

HAITI



On November 9th, 2000, a Haitian court convicted fifty-three persons in the Raboteau case.

EAAF participated in the forensic investigation which played an important role in their conviction.

During the fall of 2000, the Tribunal of Gonaïves reviewed testimonies accusing soldiers and members of the paramilitary group FRAPH (Front for the Advancement and Progress of Haiti) of a massacre of civilians that took place at Raboteau, a poor neighborhood in Gonaïves, in 1994. This trial is one of a series that addresses Human Rights abuses committed under the Cedras regime (1991-94), and is almost the first time that physical evidence has been used in Haitian judicial history.





(left) Jean Claude, known locally as Ti' Claude. Haiti, 1995. Excavation of Raboteau's victims under the auspices of the Haitian Truth and Justice Commission , Gonaives. photo by EAAF.

BACKGROUND

In 1990, Haitians elected Jean-Bertrand Aristide as president by an overwhelming majority, in the country's first free elections since the Duvalier era. But his tenure lasted only seven months: on September 29th, 1991, his government was overthrown in a coup. A military government, headed by General Raoul Cedras, assumed power, and ruled the country for three years.

During this period, the Haitian army, police, and paramilitaries conducted a campaign of terror, specifically targeting Aristide supporters and driving human rights organizations underground. The armed forces destroyed radio stations, killed reporters, and conducted sweeps in Port-au-Prince slums known as strongholds of support for Aristide. 3000 to 4000 persons are estimated to have been killed, while another 100,000 sought refuge abroad, and 300,000 were displaced internally.¹

On September 19, 1994, a multinational force authorized by the UN Security Council and led by the United States intervened in Haiti, removing Cedras and restoring President Aristide. A civilian mission of human rights monitors - MICIVIH - sponsored by the UN and the OAS, returned to Haiti after having been evacuated for security reasons earlier. Several months later, President Aristide announced the creation of a Truth and Justice Commission mandated to investigate human rights violations committed under Cedras. The Commission began work on May 6th, 1995. At the Commission's request, the American Association for the Advancement of Science provided technical advice, and in turn assembled an international forensic team. This team was coordinated by Daniel Salcedo of the AAAS and included two EAAF members Luis Fondebrider and Mercedes Doretti. The rest of the team was composed of Mariana Valdizon and Federico Reyes,

who at the time were members of the Guatemalan Forensic Team, Karen Burns of the University of Georgia, and Jose Pablo Baraybar, a physical anthropologist working with MICIVIH. Between August and October 1995, this team investigated ten cases of alleged human rights violations. In six of these, including the "Raboteau Case", human remains were exhumed or collected from the surface, and analyzed at the University Hospital of Port-au-Prince.

