



Excavations underway
at Raboteau

A mission training Haitian legal professionals in the use of physical evidence, and contributing to the ongoing investigations into the “Raboteau case.”

In February 1997, the Haitian Ministry of Justice asked the OAS/UN International Civilian Mission in Haiti (MICIVIH) if they could provide the services of several specialists in forensic anthropology. The MICIVIH accordingly invited Mercedes Doretti of EAAF and Dr. Karen Burns of the University of Georgia to conduct a mission to Haiti. The American Association for the Advancement of Sciences (AAAS) sponsored Burns and MICIVIH sponsored Doretti. Both had previously participated in an Inter-American forensic team that in 1995 provided technical support to the former Haitian National Commission for Truth and Justice appointed by then-president Aristide.

Burns and Doretti remained in Haiti between February 23rd and March 3rd, 1997. The mission’s terms of reference stated that it was intended to lay the groundwork necessary to enable the Haitian judicial system to work with physical evidence, and “eventually to create the institutional mechanisms to carry on such investigative activities in the future.”

Given this general mandate, the mission had two specific objectives. The first was to provide training to Haitian judicial authorities and other professionals in the legal and juridical uses of physical evidence, mainly evidence provided through forensic anthropological work. The second was to introduce physical evidence concerning the “Raboteau case” before the court in which the case is currently being tried. This evidence was collected in 1995 by the forensic team, working under the direction of the Truth and Justice Commission.

HISTORICAL BACKGROUND AND THE 1995 MISSION

In December 1990 Jean-Bertrand Aristide was elected president of Haiti by an overwhelming majority in the country’s first free elections since the Duvalier era. He took office on February 7th, 1991. But his tenure proved a brief one; only seven months later, 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.

The coup unleashed a massive outbreak of human rights violations, including extrajudicial executions, “disappearances,” torture, rape, and severe restrictions on freedoms of expression, assembly, and association. The Haitian army and police conducted a campaign of terror, specifically targeting supporters of President Aristide and driving many Haitian human rights organizations underground. The armed forces destroyed radio stations, killed reporters, and conducted sweeps in Port-au-Prince slums known as strongholds of President Aristide.¹

Human rights organizations estimate that 3000 to 4000 people were killed by security forces and paramilitary groups during the rule of the military regime. During this period approximately 100,000 Haitians sought refuge abroad, and another 300,000 were internally displaced.

evacuated for security reasons in July 1994, returned to the country. In addition, a UN Civilian Police Monitors Division (CivPol) was added to the MICIVIH’s military and civilian divisions. The military leadership of the Haitian Armed Forces (Forces Armees d’Haiti, or FAd’H) was dismantled by the government, and the rest of the FAd’H was gradually dissolved, greatly reducing state-sponsored violence.

As a result of negotiations between an international delegation led by former U.S. President Jimmy Carter and the coup leaders, the U.N. intervention was relatively free of violence. The coup leaders, however, were allowed to go into exile, and an amnesty law was passed. As it has so far been interpreted, this amnesty law does not cover political crimes.



Crowd assembled
around an
excavation site on
the Raboteau beach.

On September 19th, 1994 a multinational force authorized by the U.N. Security Council and led by the United States intervened in Haiti, removing Cedras and restoring Aristide to the presidency. After this intervention, a civilian mission of human rights observers (MICIVIH) sponsored by the United Nations and the Organization of American States, which had previously been in Haiti but had been

Several months after reassuming office, President Aristide announced the creation of a Truth and Justice Commission mandated to investigate human rights violations committed under the military government of General Cedras. The Commission began working on May 6th, 1995, and carried out its inquiry over a period lasting close to a year. It was mandated to publish its conclusions in a public report, and to made

¹ Neill, W.O., “Human Rights Monitoring vs. Political Expediency: The Experience of the OEA/ONU Mission in Haiti,” in *Harvard Human Rights Journal*, 8 (Spring 1995).

public recommendations for improving the Haitian judicial system and security forces, and for preventing a repetition of the tragic events of the past. The Commission's final report was delivered to President Aristide on February 5th, 1996.

At the request of the Truth and Justice Commission, the American Association for the Advancement of Science assisted the Commission by providing technical forensic advice. After a small preliminary mission in February, AAAS assembled a larger international team which worked in Haiti between August 28th and October 11th, 1995. This team was coordinated by Daniel Salcedo of AAAS, and included Mariana Valdizon and Federico Reyes, who at the time were members of the Guatemalan Forensic Anthropology Team (EGAF); Dr. Karen Burns from the University of Georgia; and Luis Fondebrider and Mercedes Doretti from EAAF. Jose Pablo Baraybar, a physical anthropologist working with MICIVIH, also collaborated with the team.

