

HAITI

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE

112TH SESSION OF THE UN HUMAN
RIGHTS COMMITTEE, 7-31 OCTOBER
2014

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2014 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

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Index: AMR 36/012/2014
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

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INTRODUCTION

Amnesty International is submitting this briefing to the United Nations (UN) Human Rights Committee (the Committee) ahead of its examination of Haiti's initial report on the implementation of the International Covenant on Civil and Political Rights (the Covenant). The document highlights on-going human rights concerns in Haiti in relation to impunity for past human rights violations, discrimination of lesbian, gay, transsexual and intersex (LGBTI) people, violence against women and girls, the rights of internally displaced peoples (IDPs) and restrictions on the freedom of expression, assembly and association. These issues respond to a number of questions on the Committee's list of issues to be taken up in connection with its review of the state report, and are based on Amnesty International's research.

Amnesty International also submitted information in February 2014 in advance of the Committee's preparations to draw up its list of issues on Haiti at its 110th session, in connection with the forced evictions of IDPs. In this submission, the organization updates the Committee in respect to those previously raised concerns.

IMPUNITY FOR PAST HUMAN RIGHTS VIOLATIONS (ARTS 2.3)

Amnesty International is concerned that a lack of political will and several delays have hindered the right to effective remedy of victims of human rights violations allegedly committed during the regime of Jean-Claude Duvalier between 1971 and 1986.¹

The authorities re-opened a criminal case against the former Haitian dictator shortly after he returned to the country on 16 January 2011, following a 25-year exile in France. He faced charges of crimes against humanity and serious human rights violations such as murder and torture of political opponents, and of corruption.

In January 2012, an investigating judge ruled that Duvalier should stand trial before a lower court for misappropriation of public funds, but that the statute of limitations had expired on the crimes he was accused of. Both the human rights victims and Duvalier appealed the decision. The appeal began on 13 December 2012.

Duvalier appeared before the Court of Appeal in Port-au-Prince on 28 February 2013, for the first time giving public testimony related to alleged crimes during his rule. Between March and May 2013, eight victims gave testimony in court despite

¹ See Amnesty International, [You Cannot Kill the Truth: The Case Against Jean-Claude Duvalier](#), September 2011 (Index: AMR 36/007/2011), available at <http://www.amnesty.org/en/library/info/AMR36/007/2011>. The report revisits the organization's previous research on widespread as well as systematic human rights abuses committed in Haiti in the 1970s and 1980s.

objections from Duvalier's lawyers, who had filed an appeal in an effort to prevent victims from exercising their right to participate in the proceedings as civil parties. Victims also faced the hostility of the public prosecutor who systematically dismissed the complainants' arguments and asked biased questions, seeming to have aligned with the defence.

It was only on 20 February 2014 that the Port-au-Prince Court of Appeal made public its decision. It reversed the January 2012 ruling by stating that there can be no statute of limitations for crimes against humanity and these can be prosecuted under Haitian law given that they are defined in international law. The Court of Appeal also ruled there is "substantial evidence" pointing to the indirect involvement and criminal responsibility of Jean-Claude Duvalier for the alleged human rights violations during his presidency. Finally, after recognizing several irregularities in the investigation that led to the January 2012 ruling, the Court appointed one of its sitting judges to further investigate the allegations against Jean-Claude Duvalier. The judge has been tasked with obtaining testimony from victims who had not been heard by the previous investigative judge, as well as with interrogating other people accused by the victims along with Jean-Claude Duvalier. He can also carry out any other activity pertinent to the investigation, such as identifying witnesses and gathering additional evidence.

The February 2014 Court of Appeal decision represents a very positive step forward and a victory for the victims of torture, enforced disappearances and other human rights violations committed under the rule of Duvalier and their relatives. However, structural weaknesses of the Haitian justice system and some shortcomings specific to this case could create further delays and negatively impact on the victims' right to an effective remedy.

