

HRC5: Written Statement on Human Rights Abuses in Haiti

We appreciate the opportunity to submit information to the UN Human Rights Council concerning human rights abuses committed by personnel of the United Nations Stabilization Force in Haiti (MINUSTAH). This Report is divided into the following parts:

Introduction

The state of human rights in Haiti has steadily deteriorated since the February 2004 coup d'état that ousted that nation's democratically-elected president, Jean-Bertrand Aristide. From numerous reports which are cited in the reference section, a high percentage of these abuses were committed during the period in which the Interim Government of Haiti (IGH) held the reins of power. In its collaboration with the Haitian National Police (HNP), MINUSTAH became a partner of the HNP in these abuses by providing the HNP cover as they committed extra-judicial killings. In many instances, again – according to numerous reports cited in the reference section – MINUSTAH itself committed attacks on unarmed civilians resulting in numerous deaths and injuries.

In January 2005, the University of Miami School of Law issued a detailed human rights report concerning Haiti. In that report, Tom Griffin, an attorney and independent observer, assessed the human rights situation in Haiti after President Aristide's ouster:

"...the police, backed by UN forces, routinely carry out indiscriminate and unprofessional killing operations. The undisciplined army is back, protecting the rich and attacking the poor. The justice system is twisted against poor young men, dissidents and anyone calling for the return of the constitutional government."

Information Regarding Human Rights Abuses Committed against Haitians By MINUSTAH Personnel

In this submission, we present information concerning human rights abuses by MINUSTAH in four distinct areas. We believe that each of these areas should be investigated fully:

MINUSTAH's relationship with the Interim Government of Haiti

MINUSTAH's relationship with the Haitian National Police

Human rights abuses committed by MINUSTAH peacekeepers

MINUSTAH's failure to report human rights abuses observed in Haiti

Conclusions and references are noted here:

MINUSTAH's Relationship with the Interim Government of Haiti

MINUSTAH is the only Peacekeeping Mission in UN history that was not deployed to support a peace agreement. In fact, many things occurred in the build-up to the coup that are out of the ordinary as well. Indeed, 1) Prior to the coup, the elected Government of Haiti asked for United Nations help when it was initially under attack; the Caribbean Community (CARICOM) echoed this call, but the UN was not responsive to either request; 2) Only hours after the coup, on a Sunday morning, March 1, 2004, without giving the constitutional government any opportunity for input, the United Nations Security Council authorized a Multinational Force for Haiti; 3) It appears that MINUSTAH came to replace primarily US troops, not to exercise its traditional peacekeeping duties.

In establishing MINUSTAH, through UN Resolution 1542, the Security Council prescribed the relationship between MINUSTAH and the Interim Government of Haiti. The Resolution calls for MINUSTAH to serve a support and coordination role to the Interim Government. This "tying" together of MINUSTAH and the Interim Government likely made MINUSTAH subject to pressure from the Interim Government, especially regarding the relationship between MINUSTAH and the Haitian National Police. There is evidence that the international community was applying its own pressure as well. In July 2005, then MINUSTAH force commander Lieutenant-General Augusto Heleno Ribeiro Pereira testified before a congressional commission in Brazil, "we are under extreme pressure from the international community to use violence," citing Canada, France, and the United States.

MINUSTAH's Relationship with the Haitian National Police (HNP)

Since its arrival in Haiti, MINUSTAH has enabled HNP human rights violations. Numerous violations of human rights by the Haitian National Police (including arbitrary arrest and detention; disappearances; executions; and mass burials) have not been investigated. Reports in the reference section suggest that MINUSTAH provided cover for the police to commit atrocities and even engaged in human rights abuses directly. Many observers in Haiti agree that, with the presence of MINUSTAH, the HNP became more aggressive in its neighborhood sweeps than before MINUSTAH's arrival. The HNP appeared increasingly confident doing sweeps with the knowledge that MINUSTAH would back them up. These actions took place primarily during the IGH regime.

Human Rights Abuses by MINUSTAH Personnel

Throughout MINUSTAH's presence in Haiti, independent human rights organizations and credible journalists documented and reported that MINUSTAH and the HNP collaborated in atrocities against unarmed Haitians. There have been numerous reports of the deaths of unarmed civilians, injuries, and property damage by fully armed MINUSTAH personnel conducting ground and aerial attacks during the three year-long MINUSTAH occupation.

Two full-scale military style attacks, one on July 6, 2005 and the other on December 22, 2006, show the extent of MINUSTAH's wholesale abuse of human rights. While we provide background only on these two incidents, MINUSTAH conducted several other similar attacks over the last three years.