The international forensic team investigated ten cases of alleged human rights violations that occurred during the rule of General Cedras' military government. In four cases, after initial research the team decided not to pursue investigations. In six other cases, including the "Raboteau case," human remains were found on the surface of the earth or were exhumed from grave sites. The team recovered and analyzed the remains, and collected other information about the circumstances of death and disposal or burial of the bodies.

All recovered remains were analyzed at the University Hospital of Port-au-Prince. The evidence was kept under official custody, first by the Truth and Justice Commission, and then by the Ministry of Justice.

The international team submitted a final forensic report to the Commission in December 1995. The team also produced a statistical report that analyzed records from the University Hospital's morgue. (For more information, see EAAF's 1994-1995 Bi-Annual Report.)

THE 1997 MISSION

Judicial Activities: The "Raboteau Case"

Among the cases under investigation by the Truth and Justice Commission on which the Inter-American forensic team worked in 1995 was the so-called "Raboteau case."

During the 1997 mission Burns and Doretti

participated in the ongoing investigations and judicial proceedings concerning this case. It involved an incident that occurred under the rule of the Haitian military regime on April 22nd, 1994, when Haitian military and paramilitary forces allegedly committed severe human rights violations in Raboteau, a suburb of the city of Gonaïves.

Official versions of the story provided by the military government claimed that the military was not responsible for provoking the incident, and had not abused its powers. The official press release claimed that a terrorist group led by a local Aristide supporter had attacked the Gonaïves military barracks, and that the military had been obliged to respond by repelling the attack and pursuing members of the group as they attempted to flee by boat.

After conducting detailed investigations, however, several human rights groups, MICIVIH personnel present in the country at the time, and members of the press concluded that the official story was a fabrication, and that the military had both caused the incident and committed serious human rights violations. In the weeks before the incident, army troops and paramilitary forces had harassed residents of the Raboteau area, including the family of the man accused of leading a terrorist group. On the morning of April 22nd, 1995, the military began a rampage through the neighborhood, ransacking several dozen houses, beating the inhabitants, and chasing residents as they fled towards the beach and attempted to escape by boat. Witnesses say that the military fired on people as they ran, and executed several on the beach.

At the request of the Truth and Justice Commission, during its 1995 mission the Inter-American forensic team conducted two exhumations in an area of Raboteau known as Bas-Carenage, which borders the ocean, in order to gather more evidence about this case. Both exhumation sites were located on the beach, at places where witnesses claimed the military had buried the bodies of their victims. The team exhumed three bodies, which were analyzed by team members. Members of the Truth and Justice Commission guaranteed the chain of custody of the evidence. Two of the victims had ropes around their necks; one had been shot in the pelvis from behind by a large caliber gun; and one had a broken cheek bone. These findings were consistent with the accounts of witnesses, who said the victims had been shot in the back while fleeing, and that the military had subsequently used ropes to recover bodies floating in the sea.

Identification is a comparative process, in which physical information known about a victim is compared with information discovered from examination of the skeletal remains. Despite the team's efforts, none of the three skeletons was identified at the time, due to insufficient pre-mortem information (physical information about the victims while they were alive). Nevertheless, the forensic team stated in its report that identifications might be possible if more data were available, and it recommended that the Truth and Justice Commission continue to interview the families of victims and to collect pre-mortem information.

The Raboteau case is now in court, and more than a dozen members of the former Haitian army, the former Haitian police force, and paramilitary groups,

three individuals, personal belongings, and associated evidence. Burns and Doretti also provided the Judge with a French translation of the forensic report.

At the request of Judge Abraham, Burns and Doretti also continued the investigation into the case. During the 1995 mission, a key had been found in the pocket of one of the exhumed bodies, which the researchers had labeled Raboteau-II-3. On the 1997 mission, 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 a Mr. X, one of the persons reportedly killed on April 22nd, 1995. (The identities of the persons involved must be kept confidential at this time.) Under supervision of the Judge, Burns and Doretti



Reserachers placing exhumed remains in boxes at the Rossignol site.

are in jail awaiting trial. On February 28th, 1997, at the request of former Judge Thelusme Abraham, who was investigating the case, Burns and Doretti traveled to Gonaïves. They were accompanied by Denis Racicot, the MICIVIH Legal Affairs and Institution-Building Coordinator. The objective of the trip was to introduce to the court both the forensic report and the physical evidence concerning the Raboteau case collected during 1995 by the Inter-American forensic team. The evidence was first kept under custody by the Truth and Justice Commission, and later by the Ministry of Justice. It consists of skeletal remains of

submerged the key found on the exhumed body in acetic acid to remove the rust. Burns and Doretti then accompanied the Judge and other observers to the Mr. Y's house. They tried the key in the lock and determined that it fit.