In particular, the investigating judge of the Court of Appeal has not been provided with additional resources needed to carry out a complex investigation of this kind, has not been allowed to focus on this case nor has been given extended powers to summon witnesses. No special measure is known to have been taken to protect the judge or the victims and witnesses involved in the case. Moreover, despite several requests from the victims' lawyers and an explicit demand by the Inter-American Commission of Human Rights (IACHR),² the Haitian authorities have yet to facilitate access to archives and to any kind of information which might be useful for the proceedings.

These shortcomings are especially concerning given that the Haitian government has shown no interest in ensuring a timely, independent and impartial investigation into the crimes committed under the regime of Jean-Claude Duvalier. For example President Martelly hinted in several public statements pardoning Duvalier and invited him to several public events, including a state ceremony on 1 January 2014

² The Inter-American Commission on Human Rights, *IACHR Calls on Member States to Open their Archives on the Human Rights Violations Committed under the Regime of Jean-Claude Duvalier*, May 5, 2014, available at http://www.oas.org/en/iachr/media_center/PReleases/2014/048.asp

to celebrate Independence Day in the city of Gonaïves. In January 2013, the Government issued the former President with a diplomatic passport.

In March 2014, Duvalier's lawyers filed an appeal to the Supreme Court against the February 2014 Court of Appeal. However, the Court of Appeal decided that this appeal did not have a suspension effect and in mid-May the judge tasked with the investigation started hearing the victims.

Amnesty International calls on the Haitian authorities to:

- ensure that all victims and their families are able to exercise their right to truth, justice and reparation, including compensation and other benefits;
- ensure that the judicial authorities have adequate and sufficient resources to continue the investigation into the crimes allegedly committed by Jean-Claude Duvalier and/or his subordinates;
- ensure that the additional investigation by the judge of the Court of Appeal, as well as any other future proceedings in the case, is handled fairly and without any political interference;
- take all necessary measures to ensure the protection of judges dealing with the investigation, as well as victims and witnesses;
- ensure full access to official files held by the State that could serve as evidence of the human rights violations committed under the Duvalier regime.

DISCRIMINATION AGAINST LGBTI PERSONS (ARTS 2, 26)

LGBTI people suffer high levels of discrimination in Haiti, often translating into acts of violence, harassment and intimidation. According to activists Amnesty International spoke with, the situation has worsened since the January 2010 earthquake, following public statements made by anti-LGBTI groups at the time, including some foreign religious aid groups, that accused LGBTI communities of being a cause of the earthquake.³ In 2010, a human rights group working on behalf of LGBTI communities reported several cases of hate crimes involving sexual violence against LGBTI people in displacement camps.⁴

A spike in violence occurred in the summer of 2013, following increased speculation by some religious groups that LGBTI activists were seeking the adoption of legislation authorizing same-sex marriage in Haiti. Although such a project was not on the agenda of LGBTI groups, the Haitian Coalition of Religious and Moral

³ Interview with Amnesty International, July 2013.

⁴ Anne-Christine d'Adesky and PotoFanm+Fi, *Beyond Shock*, 2013, page 33.

Organizations (*Coalition haïtienne des organisations religieuses et morales*) called for demonstrations against LGBTI rights and same-sex marriage in several towns of the country. Local human rights organisations reported that acts of violence and aggression against persons perceived to be LGBTI occurred during and after the first march on 19 July 2013 in Port-au-Prince.⁵ In a statement published on 30 July 2013, IACHR referred to 47 cases of violence and aggression against people who identified as or were perceived to be LGBTI between 17 and 24 July 2013, including attacks with knives, machetes, cement blocks, rocks, and sticks.⁶ No individuals are known to have been brought to justice for these acts.

Although the Minister for Human Rights swiftly condemned the violence and called on the population to be tolerant, other state officers were reported to have more complacent attitudes towards the demonstrations. For example, media outlets reported that the regional director of the Ministry of Social Affairs in Jacmel took part in the local demonstration on 28 July and stated that a “general fight” to combat “the spreading of homosexuality” was needed.⁷

Although no other wave of violence against LGBTI people has been reported since then, LGBTI rights organisations continue to document and report isolated acts of anti LGBTI hate crime. For example, a Haitian LGBTI organisation reported to Amnesty International that on 29 January 2014 a 22 year-old man was queuing in a community restaurant in the municipality of Carrefour when he was verbally and physically attacked. He was injured in both legs and in his left eye. A judicial complaint was filed on 13 February but an investigation has yet to be carried out.

