

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 36/060/2004 (Public)
News Service No: 284
11 November 2004

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

Published

- Tuesday, 26 October, Fort National, Port-au-Prince. Individuals reported to be members of the police burst into a house and kill at least seven people;

- Wednesday, 27 October, Carrefour Péan, Port-au-Prince. Four young men are killed in the street in broad daylight by individuals wearing black uniforms and balaclavas. Witnesses identify their vehicles as police patrol cars.

- Martissant, October. A 13-year-old street child is arrested near the National Theatre by the naval police. At the police station, he is questioned about the hiding places being used by the "chimères" (armed groups said to be supporters of former President Aristide) are hiding and brutally beaten by police while handcuffed and blindfolded.

- Martissant, 20 October. A man is arrested in front of witnesses by individuals wearing black uniforms and balaclavas. They put a plastic bag over his head before brutally beating him. He is being detained at a police station in the capital.

At the end of an 18-day visit to the country during which a delegation headed by Javier Zúñiga, Special Adviser to the organization's Secretary General, went to Port-au-Prince, Mirebalais, Hinche, Cap-Haïtien, Gonaïves and Petit-Goâve, Amnesty International has concluded that there are serious problems with the functioning of the justice system in general and the functioning of the police in particular. These problems must be addressed urgently by the transitional government.

Amnesty International is deeply concerned at reports obtained from independent sources of serious human rights violations such as arbitrary arrests, ill-treatment in detention centres and extrajudicial executions carried out by members of the Haitian National Police (Police Nationale d'Haïti).

The organization has received detailed reports of incidents in which individuals dressed in black, wearing balaclavas and travelling in cars with National Police markings have been implicated in killings which have cost the lives of at least 11 people over the past two weeks.

Javier Zúñiga said that only an independent, impartial and transparent investigation carried out under the direction of the International Civilian Police would restore the population's confidence in those responsible for law enforcement and in the work of the United Nations Stabilization Mission in Haiti (MINUSTAH).

This request, together with other Amnesty International concerns, was presented to the Prime Minister of Haiti, Gerard Latortue, during a meeting which was also attended, at his request, by the Minister of Justice, Bernard Gousse, the Minister of the Interior, Hérard Abraham, and the Director General of the National Police, Léon Charles, as well as the United Nations Secretary General's Special Representative, Juan Gabriel Valdés, his deputy, Adama Guindo, the head of the International Civilian Police, David Lee, and other members of the interim government and MINUSTAH.

Amnesty International recognizes the difficulties currently facing the transitional government, many of which are the legacy of the actions of the previous government of Jean Bertrand Aristide. However, the organization believes that none of these difficulties can be used by state officials to justify the carrying out of human rights violations with complete impunity.

Amnesty International also reminded the government of its absolute and unreserved condemnation of the killing of police officers and other abuses committed by irregular armed groups, regardless of their political affiliation, as contained in a public statement issued on 8 October 2004 which said that "Amnesty International condemns in the strongest terms the beheading of National Police officers, supposedly by Lavalas supporters" (AMR 36/054/2004).

As far as the justice system is concerned, Amnesty International expressed concern to the Prime Minister about the situation of illegality created by the fact that several police stations have been occupied by demobilized members of the military who are discharging de facto judicial duties by acting on arrest warrants issued by magistrates (juges de paix), examining magistrates (juges d'instruction) and government commissioners (commissaires du gouvernement). The holding of individuals in custody in buildings controlled by demobilized soldiers is also unlawful and increases the vulnerability of the detainees concerned. Amnesty International calls on the transitional government to put an immediate end to this state of affairs which, in some cases, has been taking place in close proximity to MINUSTAH positions.

Amnesty International is also surprised at the increasing number of people who the National Police are holding without following legal procedures. The fact that several of those arrested have been held for long periods without charge therefore makes such arrests unlawful.

Amnesty International believes that the lack of an effective disarmament programme throughout the country is a major cause of the current crisis and reiterates its request to the interim government and MINUSTAH to assume their responsibilities in this respect.

Lastly, Javier Zúñiga warned the interim government of the impending humanitarian crisis developing in Cité Soleil in the absence of any state authorities. Cité Soleil is under complete control of politically- and criminally-motivated rival armed groups. The population of Cité Soleil reportedly has no freedom of movement. The rights to health, food, education and physical integrity of the inhabitants of this area of the capital are violated on a daily basis as a result of the closure of the hospital and schools and the difficulties in distributing food aid. Amnesty International has also received eyewitness accounts of the gang rape of women by armed individuals. As well as suffering physical and psychological abuse, the victims of such abuses have no access to medical attention or legal advice.

Amnesty International believes that the mandate of MINUSTAH, as described in United Nations Security Council resolution 1542 of 30 April 2004, which includes a mandate to protect civilians under imminent threat of physical violence, should be implemented in Cité Soleil.

Following this visit, Amnesty International will prepare a detailed report containing its most important conclusions and recommendations to the interim government, MINUSTAH and representatives of the political forces within the country as well as to the armed groups who also bear responsibility for the critical human rights situation in Haiti.

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