Burns and Doretti compared the physical features of Raboteau-II-3 with information about Mr. X provided by his relatives. On the basis of consistent pre-mortem information about Mr. X and information from Raboteau II-3, and taking into account the circumstantial evidence of the key, Raboteau II-3 was tentatively identified as Mr. X.

For further verification, Burns and Doretti took tooth samples from Raboteau-II-3 and blood samples from two of Mr. X's maternal relatives. The samples were sent to the laboratories of Dr. Marie Claire King at the University of Washington, Seattle, and Dr. Marcia Eisenberg, Director of the Forensic Identity Testing, at Laboratory Corporation of America in North Carolina. EAAF is extremely grateful that both laboratories offered this service for free.

Updated information: DNA was extracted from each of these samples and analyzed. On the basis of comparisons between maternal mitochondrial DNA from the tooth and blood samples, both laboratories independently identified Raboteau-II-3 as Mr. X.

During another forensic mission in 1998, new blood samples were obtained, and Raboteau II-2 was also identified through anthropological techniques and analysis of genetic material. (For more information see EAAF's 1998 Report.)

Members of the forensic team are scheduled to testify in Haiti at the on-going trials concerning the Raboteau case in 1999.

Training

The Haitian penal code was written in 1836, and has survived to the present with very little change. Haitian judges are accustomed to collecting verbal testimony and making decisions on the basis of verbal testimony alone. Physical evidence as such has never been introduced into the courts of law in Haiti. Also, Haitian courts are not accustomed to the use of expert witnesses.

Accordingly, one of the principle objectives of the 1997 mission was to provide training in the nature and use of physical evidence and in the legal and juridical uses of forensic anthropology. The mission's participants were also mandated to provide information about the specific evidence collected by the Inter-American team in 1995. The two members of the 1997 mission, Burns and Doretti, presented lectures and slide shows on these subjects in a variety of settings.

1) On February 24th, Burns and Doretti gave a slide presentation on forensic sciences and the use of physical evidence in legal investigations at the offices of the Prime Minister of Haiti. The presentation was attended by former Haitian Prime Minister Rosmy Smarth, Minister of Justice Mr. Pierre Max Antoine, former President of the National Commission for Truth and Justice Ms. Françoise Boucard, Advisor to the Minister of Justice Ms. Florence Elie, Executive

Director of MICIVIH Ambassador Colin Granderson, MICIVIH Deputy Executive Director Mr. Rodolfo Mattarollo, MICIVIH Coordinator of Legal Affairs and Institution Building Mr. Denis Racicot, and members of the Haitian judiciary, police and diplomatic corps.

2) On February 25th, Burns and Doretti gave an all-day workshop on the forensic sciences and their application to human rights violations at the École de la Magistrature in Port-au-Prince, attended by five judges and the prosecutors from UPENA (Unite Penale Nationale, the national Criminal Unit). UPENA had been created by the Ministry of Justice, at the recommendation of the Truth and Justice Commission, to improve the training and investigative abilities of judges and prosecutors involved in cases of severe human rights violations. Burns and Doretti gave an extensive presentation, which focused on the work with physical evidence done in Haiti by the Inter-American team for the Truth and Justice Commission in 1995, and on similar work being conducted in other countries. They also showed slides and videos on human rights work dealing with physical evidence around the world, again focusing in particular on the work done in Haiti. Finally, they distributed a booklet prepared by EAAF containing general information on forensic anthropology and human rights investigations.

3) On March 2nd, Burns and Doretti gave a slide presentation for lawyer Brian Concannon of *Advocats Internationaux près l'Unité d'Investigation Speciale du Ministère de la Justice*, a group of international lawyers which has been providing legal assistance to the Haitian Ministry of Justice since Aristide was restored to power. Mr. Concannon is providing support to Haitian lawyer Mr. Mario Joseph, who is representing the families of the victims in the Raboteau case (see below).