Haitian human rights organisations consider the response by the police to cases of violence and harassment of LGBTI people to be generally inadequate. Police officers often display reluctance in intervening in cases of this kind, or show discriminatory attitudes towards the victims who are consequently re-victimised. As a consequence, LGBTI people are generally discouraged from reporting incidents to the police. However, a training module for new recruits on LGBTI rights is currently being developed by the police in collaboration with LGBTI groups.

Despite promises made to human rights groups, the Haitian authorities have until now failed to implement awareness raising campaigns and education programmes to combat discrimination based on sexual orientation and gender identity.

⁵ Amnesty International, *Haiti: Anti-LGBTI march threatens more violence*, 26 July 2013, (Index: AMR 36/015/2013), <http://www.amnesty.org/en/library/info/AMR36/015/2013/en> and Amnesty International, *Haiti: Further information: Anti-LGBTI march threatens more violence*, 2 August 2013, (Index: AMR 36/016/2013), <http://www.amnesty.org/en/library/info/AMR36/016/2013/en>

⁶ Inter-American Commission on Human Rights, *IACHR Condemns Recent Wave of Violence against LGTBI Persons in Haiti*, 30 July 2013, http://www.oas.org/en/iachr/media_center/PReleases/2013/054.asp

⁷ Radio television Caraïbes, *Jacmel, homosexualité: le directeur départemental des Affaires sociales lance un SOS*, 31 July 2013.

*A draft Bill on the prevention, sanction and eradication of violence against women*⁸ (see the section below) which was prepared in 2011 by the Ministry for the Status of Women and Women's Rights included protection against discrimination based on sexual orientation. However, the draft bill has yet to be introduced to Parliament.

The new *Law on Adoption*,⁹ which entered into force in November 2013 contains some important provisions which move Haiti towards compliance with international standards on adoption. However, by restricting adoption only to heterosexual couples (article 8), the law discriminates on the ground of sexual orientation.

Amnesty International calls on the Haitian authorities to:

- fully investigate all incidents and acts of violence suspected of being motivated by anti-LGBTI discrimination and to bring those responsible to justice;
- carry out specific trainings for police officers and other state agents on how to handle cases of violence, harassment and intimidation against people who identify as LGBTI;
- to implement human rights education and anti-discrimination awareness-raising programs in collaboration with LGBTI rights organisations;
- to repeal the discriminatory provision in the new *Law on Adoption* and ensure that all future legislation complies with the prohibition of discrimination

VIOLENCE AGAINST WOMEN AND GIRLS (ARTS 3, 7, 26)

Amnesty International remains seriously concerned at the high incidence of violence against women and girls, including domestic and sexual violence. The organisation analysed the problem in a report published in 2008¹⁰ and documented a worsening trend in the aftermath of the earthquake.¹¹ Amnesty International highlighted how

⁸ Loi cadre pour la prevention, sanction et elimination des violences faites aux femmes.

⁹ Law published on Le Moniteur, 15 November 2013, available at <http://www.ejpd.admin.ch/content/dam/data/gesellschaft/adoption/herkunftslander/ld-haiti-adoptionsgesetz-f.pdf>

¹⁰ Amnesty International, *Don't turn your back on girls: sexual violence against girls in Haiti*, November 2008, (Index: AMR 36/004/2008), <http://www.amnesty.org/en/library/info/AMR36/004/2008/en>

¹¹ Amnesty International, *Aftershocks: Women speak out against sexual violence In Haiti's camps* (Index: AMR 36/001/2011), <http://www.amnesty.org/en/library/info/AMR36/001/2011/en>

displacement and camp conditions had increased the risks of gender-based violence for women and girls, while the destruction of police stations and court houses had even further weakened the state's ability to provide an adequate response to the problem.

