to discuss issues related to the current violence." Apaïd refused to allow the investigators to observe the meeting. Investigators, however, spoke with several people as they entered the meeting late. They were all from the Boston neighborhood of Cité Soleil, they said. They had come to ask Apaïd, among other things, to help them get some people released from jail.

F. Human Rights Advocacy in Haiti

Although several independent human rights groups exist in Haiti, because of time constraints the investigation concentrated on a single group, the *Comité des Avocats Pour le Respect des Libertés Individuelles* (CARLI), which appears to exemplify many of the challenges of human rights reporting in Haiti. CARLI had ties to U.S. institutions during the last months of the Aristide government and the first months of the Latortue regime.³⁶ More recently however, as those ties have loosened, CARLI's reporting has been much more objective, and it has been emerg-

ing as a courageous voice for human rights in Haiti.

(i) Human Rights Reporting and IFES Funding

Since the summer of 2004, CARLI has denounced massacres, political killings, arbitrary/political arrests, and the withholding of due process under the Latortue government.³⁷ CARLI has also denounced the active return of the former army, and killings by former soldiers. As a result of their recent work, members of its staff have received death threats,³⁸ mostly from former soldiers and members of FRAPH,³⁹ the paramilitary organization that terrorized Haiti during the 1991-1994 coup, beginning with their August denunciation of the Louis Jodel Chamblain trial as a sham.⁴⁰

CARLI staff members admitted that the increased balance in their reporting has come as IFES' grip on them has eased off. See section on IFES' activities in Haiti, *supra*. They conceded that IFES had controlled much of their activities, beginning in October 2003, by being a strong funding source. IFES gradually reduced its aid after Aristide's ouster and ended it in August 2004.⁴¹

CARLI reported that IFES had contributed \$54,000 in cash and technical assistance for them to run a telephone "hotline" for human rights abuse complaints and to publish monthly reports naming the alleged perpetrators. IFES directed that CARLI give these reports to the U.S. Embassy, the OAS, Canadian authorities, and various anti-Aristide radio stations for the names to be read on air. CARLI staff admitted that, under pressure from IFES to produce and disseminate names of Aristide or Lavalas supporters accused of human rights violations, it often published names after a superficial, investigation or no investigation at all. CARLI now concedes that the practice

³⁶ See National Lawyers Guild Phase I Report, at www.nlg.org/news/delegations.htm (at the time CARLI denied it was being partisan, but failed to explain why it was putting out specious accusations against Lavalas supporters, why it made no accusations of human rights abuses by forces opposed to the elected government, or why it did not denounce acts by the then newly installed the interim government. See also, section on IFES/U.S. role in the crisis, *supra*).

³⁷ See, e.g., "Alarming increase in the number of rapes," Haiti Support Group press release, 25 November 2004, <http://haitisupport.gn.apc.org/Rape.htm>.

³⁸ Amnesty International, "Urgent Action: Fear For Safety/ Death Threats," October 20, 2004, www.ijdh.org.

³⁹ *Front révolutionnaire pour l'avancement et le progrès haïtiens* (Revolutionary Front for the Advancement and Progress of Haiti).

⁴⁰ Chamblain was the former number 2 in FRAPH, who had been convicted *in absentia* of several killings during the 1991-1994 dictatorship. In August, one of these convictions was reversed in a night-time trial where no witnesses appeared. For more information on the Chamblain trial see www.ijdh.org.

⁴¹ At the time of the interview, CARLI had not yet determined whether it would accept IFES' recent overtures for a new contract.

may have resulted in innocent people being subjected to threats, violent attacks and arrests or forced into hiding, and may have contributed undermining the legitimacy of the Aristide government.

With IFES support cut off, CARLI staff now conducts field work, including investigating jails, prisons, police stations, accompanying the accused to trials, and facilitating psychological and medical treatment for victims of current governmental and quasi-governmental abuses. Due to the lack of funding, however, they do not have the resources to travel outside of Port-au-Prince, and cannot hire the staff necessary to handle the current crisis. Thus, they are contemplating accepting recent IFES overtures for renewed funding.

(ii) CARLI's Current Investigations

CARLI stated that they have opened 20 investigations since October 2004, including:

- the arbitrary arrest of Honore Pedric, a USGPN officer (National Palace security force), arrested because of his open support of the Lavalas party. According to CARLI, after several weeks in jail, Pedric was charged with two murders. CARLI denounced the charges as a farce because both murders occurred after Pedric was imprisoned;
- the arbitrary arrest of Jurest Reinfort because he resembled a man on a wanted poster, Gary Renchelles. After Renchelles was subsequently arrested, Reinfort was falsely charged with the murder of a policeman and sent to the National Penitentiary; and
- numerous cases of young men with gunshot wounds being taken from the General Hospital emergency room by HNP and later found among bodies at the morgue.

CARLI also stated that there is an overwhelming amount of persecution against Lavalas supporters, and that 90% of arbitrary arrests are of the poor.

(iii) The Media's Role in the Crisis

CARLI's investigation of the reported "Operation Baghdad" leads it to conclude that there is no such operation launched by Lavalas supporters. CARLI leaders note that the operation supposedly involved the decapitation of two police officers on September 30, 2004, but that the government has never released photos or names of the alleged victims. CARLI's investigation concluded that two officers, Anselme Milfrane and Jean Janvier, were decapitated, but by former soldiers on September 29. CARLI notes that it was not until after the September 30 demonstration that the government and media blamed the killings on Lavalas supporters.⁴² The media further stirred anti-Lavalas sentiment when it reported on a funeral service held for five HNP officers. Although only two had died in actual violence, the government/media portrayed it as a funeral of five heroic officers who died in pro-Aristide violence.

CARLI stated that the greatest obstacle to ending human rights abuses in Haiti is the Haitian media. The organization estimates that approximately 20 of the 25 radio and print outlets are owned by members of the Group of 184 and uncritically disseminate the anti-Lavalas propaganda of the government. Joseph Guy Delva, the head of the Haitian Journalists Association and Reuters correspondent, and an Aristide critic, confirmed this systematic media bias. He told investigators that if a journalist was arrested during Aristide's government, there would be a public uproar from print and radio journalists. Now, said Delva, when a journalist is arrested, "the newspapers and radio stations applaud."⁴³

The cure to the crisis, according to CARLI, is the disarmament of all untrained and unauthorized armed groups -- including the former soldiers and all private security forces funded by businessmen to protect their interests -- and creating jobs for the poor. Finally, CARLI indicated that the primary focus of the current "interim" government should be reconciliation.

⁴² See also, Institute for Justice and Democracy in Haiti, "Illegal Arrest of Political Leaders," October 8, 2004, www.ijdh.org (before the demonstration started, radio stations reported that a police officer had been beheaded early that morning in a confrontation with a criminal gang).

⁴³ See also, "Haiti, Taking Sides," the Committee to Protect Journalists, July 26, 2004 ("Many private radio stations openly promoted the opposition's agenda, sometimes exaggerating or inventing stories. In early February, rebel leader Guy Philippe accused Aristide of sacrificing children in a voodoo ceremony—a fabrication presented as fact on some private radio stations.").

G. The United Nations Stabilization Mission “MINUSTAH”

A commander of the UN Civilian Police Unit, from Quebec City, Canada, declared that he is “in shock” with the conditions he faces in Port-au-Prince. He said his UN mandate is to “(i) coach, (ii) train, and (iii) provide information,” but that all he has done in Haiti is “engage in daily guerrilla warfare.” As semi-automatic gunfire peppered the interview outside the Church of Our Lady of Perpetual Help in Bel Air, he asked, “where are the newspaper reporters?”

