

TABLE OF CONTENTS

Ten years of recurring political crisis: an obstacle for human rights	2
Full justice for victims of the coup continues to be denied	4
Freedom of expression and association: the decade's fragile gains	6
1. Freedom of expression under threat	6
2. Difficult situation of human rights defenders	7
Institutional reform: still a priority ?	8
1. Security forces: the shadow of the past	8
2. Judicial independence jeopardized	9
3. Prison conditions remain intolerable	11
The responsibility of the current government for the future of human rights in Haiti	12

HAITI

Steps Forward, Steps Back: human rights 10 years after the coup

On the night of 29 to 30 September 1991, a violent coup toppled the government of Jean Bertrand Aristide, inaugurated just seven months before in the wake of what independent observers called the first truly free and fair elections in Haiti's history.¹ President Aristide was forced to flee the country. Three years of repression and bloodshed followed, but throughout, Haitians resiliently continued to believe in the possibility of more open and just governance, protective of human rights.

With the return to constitutional order in October 1994 following deployment of a multinational intervention force, popular expectations took hold again. Over the next seven years some significant advances were achieved. However, new difficulties have arisen, complicated by ongoing disparities and unresolved obstacles. The *Lavalas*² movement which suffered so extremely under the military dictatorship has, now that its leaders hold political power, become associated with some worrying recurrences of the violations committed against its members during the years following the coup. The result is a human rights situation that is more serious today than at any point since the return of Aristide.³ A series of attacks on police stations between 26 and 28 July 2001, allegedly by former military, have exacerbated the situation.

Efforts to repress freedom of expression, political pressure on the police and the judiciary and the failure by both police and justice officials to fulfill their duties to protect the rights of Haitian citizens have reversed some gains of recent years. Although the human rights situation in Haiti does not approach the severity of repression in the years following the coup, these are extremely worrying trends that, if not reversed, will lead to ever graver violations of human rights.

This document outlines important achievements in the ten years since the coup, as well as the main unresolved human rights issues that threaten to undermine that progress. The focus is on three themes which are fundamental to the overall climate of respect for human rights: justice

¹ See, *inter alia*, "Haiti: International force or national compromise?" Ian Martin, *Journal of Latin American Studies*; vol. 31, p. 712; 1999.

² *Lavalas*, the Haitian Creole word for 'flood,' was the term used to describe the vast popular movement that brought Aristide his electoral victory in 1990. *Fanmi Lavalas*, or 'Lavalas Family,' is the current name of his political party.

³ For more in-depth information on these issues, please see Amnesty International, *Haiti: Human Rights Challenges Facing the New Government*, AI Index: AMR 36/002/2001, April 2001, and previous Amnesty International documents.

for victims of the coup; freedom of expression and association; and the functioning of key institutions including the police, judiciary and prison system.

TEN YEARS OF RECURRING POLITICAL CRISIS : AN OBSTACLE FOR HUMAN RIGHTS

Following the coup the Haitian military and its allies,⁴ already notorious for widespread human rights violations, maintained control through extreme brutality. Security forces deliberately and indiscriminately opened fire into crowds, killing hundreds of unarmed civilians.⁵ Many of those suspected of having supported President Aristide, a popular Catholic priest who had been elected to the presidency by 67% of the vote, were beaten, imprisoned, or killed; poor communities and grassroots organizations, where support for him had been strongest, were particularly targeted by the security forces and their paramilitary allies.⁶ By 1994 hundreds of thousands of Haitians were *en marronage* (in hiding) and tens of thousands of others had attempted to leave the country altogether, most frequently as "boat people" headed in unseaworthy craft for the United States.⁷ Many of these died at sea or were intercepted and unceremoniously returned. The public pressure created by this situation contributed to the decision, formalized by United Nations (UN) Security Council resolution, to deploy a multinational intervention force in September 1994 which restored Aristide to office one month later.

