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Responses to Information Requests

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Haiti: Summary of observations on the security and violence in Haiti made in 2008 and updated in 2013 by Cécile Marotte, Associate Researcher at the Knowledge and Freedom Foundation (Fondation connaissance et liberté, FOKAL /OSI) from 2008 to 2012, clinical psychologist since 2013 at the Victoria Institute in Montréal Research Directorate, Immigration and Refugee Board of Canada, Ottawa

This document is an update to a summary of observations made by Cécile Marotte, Associate Researcher, from 2008 to 2012 at the Knowledge and Freedom Foundation (Fondation connaissance et liberté, FOKAL), a Haitian non-governmental organization (NGO) that promotes development and education in Haiti that receives strong support from the Open Society Institute, George Soros Foundation in Haiti (Friends of FOKAL n.d.), in a presentation titled *Violence et insécurité en Haïti* [violence and insecurity in Haiti], which was held in Montréal at the Immigration and Refugee Board of Canada (IRB) on 5 November 2008. In May 2013, Ms. Marotte revised the summary of the observations she made in 2008 and added information where necessary. The additions are indicated in this document in bold italic text.

In 1991, Cécile Marotte worked for the United States Agency for International Development (USAID) **as a psychotherapist** at a private clinic for victims of the coup in Haiti. She also collaborated with the United Nations medical unit on writing the final recommendations of the National Commission of Truth and Justice (Commission nationale de vérité et de justice, CNVJ) and USAID for projects aimed at assisting victims of violence in Haiti. Since 2013, she has been working as a clinical psychologist at the Montréal Victoria Institute.

In the first part of her presentation, which was based on the questions sent to her by the IRB before the meeting, Cécile Marotte gave an overview of the situation in Haiti in terms of security and violence. She then answered questions from the audience. This document sets out her comments and answers from 2008, as well as an overall update to take into account the situation in Haiti in 2013.

Presentation

1. Describe the security and political situation in Haiti over the past 12 months. (2012-2013)

Insecurity still persists in the country, even though some areas that are known to be very dangerous have been made safe. For example, Cité Soleil, a shanty town, has sheltered serious criminals for years, but is now [translation] "peaceful." ***The current Haitian government- [Michel] Martelly, President, and [Laurent] Lamothe, [Prime] Minister - gives orders that are much more clear and specific with regard to security issues: [translation] "No blunders," in order to restore tourism and open the country to more visitors and investors. This does not mean that all forms of violence have disappeared, but they are under much better control and perpetrators are punished when apprehended by the police. Haiti has gone from political violence to violence caused by organized crime, whose methods of operation are intelligent and fit in easily with the prevailing corruption. Haiti therefore continues to suffer*** from a desperate need for legal services; its judiciary is deficient and slow, judges are corrupt, and the economy is unstable and weak. Consequently, legal processes, such as filing a complaint or searching for an aggressor, are frequently delayed or postponed. Filing a complaint does not mean that the judiciary-which still has a problem with corruption-will forward it to the courts.

It is common to hear that corruption in Haiti affects all levels of government and large private entities. Haiti has government agencies, laws and a legal structure, but because of the corruption, problems take too long to resolve and government bodies are either poorly run or are non-existent. ***It is difficult to imagine a quick resolution for such a problem. Although police and legal protection systems are not yet as effective as hoped,***

undeniable progress is however being made, particularly at the Central Directorate of the Judicial Police (Direction centrale de la police judiciaire de Haïti, DCPJ), which is working hard to shut down armed gangs and kidnapping rings.