Following pressure from national and international human rights organisations, humanitarian agencies multiplied efforts to set up protection measures in camps, such as providing solar lighting along with whistles and flashlights to women and girls, while the National Police increased patrols and ensured permanent presence in some of the bigger camps. However, Haitian authorities failed to set up a comprehensive plan to ensure long term protection and security for women and girls in displacement camps or to put protection of women and girls at the centre of recovery and reconstruction efforts. As a consequence, protective measures were discontinued. Moreover, women and girls being relocated from IDP camps to areas with high levels of violence through the rental subsidy programmes do not seem to have received adequate protection and support in relation to gender-based violence.

It remains difficult to measure trends of gender-based violence and impact of policies, as effective mechanisms to collect and collate this information are not yet in place. Statistics are collected by a wide range of governmental institutions, civil society organisations and UN agencies but there continues to be a lack of coordination and systematisation.

In recent years, important steps have been taken to initiate legislative reforms that would improve the legal framework for the prevention, detection and prosecution of gender-based violence. In 2011, the Haitian Ministry on the Status and Rights of Women, in partnership with the National Round Table on the Prevention of Violence against Women¹² (National Round Table) initiated a round of consultations to assist in drafting a comprehensive *Bill on the prevention, prosecution and eradication of violence against women*. The draft bill provided a definition of rape aligned with human rights standards, including a specific provision dealing with marital rape as a crime. It also contained provisions on sexual harassment and stalking and decriminalized abortion during the first 12 weeks of pregnancy on health grounds. In parallel, a reform of the Penal Code was launched by the Minister of Justice, with one of the draft versions including some positive elements to improve the penalisation of sexual violence. However, both pieces of legislation are far from being approved. The Minister for the Status and Rights of Women has yet to introduce the *Bill on the prevention, prevention and eradication of violence against women* to Parliament, while the difficulties affecting the Haitian parliament have impacted on its capacity to move the reform of the Penal Code forward.

Over the last decade, the national police force has taken some steps to improve its capacity to respond to gender-based violence. For example, in 2005 an Office for the Coordination of Women's Affairs¹³ was established with the main aims of

¹² Table de la Concertation Nationale contre les violence faites aux femees.

¹³ Bureau de la Coordination Nationale des Affaires Féminines –CNAF.

training police officers to address discrimination against women and of promoting the recruitment of female police officers. In 2009 a special unit of police officers trained to respond to victims of sexual violence was established. The unit implemented a pilot project in two police stations - Fort National and Delmas 33 - by setting up special procedures for responding to female victims of violence. The unit was severely hit by the earthquake, as some of the trained police officers died and the premises collapsed.

Despite these efforts, Haitian women's rights organisations Amnesty International spoke with, believe that the capacity of the National Police to provide an effective response to gender-based violence remains limited. Lack of resources, insufficient training and the still limited number of female police officers are among the main contributing factors to these weaknesses. A study on the implementation of indicators on the rule of law published in 2013 revealed that 62.5% of the surveyed experts considered that the police professionally responded to cases of sexual violence, while only 56.2% positively valued the police's response to cases of domestic violence.¹⁴

Despite Haitian human rights organisations reporting an increase in the number of convictions and cases of sexual violence reaching trial, these represent a very small fraction of the reported cases. A report by the Human Rights Section of the United Nations Stabilization Mission in Haiti (MINUSTAH) published in August 2013 found that law enforcement and judicial institutions only took appropriate action on a tiny percentage of the complaints of sexual offences that they received.¹⁵ This is due to several reasons, including failure to systematically and adequately register the complaints, high backlog of cases, and the unlawful practise of seeking conciliation between the victim and the alleged perpetrator -mainly carried out by justices of the peace.