The Haitian Constitution prohibits consecutive presidential terms. In 1996 Aristide was succeeded as President by René Préval, who had been his Prime Minister. An ongoing political stalemate throughout much of Préval's term, sparked by allegations of electoral fraud for some Senate races, the 1997 resignation of the then-Prime Minister and the inability to agree on the latter's successor, hindered efforts at institution-building, intended as one of the government's main priorities. It was hoped that elections would resolve the crisis; they were repeatedly

⁴ The security forces and their allies included the *Forces Armées d'Haïti (FADH)*, Haitian Armed Forces, led by General Raoul Cédras as Commander-in-Chief; the *Police Militaire*, military police, headed by Police Chief Michel François; the *attachés*, their civilian auxiliaries; the notorious rural police chiefs, or *chefs de section*, disarmed and placed under civilian authority by Aristide but reinstated after the coup; and, from 1993, a paramilitary organization called *Front Révolutionnaire Armé pour le Progrès d'Haïti (FRAPH)*, Revolutionary Armed Front for the Progress of Haiti, led by Emmanuel "Toto" Constant.

⁵ See Amnesty International Report 1992; and Amnesty International, *Haiti: Shattered Hopes: Human rights violations and the coup*, AI Index: AMR 36/03/92, January 1992.

⁶ See Amnesty International, *Haiti: Human rights gagged: attacks on freedom of expression*, AI Index: AMR 36/25/93, October 1993; and Amnesty International, *Haiti: On the Horns of a Dilemma: military repression or foreign invasion?*, AI Index: AMR 36/33/94, August 1994.

⁷ See *op cit.*, *On the Horns of a Dilemma*, 1994.

postponed and finally set to begin in mid-2000. Throughout 2000 the human rights situation declined as electoral tensions grew. In the end, Aristide's *Fanmi Lavalas* party won the vast majority of the 7,500 legislative and local contests. However, the results of several Senate races were contested by the Haitian opposition and by independent international observers, who charged that vote tallying methodology favoured *Fanmi Lavalas*. Because of this dispute, the international electoral monitoring mission declined to observe the presidential elections in November 2000. In spite of some local observers' claims of fraud, it was generally accepted that Aristide won that contest by an overwhelming majority of votes.

Throughout the period following the 1994 return of Aristide to the country's presidency, an international mission of the United Nations and, until it pulled out due to lack of funds in 1999, the Organization of American States, monitored and provided support to the security forces, the judiciary and the prison system. Limitations and drawbacks notwithstanding, it was credited with helping to create a climate in which Haitians could work toward strengthening these key institutions and instilling institutional respect for human rights. In the wake of the marked deterioration in the human rights situation during the 2000 elections, in February 2001 this police and human rights support presence was withdrawn by decision of UN Secretary General Kofi Annan. Some limited work is still carried out with the justice and prison systems by the UN Development Programme (UNDP); and in April Haiti once again formally requested UN assistance in addressing the outstanding human rights issues.⁸ The UN Human Rights Commission pledged to consider the request seriously, but has yet to publicly announce any decision.

At the time this was written, a reported US\$ 500 million⁹ in international aid, covering multi- and bilateral programmes from most governments who have traditionally given funds to Haiti, is frozen. The suspension was imposed by donor governments in 1997 following allegations of electoral fraud involving some Senate races and the resignation of the then-Prime Minister, as mentioned above. The suspension continued through 1999 after President Préval refused to extend the terms of sitting officials, effectively instituting rule by decree. The 2000 elections were intended to resolve the political crisis but, with the vote-tallying dispute mentioned above, instead became grounds for further contention.

The years of political stalemate, with the resulting cut-off of aid, have made day-to-day life in Haiti ever more difficult, preventing any movement towards realisation of an adequate standard

⁸ Commission on Human Rights, Chair statement on Haiti. 57th session, 25 April 2001, E/CN.4/2001/L.10/Add.1.

⁹ Cited in various press reports, most recently, "Haiti's Aristide Says 'Show Me the Money'", Wall Street Journal, July 6, 2001.

of living, health care and education.¹⁰ Haiti is already an extremely impoverished country; in 2001 UNDP's Human Development Index ranked it 134th out of a total of 162 countries worldwide,¹¹ and the UN Food and Agricultural Organization (FAO) recently listed it as one of 33 countries worldwide to be facing "exceptional food emergencies."¹² In July 2001 Secretary General Annan indicated that resolution of the political crisis was a prerequisite for any resumption of aid.¹³ Negotiations, supported mainly by the Organisation of American States (OAS), are underway between *Fanmi Lavalas* and representatives of opposition parties in Haiti, to resolve the crisis and so unblock international aid.