The Haitian National Police (Police nationale d'Haïti, PNH) is becoming increasingly effective. It offers more services and is perceived more positively by the population. The PNH has additional staff, is better trained, and has improved equipment (uniforms, weapons, mopeds, vehicles, etc.). Currently, **about 10,000** police officers work for the PNH, and **approximately 1,000** of them are assigned to the prison system. The DCPJ has neighbourhood teams and anti-kidnapping units that work with the United Nations Stabilization Mission in Haiti (MINUSTAH). **However, the DCPJ has reached a level of efficiency that makes it increasingly capable of controlling kidnappings and armed gangs on its own.**

Haitian police officers have received international training-the best training offered by the Police Academy (Académie de Police)-and their salaries are paid regularly. However, there are still dirty police officers: some have committed rape, which is considered to be a form of torture **and, since 2005, is punished as a crime.** Some officers have also been known to work with the gangs. Furthermore, prisons are too few and overcrowded, and multiple abuses are still being observed in them.

Although the government authorities still lack credibility, they have been making considerable effort to overcome major problems and obstacles encountered, which is new. Let us not forget that everything needs rebuilding in Haiti-or just about. Public services are working very hard to become more effective and accessible to the population. The government's current agenda is to avoid any PNH abuses against the population or in resolving conflicts. That agenda is in line with an obvious desire to restore tourism in Haiti and thereby open up the Haitian provinces, which have been neglected and isolated for too long.

Moreover, Haitians still have difficulty obtaining identity documents, such as birth certificates, acts of birth, voter's cards (which replaced the identity card) and passports. Yet proof of identity is required to have a right to recourse. A person's identity is extremely important in terms of security. Identifying someone in Haiti is difficult because many people have no identification and some use several names. Haiti does not yet have an identification system in routine use that could be used to verify whether a person is trying to impersonate someone else.

Real effort has been made to encourage the population to obtain a voter's card, which gives them the ability to vote, but it also, and more importantly, provides them with identification.

The public education system was seriously considered by the current government. More than a million children from underprivileged communities have received access to free primary school education, which is a real-if not colossal-accomplishment. However, professional training is still lacking and does not provide access to a national labour market that would guarantee a minimum number of jobs. The public health system remains restrictive in terms of access to emergency care and medication, especially in the provinces.

2. In the current context, who is most likely to be subjected to persecution, to a risk to their life or to a danger of torture in Haiti?

The Haitian population lives in a constant state of collective vulnerability that affects them daily. The insecurity is marked by rampant violence that takes various forms, which reduces citizens' collective living space. Families and individuals have withdrawn out of fear or because of threats made against them.

Violence in Haiti produces victims, and the environment of impunity creates near-permanent insecurity. Security measures are not available to everyone, and access to immediate and appropriate care is lacking. More victims means less stable and more vulnerable communities, and a low standard of living that is difficult to overcome. As the number of victims increases, the number of citizens decreases. Those who can emigrate do so willingly.

Currently, the main form of violence in Haiti is kidnapping for ransom, which is sometimes followed by beatings and sexual assault. From 2005 to 2006, many women who were kidnapped were raped. However, the ransom is the main objective today. Overt aggression followed by death or disappearances have also been observed. Weapons trafficking, which contributes to organized crime, is another major issue in Haiti.

2.1 In the current context, who is targeted by the gangs that commit the acts of violence, kidnappings or other types of extortion?

Statistically speaking, it is difficult to obtain figures for Haiti, but in general, an equal proportion of men and women are victims of attacks. More Haitians than foreigners are threatened. **Attackers are not necessarily from a poor background (as established by the dramatic kidnapping of two middle-class children whose abductors were from another large middle-class family).** They target people who can pay a ransom, although the initial amount is usually reduced following negotiations. People leaving parties, receptions and restaurants late at night are therefore targeted. However, although some kidnappings are still carried out on the streets in broad daylight, their numbers have decreased in the last year [as of 2008]. Kidnappers generally become very familiar with their victims by following them and monitoring their comings and goings (with the help of street children, neighbours, guards, drivers, etc.).

