

**National Human Rights Defense Network
(RNDDH)**

**RNDDH presents its second report on
the overall situation in the country
after the earthquake of January 12,
2010**

March 2, 2010

Abstract

The socio-economic situation of the country before January 12, 2010, was dramatic. 80% of the Haitian population living below the poverty, corruption was systemic in the country. Meanwhile, the country's environment has deteriorated with the multiple storms, floods, and landslides recorded during recent years.

Politically, the parliamentary elections foreshadowed a political crisis due to the formation of the Provisional Electoral Council and the actions of the latter, as the deportation of political parties in electoral competition and the conditioning of the participation of some political parties in reference to the council.

The security situation had improved with the presence of police in neighborhoods at risk and regular police patrols in the streets, aided by officers of the **Mission of the United Nations Stabilization Mission in Haiti** (MINUSTAH).

The areas hit by the disaster January 12, 2010 are virtually destroyed. All the country's institutions have been hit, the state, school, family, and church. The **Directorate of Civil Defense** reported 222,517 dead, 250,000 wounded, 300,000 missing and 597,801 displaced to the towns which 160,000 have fled the area in Haitian-Dominican border. At least 450,000 children are in the camps, among them , the fatherless and motherless. People living in the camps operate in a difficult situation: the unhealthy environment, stagnant wastewater generating bugs, insecurity, hunger, violence, impoverished habitats, etc..

Meanwhile, more than half of the prison population from January 12, 2010 has escaped. It rose from 8535 prisoners and 12 January 2010 to 3661, to February 25, 2010.

For several weeks, the judiciary was paralyzed. The Ministry of Justice is destroyed. The courthouse in **Port-au-Prince**, the Peace Tribunal of the Southern Section of **Port-au-Prince** as the Court of Peace **Gressier** were completely destroyed. In addition, 9 trial courts, 14 district courts and the court of special work were damaged.

The state authorities have been unable to manage the situation and have appealed to the international community if it has not skimmed on its assistance, it has however, ignored in its interventions, the prescriptions of the **Humanitarian Charter and Minimum Standards the disaster response**.

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I. Introduction

On January 12, 2010 at about 4:53pm, a violent earthquake measuring 7.3 on the Richter scale swept *three* (3) departments: the West, Southeast and Nippes. After a few seconds of shaking, residents of the above departments woke up in an indescribable nightmare. All symbols of the state have been destroyed: the National Palace, the Palace of the Ministries, the Palais de Justice, the Directorate General of Taxes. The founding institutions of society have been severely affected: the state, family, church, school, civil society, politicians, media, the business sector, both formal and informal, etc.

The victims, most of which rushed into refugee camps are living in dire conditions and now approximately *two* (2) months after the general situation of human rights was already serious, it has severely worsened, whatever the points considered: health, food security, environment, etc.

Under this second report, the National Network of Human Rights Defense (RNDDH) gives an overview of the general situation of the country while offering possible solutions for the reconstruction of Haiti as a development approach focused on human rights.

II. General situation of the country before January 12, 2010

The socio-economic development of the Haitian population was already precarious before the disaster of January 12, 2010 such that 80% of the Haitian population living below the poverty line, on less than *two* (2) U.S. dollars per day. The human rights to food, work, health and education of the population were daily trampled upon. State institutions required to realize these rights held no plan to meet the basic services which are entitled to the Haitian people.

A report by **Transparency International**, published November 17, 2009, ranks Haiti *hundred and sixty-eighth* (168th) rank of the one *hundred eighty* (180) corrupt countries. It begs the question about the level of corruption within the institutions.

Moreover, Haiti where the vegetation cover has been recorded at around *two percent* (2%) during recent years, several natural disasters including cyclones, floods, and landslides, particularly in 2004 and 2008 when several thousands of people lost their lives.

On November 11, 2009, a new government, led by Jean Max Bellerive, was installed. A few days later, a new **Provisional Electoral Council** (CEP) required to achieve the elections for deputies and the third renewal of the Senate was set. However, the new

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CEP is decried by politicians, particularly because of its composition and its dependence vis-à-vis the government in power. Meanwhile, the PRC has taken the liberty to withdraw from the electoral competition of political parties recognized, used in the elections, under false pretexts when he allowed himself to record, in violation of the law, and the political platform in place, under a name similar to that of a party already registered.

The security situation was already fragile before January 12, 2010, despite the presence of a UN force on the ground and the efforts of the **Police Nationale d'Haiti** (PNH), in recent years.