The United Nations is present in Haiti as a “stabilization” mission known as MINUSTAH, which is made up of two forces concentrated in Port-au-Prince. One is comprised of civilian police officers, or CIVPOL. The other force is made up of soldiers, the “peacekeepers.”⁴⁴

(i) The United Nations Police Force

CIVPOL is a mix of municipal police officers from many countries, each of whom wears his own force’s uniform, with a light-blue MINUSTAH baseball cap (or light-blue helmet when fighting) and light-blue bullet-proof vests. They carry semi-automatic pistols as sidearms, and many also carry automatic rifles. They travel in red and blue SUVs marked “UN” They usually work in groups of two to four officers from the same country. There appears to be no requirement of a common language between the CIVPOL groups, and many at staging areas could only communicate with colleagues from their own country.

The investigators interviewed CIVPOL officers from Nigeria, Spain, Benin, Uruguay, and Canada, working or resting in staging areas inside poor neighborhoods. All the CIVPOL officers stated that their only mission is to give “back-up,” and provide supervision to, HNP officers in the street. Specifically, they stated that they will observe and protect HNP, and write a report if an HNP officer is “doing something wrong.” For example, they will intervene if an HNP

officer is beating a suspect. They all agreed that they are authorized to use deadly force if they, an HNP officer, or innocent people are in a life-threatening situation. They routinely return fire. CIVPOL officers said that they do not make arrests, and that they never operate independently of the HNP.

There are far too few CIVPOL officers to accompany all HNP units. Throughout the investigation period, hundreds of HNP officers were seen on patrol without any MINUSTAH force in sight. Many residents of poor neighborhoods stated that when police attack at night, there is never any UN force present.

(ii) The United Nations Peacekeeping Force

The MINUSTAH “peacekeepers” are soldiers who wear identical black uniforms or camouflage, and infantry helmets painted light blue. They travel in large armored vehicles similar to military tanks called “armored personnel carriers” or “APCs.” These are painted white with “UN” on each side. When they are on an operation, the APCs are mounted with a large, fixed machine gun manned by a soldier. He is surrounded by other soldiers who stand inside the APCs with their heads and shoulders exposed, each holding an assault rifle in the ready position. See photos in section (a)(2), *supra*.

The MINUSTAH peacekeepers are visible in many neighborhoods, often slowly patrolling, and other times rushing in a convoy of APCs to conduct an operation with police. Soldiers are rarely seen outside their APCs. A Chinese team leader and a Jordanian team leader were interviewed by investigators where several APCs were parked on a street in La Saline. They stated that they protect the HNP, and also keep peace independently of the HNP, by patrolling with APCs in “hot spots.”

Not one of the many MINUSTAH police or soldiers interviewed speaks Haitian Creole, the only language spoken by most residents of the poor neighborhoods they patrol. Those interviewed noted that some of their unit members speak French or English, but admitted that they are incapable of speaking directly to most poor Haitians.

Both forces admitted that it is a confusing “free

⁴⁴ MINUSTAH’s mandate is set forth in UN Security Council Resolution 1542, April 30, 2004, available at www.un.org.

for all” when the HNP conduct an operation in a poor neighborhood because there are no radios shared by HNP and the MINUSTAH forces and, even if there were radios, nobody speaks the same language. On a neighborhood operation, they admitted, there is no clear strategy or objective, but operations devolve into “just shoot before you get shot.”

H. Activities and Interviews of the Haitian National Police

The investigators interviewed and observed numerous police from various HNP units. Some were interviewed at a station (“*commissariat*”) in La Saline, others were patrolling the route Canadian Prime Minister Martin was using during his visit, others were interviewed in Pétionville, Canapé Vert, on patrol, in a police station, or during breaks while conducting operations in Bel Air. Investigators observed police near the National Palace, in La Saline, Bel Air, Pétionville, Martissant, at the Anti-Gang unit, and while on patrol in various neighborhoods. Police are much more visible now than was typical for Haiti before President Aristide’s ouster, with bands openly carrying semi-automatic rifles traveling in the backs of trucks, their faces hidden by masks.

1. HAITIAN NATIONAL POLICE OPERATIONS

In principle, Haiti’s 1987 Constitution provides citizens with a full complement of procedural and substantive protections against unlawful arrest and detention. As in the U.S., arrests may not be made without a written judicial warrant unless a suspect is caught in the act or by hot pursuit. Police may not use excessive force, and arrestees cannot be held longer than 48 hours without judicial confirmation of the legality of the detention.⁴⁵ No punishment may be meted out without a trial, and the death penalty is abolished.

The evidence gathered reveals that illegal arrests and summary punishments, including killing, have become routine for the HNP. The rule of law has been subordinated to chaos and fear, with HNP officers

becoming “warriors” for the interim government, poor young men becoming “enemies,” and the citizenry losing the power and protection of its Constitution.

(i) The Lack of Police Science and Tactics Combined with Fear

Observations and interviews of police officers reveal that there is little police science at work in the daily operations in the poorest neighborhoods, but only purposeful, indiscriminate guerrilla attacks. HNP officers do not conduct preliminary intelligence or detective work, and there are usually no plans laid out for the arrest of a particular subject or for entry into a suspect’s house. They do not try to minimize casualties by luring suspects away from populated areas, or otherwise devise a plan that would allow for successful actions at the low end of the police use of force continuum.

This situation appears to be the direct result of a combination of factors: (i) inadequate experience and training; (ii) impunity (the officers do not wear badges and mask their faces, so identification is virtually impossible) combined with media silence; (iii) fear for their own lives; (iv) a desire to please superiors; and (v) an orientation that considers the poor neighborhoods as “enemy territory,” which justifies the execution of anyone, including unarmed witnesses, women, and children.

Training in police tactics, and a commitment to use them on the street is necessary if the police are to gain respect as a force that protects and serves its citizens. It also is the key to confidence in the officer and the abatement of fear for their own lives. Until the police have the respect of the community, and the logistical, and political support of the government to act as a disciplined, legal civilian force, the police will treat the streets with fear and contempt, not with courageous stewardship.

(ii) The UN Forces and the HNP – an Uncertain Mix

The MINUSTAH forces, ostensibly there to help the HNP, sometimes complicate and intensify the imprecision and the violence. They cannot effectively communicate with the HNP during opera-

⁴⁵ Constitution of Haiti, Articles 24-26.

tions because they do not share radios with them- in fact, most HNPs do not even have radios. But even if MINUSTAH and the HNP all had radios on the same frequency, communication would be inadequate because almost none of UN police or soldiers speak Haitian Creole, the language not only of the poor, but also of most of the HNP officers. Combined with the five above factors, the mix is volatile.

(iii) A Major HNP Operation Observed

The investigators observed numerous HNP operations in poor neighborhoods. The most significant of these was the day-long operation conducted in the Bel Air neighborhood of Port-au-Prince, on November 18, 2004, the national holiday, commemorating the battle of Vertières, an historic slave army victory over Napoleon's forces.

The Bel Air operation began with one or two helicopters hovering over the target neighborhood, while HNP officers gathered in trucks (pickups and SUVs) and on foot just outside. Most officers dressed in black, with black helmets and face masks, all carried large semi-automatic rifles, or fully automatic assault rifles. Some HNP officers wore desert camouflage with no HNP markings on them. Once ready, they made a sudden, high speed entry into Bel Air, with officers dismounting to spread out.

Before and during the HNP incursion, MINUSTAH soldiers in APCs rumbled at high speeds down streets crowded with women and children. The peacekeepers were positioned with their heads and shoulders poking out of the tanks, holding automatic rifles in the ready position aimed in all directions. Each APC had one soldier manning a large, fixed gun on top. The APCs blocked off roads surrounding the target neighborhood, preventing entry or exit by journalists, investigators and anyone else who was not a police officers or soldier.