The number of kidnappings in Haiti from 2005 to 2008

- 2005: 760 (for political reasons; for example, Jacques Roche, a journalist opposed to former president J.-B Aristide).
- 2006: 554, including 150 in Port-au-Prince-
- 2007: 246 (usually for ransom)
- 2008: Kidnappings decreased, but continued.
- **After 2010: the PNH and the DCPJ are able to track down kidnappers more quickly and effectively and to arrest them, and more of them are punished.**

However, the exact number of kidnappings is not known, because the victims' families are still reluctant to report them and avoid speaking publicly out of fear of retribution.

2.1.1. Have the gangs that are currently carrying out the kidnappings and other types of extortion been identified? In other words, are there gangs that have not been identified but that remain active? Are these gangs concentrated in a few cities or are they spread throughout the country?

Members of gangs from poor, tough neighbourhoods have access to weapons stockpiles or deliveries, and they are subject to political manipulations, particularly around election time. They also use street children as informers. The gangs operate primarily in the capital, and they hide out in the shanty towns around Port-au-Prince and the suburb of Pétionville. These shanty towns are home to anarchic structures that receive no support from city councils. These structures exist because the armed gangs threaten and controlled the population. Victims of kidnappings are brought to the maze of shanty towns, where they stay until they are released-if they are released-on main streets in the middle of the night. Some hideouts, located in the highlands, are still hard for law enforcement to access.

A few gangs are still operating and growing. Several gangs, such as the ones in Cité Soleil, have been identified, monitored and dismantled, but there are still numerous contradictions. On the one hand, the PNH has better means than in 2004, but it still lacks a sufficient number of police officers. On the other hand, the United Nations anti-gang unit has to follow very strict security and operating rules. Furthermore, the Haitian government has issued contradictory mandates for intervention. For example, during the first mission, which was led by Juan Gabriel Valdés from 2004 to 2006, MINUSTAH staff and anti-gang experts were not allowed to arrest gang leaders. During the second mission, led by Edmond Mulet from May 2006 to September 2007, MINUSTAH was allowed to confront and arrest leaders of gangs and armed gangs. The results could be seen immediately. MINUSTAH helped stabilize some of the problems, but the security measures that the mission members must follow often restrict their actions. They cannot even travel without a security entourage.

As noted earlier, some kidnapping rings are part of the upper class and target people who will bring them a handsome profit.

3. In the current context, are the Haitian authorities capable of protecting citizens who are subjected to persecution or to a risk to their life? What efforts are being made in this regard?

Despite the concrete efforts of the PNH, Haitian citizens are still not afforded a great deal of protection in Haiti, for several reasons:

- identifying a person can be difficult. A person may use several first or last names and may not be legally identifiable. **Also, there are operation problems with civil status offices, and the documents they are supposed to deliver free of charge are not delivered because of the petty corruption common among public services. Therefore,** only 40 percent of the population have birth certificates or acts of birth.
- Some aggressors, even if they are known, hide out in neighbourhoods that are difficult to access, with no passable roads. They hide in small interconnected houses with numerous entrances. **The neighbourhood is often forced to comply with the aggressors or** has been threatened by them. These are the large urban gangs in the shanty towns (such as Martissant, Bel-Air and Cité Militaire).
- Haitians do not yet believe that the PNH are effective and have become accustomed to enduring and manage on their own. **In this sense, the population rarely seeks help from the PNH and the justice system, and public denunciations in the press are even more rare.**
- Sanctions are filled with flagrant contradictions. For example, the prisons are overcrowded, unsanitary and dangerous. Theoretically, they cannot handle any more inmates. Therefore, people who are arrested are sometimes released too soon, regardless of the crimes they have committed. Preventive detention (prior to sentencing) is located in the police stations, and even though people can be legally detained for only 48 hours, this is rarely followed.
- Haiti has an unstable social climate and daily life. The Haitian population is never completely certain what the next day will bring.

4. What is the current situation for women in Haiti, in terms of domestic violence and violence in general outside of their close romantic relationships?

Paradoxically, Haitian culture favours women: economically speaking, for 80 percent of the population, women

are the *poto mitan*, the pillar of the family unit. However, the basic services for citizens are not available to them. Women often give birth at home under risky conditions, they have access to few preventive medical services-***even when pregnant***-and medical care is available only in the event of a reported disease. In addition, women who are sexually assaulted receive little or no support in police stations and have little or no access to legal mechanisms.