Despite significant efforts to combat corruption and curb the phenomenon of prolonged pretrial detention, the judiciary remained one of the most discredited institutions in Haitian society. *Three* (3) legislation passed in December 2007 as part of the reform of the judiciary have still not been implemented. The reasons are many, however, the most important being related to the Executive's grip on the judiciary.

From the foregoing it is clear that the general situation of human rights in Haiti was a source of concern aggravated by the disaster of January 12, 2010 following which the social, economic, political and cultural were totally paralyzed.

III. General situation of the country after January 12, 2010

The **Directorate of Civil Defense** reported *two hundred and twenty two thousand five hundred and seventeen* (222,517) dead, *two hundred fifty thousand* (250,000) wounded, *three hundred thousand* (300,000) missing and *five hundred Ninety-seven thousand eight hundred and one* (597,801) people moved to other cities or to the countryside, of which one *hundred sixty thousand* (160,000) sought refuge in the area of the Haitian-Dominican border. At least *four hundred fifty thousand* (450,000) children are in the camps, among them, the fatherless and motherless. 70% of homes have been destroyed in areas affected by the earthquake and therefore at least, *one thousand fifty-three* (1053) camps have been identified in various regions of the country.

1. Education

Like other sectors of national life, the country's education system was severely affected.

Estimates of the **Ministry of National Education and Vocational Education reports** of *four thousand six hundred ninety-three* (4693) killed January 12, 2010 in the school whom *five hundred and forty-one* (541) were teachers, *two hundred and one* (201) were Ministry officials and *three thousand nine hundred fifty-one* (3951) were students.

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Meanwhile, one *thousand two hundred and sixty three* (1,263) school buildings were completely destroyed including *fifty-six* (56) public and one *thousand two hundred and seven* (1207) non-public schools. Moreover, *two thousand five hundred forty-one* (2,541) schools were damaged including one *hundred and forty seven* (147) public and *two thousand three hundred ninety-four* (2394) non-public. Only *fifty-eight* (58) public school buildings and *nine hundred twenty-nine* (929) buildings of nonpublic schools appear intact.

Suspended school activities, have resumed since February 8, 2010 in several schools located in areas not affected by the earthquake. Meanwhile, February 15, 2010, the **Little School**, located in **Cap-Haitien** collapsed following a series of torrential rains that fell on the northern department, causing the deaths of *four* (4) children and crippling for a second time, school activities in this region of the country.

The **State University of Haiti** (UEH) alone has lost at least *twenty* (20) teachers, *twenty* (20) members of its administrative staff and *three hundred* (300) students. This assessment does not include victims killed outside the university buildings. In addition, of the *eleven* (11) buildings of the faculties of UEH, only *three* (3) may be used after repairs: the faculties of the **Ethnology** of the **Institute Haitien d'Etudes et de Recherches Africaines** (IHERI) and the **Dentistry**.

At the university, college and vocational school level, thousands of people, students, teachers and administrative staff alike, were killed. Indeed, several universities and professional schools collapsed or were severely damaged. These include for example, the Universities of Port-au-Prince, Caribbean, Light, Rubens Leconte of Quisqueya, St. Gerard, United Hearts, the Olivier Group and Collaborators (GOC), the Faculty of Science Appliquées, Institut des Hautes Etudes Commerciales and Economics (IHEC), the Center for Computer Science, Statistics and Administration (CISA), the Center for Diplomatic and International Studies, etc..

2. **Health**

In terms of areas affected by the earthquake, at least *twenty-four* (24) doctors were killed. *Twenty-three* (23) of *forty* (40) hospitals located in the departments affected by the quake, were damaged. Among them, *two* (2) are non-functional and *two* (2) others are partially collapsed. These hospitals respectively are the **Sanatorium** of the **General Hospital** in **Jacmel** a part of the **Peace Hospital** and the **Hospital of the State University of Haiti** (HUEH).

During the first week following the disaster of January 12, 2010, key public and private hospitals in the affected areas were totally ineffective and Haitian doctors had abandoned their workplaces. In the few areas where they were present, they had to perform several surgeries without anesthesia under difficult conditions with regard to

hygiene. Hundreds of victims, unable to receive timely medical care unnecessarily lost their lives or limbs due to infection.