FULL JUSTICE FOR VICTIMS OF THE COUP CONTINUES TO BE DENIED

While still in exile and as a concession in the negotiations underway to enable his return, Aristide issued a decree giving amnesty for political offenses¹⁴ committed between the coup and 3 July 1993, when a political agreement for his return was first reached with the military.¹⁵ Other offenses, including human rights violations committed by the army or its supporters, were not included in the proposed amnesty. However, as the political agreement was never fulfilled, the amnesty was never enacted.

After Aristide's return to Haiti in October 1994, he issued a decree abolishing the first amnesty and replacing it with a more limited one, covering solely the act of the coup itself.¹⁶ To date, no defendants have invoked this amnesty to contest prosecution.

¹⁰ See the International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A(XXI) of 16 December 1966; entry into force, 3 January 1976. See articles 6, 11, 12 and 13.

¹¹ *Human Development Report 2001*, United Nations Development Program, 10 July 2001.

¹² "Foodcrops and Shortages" report, United Nations Food and Agricultural Organization, 3 July 2001.

¹³ UN NEWSERVICE, 18 May 2001: "Political stability needed for effective international aid to Haiti, Annan says."

¹⁴ Constitutionally, the President of the Republic of Haiti can only grant amnesty with regard to 'matière politique', or political offenses (art. 147); these are understood to include, for example, the carrying out of a coup against the constitutional order.

¹⁵ This was the Governor's Island Agreement, signed by Aristide and coup leader General Raoul Cedras.

¹⁶ The text of the amnesty is as follows: "*sont amnistiés. . . les auteurs et complices du Coup d'Etat du 30 Septembre, 1991 qui a entraîné le départ forcé pour l'exil du Président de la République. . .*". See *Le Moniteur*, 1 December 1994, at 55. (Unofficial translation: "Are hereby amnestied. . . the authors and accomplices of the Coup d'Etat of September 30, 1991, which led to the forced departure for exile of the President of the Republic. . .".)

In December 1994, Aristide established by decree the *Commission nationale de vérité et justice (CNVJ)*, the National Commission of Truth and Justice, to investigate human rights violations committed under the de facto regime and to recommend reparations for victims and reforms of state institutions.¹⁷ The final report, *Si M Pa Rele* (“If I Don’t Cry Out”), was submitted in February 1996. The report recommended steps to ensure effective reparation for victims of human rights violations. In spite of some punctual measures, these and other of the report’s recommendations have yet to be acted on.

The most significant trial for human rights violations carried out during the coup period was the November 2000 judgment of those accused of the 1994 attack and massacre on the pro-Aristide shantytown of Raboteau. Sixteen defendants, including members of the Haitian Armed Forces, the *Forces Armées d’Haïti (FADH)*, and of the paramilitary *Front Révolutionnaire Armé pour le Progrès d’Haïti (FRAPH)*, Revolutionary Armed Front for the Progress of Haiti, were tried and convicted of involvement. Thirty seven others, including General Raoul Cédras, head of the military government; Emmanuel Constant, founding leader of FRAPH; police chief Michel François; and Cédras’ deputy Philippe Biamby were tried *in absentia*¹⁸ and sentenced to life in prison with hard labour and a fine amounting to one billion Haitian gourdes, or roughly US\$ 43 million.

Meanwhile, efforts continue to address other past abuses. The non-governmental organization (NGO) *Fondation 30 Septembre* carries out weekly marches in several Haitian towns to press for an end to impunity for past abuses and reparation for victims, while the NGO *Map Viv* provides medical and psychological support to victims of past violations. Efforts at prosecution also continue; on 28 May former military general Prosper Avril, who headed the country for two years following a 1988 military coup, was arrested, reportedly on charges of assault, torture and illegal arrest of six Haitian activists in 1989 and 1990.

