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## U.S. Department of State

### Haiti Country Report on Human Rights Practices for 1997

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#### HAITI

Haiti's second democratically elected President, Rene Preval, celebrated his first anniversary in office on February 7, the first time a democratically elected president reached that milestone. The bicameral, 110-member National Assembly showed its independence by amending bills presented by the Government, summoning the Prime Minister in March for a vote of confidence, and not approving the President's nominees for the post of prime minister in August and December. The political situation remained unsettled following the June resignation of the Prime Minister, who still had not been replaced at year's end. Mayors and local councils elected in 1995 reflected broad, popular participation in democratic local government. Elections for some complementary local government bodies called for in the 1987 Constitution were held for the first time beginning in April. These elections culminated on October 3 in the election of an Interdepartmental Council, which is to function as a liaison between the provinces and the executive branch. Members of the communal section assemblies, or ASEC's, took office in August, although the majority party charged that the Provisional Electoral Council had committed fraud in favor of another party in the elections for these bodies and the Senate. At year's end, the April elections remained embroiled in controversy, pending resolution of partisan differences. The judicial system--while theoretically independent--remained weak, disorganized, and corrupt after decades of government interference, financial neglect, and corruption.

The 2-year-old civilian Haitian National Police (HNP) continued to form needed specialized units and formally absorbed the National Penitentiary Administration (APENA) in accordance with the Constitution. In August international military units withdrew from the Palace, and responsibility for the security of the President and Government passed to the HNP palace security units. Over the course of

the year, the HNP's leadership, in cooperation with the international community, undertook a serious training and development effort to improve officers' skills, increase accountability, and bring the force into compliance with international standards. The United Nations Support Mission in Haiti (UNSMIH) was converted to the U.N. Transition Mission in Haiti (UNTMIH) in August, with about 1,200 peacekeeping troops and 250 civilian police responsible for assisting the Government to maintain a secure and stable environment and advising the HNP. The UNTMIH's mandate expired on November 30. The U.N. Police Mission in Haiti (MIPONUH), with 290 police officers from 11 countries, succeeded UNTMIH on December 1 with a 1-year mandate to advise, train, and support the professionalization of the HNP. Several mayors maintained quasi-official forces to serve as municipal police. These groups lack legal standing, authority to carry weapons, or legitimate powers of arrest. The Port-au-Prince extralegal force is said to number several dozen persons; that of Delmas, an adjoining suburb, about 30. The mayors of several other towns have much smaller corps. Some members of local government councils (CASEC's) have assumed arrest authority in defiance of the law. Members of the HNP, the other security forces, and the informal municipal police committed some serious human rights abuses.

Haiti is an extremely poor country, with a per capita annual income of about \$300. This figure may not fully include significant unrecorded transfers from the estimated 1 million Haitians living abroad, as well as income from informal sector activities that constitute an estimated 70 percent of actual economic activity. The country has a market-based economy with state enterprises controlling such key sectors as telecommunications and utilities. A formal privatization strategy is slowly being implemented for nine parastatal enterprises. About two-thirds of the population work in subsistence agriculture, earn less than the average income, and live in extreme poverty. A small, traditional elite controls much of the country's wealth. A small part of the urban labor force works in the industrial and assembly sectors, with an equal number in government or service sector employment. Assembled goods--textiles, leather goods, handicrafts, and electronics--are a major source of export revenue and employment. Other important exports are mangoes and coffee. The Government relies heavily on international financial assistance.

The Government generally respected the human rights of its citizens; however, a significant number of serious abuses occurred, and some abuses increased in frequency during the year. The police summarily executed at least six persons. Police officers shot and killed 11 persons while making arrests or controlling demonstrations and wounded at least 17 others in these situations. Police were also responsible for instances of torture and at least 189 cases of mistreatment of detainees, including repeated, severe beatings, and a mock execution. Poor prison conditions and arbitrary arrest and detention remained problems. The HNP Director General, following the recommendations of his Inspector General, fired at least 21 police agents for human rights abuses; he referred 9 of these cases to the Public Prosecutor. The police leadership made some progress in addressing management weaknesses, which limit accountability for police misconduct, but many senior and midlevel positions remained unfilled.

The judiciary is weak and corrupt. The Senate and Chamber of Deputies had not yet taken final action on a judicial reform bill by year's end; however, the draft bill stipulates no precise measures to bring about reform. The near-moribund judicial system remained incapable of processing detainees in accordance with the law, and a large proportion of crimes, including some that may have had political motivations, remain unsolved. The authorities arrested an opposition politician in November on accusations of plotting to assassinate the President; they released him provisionally a month later. The authorities maintained in illegal detention some persons arrested in 1996 who were members of the political opposition. The clogged judicial docket, lengthy pretrial detention, and illegal searches also contributed to widespread human rights violations. Societal discrimination against women, violence against women, and abuse of children remain problems, particularly the widespread practice of rural families sending young children to the larger cities to work as unpaid domestics (restaveks). Vigilante

activity--including killings--remained a problem.