Within seconds of the HNP incursion, gunfire began, and rattled sporadically for hours. When it ended, the forces cleared out. According to some reports, the police left some bodies behind, but transported others away.



Taken from behind a windshield, this photo depicts a regular scene in Port-au-Prince police patrolling in battle gear. (11/04)



Police in a pick-up, modified with benches, near downtown Port-au-Prince. (11/04)



In Martissant, an unmarked (but for the license plate) four-man police patrol, gun barrel aimed out the passenger window. (11/04)

The investigators gained entry to Bel Air just after the November 18, 2004, operation, in the mid-afternoon under escort from neighborhood leaders. Dead bodies were on the street. One was a middle-aged woman who, residents stated, was unknown in the area but had been passing through during the attack. She was struck in the abdomen by gunfire, ran about 50 yards, and collapsed face first.



A middle-aged woman, after the smoke cleared, Bel Air, afternoon, November 18, 2004



Investigators photographed her face, blood puddling underneath it where she fell, and at her abdomen, where she was shot, to help find family members. (11/18/04)



A suspected police informant, tied, tortured, and killed. (Bel Air, 11/18/04)

Another, was the partially bound and partially burned body of a man. Residents said he was not killed by the police that day, but was tied up, tortured, killed, and displayed as a suspected police spy.

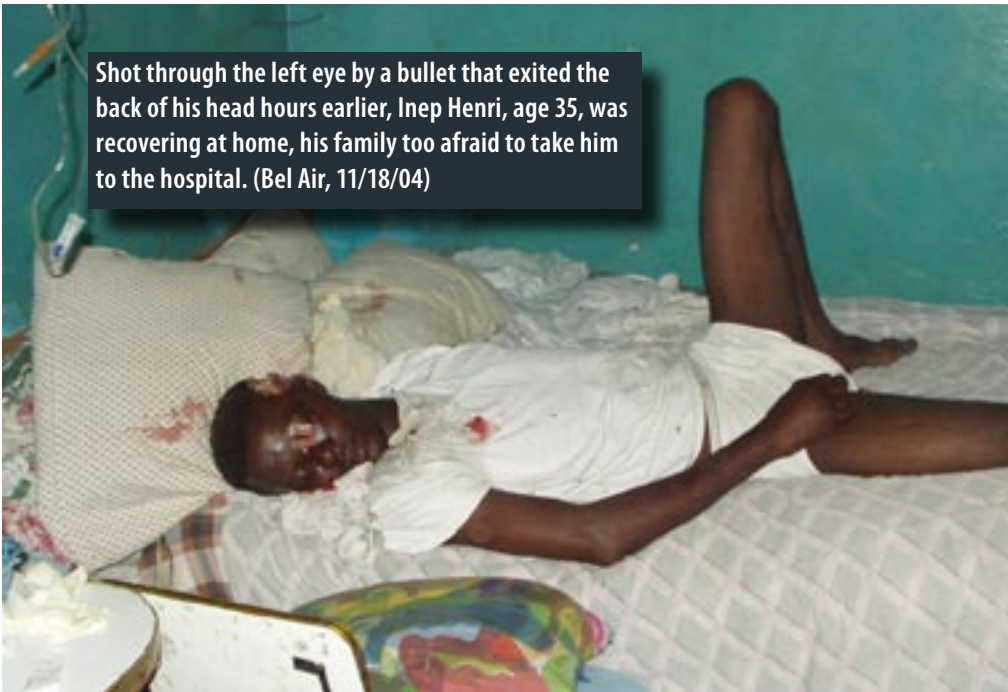


Neighborhood residents then escorted the investigators to several homes where victims were in their beds suffering from gunshot wounds. Hercules LeFevre, shot through the shoulder, said he was walking to work when a soldier in a MINUSTAH APC shot at him with a high-powered rifle.

Inep was semi-conscious when investigators reached him. Like many others, he and his family stated that the police would take him away if he went to the hospital.

Another was Inep Henri, age 35, found in his bed at 3:00 p.m., having been shot at 10:00 a.m. by a bullet that entered his left eye, traveled through his brain, and exited the back of his head. Family members stated that he had been observing the HNP onslaught from the roof of his house. Inep was semi-conscious when investigators reached him. Like many others, he and his family stated that the police would take him away if he went to the hospital.

Hercules LeFevre, 42, said he was shot by MINUSTAH forces as he walked to work in Bel Air, recovering at home. (11/18/04)



Shot through the left eye by a bullet that exited the back of his head hours earlier, Inep Henri, age 35, was recovering at home, his family too afraid to take him to the hospital. (Bel Air, 11/18/04)

... the investigators found that the Haitian Red Cross, ... would not enter Bel Air ...

After convincing Inep’s family that he should get to a hospital, the investigators found that the Haitian Red Cross, in charge of ambulance services in Port-au-Prince, would not enter Bel Air to attend to him. Arrangements were made to take him in a pick-up truck to the edge of Bel Air where the Red Cross would meet him.

Investigators would find out two hours later that St. Francis Hospital refused Inep admission, and the ambulance drivers deposited him at the emergency room in the General Hospital. See Observations of General Hospital, infra.



Inep Henri in pickup, after his family allowed investigators to help get him to an ambulance that would not come to Bel Air. (11/18/04)



Inep Henri is transferred to Haitian Red Cross workers in a “good” neighborhood. (11/18/04) to the hospital. (Bel Air, 11/18/04)

As investigators escorting Henri approached a police checkpoint, HNP officers trained their guns on the pick-up. A white male investigator stood in the truckbed to deter any shooting. At the checkpoint, the HNP aimed their guns at Inep, who was covered by a bedsheet, and asked if he was dead. The investigators said “yes” and were allowed to pass. He was successfully transferred to the Red Cross ambulance.

At the checkpoint, the HNP aimed their guns at Inep, who was covered by a bedsheet, and asked if he was dead. The investigators said “yes” and were allowed to pass.

2. HAITIAN NATIONAL POLICE OFFICER INTERVIEWS

Several police officers were interviewed individually. Each spoke candidly on the condition that their names and, in one instance, the name of the officer's commander, not be published. Because of the consistency of the information, the officers are generally referred to in the plural. One officer stated that many "good" officers (defined by the officers interviewed as those that refuse bribes, are well-trained, love their work and country, and refuse orders to commit summary executions) would like to speak out but cannot out of fear for their jobs and their lives. Another said that he was willing to risk his life by talking to investigators only in order to change the police force for the better.

(i) Frustration, Fear, and Summary Executions

HNP officers are generally frustrated and angry that, since the ouster of President Aristide, almost all high command offices throughout Haiti are held by former FADH soldiers. They complain that the chief of police, Leon Charles, himself a former soldier, makes all the assignments and promotes only former soldiers. The posts now held by former FADH soldiers include: 1) chief of the DCPA (Direction Centrale de la Police Administrative) the unit that oversees most police not in specialized units, held by Commander Destorel; 2) the DDO (Directeur du Department De l'Ouest), head of the West Department, the most populous of Haiti's nine geographical departments, which includes Port-au-Prince, held by Renald Etienne; and 3) the chief of the DCPJ (Direction Centrale de la Police Judiciare), the Central Directorate of the Judicial Police. Almost all municipal police chiefs are former soldiers as well. This integration and promotion of former soldiers is a

direct violation of police regulations for recruitment and promotion.

Several of the police interviewed came from the highly-trained "6th Promotion Group," a class of officers trained in 1995 by U.S. forces. They are angered not only because they must now work for, and with "officers" with no police training, but because the best and most honest officers continue to be passed over for promotions. The officers all lamented that the high command lacks knowledge of police work and job commitment, and uses corrupt methods.