By far the most serious obstacle to ending impunity is the largely dysfunctional state of the justice system, discussed below. Another blockage is the refusal by the United States of America (USA) to return intact nearly 160,000 pages of documents and other materials confiscated from FRAPH and FADH headquarters, by US troops belonging to the multinational force that restored President Aristide to power. The documents are believed to contain information crucial to investigating past human rights violations in Haiti. When the Haitian government requested that the USA return the materials, US authorities reviewed the documents and reportedly blanked out sections where reference is believed to have been made to US citizens or US government activities in the country. Haiti has refused to accept them unless they

¹⁷ See Amnesty International, *Haiti: A Question of Justice*, AI Index: AMR 36/01/96, January 1996; and *Haiti: Still Crying Out for Justice*, AI Index: AMR 36/02/98, July 1998.

¹⁸ They currently live abroad, not in Haiti.

are intact; however, the USA has consistently ignored international calls that the documents be returned in their original form. Amnesty International believes that the USA has an obligation to return the confiscated documents intact. Failure to do so constitutes a serious obstacle to the effective investigation and prosecution of human rights violations during the military regime.

FREEDOM OF EXPRESSION AND ASSOCIATION: THE DECADE'S FRAGILE GAINS

With the end of *de facto* military rule and the return of Aristide to the presidency in October 1994, the space for political debate and criticism of the authorities opened enormously. The systematic repression of journalists, which had included killings, torture and arbitrary arrest,¹⁹ was replaced by a broad spectrum of opinion expressed widely in print and by radio, which, due to lack of infrastructure, poverty and low literacy levels, is Haiti's primary media. Popular meetings and demonstrations became common, and the latter were policed, with some exceptions, without intimidation or repressive tactics.

1. Freedom of expression under threat

Recent developments in Haiti, however, have threatened this hard-won space. Growing political tensions over the last year have helped to undermine respect and tolerance for differing opinions. If this trend is not reversed, there is a risk of ever more serious human rights violations as the tendency to repress and penalize dissent gains strength and begins to influence the functioning of key institutions.

Journalist and political commentator Jean Dominique, longstanding critic of anti-democratic tendencies within the Haitian political scene, was shot dead on 3 April 2000 by unknown assailants who waited for him outside the courtyard of his radio station, Radio Haiti Inter. Station guard Jean Claude Louissaint was killed with him. Thousands of people throughout the country have repeatedly taken to the streets to demand that those responsible be brought to justice.

Backed by this strong public concern, the investigating judge assigned to the case overcame repeated obstacles to his investigation, posed, among others, by partisans of some of the political figures summoned for questioning. However, on 14 June 2001 he resigned, citing political pressures blocking his enquiry as well as threats to his security. It was only after the Ministry of Justice committed itself to backing the investigation, to sanctioning those who attempted to block it and to ensuring security that the judge resumed work on the case. The results of his

¹⁹ See, *inter alia*, Amnesty International, *Haiti: Human rights gagged: attacks on freedom of expression*, AI Index: AMR 36/25/93, October 1993.

investigation have been passed to the public prosecutor for follow-up, but the content of his findings has not been made public.

This is a crucial case for Haiti's future: impunity cannot be permitted if the country is to be truly committed to freedom of expression and to justice. Judicial authorities must be given the support and protection they need to conduct a full and impartial investigation, followed by a transparent trial meeting domestic and international guarantees for due process.

Since the killing of Jean Dominique, journalists have received numerous threats and radio stations have on occasion been attacked. These incidents have been reminiscent of those carried out by supporters of the military regime against pro-Aristide media during the coup; and in fact some of the stations targeted are the same as during the coup years. In recent incidents, on 20 June Fritson Orius, another Radio Haïti Inter broadcaster was reportedly followed, forced from his car and threatened by two armed men who claimed to be policemen. The men reportedly claimed that they recognized the car he was driving as having belonged to Jean Dominique. Meanwhile, the Haitian National Police denied that any of its officers had been involved. On June 9, 10 and 11 the director of information of the Port-au-Prince-based radio station Signal FM reportedly received anonymous death threats after questioning the behavior of some *Fanmi Lavalas*-elected senators in his broadcast.