The Government's limited effort to redress the legacy of human rights abuse from the 1991-94 period met largely with failure. Important cases, such as those from the 1994 Raboteau killings, languished in the courts. Judicial officials failed to begin processing many other complaints involving human rights abuses, although a few convictions were obtained. The Justice Ministry did not widely disseminate the report of the National Truth and Justice Commission and did not implement its recommendations. In particular, although the budget included funds to compensate victims (and their survivors) of the 1991-94 period of military rule, the Government disbursed none of these funds. However, on November 4 the Government opened the office of Protector of Citizens, an autonomous office established by the 1987 Constitution.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

Extrajudicial killings by the authorities decreased compared with 1996, according to UNSMIR reports, the HNP Inspector General, and other sources. In late April and early May, police removed at least three men from detention in the Cite Soleil police station and shot them, according to information collected by the UN/OAS International Civilian Mission (ICM). An ICM investigation also found that two gang leaders from Cite Soleil, reported to have died in the hospital from gunshot wounds suffered in a battle with police in October, were in fact arrested and beaten so severely that they died. On September 22, Port-au-Prince police handcuffed an accused thief on the street and then killed him, according to eyewitnesses. The authorities suspended several police agents, pending an investigation of this killing. The police also shot a gang leader to death in Cite Soleil in unclear circumstances in September. In February a police inspector in Les Cayes, allegedly hired by a local resident, killed a citizen and shot and killed a fellow policeman who pursued him; he was shot and killed himself by a third policeman.

Police were also responsible for 11 additional deaths when officers used excessive force in making arrests or controlling demonstrations. Off-duty police officers shot and killed at least seven people in personal disputes. An off-duty prison guard shot and killed an unarmed escapee in Cap Haitien on June 7, sparking violent demonstrations. On May 28 in Archaie prison, a detainee died after 7 days without medical care (see Section 1.c.).

The police Inspector General completed reports on several cases of summary execution or use of excessive force. On his recommendation, the HNP Director General fired 21 agents for committing human rights abuses, and sent 9 of these cases to the Public Prosecutor. However, few cases against police reached trial. In July in Cap Haitien, a criminal court found that the death of a woman shot in a public conveyance by two police in 1996 was accidental. On May 23 and June 5, an investigative judge in Port-au-Prince released without trial six police officers charged with murder in three separate cases that occurred in 1996. With more supervisors in place, the incidence of officers dismissed for misconduct, who nevertheless returned to duty or continued to draw pay, declined sharply.

The head of the quasi-official security force attached to the Delmas mayor's office shot and killed a fellow employee in the town hall on June 12; town officials refused to hand him over to police. The Delmas mayor confirmed to an international organization that 6 off-duty members of the Delmas force were involved in armed incidents in Cite Soleil in which 6 persons were killed and 14 wounded on February 25. A Parliament security guard shot and killed two supposed criminals near the Parliament

building on June 20.

The Special Investigative Unit (SIU) of the National Police served over a dozen arrest warrants in the 1994 Raboteau massacre case and continued to investigate other notorious human rights abuses from previous years. In January, responsibility for investigating the August 1996 killings of political opposition activists Antoine Leroy and Jacque Florival passed to the SIU, which arranged autopsies of the bodies and collected other evidence. In July the Government dismissed the suspended chief of palace security, his deputy, and eight members of the presidential security unit who allegedly were at the scene of the shootings. The police killed Eddy Arbrouet, the chief suspect in the Leroy and Florival killings, during a raid on his home on December 14. The SIU was not present at the scene of the raid. The raid occurred nearly 1 year after an arrest warrant had been issued for Arbrouet, a former informal palace security operative. Information about operational details of the raid remained unclear at year's end. Investigators made only minor progress on other high-profile killings, such as the March 1995 murder of Mireille Bertin, which were committed following then-President Jean Bertrand Aristide's return in 1994. None of these cases was brought to trial.

At year's end, the Government continued to hold on undetermined charges the two suspects acquitted by a jury in 1996 for the killing of Minister of Justice Guy Malary.

Assailants killed 20 police officers, most of whom were off duty, including several cases in which robbers killed them after finding their police identification. The police arrested several suspects in these murders. Instances of mob killings of suspected criminals exceeded 147. Police made at least 36 arrests in 10 cases of mob killings.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1987 Constitution prohibits the use of unnecessary force or restraint, psychological pressure, or brutality by the security forces. However, members of the security forces frequently violated these provisions. Police officers used excessive--and sometimes deadly--force in making arrests or controlling demonstrations, wounding more than 17 people in such situations. The police were responsible for more than 189 cases of mistreatment of detainees. They also continued to beat demonstrators without arresting them in several instances.

Members of the HNP tortured suspects in isolated incidents. In late July, the U.N. Civilian Police reported that beating of detainees had become common in the Cite Soleil police station, with some persons also being tortured. On August 8 in the Cite Soleil station, police undressed and whipped three women detainees. In mid-April Cap Haitien police took four detainees to a ruined fort outside town and carried out a mock execution. In September an off-duty policeman in Port-au-Prince seized a man, handcuffed him, and tortured him with a hot iron, rather than taking him to a police station. The policeman was later arrested.

Cases in which the HNP mistreated detainees--sometimes severely--increased. The ICM recorded a noticeable rise in the number of complaints of beatings by the police. Such violations of human rights continued throughout the year. Most often, police beat suspected members of armed gangs during arrest or in the course of interrogation, usually with firearms or police batons. In a few cases, police forced detainees to lie prone, then walked on their backs. On other occasions, police encouraged some

detainees to beat others or failed to intervene when detainees beat each other. Another problem was the failure to provide medical treatment to ill or injured detainees; the Government provides no budget for medical treatment (or food) for detainees in police holding cells. In sporadic cases, off-duty officers used their weapons in disputes with taxi dr