Meanwhile, several countries promptly sent doctors to help victims. These doctors are deployed everywhere, including in hospitals and camps. Their support is significant in providing health care. The majority of them come with sophisticated equipment and have the capacity to receive a large number of victims and perform complicated surgeries. For severe cases, patients are transferred abroad to the countries providing assistance.

a. Provision of health care¹

At least two hundred and ninety-five thousand three hundred and eighteen (295,318) victims were treated in Haiti, of those one hundred and thirty-one thousand and seventeen (131,017) by the **Cuban Medical Brigade**, twenty eight miles (28,000) **Médecins Sans Frontières**, nine hundred and thirty three (933) by the **USNS Comfort**, three thousand three hundred twenty five (3,325) by the **Department of Defense Medical** twenty nine thousand and three one hundred sixty-one (29,361) by the **U.S. Department of Health and Human Services**, fifty seven thousand one hundred thirty-nine (57,139) by the field hospitals of **Jacmel, Carrefour, Croix des Bouquets, Petit-Goave** of the **Office of Labor Insurance Accident, Sickness and Maternity** (OFATMA), and the Integral Diagnostic Centers (CDI) of **Mirebalais, Raboteau, L'Anse with calf, Grand Goave**, four thousand four hundred seventy-six (4476) by the **Emergency Hospital**, the Health Center of **Raboteau**, the center of Kasun, **Eben-Ezer** Hospital in **Gonaives**, the **Gros Morne** Hospital, the **Hospital of Pierre Payen** de **Saint-Marc** The Center of **Saint-Nicolas** in **Saint-Marc**, hospital happy to Claire **Dessalines**, the Hospital of **Little River** and the **Albert Schweitzer** Hospital in **Deschapelles**. Other patients were, in turn, were cared for by Haitian doctors and other foreign physicians in Haiti.

Several people were treated by medical personnel of the **Civil Security of France** installed at the **Lycée Alexandre Dumas**, after having effectively transformed the school into a highly sophisticated hospital. **RNDDH emphasizes that the care provided to patients admitted to the hospital Lycee Alexandre Dumas, was in full respect of the dignity due to a human being.**

At least thirteen thousand two hundred seventy-eight (13,278) surgeries were performed by medical institutions, including more than five thousand (5000) amputations at the various diagnostic centers and Integral field hospitals mentioned above.

¹ Information relating to the granting of health has been compiled by RNDH. The sources are many: The **Ministry of Public Health and Population, Hospital of the State University of Haiti**, reports from various departmental networks of RNDDH, the various reports of the **Office of the United Nations for the Coordination of Humanitarian Affairs**.

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Meanwhile, *three hundred fifty* (350) patients died at the scene where they received health care while more than *two thousand two hundred and eighty five* (2285) others have been treated in the **Dominican Republic** in several hospitals including most frequently **Dario Contreras** and are **Médimax**.

To date, the health sector is the most visible and most organized in terms of humanitarian aid.

However, many hospitals have decided, contrary to the wishes of the international community to charge patients for care and medications received. Consequently, the **World Health** Organization (WHO) has suspended the supply of drugs to private clinics and threaten today to no longer provide support to public hospitals.

b. Case of the HUEH

At least *five* (5) doctors and *ten* (10) nurses who worked at the **Hospital of the State University of Haiti** (HUEH) lost their lives.

Today, the largest hospital in the country is functioning at 50% of its previous performance, as a large portion of the building was shut down after the earthquake of January 12, 2010. The main services which were suspended because of the earthquake, have resumed work with the presence of 60% of the staff.

Since January 14, 2010, international health agencies are providing assistance to patients admitted to HUEH. These include of the **International Medical Corp., the Association of Haitian Physicians Abroad, the International Red Cross Norway / Canada, and Doctors Without Borders.**

At least *two thousand* (2000) surgeries were performed at HUEH since the earthquake of January 12, 2010. 85% of the cases treated during the month of January refer to orthopedics. Today HUEH performs approximately *six hundred* (600) consultations per day and 50% of treated cases involve general surgery.

c. Vaccination post-earthquake

Since February 6, 2010, the Haitian government with support from the Cubans and Dominicans has in cooperation launched a general vaccination over a period of *six* (6) months to combat diphtheria, measles, rubella, tetanus and pertussis to immunize among others, *five hundred thousand* (500,000) of children *zero to seven* (7) years. Vaccination against diphtheria and tetanus extend to adults in areas affected by the earthquake.

However, many only a portion of the victims housed in camps have received A vaccination. For example, in one camp, the **Center for Physical Education,**

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Esthetics and Retention (CEPEM) located in Delmas, which is home for *five hundred* (500) families, only *one quarter* (1 / 4) of the occupants of this camp have been vaccinated.