Supporters of the *Lavalas* movement and of exiled president Aristide were those most at risk of violence and repression during the coup and throughout the years of military rule. Throughout the 2000 elections party supporters, most frequently those claiming to represent *Fanmi Lavalas*, have themselves engaged in violence and intimidation against opposition meetings and demonstrations. At times this violence has been led by local officials elected under the *Fanmi Lavalas* banner.²⁰

On numerous occasions police, though present, have been overwhelmed, or have simply not intervened at all. In a few instances police were seen to overtly comply with *Fanmi Lavalas* partisans, allowing them to mistreat demonstrators or opposition figures. The current *Fanmi Lavalas* party has generally ignored calls that it condemn violence and intimidation committed in its name and that it cooperate in bringing those responsible to justice.

2. Difficult situation of human rights defenders

Grassroots and human rights organizations suffered greatly under the coup, with many members killed, imprisoned or driven into hiding or exile. With the return of Aristide this situation improved, and NGOs such as the Justice and Peace Commission, the National Coalition for

²⁰ See Amnesty International, *Haiti: Human Rights Challenges Facing the New Government*, AI Index: AMR 36/002/2001, April 2001.

Haitian Rights, other members of the Platform of Haitian Human Rights Organizations and other organizations were able to regroup. NGOs have carried out extensive popular education on human rights issues, have formed a prison observation network, and regularly investigate and report on a range of human rights violations by police and other actors. The *Office de la Protection du Citoyen* or ombudsman's office, opened in November 1997, provides Haitians with another channel for complaints of misconduct by officials. As with all governmental institutions, the issue of political impartiality is key with regard to this office.

Though the situation for human rights defenders does not approach the severity of the coup years, they continue to face serious obstacles and dangers. Freedom of expression and association are increasingly being curtailed, most often by political partisans or local officials. Human rights groups and their individual members have come under intimidation, for example in 1999 with the circulation of anonymous tracts containing threats against specific activists.

INSTITUTIONAL REFORM: STILL A PRIORITY ?

1. Security forces: the shadow of the past

Haiti has a long history of repressive security forces at the service of those with political power. The security apparatus at the time of the coup was effective for widespread repression, with the Haitian Armed Forces, of which the Military Police formed a part, supported in the extensive rural areas by the notorious *chefs de section* system of rural police chiefs under their command. The reach of these forces was further extended by corps of *attachés*, or armed civilian auxiliaries. Finally, the paramilitary group FRAPH worked closely with the armed forces and its members were frequently implicated in killings and other serious human rights violations.

As Aristide returned to Haiti in October 1994 along with a multinational force, the leaders of the Haitian security forces fled the country. One of the most significant steps taken by Aristide in human rights terms was to reduce the size of the armed forces and to separate police powers from those of the army. After six months he officially announced the abolition of the armed forces, including the military police; a Women's Ministry was created and given offices in the old FADH headquarters. The *chefs de section* were also disbanded. In November 1994 a law was passed creating the civilian *Police Nationale d'Haïti*, Haitian National Police (HNP).

The new police force was put together relatively quickly, with the guidance of UN advisors and trainers, in response to the need to ensure public security. In a move that generated some criticism, some 1,500 former military were included in the force, which numbered 5,000 officers by 1996. At the same time, important efforts were made to include human rights components in the training of new recruits. In 1995 a *Code de Déontologie*, Code of Conduct, was published and an *Inspection Générale*, Office of the Inspector-General, established to investigate alleged human rights violations or administrative misconduct by police officers.

Although the latter has yet to consistently fulfill its mandate, its creation demonstrated a new awareness of the need for accountability by the public force. HNP police officers have committed some serious human rights violations, but overall the force has a significantly better human rights record than that of the old armed forces, military police and *chefs de section*. However, serious concerns remain about the functioning of the current security forces.