THE RABOTEAU CASE

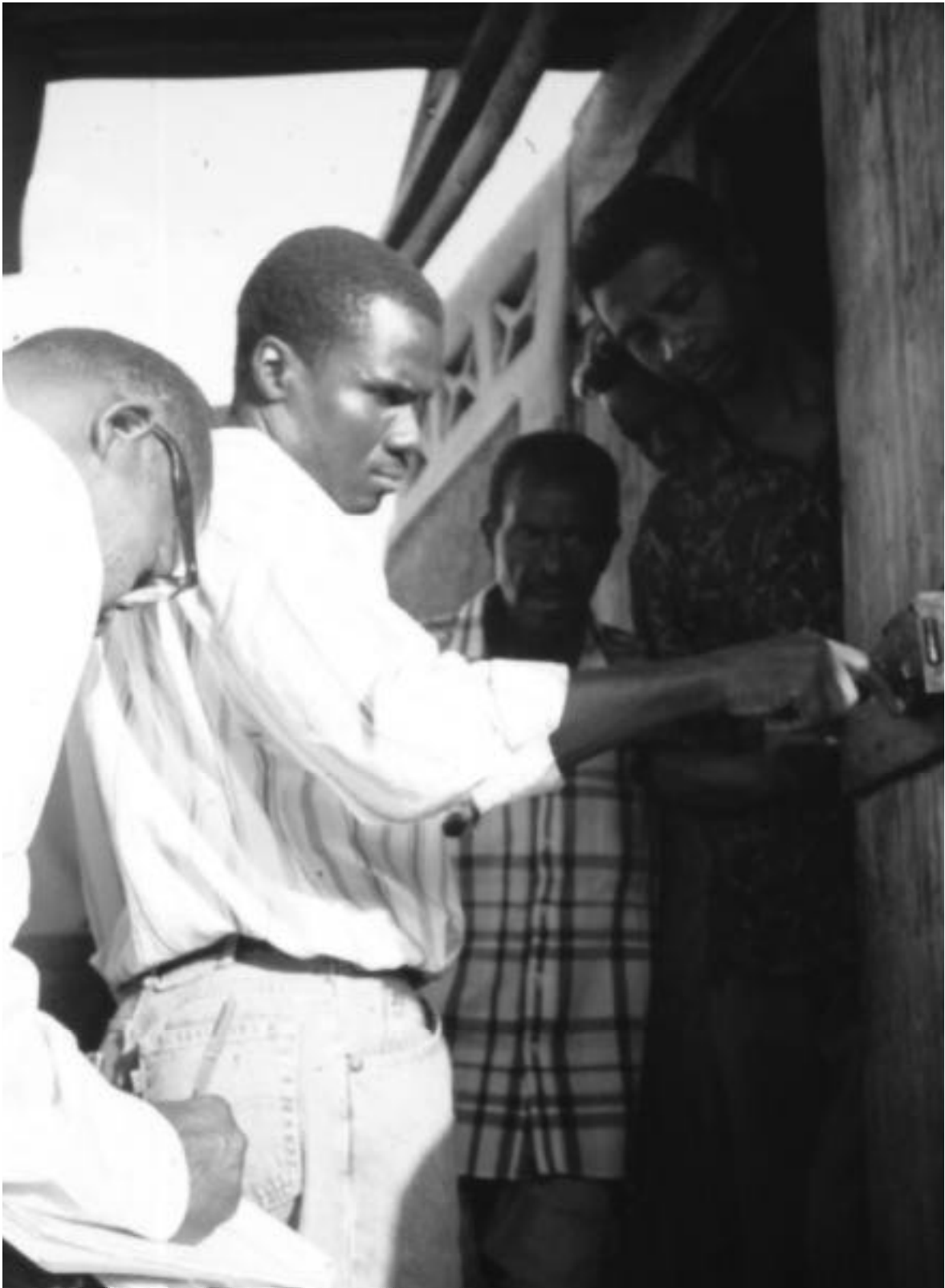
The Raboteau case involved a massacre of civilians that took place in April 1994 on the outskirts of the northern city of Gonaïves. According to early official press statements, the Toussaint l'Overture military installation in Gonaïves was attacked by terrorists, allegedly under the leadership of local Aristide supporter Amio Metayer. To counter this attack, military personnel pursued members of Metayer's group in Bas-Raboteau, a seaside neighborhood considered an Aristide stronghold.

The investigation conducted by the MICIVIH found the military's version of these events to have been a fabrication; and ruled that the military had both initiated the incident and committed serious human rights violations. Prior to the events, on April 8, soldiers accompanied by a FRAPH member had ransacked the house of Mr. Metayer, temporarily detaining his father, Mr. Ludovic Metayer. Early on April 22, a larger group of soldiers entered the Raboteau neighborhood, and

local residents took to the sea in their boats. They were so accustomed to doing this during military raids that some of them referred to the sea as their "embassy." According to the MICIVIH, the military "pillaged several dozen houses, beat the inhabitants, and then summarily executed many people whom they had chased from their houses on the littoral or in their boats."² The precise number of victims



The physical evidence recovered in 1995, in fact, included a key among other objects found in the back trouser pocket of one of the skeletons.



Gonaives, 1997. Judge Thelusme Abraham trying the key found at the excavation site. photo courtesy of Karen Burns

could not be established because several bodies were washed out to sea or hastily buried without documentation. However, the minimum number of people killed was twelve.

On September 13th, 1995, the team undertook exhumations at two sites at the seashore in the area of Raboteau known as Bas-Carenage. Truth Commission and MICIVIH members, in particular forensic expert José Pablo Baraybar, took part in the investigations. The local Justice of the Peace was present, and wrote a record of the proceedings.

At the first site, the complete skeleton of an adult male was uncovered. At the second, the remains of two adults were found, both with ropes around their cervical areas. The remains of all three individuals were analyzed in the laboratory. The cause of death of the individual from the first site was difficult to determine; he had a broken sacrum and several broken ribs.

The first individual from the second site had been shot in the back at the time of death. The entrance wound went through the left buttock into the body cavity. This wound could have been the cause of death. The second individual from this site had sustained a blunt force injury to the right cheek, a common injury from facial beatings. However, no clear cause of death was found in the skeletal remains.