Another contributing factor highlighted by the report is the unwillingness of authorities to process complaints of rape in the absence of a medical certificate. While this can constitute a valuable piece of evidence, investigation and prosecution of allegations of rape can and should be initiated in cases where a certificate has not been obtained. The delays of the justice system to deal with cases of sexual violence mean that often witnesses withdraw, important evidence is lost and in many cases the victims drop the charges as a result of undue pressure from alleged perpetrators and/or their families. The absence of a programme to protect victims of sexual violence and witnesses and the inadequacy of the existing legal aid programmes means that victims are in most part left vulnerable and without legal support during the judicial proceedings.

¹⁴ UN Office of the High Commissioner for Human Rights and Department of Peacekeeping Operations, *Rule of Law Indicators Project on Haiti: October-November 2011*, project implemented in Haiti by Vera Institute of Justice and published in February 2013.

¹⁵ United Nations Stabilization Mission in Haiti and Office of the High Commissioner for Human Rights, *La Réponse policière et judiciaire aux cas de viol en Haïti*, August 2013.

Victims of gender-based violence also face difficulties when they need to escape their own homes for safety reasons, as there is no State-run shelters for victims and survivors of sexual and domestic violence. Although some Haitian women's rights organisations have established some safe homes, the capacity to provide adequate protection and support to victims of gender-based violence remains dependant on funding and it is generally limited.

Amnesty International calls on the Haitian authorities to:

- collect comprehensive data across Haiti and systematically measure the nature and extent of violence against women and girls, including rates of successful prosecution, and make the results public in both official languages;
- map the risks of gender based violence for women and girls still living in displacement camps and for those who have been relocated and provide effective protective measures based on to the beneficiaries' needs;
- adopt the *Bill on the prevention, prosecution and eradication of violence against women*;
- reform the Penal Code to include a comprehensive definition of rape, criminalise marital rape and sexual harassment;
- ensure that the police and judicial authorities systematically and effectively register all complaints of gender-based violence, and that such complaints are promptly, impartially and effectively investigated;
- expand training for police officers and allocate adequate resources to the National Police in order to ensure that all victims of gender-based violence are treated in a professional manner, without discrimination ;
- to provide public legal assistance and special protection to victims and survivors of rape and other forms of sexual violence, including by increasing the number of shelters for victims and survivors.

INTERNALLY DISPLACED PERSONS AND FORCED EVICTIONS (ARTS 12, 17)

In the submission sent in advance of the Committee's preparations to draw up its list of issues for Haiti, Amnesty International highlighted serious concerns regarding violations of the Covenant that have occurred in the context of forced evictions from IDP camps, such as lack of investigation into fires in IDP camps, arbitrary detentions and illegal threats of arrest, excessive use of force during evictions and discrimination against people living in camps.¹⁶ Although few further reports of

¹⁶ The submission was based on the report *Nowhere to go: forced evictions in Haiti's camps for displaced people*, January 2013 (Index: AMR 36/001/2013), <http://www.amnesty.org/en/library/info/AMR36/001/2013/en>

forced evictions have been received since that correspondence was sent, Amnesty International remains concerned that no effective investigation seem to have been carried out and that no sustainable measure has been put in place to avoid forced evictions in the future.

Amnesty International is also concerned that the authorities are failing to provide IDPs with durable solutions. The most prevalent solution provided to address internal displacement continues to be the provision of rental subsidies to displaced families. Beneficiaries of those programmes receive a subsidy to rent accommodation of their choice for a year and an additional small grant. The rental subsidy programmes have had the positive effect of removing several hundred thousands of people from insalubrious living conditions in camps. However, they do not provide durable solutions for the people, as most of them have difficulties to stay in the same accommodation after the end of the subsidies.¹⁷

Amnesty International is calling on the Haitian authorities to:

- adopt a moratorium on all mass evictions until adequate safeguards have been put in place to ensure that all evictions comply with international human rights standards;
- adopt and enforce legislation prohibiting forced evictions, including safeguards which must be complied with prior to any eviction, in conformity with the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement;
- effectively investigate all cases of forced evictions and of threats of forced evictions and bring perpetrators to justice, and provide victims of forced evictions with effective remedies;
- set in place plans to relocate IDPs from camps based on durable solutions which ensures that all alternative accommodation meets the requirement for adequacy of housing under international law.