However, there have been some improvements. In 2005, a decree law was adopted that considers rape to be a crime against the person punishable by forced labour and imprisonment for 10 years to life, depending on the circumstances. In addition, the Ministry for the Status of Women and Women's Rights (Ministère à la Condition féminine et aux Droits des femmes) has made considerable efforts since 2006 to strengthen women's rights organizations, including the following: This includes such departments as;

- The centres of the Haitian Group for the Study of Kaposi's Sarcoma and Opportunistic Infections (Groupe haïtien d'étude du sarcome de Kaposi et des infections opportunistes, GHESKIO), which offer emergency kits (against pregnancy and HIV contamination) to victims of sexual assault. They also offer psychological support and medical care.
- Solidarity with Haitian Women (Solidarité avec les femmes haïtiennes, SOFA), a shelter for women who have been sexually assaulted.
- the KAY FANM Women's Shelter (Maison des femmes KAY FANM), which is the only organization that shelters young girls and women who have been raped.
- the Medico-Legal Research and Action Unit (Unité de recherche et d'action en médecine légale, URAMEL), a Haitian NGO that worked to implement the medical and legal certificate issued free of charge by public health hospitals. The certificate is required to file a complaint with a judicial authority.
- The National Human Rights Defence Network (Réseau national des droits de l'homme, RNDDH), a Haitian non-governmental and not-for-profit organization.
- The United Nations Population Fund (UNPF), which set up the women's round table.

Question-and-answer period

Question 1: Does unofficial, de facto polygamy still exist in Haiti? How does a single-parent family led by a mother, for example, come up with the exorbitant ransoms demanded when her children are kidnapped?

First, several children from the same family are rarely kidnapped together at the same time.

In Haiti's cultural system, marriage is still rare and is entered into primarily for reasons of civil status and money. Common-law relationships are called *plaçage*, and if a person is not married, you cannot get divorced. A person can therefore have another companion (or a second spouse), without it being considered polygamy as such.

Most homes are single-parent homes and are headed by women. It is primarily in the working-class neighbourhoods that women are the heads of the household, and the gangs will not obtain large ransoms from these neighbourhoods. Instead, they target middle- and upper- class areas.

Question 2: In the current context, is an internal flight alternative possible in Haiti?

When someone has been threatened in the capital, internal flight within the country is quite difficult. It is not usually easy to travel to a province because of the state of the roads. Furthermore, families in the provinces are generally supported by the family in the city or by the diaspora, so they can only rarely help or house unexpected visitors. Finally, it is difficult to hide in Haiti: the idle population has a great deal of time to keep track of everything going on in the neighbourhood.

Question 3: Is it possible to settle in another neighbourhood in Port-au-Prince or in another city? For example, if a person's neighbourhood is under the control of a particular gang and that person is a victim of that gang, can the person move?

Yes, it is possible to move to another neighbourhood in Port-au-Prince or another city. I do not know how hard this is, but it happens often. For example, people from Cité Soleil have moved to Santo (Croix-des-Bouquets, a neighbourhood north of Port-au-Prince) after being persecuted in Cité Soleil. The Haitian NGO Cité Soleil People's Committee (Comite des notables de Cité Soleil, CONOCS) has therefore been unable to remain in Cité Soleil and has settled elsewhere. It is not easy, but it can be done.

After the 2010 earthquake, hoards of people were forced to re-settle elsewhere, sometimes quite far from their homes.

Question 4: Are Haitians free to voice their political opinions without fear of violence? Do people who were labelled as being either for or against the Lavalas party in the 2000s still face repercussions?

I would answer yes to the second part of the question. The period from 2000 to 2004 was very bloody, and if someone openly supported the Lavalas party in 2003, then it is hard to understand how in 2007 that person would be against it. Generally speaking, that person would not have changed their mind, but perhaps the situation has calmed down and that person has modified her way of expressing herself.