According to the officers, it has been the history of Haiti's police that only the closest friends of the post commanders or Commissaires, and those that are willing to do the "dirty work" of commanders ever get promoted.⁴⁶ They report that routine "dirty work" includes committing summary executions at the request of superiors.⁴⁷

The officers stated that they are under immense pressure, work in fear, and because of the corrupt judicial system, are often left with the choice between: (i) killing a defendant after he has been released by a judge who accepted a bribe, so as not to be killed for having made the arrest; or (ii) kill a suspect immediately and avoid the corrupt judicial system entirely. Because of their fear, many are now covering their faces with black masks while on patrol and during operations.

(ii) "Operations" -- Guerrilla Attacks That Even Target Innocents

Regarding current HNP operations in poor neighborhoods, the police explained that if 10 civilians are killed, on average only four are "targeted individuals" and six are innocent bystanders. Because "targets" are

⁴⁶ A former high-ranking police official from the USGPN (palace security), Edouard Guerriere, now in hiding, told investigators that one of the most corrupt officers is Youri Latortue, the Prime Minister's nephew. After Aristide's ouster he was made chief of security for the Prime Minister's Office (the French newspaper *Le Figaro*, in a December 21 article titled "Drug Traffickers Help Themselves to Haiti," called Youri Latortue "Mr. 30 Per Cent" because of the money he skimmed from government accounts). Youri Latortue was a commander in the USGPN palace security force from 1994-2001, where he controlled, and reportedly embezzled hundreds of thousands of dollars from the USGPN payroll. Guerriere claims that Youri Latortue participated in the 1994 murder of catholic priest Jean-Marie Vincent (as did eyewitnesses in 1995), and that he assisted in the 1993 murder of democracy activist Antoine Izmary. From 1991 to 1993, Latortue was an officer in FADH's Anti-Gang Unit, the army's most notorious unit for human rights violations. Youri Latortue has owned the La Chandelle Hotel in Gonaïves for many years, and is reported to have used it to provide weapons to anti-Aristide guerrillas in the months prior to Aristide's ouster. A full transcript of the Guerriere interview is available upon request.

⁴⁷ The officers stated that when Guy Philippe (the current head of the Resistance Front party and leader of the armed insurgency against Aristide in 2004) was a Commissaire in the Delmas district police station during the Preval administration, he would summarily kill many suspects. This is consistent with the U.N. Human Rights Mission's report of extrajudicial killings under his Delmas command. The officers stated that Guy Philippe interpreted the administration's "zero tolerance" policy to mean that suspects should be executed when found.

being killed, rather than arrested, the police try to kill all witnesses. The killing of the innocent is “sometimes on purpose, sometimes by accident,” they said. Innocent people in the poorest neighborhoods are also arrested “because they tolerate the bad ones.” They admitted that the former soldiers sometimes assist in HNP operations.

The officers claim that 28 HNP officers have been killed between the ouster of the elected government on February 29, 2004, and November 20, 2004. One officer remarked that there have so far been 20 “revenge killings” on behalf of the dead policemen.

Operations are routinely initiated by the DDO with specific instructions to kill or arrest suspects. When a large operation is set, the DDO directs several police stations to contribute at least 10 men each. For example, one officer recalled an operation in Cité Soleil in September in which his centrally located Port-au-Prince-based unit was called in together with HNP teams from Croix de Bouquets, Pétionville, Delmas, and other Port-au-Prince units.

The officer related that the United Nations forces were summoned to do “back up” for the Cité Soleil operation, and when the shooting intensified, two Jordanian UN units panicked and abandoned the HNP. The officer stated that all of the HNP would have been killed if other MINUSTAH units did not come to protect them. Another officer said he has participated in two operations in Bel Air and that one HNP officer was killed in each operation.

(iii) Armed Gangs and a Culture of Corruption

A major security problem, according to some officers, is the former USGPN (palace security) officers who had been hired from the poor neighborhoods by Aristide without advance training. These officers were fired after Aristide’s ouster, they explained, but kept their weapons, and now are part of the “bandits” who target police.

One officer repeated a common claim that, under Aristide, weapons were given to gangs, making the gangs a more powerful force than the police. He explained that when Aristide gave the HNP an order to stop an opposition demonstration, the good police would refuse to obey, and the gangs would do the dirty work to persecute the opposition. The officer reported

that under the interim government, Police Chief Leon Charles routinely gives orders to stop political demonstrations, and the police do not hesitate to perform for him.

The officers stated that the CIMO police unit (Corps d’Intervention et de Maintien L’Ordre, or Unit for the Intervention and Maintaining of Order) a specialized unit is divided into three groups, CIMO 1, CIMO 2, and CIMO 3. They stated that CIMO 1 and CIMO 2 are good, trained officers who are not political. CIMO 3, the officers said, is a unit of rogue officers with no training. They explained that CIMO 3 officers all came from within the “14th Promotion” group, a set of people who were part of the opposition to Aristide in 2003. Of the 18 policeman that are under arrest now, according to the officers, most are from the 14th Promotion group.

(iv) Official Protection of Gang Leader Thomas “Labanyè” Robinson

The officers all stated that the HNP are actively seeking to kill or arrest Dred Wilme, a gang leader in Cité Soleil aligned with the Lavalas movement. They stated that all officers have been directed not to arrest Thomas “Labanyè” Robinson, the Cité Soleil gang leader they know is opposed to the Lavalas movement. According to the officers, the protection order came from Andy Apaid and “the bourgeoisie.” They confirmed reports from multiple other sources that Labanyè’s center of power is in the Boston section of Cité Soleil.

The officers stated that approximately six months prior to the ouster of the elected government, Andy Apaid held a demonstration in Cité Soleil that he dubbed a “Caravan of Hope.” They say that Apaid paid Labanyè to provide security for the event, which was the public beginning of their working relationship.

I. GENERAL HOSPITAL IN PORT-AU-PRINCE OBSERVATIONS

The General Hospital's emergency room is a scene of bodies dripping blood, groans of pain from men, women and children, and a nauseating odor. Treatment by doctors is rare, as the slightest procedure, even a bandage, requires payment. A typical "prescription" given to a patient by a doctor in the emergency room will state "bandages" or "syringe," and the treatment only follows if the patient or his family can find the items and pay for them.

At approximately 6:00 p.m. on November 18, 2004, the investigators found Inep Henri, still alive on a cot, but having received no treatment. See Haitian Police Operations, supra (describing Inep Henri's plight, with photos). He had been there for two hours. Investigators convinced doctors to examine him and described his bullet wound. One doctor got up, slapped Inep in the head to see if he was awake, then pinched his upper

Investigators convinced doctors to examine him and described his bullet wound. One doctor got up, slapped Inep in the head to see if he was awake,

arm for a reaction. Inep was still alive. The doctor went back behind his desk to sit. Later, doctors told investigators that Inep needed an operation and they would not conduct the operation until they received four liters of blood in his name and money.

Inep Henri died at the General Hospital on Sunday, November 21, 2004, untreated.

Ginel Valbroun, age 12, lay shivering naked in a puddle of his blood pouring from an entry wound somewhere in his back. The gaping exit wound can be seen at his right hip. He said that he had been shot from behind 6 hours earlier by the Haitian Police. (11/18/04)



Inep Henri died at the General Hospital on Sunday, November 21, 2004, untreated.

While checking on Inep Henri in the evening of November 18, 2004, the investigators also observed a boy lying on his back, naked and exposed, on a cot in the middle of the emergency room. He was shivering in a pool of his own blood, eyes closed. When he moved, blood splashed onto the floor.