¹⁷ See also the Special Rapporteur on the Human Rights of Internally Displaced People, *Haiti: Time to push for development to achieve durable solutions for the internally displaced and the vulnerable*, 4 July 2014. After his visit to Haiti, the UN Special Rapporteur pointed out that the rental subsidies programmes do not represent a durable solution and recommended carrying out a needs assessment to know the durable solutions requirements of different categories of all IDPs, verify the location of those who live outside of camps, and a survey of their intent to know which durable solutions would work for them on the basis of consultation and participation.

FREEDOM OF ASSEMBLY AND ASSOCIATION (ARTS 21, 22)

THREATS AND HARASSMENT AGAINST HUMAN RIGHTS DEFENDERS

Amnesty International is concerned about the increase in attacks, threats and harassment against human rights defenders, including lawyers, in the last two years. In many cases the acts seem to be related to the lawyers' and defenders' work. In most cases, the authorities have failed to carry out thorough and prompt investigations, sending a message that these attacks are permitted. Moreover, authorities have not provided effective protection measures to enable the defenders to carry out their work without fear of reprisals.

In 2012, human rights lawyer **Mario Joseph** reported having suffered escalating series of threats, harassment and intimidation, including death threats by phone and police vigilance in proximity of his office and home. Mario Joseph is the managing attorney at the International Lawyers Office (*Bureau des Avocats Internationaux*), a public interest law firm, which is involved in sensitive judicial cases such as proceedings against former dictator Jean-Claude Duvalier, complaints against the UN for their alleged involvement in spreading the cholera epidemic in Haiti, and cases of forced evictions of people made homeless after the earthquake. In October 2012, the IACHR issued precautionary measures in favour of Mario Joseph requesting the Haitian state to adopt any necessary measures to guarantee his life and personal integrity. The Haitian authorities have not contacted Mario Joseph for the implementation of such measures.

The President and other members of **Kouraj**, an LGBTI rights organization, started receiving threats after religious leaders called a demonstration against LGBTI rights and same-sex marriage at the end of June 2013 (see above). On 21 November 2013, at around 1pm, Kouraj's office was attacked by three men armed with machetes and handguns. The armed men said that the office must not operate there and made discriminatory and anti-LGBTI insults against the two members of Kouraj who were in the office at the time, whom they then beat and tied up. After the attack, Kouraj activists received several anonymous calls during which they were subjected to anti-LGBTI slurs and threats of further attacks. Kouraj's office was forced to remain closed for several months and only re-opened in another location in April 2014. Kouraj reported the attack to the police but to date nobody has been held responsible as the public prosecutor (*commissaire du gouvernement*) has yet to conclude its preliminary investigation.

Human rights lawyer **Patrice Florvilus**, executive director of the NGO Defenders of the Oppressed (Défenseurs des Opprimés – DOP), has suffered several acts of intimidation and harassment after taking the legal representation of the family of Méris Civil, a man who died under police custody on 15 April 2013, after having allegedly been brutally beaten. On 27 November 2013, the IACHR issued precautionary measures on his behalf, requesting the Haitian state to adopt any necessary measures to guarantee his life and personal integrity and that of other

members of DOP. The Haitian authorities have not taken any steps to implement those measures.

On 2 April 2014, **Pierre Espérance**, executive director of the National Human Rights Defence Network (Réseau National de Défense des Droits Humains, RNDDH), one of Haiti's leading human rights organizations, received a threatening letter at the organization's office. A complaint was lodged on 9 April with the office of the Public Prosecutor, but it is not clear if an investigation has already been opened. On 9 June, the IACHR issued precautionary measures on behalf of Pierre Esperance, requesting the Haitian state to adopt any necessary measures to guarantee his life and personal integrity. Although he has reported not having suffered any further threat since then, he has not received any information about the outcome of the investigation nor has been contacted by the authorities for the implementation of the precautionary measures.