Let us not forget that former president Aristide and the former dictator [Jean-Claude] Duvalier returned to Haiti in 2011, a few months in between of each other; that they have stayed there; and that they continue to live there openly.

Today, freedom of expression is tolerated much more ***but, people have been searching for protection for a very long time and are still very cautious.*** Currently, violence is less directly related to Aristide's departure, whereas in 2004-2005, violence was directly related to it. ***Let us not forget that the agitators back then only existed because they were paid and only had weapons because they were given to them.*** When the payments and weapons dwindled, so did their enthusiasm for the cause. Today, these gangs have been replaced by groups connected to organized crime.

Many Haitian youths are poor and have absolutely nothing to do. Suggest something to them and they carry it out (although they would not choose easy money or exactions); however, political enthusiasm diminishes when the funding decreases.

Question 5: Do the groups close to former president Aristide, the groups commonly called the chimères, still exist in 2008? And now, in 2013?

They still exist, but there ***are much fewer of them.*** Aristide still has his supporters, certainly. These supporters continue to allow weapons trafficking, but at this time not all violent acts in Haiti can be attributed to them. International organized crime is also present ***and its place is increasingly important. It is less political, much less political, in 2013 than it was in 2008 and 2004.***

Question 6: When someone is targeted by a criminal gang or by former chimères, is the reflex not to seek help from the police? Could, or would, the police make an effort to help these people despite their lack of means or their limited means?

No one in Haiti talks about chimères or former chimères any more. They talk about gangs. The international community wanted to rehabilitate and reintegrate gang members into the so-called normal population, perhaps forgetting that the normal population itself finds it very difficult to access structures for survival, employment, minimal salaries, small homes, ***schools for their children and basic health care.*** Therefore, working with the gangs rather than the civilian population created a misunderstanding of the international assistance in Haiti, and it is unsure whether the gang members want to be reintegrated or rehabilitated and thus have a standard of living that is close to the survival line.

Question 7: Are the gangs organized like organized crime groups in western countries?

Not to that extent, no. When I speak of organized crime, I mainly mean assaults that have been committed for money rather than for political reasons.

Political crimes have become crimes of common law. There are still groups that have been called former chimères, as well as supporters, who continue to persecute other people for their association with Lavalas. This phenomenon is decreasing, but it has not disappeared completely.

Question 8: Do the gangs also use violence against the most underprivileged when they start to resist the armed gangs?

A poor neighbourhood may be under threat from armed groups. Indeed, a kidnapped person who is left in a shanty town is watched by a family who takes care of the person and who cannot really go to the police. The gangs also need protection. These families act under threat from these groups.

Question 9: Do the gangs operate in a particular neighbourhood?

Yes, they all have their own territory, and their members have many security measures. They continue to operate this way because it would be easy to find out where they went if they left their territory.

Question 10: Is it reasonable to deduce from your presentation that an unsuccessful refugee protection claimant who returns to Haiti after three or four years, having exhausted all recourse, would be or will be targeted when they return to Haiti?

People who have spent time abroad may be targeted, but they are not targeted systematically. People who have left Haiti because they were persecuted specifically will be expected when they return. ***It is difficult to claim today that they will still be persecuted.***

Question 11: Could you elaborate on the difficulty of obtaining civil status documents, such as acts of birth?<

Not all 8.5 million Haitians are without civil status documents. Children who are born at the General Hospital (Hôpital général) will have a birth certificate, but this is still not an act of birth. The certificate states only the place of birth, not the names of the child's parents. ***The problem is that acts of civil status should be issued free of charge but often are not: people have to pay to obtain acts of civil status and many families cannot pay for an act of birth.***

Some people never have any documents, but others make an effort to obtain them. The act of birth is nevertheless an extremely important document that it is not necessarily always fake. However, fewer people have one than you would think, because **not everyone** can afford to pay for a document that should be free.