MINUSTAH attack in - Cite Soleil on July 6, 2005

In a 2006 follow-up report on human rights in Haiti, sponsored by the University of Miami School of Law, observers report:

“On July 6, 2005, the UN military launched an offensive attack in Cite Soleil against the slum gangs, an offensive frequently referred to as the “July Sixth Massacre.” Within days of the confrontation, international press agencies reported that civilians had been killed, yet no investigation into the incident was made until six months after the massacre in January 2006. To date, MINUSTAH has failed to issue any report. Death toll estimates range from as few as 8 to upwards of 50.”

MINUSTAH maintains that only five people were killed in the July 6, 2005, operation – all gang members – and that they were not aware of any civilian casualties. MINUSTAH stated that if there were any other casualties it was because unarmed civilians were caught in the cross fire between gangs. There are several news articles about this issue that can be obtained at the Institute for Justice and Democracy in Haiti (IJDH). The website URL is listed in the reference section.

Seth Donnelly, a member of a San Francisco Labor and Human Rights delegation, was in Haiti when the attack occurred. On July 11, 2006, he appeared on the Democracy Now TV/Radio program to talk about his visit to Cite Soleil the day after the MINUSTAH attack. During this visit, spoke with physicians, who are members of Doctors Without Borders, at a hospital near Cite Soleil called St. Joseph's. The doctors reported that of the 26 gunshot victims treated at the hospital on July 6, 20 were women and at least one child.

In a Freedom of Information Act response, U. S Department of State stated that “MINUSTAH's after action report stated that the firefight lasted over seven hours during which time their forces expended over 22,000 rounds.”

The response states further that “MINUSTAH acknowledged that, given the flimsy construction of homes in Cite Soleil and the large quantity of ammunition expended, it is likely that rounds penetrated many buildings, striking unintended targets. As the operation was a raid, MINUSTAH did not remain in the area to do an assessment of civilian or gang member casualties, nor were they able to recover gang members' bodies.”

Further, there were several reports that MINUSTAH had no ambulances at the scene during or after the operation. Having ambulances at the ready is standard practice for large military operations (in this case, 300-400 peacekeepers) especially when massive firing is taking place in densely populated areas among largely unarmed citizens. The UN stated that it had revised its plans for the July 6 raid three times with the aim of minimizing collateral damage. Yet, even after these revisions, the plan did not include treatment for foreseeable collateral victims. The UN has conceded it did not transport victims.

MINUSTAH attack in Cite Soleil on December 22, 2006

The attack on December 22, 2006 is much like the attack on July 6, 2005. It involved hundreds of peacekeepers aerial support. It also killed many unarmed Haitians in Cite Soleil but MINUSTAH justified the incursion as an anti-gang measure.

Latest estimates of the casualties reveal more than 20 people killed and more than 40 individuals were reported injured. MINUSTAH stated to the press that the goal of the raid was to apprehend “gang members.”

In a letter to the Special Representative of the UN in Haiti, Edmond Mulet, several human rights and justice groups demanded answers regarding the reason for the raid and the manner in which it was conducted. Questions were posed to Mr. Mulet about whether valid warrants seeking arrest of specific individuals had been issued, what measures had been taken to protect unarmed civilians during the raid, etc.

Duty to Report Human Rights Abuses

The University of Miami School of Law School report (2006) states that MINUSTAH’s role regarding protection of human rights is clearly stipulated in its mandate: “to support the Transitional Government as well as Haitian human rights institutions and groups in their efforts to promote and protect human rights, particularly of women and children, in order to ensure individual accountability for human rights abuses and redress for victims.” The mandate further binds MINUSTAH “to monitor and report on the human rights situation, in cooperation with the Office of the United Nations High Commissioner for Human Rights, including on the situation of returned refugees and displaced persons.”

The report maintains that “MINUSTAH has failed both to actively and aggressively investigate atrocities and to account for its own human rights violations. Not only has MINUSTAH failed to investigate and produce reports, but according to most human rights workers, including the chief of the Human Rights Division of MINUSTAH, Thierry Fagart, MINUSTAH’s attempts to cooperate with Haitian nongovernmental organizations and the interim government to bring human rights abusers to justice has, thus far, been inadequate. Moreover, MINUSTAH largely overlooks the ability of Haitian NGOs to do meaningful stabilization work, as well as to redress human rights violations. Even if MINUSTAH is incapable of initiating investigations, for practical, budgetary or political reasons; there is no excuse for it to ignore the reports of violations furnished to it by active NGOs. Although MINUSTAH claims to be monitoring the human rights situation, many human rights workers criticize it for failing to publish reports on human rights violations.”

Conclusion

The University of Miami School of Law report (2006) characterizes many Haitians’ perception of MINUSTAH:

“Many Haitians are both frustrated with MINUSTAH and confused about its mission in their country, seeing it as merely a static presence rather than an active organization making progress toward stabilizing the country.”

The Haiti Issue Committee of WILPF concurs with this view.

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