An investigator spoke with him and learned he was 12 years old, and that he had been shot by black

uniformed police wearing masks at noon that day on Rue Tiremasse. His name was Ginel Valbroun. Ginel stated that he had no parents and that he slept in the street. Attached to an IV bag, a massive exit wound on his right thigh lay open, attracting flies. No attempt had been made to stop the bleeding, as blood continued

to pour from the entry wound somewhere on his backside. Doctors refused to treat him because he had no money. With no money and no parents to put pressure on the doctors, he would most likely be forgotten until he bled to death. With financial help from investigators, doctors began to slowly react with bandaging. Investigators last saw him on November 21, 2004, still alive, but still naked and in a soaked, old bandage.

Others in the emergency room- all young men- had bullet wounds. It was learned that most, like Ginel Valbroun, had been shot in a police attack at noon that day near Grande Rue in the Martissant slum.

J. State Morgue in Port-au-Prince Investigation

Entry to the state morgue on the grounds of the General Hospital in Port-au-Prince is currently prohibited to any visitors without pre-approved

authorization by the General Hospital administrator, by posted notice dated October 21, 2004. This appears to be in reaction to reports of high body-counts by human rights delegations and journalists who have investigated the morgue since the interim government came to power in March, 2004.



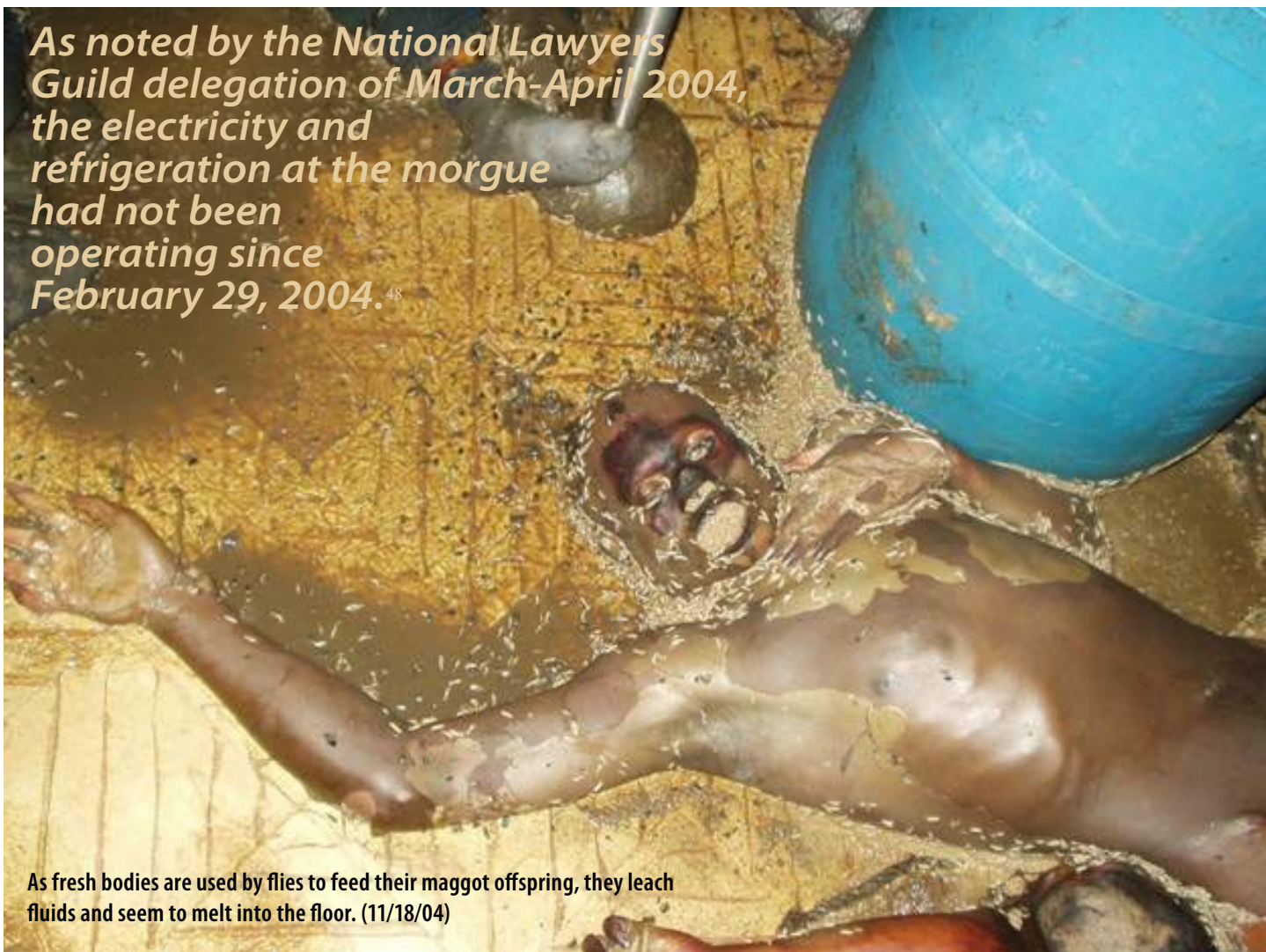
Ginel Valbroun. (11/18/04)

As noted by the National

Lawyers Guild delegation of March-April 2004, the electricity and refrigeration at the morgue had not been operating since February 29, 2004.⁴⁸ It was then reported that the lack of proper refrigeration allows for the morgue to dump bodies within five days of their arrival, rather than the normal 22 days, inhibiting relatives and investigators from identifying bodies and causes of death. By November the bodies -- now not even stored in sealed rooms -- were being eaten out of recognition by parasites within just a few days. Morgue workers were placing bodies in the main hallway and in the rear loading dock, some even outdoors at the

⁴⁸ NLG Report, available at www.nlg.org/news/delegations.htm. On January 6, 2005, the Minister of Health announced that a new "cold room" for the morgue had arrived, and was being installed.

*As noted by the National Lawyers Guild delegation of March-April 2004, the electricity and refrigeration at the morgue had not been operating since February 29, 2004.*⁴⁸