Ten years ago, Haiti's military leaders had an array of security corps, both official and unofficial, to impose their will. This changed with the disbanding of the military and the *chefs de section* system; without them, the *attaché* network and FRAPH faded as well. In a worrying throwback to old practices, local officials in some areas have begun creating their own illegal 'security forces' either to supplement scant police presence or to act as independent enforcers. These forces are most often made up of those who supported the officials' electoral campaign. They have no legal standing and are not legally accountable to anyone, even the official who created them. They often act in a politicized fashion, targeting those believed to oppose their own party. These forces further undermine the functioning and authority of the police in the areas where they operate.²¹

When faced with armed groups acting illegally under the auspices of elected *Fanmi Lavalas* officials, police have generally backed down; on some occasions, in behavior uncomfortably reminiscent of Haiti's past security forces, police appeared to actively collude with them. As seen in the discussion of freedom of expression, police officers have been accused of partisanship in failing to protect participants in opposition demonstrations or meetings from violent individuals claiming to act on behalf of *Fanmi Lavalas*. Such acquiescence must cease immediately if the police are to fulfill their mandate as an independent and impartial body. Officers must be reminded of their duty to protect citizens from violence, and must be reinforced in doing so even when this entails confronting those who act in the name of the dominant political party. Similarly, any partisan behaviour by individual police agents must be investigated by the *Inspection Générale* unit and, if warranted, they should be dismissed. Recruitment to all branches of the HNP must be based strictly on merit. Similarly, the rural police force (under discussion as a means of increasing scant police presence in the countryside) must be created under central control rather than subject to local bodies which may themselves be liable to act in a partisan fashion.

Some reports of violations continue, for example of beatings of criminal suspects during arrest by the police. To combat this, the *Inspection Générale* unit must be strengthened and offenders sanctioned; and where appropriate they must be tried openly and transparently, in

²¹ See Amnesty International, *Haiti: Human Rights Challenges Facing the New Government*, AI Index: AMR 36/002/2001, April 2001.

compliance with international standards. More on the issue of prosecutions for human rights violations is included below.

Recent years have seen a significant increase in the number and use of illegally held firearms, linked in part to a rise, relative to ten years ago, in the use of Haiti as a transit point for drug trafficking. In the face of violent and often organized crime, police have been seen as ineffective, and have been criticized for not adequately fulfilling their duty to protect Haiti's citizens. This failure to protect has in turn been used as a pretext by sectors interested in the re-establishment of the armed forces, rather than in strengthening the existing civilian police. Tensions around this issue were exacerbated by a series of attacks on police stations, between 27 and 29 July 2001, in which five police officers were reportedly killed. These attacks were allegedly carried out by members of the former military or their supporters.

2. Judicial independence jeopardized

Like the armed forces, the justice system was created as a means of control; as such it was never intended to function as an effective means of redress or protection. Following the return of Aristide to power the security forces were dismantled altogether and then reconstructed, but not so the judiciary. Recommendations of the CNVJ notwithstanding, the political deadlock of the past several years has prevented an overarching judicial reform programme from being agreed upon, much less implemented. As a result, while the institution has proven that it can mobilize effectively around key trials such as Raboteau and Carrefour-Feuilles (see below), as a whole it remains largely dysfunctional; and the vast majority of Haitians remain without effective access to justice.

Some efforts have been made to deal with violations by actors more closely linked to the current authorities. In September 2000 four police officers, including a Commissioner, were sentenced to three years in prison for their role in the May 1999 extrajudicial executions of eleven men in the Carrefour-Feuilles neighborhood. Although some criticism was levied at the application of the minimum sentence, the fact that the accused were arrested and tried was an important demonstration of the will to hold the HNP accountable for human rights violations.

In spite of the absence of a comprehensive reform programme, some important initiatives have been taken. The constitutionally-mandated *Ecole de la Magistrature*, Magistrates College, inaugurated in July 1995, trains justices of the peace and other judges and sets guidelines for judicial personnel. Draft bills were prepared under the Préval administration to address key issues such as the administration of justice and political impartiality of judges and prosecutors. The United Nations Development Programme reportedly has a project to assist the Haitian authorities with some of these issues. The main challenges are described below.