This situation is similar to that found in many other third world counties and is therefore not unique to Haiti.

Question 12: Is it possible, by corruption, to obtain a birth extract, for example, from the National Archives (Archives nationales)?

Normally the birth certificates issued by the hospital, if the child was born in a hospital, means that an act of birth is prepared and filed in the archives, since it contains the newborn's last and given names and the names of the child's parents. If this procedure has indeed been followed and the act of birth was forwarded to the archives, the applicant will be able to find his or her act of birth. If the archives cannot locate an act of birth, one was not submitted.

However, since the earthquake of January 2010, when part of the National Archives was destroyed and many people lost all of their documents and any means of identifying themselves, there was a long period of instability during which it was simply impossible for a large number of Haitians to identify themselves or to obtain a real civil status document.

Question 13: What about documents from the police or peace offices? For example, does someone who asks a justice of the peace to prepare an official report have to pay for this service?

Normally, justices of the peace make findings free of charge and are required to prepare a report, but do not write the report. A clerk usually writes it. The report corresponds to a complaint, but the complainant has to pay to have one prepared, even though this should not be the case. In other words, the justice of the peace is paid when he or she should not be. The complainant can obtain a reliable document, but has to pay for it. Otherwise, the complainant cannot obtain this document.

Question 14: What is the state of communications and the Internet in the country?

Communications are extremely precarious in Haiti. The telephone system is particularly bad. ***Teleco disappeared and was replaced by private wireless telecommunication networks: Natcom, Digicel, Haitel. The Internet also operates through private networks: Telecom, Hainet, Access and is better if you have a satellite antenna.***

Question 15: Do the gangs communicate with each other? For example, does a gang operating in Cap-Haïtien communicate with a gang operating in Port-au-Prince?

Yes, the gangs communicate with each other. For example, during the massacre de la Scierie [the 2004 massacre of Aristide opponents] in the city of Saint-Marc, which is halfway between Gonaïves and Port-au-Prince, the gangs that operated in Saint-Marc took refuge in Port-au-Prince and Gonaïves and between them they knew very well where they were. That is, they did not stay in Saint-Marc. They moved from one spot to another, they hid, and they have never been found. Messages are frequently sent through the grapevine, which is very efficient.

Question 16: Does the national police communicate country-wide or does it conduct itself as a local police force, having no contact with its various offices across the country?

I do not know whether the various offices communicate with each other. There is indeed ***increasingly better*** communication within the anti-gang unit. It also depends on the police station, however, because some stations are still completely unequipped-they have no doors, pencils, paper, lights, or telephone. It is difficult to file a complaint, and if the most basic tools are lacking, a complaint will not be filed at all.

Question 17: Is there a popular justice system that handles arrests, trials or sentencing in the absence of a functional official justice system?

No, the situation in Haiti is not the same as the situation in Rwanda with the gacaca courts. In Haiti, people use personal methods of resolution, such as immediate vengeance based on emotion rather than on legal recourse, the settling of accounts, and agreements between the parties. There is no popular justice as such.

Question 18: What can an honest police officer do when he or she is threatened by corrupt colleagues?

The number of corrupt police officers is decreasing, but corruption cannot be wiped out overnight. Some appalled officers have reported commissioners involved in gangs and kidnappings, and the offenders have been arrested. However, this is new.

Question 19: What is the state of the roads between the airport and the capital, downtown Port-au-Prince? Have gangs erected road barriers to steal from newcomers?

That did happen, but is not so common now. From 2005 to 2007, and even today, the road to the airport is constantly obstructed and is very dangerous, but the government's desire to develop tourism and ensure that the

tourists who visit Haiti are not [translation] "at risk" can only favour a general respite.

Moreover, another of the government's major accomplishments is the overall improvement of the road system in the capital (asphalt roads with sidewalks) and highways to major provincial cities, as well as the restoration of main public places, particularly in Pétiion-Ville.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request

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