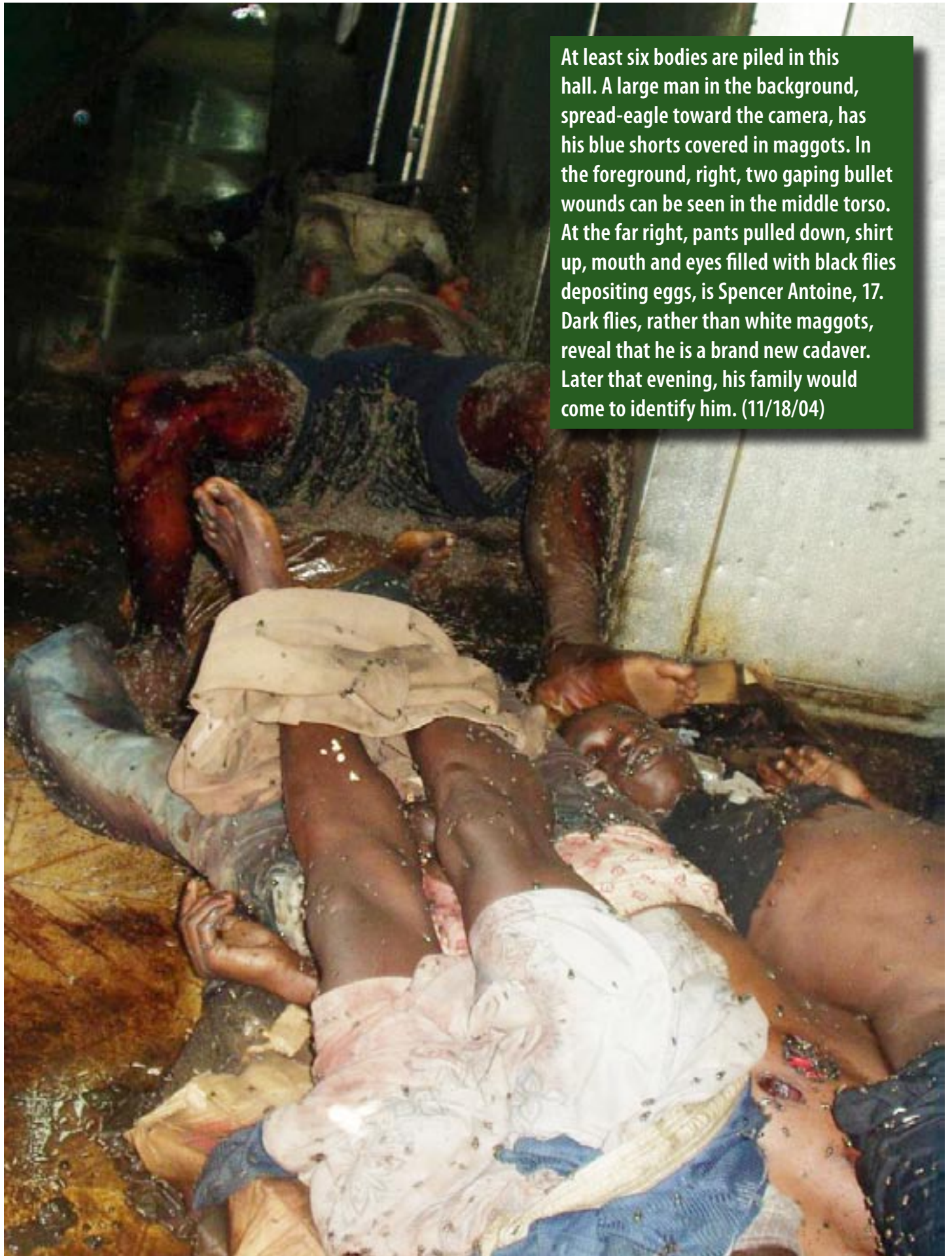
As fresh bodies are used by flies to feed their maggot offspring, they leach fluids and seem to melt into the floor. (11/18/04)

rear of the morgue.

The scene is horror-movie gruesome, with an odor to match. Bodies lie sprawled, piled, and intertwined as a mud-colored, maggot infested liquid leeches from them and covers the entire floor with a slippery ooze. There is a terrifying buzz to the air, a combination of frenzied flies and the frenetic shivering of maggots. The cadavers' mouths and eyes are filled with white squirming maggots where flies had laid their eggs. Some bodies are fully covered in a combination of maggots and flies, making the black bodies appear almost caucasian. Skin, and in some cases entire faces, are eaten away to the bone by the rapidly feasting and reproducing parasites. The state of decomposition was so thorough that it seemed as if many of the bodies had been there for months. But morgue workers said all the bodies, about 18 to 20 in all, had arrived within just the last four days. They stated that it is the flies and maggots that rot their skin a leathery pitch black, or lighten their skin by

skimming off layers, or eat them to the bone. Some faces had appeared crushed by violence. Despite their conditions, investigators were able to determine that several of the bodies had obvious bullet holes.

Entry to the state morgue ... is currently prohibited to any visitors ... This appears to be in reaction to reports of high body-counts by human rights delegations and journalists who have investigated the morgue



At least six bodies are piled in this hall. A large man in the background, spread-eagle toward the camera, has his blue shorts covered in maggots. In the foreground, right, two gaping bullet wounds can be seen in the middle torso. At the far right, pants pulled down, shirt up, mouth and eyes filled with black flies depositing eggs, is Spencer Antoine, 17. Dark flies, rather than white maggots, reveal that he is a brand new cadaver. Later that evening, his family would come to identify him. (11/18/04)



Dark flies, rather than white maggots, reveal that he is a brand new cadaver. Later that evening, his family would come to identify him.

10 bodies of young men, piled in the morgue's back hallway. (11/18/04)

... the lack of proper refrigeration allows for the morgue to dump bodies within five days of their arrival, rather than the normal 22 days, inhibiting relatives and investigators from identifying bodies and causes of death.



Three maggot infested cadavers in the morgue for less than 4 days.

Front to rear: a young man with crushed and disintegrated skull and half a rib cage exposed; the second, scalped by parasites, the third's bright teeth reveal his young age, and his recent death. (11/19/04)



The horror of this scene is matched only by the stench. (11/18/04)

Morgue workers stated that since September 30, 2004, the date the police shot into the large Lavalas demonstration, the HNP rarely even bring people killed by violence to the morgue. They stated that the police simply take the bodies of those they kill directly to undisclosed dumping grounds, sometimes stopping by the morgue only to borrow the dump truck.

The morgue workers stated that “it was never like this under Aristide.” Around dusk on November 18, 2004, after investigators took photographs and interviewed morgue workers, the scene went from unspeakable horror to overwhelming despair. Families began to arrive, looking for sons that had not come home the previous night.

The family members had to enter the morgue to discern a face or recognize clothing through the maggots and flies. Once identified, morgue workers then dragged the body by the feet out to a loading dock

... since September 30, 2004, the date the police shot into the large Lavalas demonstration, the HNP rarely even bring people killed by violence to the morgue ...

... the police simply take the bodies of those they kill directly to undisclosed dumping grounds ...



Spencer Antoine, getting washed of maggots before being handed to his family. Blood can be seen puddling out of the hole in the back of his head. (11/18/04)

ramp. They doused the body with buckets of liquid until the maggots had disappeared, and released the body to the family.

André Antoine, with his wife, neighbors, and friends, stood by to find his son, Spencer Antoine, age 17, among the bodies. Antoine stated that the Haitian Police had attacked his neighborhood near Grande Rue, close to the city center, with heavy firepower at 9:00 p.m. the previous night and Spencer never came home. He said that the police were dressed in their all-black uniforms, wearing helmets and bullet-proof vests, and riding in a white vehicle. He stated that Police had taken all the bodies away.

Marie Lourdes also came to the morgue that evening and found the body of her nephew, Manigat Lamsik, age 16. She stated that Manigat had left with friends around 6:00 p.m. the previous night to go dancing at Club Lido, near Grande Rue, and never came home. The family had looked everywhere for him. This was the last stop.

André Antoine, with his wife, neighbors, and friends, stood by to find his son, Spencer Antoine, age 17, among the bodies. Antoine stated that the Haitian Police had attacked his neighborhood near Grande Rue



Families of Spencer Antoine and Manigat Lamsik gather to find their boys at the morgue. (11/18/04)

III. CONCLUSION

If Port-au-Prince is representative of Haiti as a whole, it is a country that is under siege from without and from within. Life for the impoverished majority is becoming more violent and more inhuman as the months pass since the elected government's removal on February 29, 2004.

The palpable tension, the hunger, and the fear have led to the poor killing the poor, in Cité Soleil, where rich businessmen appear to be fueling the fire. In other

poor neighborhoods, the police, backed by UN forces, routinely carry out indiscriminate and unprofessional killing operations. The undisciplined army is back, protecting the rich and attacking the poor. The justice system is twisted against poor young men, dissidents and anyone calling for the return of the constitutional government. Prisons fill with young men who are arrested without warrants and are denied due process. Partisanship and corruption occupy the electoral council's attention, leaving little hope for free and fair elections.