However, it remains the case that most Haitians still have no access to the judicial system. The majority of crimes go uninvestigated and unpunished, and the existing laws are not consistently applied. Accusations of corruption are frequent. As a result, neighborhood crime watch brigades

commonly carry out ‘popular justice’ lynchings of suspected criminals. Police officers have attempted to justify extrajudicial executions and other illegal killings of suspects on the grounds that the justice system is too corrupt and ineffective to prevent violent criminals from ending up back on the street.

Judicial investigations are meant to be independent and impartial; yet the investigation of the killing of Jean Dominique (see above) provides several examples of political figures’ attempts to obstruct the process. In addition to general reform efforts to safeguard impartiality, in individual cases such as this one central authorities must do all in their power to support the independence of judges and prosecutors in the face of external pressures. Moreover, judges at all levels must be recruited on the basis of merit alone. Such measures would go a long way to increasing the credibility of the system and to providing Haiti, for the first time in its history, with a functioning and independent justice system.

Failure to investigate and try suspects leads to a growing backlog of pre-trial detainees in Haiti’s prisons, contributing to mass overcrowding and extremely poor conditions as described below. Due to the system’s lack of credibility and a general fear of reprisals citizens are at times reluctant to serve jury duty, making it even more difficult to try cases.

3. Prison conditions remain intolerable

Before Aristide’s return, the prison system was run by the armed forces, and prisons were the scene of egregious violations. In June 1995 a separate prison guard corps was created; it is now integrated into the HNP. With collaboration from the United Nations Development Programme, specialized training, guidelines, a code of conduct and an internal oversight mechanism were created for prison guards. As a result, the prisons are significantly more well-managed than they were ten years ago. Limited improvements to infrastructure have been carried out, but a great deal remains unaddressed.

Exacerbated by overcrowding due to the backlog of cases before the justice system, prison conditions generally do not meet international standards, jeopardizing the health and safety of detainees. The government must prioritize resolving blockages in the food pipeline, which are reportedly related in part to the lack of controls and monitoring of food supplies; these blockages have serious repercussions for detainees, especially in the National Penitentiary, where many prisoners are from the countryside and do not receive regular food supplements from home.

Under Haitian law, no one under 16 can be sent to prison; rather, they must receive rehabilitative care at home or in an appropriate education or health center. However, in spite of the law, which dates from 1961, there is still no rehabilitation facility for minors; they, along with women, are housed in an old telecommunications station inadequately converted to serve as a prison. Setting up adequate facilities for minors and women must be a priority. More efforts are required to ensure that minors are never held with adults.

There have been some allegations of misconduct by agents of the *Direction de l'Administration Pénitentiaire* (DAP), Direction of Penitentiary Administration, and these seem to have generally been addressed by the general inspection unit. All allegations of human rights violations must be fully investigated and those accused held accountable.

THE RESPONSIBILITY OF THE CURRENT GOVERNMENT FOR THE FUTURE OF HUMAN RIGHTS IN HAITI

The scale and intensity of human rights violations in Haiti today does not approach the severity of those committed in the years following the coup. However, since the electoral period in 2000 the human rights situation has deteriorated more than at any point since the return to constitutional order in 1994. Political pressures on the police and the judiciary; the failure of those institutions to fulfill their duties in protecting the rights of Haitians; and crackdowns on the exercise of fundamental freedoms have undone some of the progress achieved in recent years. If not reversed, this deterioration could lead to ever more serious violations of human rights.

President Aristide, party leaders, the primarily *Fanmi Lavalas* officials at all levels of government and party supporters should be unusually sensitive to these issues, due to their own experience of extreme state brutality during the coup. Their dominant position on the Haitian political scene gives them unprecedented influence and scope for addressing these concerns. However, partisans' attacks on freedom of expression remain largely unchecked and unrestrained by party leaders; and appointed and elected officials have themselves been implicated in attempts to undermine and politicize the institutions most implicated in protecting human rights. As a result the functioning of the institutions themselves has declined.

President Aristide, party leaders and appointed and elected officials at all levels must take immediate measures to reverse the deterioration in human rights protection. The overwhelmingly *Fanmi Lavalas* officials now in power are accountable for what happens in Haiti under their authority; they must ensure that the suffering endured under the military dictatorship does not reoccur under their government, and that the human rights gains made at such a high price are not irreversibly lost.