The three individuals were not positively identified at the time, but the team stated that they might eventually be so, given more specific premortem information. The archaeological findings were consistent with witnesses' testimonies. According to these accounts, in the days following the incident, attaches and soldiers used ropes to recover several bodies from the sea at Bas-Carenage, which was consistent with the ropes that we found. They buried these at the beach in shallow graves. Families and neighbors of the victims were not allowed to approach the area. The

fact that one of the bodies had a gunshot wound entering from the back is also consistent with the report that several people were shot from behind while running toward the sea.

In early 1997, at the request of the Haitian Ministry of Justice and MICIVIH, EAAF member Mercedes Doretti and Dr. Karen Burns of the University of Georgia conducted a mission to help create the institutional groundwork necessary to enable the Haitian judicial system to work with physical evidence. They provided training to judicial authorities and other professionals in the legal and juridical uses of forensic evidence. On February 28, at the request of Judge Thelusme Abraham, Burns and Doretti traveled to Gonaïves, and introduced the evidence from the Raboteau case, including the three skeletons and associated objects, to the local court.

As the trial advanced, Judge Abraham informed Burns and Doretti that a local resident, Mr. Y, had come forward with the information that he had lent the key of his house to Mr. Claude Jean, one of the persons reportedly killed on April 22nd, 1994. The physical evidence recovered in 1995, in fact, included a key among other objects found in the back trouser pocket of one of the skeletons. Under the

Judge's supervision, Burns and Doretti submerged this key in acetic acid to remove the rust. Accompanied by UN observers, the judge tried the key at Mr. Y's door and determined that it fit. On the basis of consistency between pre-mortem information on Mr. Claude Jean provided by his family, and that from Raboteau II-3, and the circumstantial evidence of the key, Raboteau II-3 was tentatively identified as Claude Jean, known locally as Ti' Claude.

Burns and Doretti took blood samples from the presumed relatives of Raboteau II-3 and DNA samples from the victims' teeth and sent them to two labs in the USA - one set of samples was sent to Dr. Michelle Harvey, at



Gonaïves, 1995. Physical evidence recovered included a key and associated objects that led to tentative identification of Claude Jean later confirmed by DNA analysis. (below) Ropes found around cervical area of two skeletons of Raboteau's victims. photos by EAAF.



Gonaïves, October, 2000. Dr. Karen Burns testifies before the court in Gonaïves during the Raboteau trial. photos courtesy of Dr. M. Harvey

the laboratory of Dr. Marie Claire King, Division of Medical Genetics at the University of Washington, Seattle. The other went to Dr. Marcia Aisenberg, director of Forensic Identity Testing at LabCorp Molecular Biology and Pathology in North Carolina. Both labs independently reached the same conclusion: Raboteau II-3 was positively identified as Claude Jean, or 'Ti' Claude.

In 1998, Burns and Doretti returned to Haiti and took new blood samples of presumed relatives of the remains exhumed in 1995. As a result, Raboteau II-2 was identified as Chrismene Frederique, using DNA analysis contributed by Dr. Harvey.

All the forensic findings were presented to the Court in Gonaïves by anthropologist Karen Burns and geneticist Michelle Harvey. Burns and Harvey traveled to Haiti in October 2000 to testify.

JUDICIAL PROCEEDINGS

In November 2000 the Tribunal of Gonaïves issued resolutions outlining how the events at Raboteau fit into a wider series of well-planned operations, and convicted fifty-three of the fifty-eight persons on trial, including General Cedras himself. According to Mario Joseph, the lawyer for the families of the victims, the conviction of high-ranking military officials was very important, because this case establishes "the

extent of liability of superior officers and the responsibility of subordinates."³

The convicted also included members of the Army High Command such as Major General Jean-Claude Duperval, ex-General Philippe Biamby, and ex-Brigadier General Romulus; officials of the Armed Forces based in Gonaïves, like Castera, the commander of the Gonaïves Commissariat; and members of the paramilitary group FRAPH. Many of these were convicted of criminal conspiracy and/or complicity to murder and received life sentences including forced labor. Others were found guilty only of association with the wrongdoers, and received sentences of four to six years. Of the total number of accused, thirty-seven were tried in absentia, and many of these remain in exile abroad.

As the judicial process continues, it is hoped that persons convicted in absentia will be extradited from other countries. Moreover, it is hoped that the United States will return Haitian documents confiscated by US troops from FRAPH and military offices during the 1994 UN intervention. It is believed that evidence contained in these would enable further resolution of cases.

FOOTNOTES

1. "Haiti: Human Rights after Aristide's Return," Human Rights Watch/Americas, October 1995, vol. 7, No.11
2. MICIVIH Press Release
3. Miami Herald, September 24, 2000.