In the back of the state morgue,
Port-au-Prince, Haiti,
5:30 p.m.,
November 18, 2004

As they die from bullets, starvation, and disease, the poor cry out for a chance to be heard. Despite the ubiquity, and the planning of the United States, Canada, the UN and others, no one in control can claim to have made any investment in real dialogue. The investments that have been made are in firepower, and the dividends have not satisfied the Haitian people's social, economic or political needs. Instead, the observable returns on the investment are bodies left in the street to be eaten by pigs or rotting in the morgue, and the tearing apart of communities that have long been knitted together by their shared hunger.

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JANUARY 14, 2005

APPENDIX

a. The investigators interviewed the following people for this report in Haiti:

1. **Roselor Julien**, former President of the Provisional Electoral Council (CEP)
2. **Philippe Vixamar**, Cabinet Minister, Ministry of Justice
3. **Father Gérard Jean-Juste** (while detained at Omega Prison)
4. **Jean-Baptiste Joseph**, Commander (former) Haitian Army
5. **General Ravix**, “General” (former) Haitian Army
6. **Samba Boukman**, political leader for neighborhood of La Saline
7. **John Joseph Jorel**, Lavalas party leader, Cité Soleil
8. **Amaral**, Lavalas activist, alleged gang leader, Cité Soleil
9. **Dred Wilme**, gang leader, Cité Soleil
10. **Staff at CARLI** (Haitian human rights agency)
11. **Mario Joseph**, defense attorney for approximately 60 political prisoners
12. **Joseph Guy Delva**, president of Association of Haitian Journalists
13. **Employees/contractees of IFES** (a U.S. Govt. “democracy program” contractor)
14. **Edouard Guerriere**, former member of the Palace Security Unit (in hiding)
15. **Andy Apaid**, businessman and leader of the Group of 184
16. **Police** from various Haitian National Police units
17. **Dr. Marie Joseph René**, assistant mayor of Pétionville
18. **Employees** of the state morgue
19. **Various doctors** at the General Hospital

b. Observations included:

1. Police and United Nations operations in Cité Soleil, Bel Air, and La Saline.
2. Other police observations in Canapé-Vert, Tabarre, Pétionville, Champ de Mars, and the area of the National Palace.
3. Police Station and detention facility at the Anti-Gang Unit.
4. Police Station and detention facility at Canapé-Vert
5. Omega Prison
6. General Hospital emergency room
7. State morgue
8. Irregular Haitian Army base in Pétionville.

c. The 7-Point Platform of Mouvman Rezistans Baz Popile, MRBP:

1. The departure of the Latortue government, without conditions, and the creation of a consensus government that includes all sectors.
2. Release of all Lavalas prisoners, without conditions.
3. The return of all who are in hiding to their homes to lead normal lives.
4. The enforcement of a country-wide disarmament plan by MINUSTAH.
5. The return of Jean Bertrand Aristide to the presidency.
6. The establishment by the UN of social programs for the entire country.
7. The establishment of dialogue among all groups, without distinction.

Notes

1 The investigation was led by Thomas Griffin, a principal in the law firm of Morley Surin & Griffin, P.C., in Philadelphia. Prior to becoming an attorney, Griffin was a federal law enforcement officer for 10 years, conducting investigations in inner-city Brooklyn and Boston. He received the U.S. Department of Justice Public Service Award for his investigation of a multi-million dollar drug and murder ring in Brooklyn, and received the Outstanding Service Award from the U.S. District Court in Boston. Before opening his Philadelphia practice, Griffin practiced white-collar criminal defense at Boston's Choate, Hall & Stewart. Griffin has volunteered in Haiti for humanitarian and human rights projects for many years and speaks Haitian Creole. In addition to his Haiti work, in 2002 Griffin was the legal representative for a delegation investigating the unsolved murder of human rights lawyer Digna Ochoa in Mexico City.

For this investigation, Griffin is indebted to attorney Judy DaCruz, based in Haiti, for sharing her contacts in Haiti's most forgotten places, and for her courage.

2 The author acknowledges that some of the photographs are graphic and disturbing. All photographs were taken by the investigative team, unless otherwise noted.

3 As this report was undergoing final edits in early January, UN forces made several incursions into Cité Soleil, and have reported restoring some law and order to the area.

4 St. Catherine's reportedly re-opened on January 4, after three months of closure.

5 Apaid admits to having influence over Labanyè, and to asking the police to protect him. Apaid denies that he is involved in violence. See, Apaid interview section, *infra*.

6 Gangs have ripped up the roads at many entry points, and installed barriers. Investigators were stopped at a checkpoint, and guns were pointed directly at them. After questioning, they were allowed to pass through.

7 See, e.g., "Haiti: Amnesty International calls on the

transitional government to set up an independent commission of enquiry into summary executions attributed to members of the Haitian National Police," November 11, 2005, available at www.amnesty.org, and www.IJDH.org.

8 See *Id.* (corroborating Boukman's statements).

9 See *id.*; see also reports of the National Lawyers Guild at www.ijdh.org, and the Haiti Accompaniment Project at www.haitiaction.net.

10 The official Haitian Army (Forces Armées d'Haïti, or "FADH") was known primarily for conducting coups and brutalizing its own citizens. It was disbanded after the return of the constitutional government in 1994. Among other things, former soldiers now demand pay for the last 10 years. In early January, the government announced it would give soldiers nearly \$30 million in back pay.

11 In December, the government announced a warrant for Ravix' arrest. As of the report's issue he has not been arrested, and continues to give frequent radio interviews.

12 The Catholic Church's Justice and Peace Commission, for example, estimates that there are over 700 political prisoners throughout Haiti.

13 After the investigation, on November 22, 2004, the court granted Samedi a "liberation order." At this writing, however, the order has not been executed.

14 Father Jean-Juste was released for lack of evidence on November 29, 2004.

15 Gilles was released several days after his arrest in early October. Feuillé and Hérivaux were released on December 23, after three months in detention. The cases against them remain pending.

16 See http://www.ifes.org/reg_activities/haiti-reg-act.htm. According to the IFES website, William J. Hybl is the Chairman of the Board of Directors. Hybl is also on the board of Directors of the International Republican Institute (IRI), which receives funding from the National Endowment for Democracy (NED), and has been active in Haitian politics for several years. Witnesses described Hybl as "extremely close with Vice President Cheney." Almami Cyllah