Malya Vilard Apolon and **Marie Eramithe Delva**, coordinator and secretary general of Komisyon Fanm Viktim Pou Viktim (KOFAVIV), a women's rights organization mainly working to assist victims of sexual violence, have received a series of threats and acts of harassment and intimidation since the summer of 2013. After they filed a complaint on 17 September 2013, an investigation was opened, which led to the arrest on 24 February 2014 of one of the suspected perpetrators of the attacks. Shortly after the arrest, Marie Eramithe Delva and other KOFAVIV members started receiving threatening telephone calls and text messages, including death threats. Complaints were again lodged with the police, but no steps are known to have been taken to initiate investigations into the incidents and no protection measures have been provided to Marie Eramithe or any other staff at risk, despite their repeated calls for protection.

Amnesty International calls on the Haitian authorities to:

- fully, promptly and effectively investigate the allegations of attacks, threats and intimidation against human rights defenders, including lawyers, make the results public and bring the perpetrators to justice;
- provide effective protection measures to lawyers and human rights defenders in accordance with their wishes, including by fully implementing the IACHR's precautionary measures when these have been granted.
- ensure a safe and enabling environment in which it is possible to defend human rights without fear of reprisal or intimidation.

EXCESSIVE USE OF FORCE TO DISPERSE DEMONSTRATIONS (ARTS 6, 7)

In the last two years, Amnesty International has received a growing number of reports of excessive use of force by the police to disperse demonstrations, often resulting in a high number of people injured and occasionally fatally injured.

For example, on 16 July 2013 a demonstration was being carried out in Estere, in

the Artibonite province, to protest against the suspicious death of a judge. People interviewed by the National Human Rights Defence Network stated that the police illegitimately dispersed the demonstration firing live ammunitions and throwing tear gas. As a result, a man, Rolcy Amétus, was killed, many others were injured and several children suffered from the inhalation of the gases.¹⁸ The General Inspectorate of the Police carried out an internal investigation and concluded that the conduct of the police had been lawful. No judicial investigation is known to have been carried out.

On 18 November 2013, the police reportedly fired tear gas inside the Faculty of Ethnology of the Haiti State University, where students were protesting for the arrest of another student a few days earlier during other demonstrations. One of the tear gas grenades reached a student, Renel Desir, who as a consequence lost his right hand. Renel Desir was obliged to go to Cuba to receive specialised medical care but has not received any financial support by any State institution or any kind of reparation for the damages, as the authorities failed to investigate the incident.

Despite the fact that the Justice and Security Commission of the Senate summoned the Director of the Police a few times to express concern about the violence used in policing demonstrations, no substantial change has been observed in relation with the police behaviour and no police officer is known to have faced criminal investigations and/or disciplinary actions for their involvement in incidents of excessive use of force in the context of policing demonstrations.

In this context, Amnesty International considers problematic the administrative decision issued by the Minister of Justice in October 2013¹⁹ giving instructions to the police not to execute judicial orders to arrest police officers without the Minister's authorisation. Such a decision establishes an undue level of scrutiny by the government on judicial decisions and could negatively impact police accountability.

Amnesty International calls on the Haitian authorities to:

- ensure that the police take all necessary measures to avoid the use of force and firearms to disperse demonstrations and when necessary, it complies with the principles of proportionality, legality, accountability, necessity and subsidiarity, in compliance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

- ensure that all incidents of excessive use of force by the police are

¹⁸ Réseau National de Défense des Droits Humains, *Les libertés d'expression, réunion et association en péril en Haïti*, 9 December 2013, page 6, available at <http://rdddh.org/content/uploads/2013/12/Libert%C3%A9-d'expression.pdf>

¹⁹ Memorandum Nr. 19/Scce/4 issued by the Ministry of Justice and Public Security on 21 October 2013.

thoroughly, independently, effectively and timely investigated, that perpetrators are brought to justice, including any officials who may have exercised command responsibility, and victims receive full reparation;

- ensure that the Ministry of Justice does not interfere with judicial decisions aimed at guaranteeing police accountability and repeal the administrative decision issued in October 2013.