- has been the director of IFES' Haiti programs for several years; before that he directed the Haiti programs of the National Democratic Institute for International Affairs (NDI), which is also funded by NED.
- 17 Interview transcripts available upon request.
- 18 [Http://www.ifes.org/reg_activities/haiti-reg-act2.htm#haiti_IFES](http://www.ifes.org/reg_activities/haiti-reg-act2.htm#haiti_IFES)
- 19 [Http://www.ifes.org/news/archive_04_2003.htm#Haiti_JudRef](http://www.ifes.org/news/archive_04_2003.htm#Haiti_JudRef)
- 20 [Http://www.hrdf.org](http://www.hrdf.org). The HRDF, USAID, IFES and other organizations co-sponsored a December, 2002 discussion of Haitian legal reform in Miami. [Http://www.ifes.org/news/archive_12_2002.htm#haiti_diaspora](http://www.ifes.org/news/archive_12_2002.htm#haiti_diaspora).
- 21 [Http://www.ifes.org/reg_activities/haiti-reg-act2.htm#haiti_IFES](http://www.ifes.org/reg_activities/haiti-reg-act2.htm#haiti_IFES). FBH was headed by Jacques Sanno, member of the Group of 184.
- 22 According to the IFES website, the "Victims of Organized Violence Program" is designed to research ways to decrease torture in Haiti, increase the capacity of local organizations to document their work, and provide treatment to victims of torture. [Http://www.ifes.org/reg_activities/haiti-reg-act.htm](http://www.ifes.org/reg_activities/haiti-reg-act.htm).
- 23 The administrators reported that IFES formed or "sensitized" many other groups, including the Initiative de la Société Civile (ISC), headed by Rony Desroches, and a member of the Group of 184; the Centre Toussaint Louverture pour la Défense des Droits Humains et le Développement (CTDH), headed by attorney Carlos Hercule, and a member of the Group of 184; La Fondation Héritage pour Haïti (LFHH), believed to be connected to the Heritage Foundation in the United States, and a member of the Group of 184 (LFHH is led by Marylin Allien, who also heads the Haiti Chapter of Transparency International, another purported pro-democracy group operating in many developing nations; and L'Association des Industries d'Haïti (ADIH), headed by Marie Claude Bayard, a member of the Group of 184.
- 24 Available at www.nlg.org/news/delegations.htm.
- 25 See, <http://www.hrdf.org/Forum-Juridique/humanitarian/humanitarian.htm>
- 26 See, http://www.ifes.org/pressroom/News%20Archives%202004/archive_03_2004.htm#Haiti_Panel_Discussion.
- 27 Also the December 1 massacre at the National Penitentiary. The government admits that ten prisoners were killed, witness claim several times as many fatalities. See report at www.ijdh.org.
- 28 UN Security Council Resolution 1542, adopted April 30, 2004, which authorizes MINUSTAH, bases the military and police components on Chapter VII of the UN Charter, and does not refer to Chapter VI. Chapter VI, "Pacific Settlement of Disputes," does not refer to peacekeeping or peacemaking forces. See, www.un.org.
- 29 See National Lawyers Guild Summary Report (Phase I), at www.ijdh.org (noting the observed anti-Aristide partisanship of NCHR).
- 30 Witnesses at the radio station claimed the guns in question arrived in a government car, after the police had surrounded the station. On December 23, the three parliamentarians were released for lack of evidence. No weapons charges were ever pursued. According to their attorney, their files contain no evidence of criminal activity.
- 31 This includes the largest media organization, the Association Nationale des Médias Haïtiens (ANMH). See "Haiti, Taking Sides," the Committee to Protect Journalists, July 26, 2004 ("The National Association of Haitian Media, a group of local media owners, actively participated in the Group of 184, an alliance of civil society organizations and political parties that organized demonstrations against Aristide and the Lavalas party beginning in 2003."). Julien stated that one of Benoit's last acts before her resignation was to have the CEP give \$60,000 to Accurate Satellite Access, a company owned by his friend, Jean Pierre Basil, for electrical and air conditioning work that did not take place. She said she stopped payment on the checks, and embarrassed Benoit.
- 32 Apaid stated that the factory (where the interview took place) sews T-shirts and jeans for numerous U.S. corporations, including Hanes and Fruit of the Loom.

At this site, he employs 5,000 workers. He said that he pays “two and a half times minimum wage” (the minimum wage is 72 gourdes, about two U.S. dollars, per day) and 60% of their on-the-job meal cost, and provides an on-site health clinic. He provided only a limited tour of his factory.

33 Apaid blames Aristide for the collapse of his own government because “he made a big mistake” when he held fast to the scheduled December 2000 date for the presidential election. Apaid said that he had told Aristide in a phone call that “you must repair the damage done by the fraudulent legislative elections in May 2000 before proceeding to the presidential election.” He wanted Aristide to agree to hold the elections in January 2001 so that the opposition could prepare a candidate and warned Aristide, “if you (the Lavalas government under President Preval) hold the elections before we are ready in January, you will mortgage this country.” Apaid stated that he repeated this in calls to all the ambassadors in Haiti. Asked his authority for dictating the national election timing, Apaid responded, “I was simply exercising my democratic right.”

34 The leaders of Haiti’s 1991-1994 military dictatorship made the same claim.

35 People interviewed in Cité Soleil describe a similar meeting, with the same participants, but in July 2003, 8 months earlier.

36 See National Lawyers Guild Phase I Report, at www.nlg.org/news/delegations.htm (at the time CARLI denied it was being partisan, but failed to explain why it was putting out specious accusations against Lavalas supporters, why it made no accusations of human rights abuses by forces opposed to the elected government, or why it did not denounce acts by the then newly installed the interim government. See also, section on IFES/U.S. role in the crisis, *supra*).

37 See, e.g., “Alarming increase in the number of rapes,” Haiti Support Group press release, 25 November 2004, <http://haitisupport.gn.apc.org/Rape.htm>.

38 Amnesty International, “Urgent Action: Fear For Safety/ Death Threats,” October 20, 2004, www.ijdh.org.

39 Front révolutionnaire pour l’avancement et le progrès haïtiens (Revolutionary Front for the Advancement and Progress of Haiti).

40 Chamblain was the former number 2 in FRAPH, who had been convicted in absentia of several killings during the 1991-1994 dictatorship. In August, one of these convictions was reversed in a night-time trial where no witnesses appeared. For more information on the Chamblain trial see www.ijdh.org.

41 At the time of the interview, CARLI had not yet determined whether it would accept IFES’ recent overtures for a new contract.

42 See also, Institute for Justice and Democracy in Haiti, “Illegal Arrest of Political Leaders,” October 8, 2004, www.ijdh.org (before the demonstration started, radio stations reported that a police officer had been beheaded early that morning in a confrontation with a criminal gang).

43 See also “Haiti, Taking Sides,” the Committee to Protect Journalists, July 26, 2004 (“Many private radio stations openly promoted the opposition’s agenda, sometimes exaggerating or inventing stories. In early February, rebel leader Guy Philippe accused Aristide of sacrificing children in a voodoo ceremony—a fabrication presented as fact on some private radio stations.”).

44 MINUSTAH’s mandate is set forth in UN Security Council Resolution 1542, April 30, 2004, available at www.un.org.

45 Constitution of Haiti, Articles 24-26.

46 A former high-ranking police official from the USGPN (palace security), Edouard Guerriere, now in hiding, told investigators that one of the most corrupt officers is Youri Latortue, the Prime Minister’s nephew. After Aristide’s ouster he was made chief of security for the Prime Minister’s Office (the French newspaper *Le Figaro*, in a December 21 article titled “Drug Traffickers Help Themselves to Haiti,” called Youri Latortue “Mr. 30 Per Cent” because of the money he skimmed from government accounts). Youri Latortue was a commander in the USGPN palace security force from 1994-2001, where he controlled, and reportedly embezzled hundreds of thousands of dollars from the USGPN payroll.

Guerriere claims that Youri Latortue participated in the 1994 murder of catholic priest Jean-Marie Vincent (as did eyewitnesses in 1995), and that he assisted in the 1993 murder of democracy activist Antoine Izmary. From 1991 to 1993, Latortue was an officer in FADH's Anti-Gang Unit, the army's most notorious unit for human rights violations. Youri Latortue has owned the La Chandelle Hotel in Gonaïves for many years, and is reported to have used it to provide weapons to anti-Aristide guerrillas in the months prior to Aristide's ouster. A full transcript of the Guerriere interview is available upon request.

47 The officers stated that when Guy Philippe (the current head of the Resistance Front party and leader of the armed insurgency against Aristide in 2004) was a Commissaire in the Delmas district police station during the Preval administration, he would summarily kill many suspects. This is consistent with the U.N. Human Rights Mission's report of extrajudicial killings under his Delmas command. The officers stated that Guy Philippe interpreted the administration's "zero tolerance" policy to mean that suspects should be executed when found.

48 NLG Report, available at www.nlg.org/news/delegations.htm. On January 6, 2005, the Minister of Health announced that a new "cold room" for the morgue had arrived, and was being installed.