As well, as of February 25, 2010, at least *nineteen thousand four hundred ninety-three* (19,493) people were vaccinated against typhus with the Vaccinia Duplex.

d. People living with HIV / AIDS and / or tuberculosis

The storehouses of **Department of Public Health and Population** have not been affected by the earthquake of January 12, 2010. Thus, people living with HIV / AIDS as well as those with TB have continued to receive the care required by their case. The distributions of these drugs have been conducted by the **Center GESKIO** and the national office of the **Fight against HIV / AIDS**.

e. Security

The combined efforts of the HNP and the **UN Mission for Stabilization in Haiti** (MINUSTAH) to dislodge armed gangs who controlled areas formerly known as lawless will be sabotaged in favor of the cataclysm of January 12, 2010. Several individuals charged and held in custody for spectacular crimes of conspiracy, illegal possession of firearms, kidnapping and false imprisonment against ransom, sexual violence, escaped from prison and are trying to regain control their former territories. Others, forced to abandon their strongholds in order to escape arrest, returned to their base, thereby initiating a struggle for hegemony. The areas most sought after are: **Cité Soleil**, the local **Ti boisde Martissant**, the neighborhood of **Bolosse**, etc..

Meanwhile, this insecurity is reinforced by the collapse of buildings which housed key institutions and combined with the destabilization and dysfunction of the criminal justice system in general and the judiciary in particular. In this sense, other individuals not previously incarcerated, due to the increased weakness of the state enjoy a certain level of impunity, and commit numerous abuses. Consequently, violence is on the increase especially in areas affected by the earthquake where several cases of theft, looting, rape, murder, attempted murder, and conspiracy, have been recorded. At least *thirty-eight* (38)² people were shot dead including a policeman and several others were injured.

IV. Haitian National Police (PNH)

The national police force has recorded huge losses of lives and property. Of the *Seventy - five* (75) officers that died, *sixty-one* (61) were administrative staff, *eight* (8) were prison officers and six (6) were officers of '**Safety Unit of the National Palace**.

² Mortuary of the **Hospital of State University of Haiti** (HUEH)

Sixty seven (67) police officers are missing two hundred and fifty - three (253) and others are injured, five (5) of which underwent amputation³.

Forty-two (42) Commissioners, Deputy Commissioners and administrative offices of the HNP have been affected by the earthquake.

Twenty-one (21) buildings, were severely damaged or totally collapsed and should be rebuilt:

1. The building of the **Directorate General of National Police of Haiti**,
2. The building of the **Departmental Direction of the West**
3. The building of the **Departmental Unit for the Maintenance of Order**.

Police stations and substations from:

4. Cabaret
5. Croix des Bouquets,
6. Port-au-Prince,
7. Fort National,
8. Portal Leogane,
9. Bicentennial,
10. The Saline,
11. Cafeteria,
12. Saint Joseph,
13. Delmas,
14. Carrefour,
15. Gressier,
16. Leogane (Anacaona),
17. Grand Goave,
18. Petit Goave,
19. Cove Rollers,
20. Jacmel
21. Miragoane.

Twenty-one (21) other buildings are cracked and / or have had their fence destroyed. They are:

1. Inspectorate General of the HNP
2. Arcahaie,
3. Calvary,
4. Cornillon,

³ Speech by Director General of **National Police of Haiti**, delivered at Delmas 33, on the ruins of the old police station in Delmas 33, February 21, 2010, at an ecumenical ceremony in memory of police officers victims of the earthquake of January 12 2010

5. Kenscoff,
6. Fort-Jacques,
7. Furcy,
8. Petion-ville,
9. Pernier,
10. Musseau,
11. Sofa-Green,
12. Salomon,
13. Martissant,
14. Cité Soleil,
15. Cazeau,
16. Saint Charles,
17. Vialet,
18. Petite Riviere de Nippes,
19. Aquinas,
20. Anse Rouge.

V. **Directorate of Penitentiary Administration (DAP)**

The **Directorate of Penitentiary Administration** (DAP) had *seven hundred twenty-four* (724) agents in detention centers in the country. In addition, the park Haitian prison before the earthquake of January 12, 2010 was composed of *seventeen* (17) detention centers and four (4) police stations used as prisons. The prison population was then estimated at *eight thousand nine hundred and ninety four* (8984) Prisoners of which *four hundred forty nine* (449) kept in police stations in **Petit-Goâne, Aquinas** and **Miragoane**.

The following table presents the situation as it was before the earthquake of January 12, 2010.

#	Detention Centers	Inmates	Agents assigned to the prison
1.	Arcahaie	250	28
2.	Carrefour	303	44
3.	Delmas	294	31
4.	Petion-ville	300	50
5.	Port-au-Prince	4215	160
6.	Cap-Haitien	536	34
7.	Fort-Liberté	207	21
8.	Grande Riviere du Nord	71	15
9.	Port-de-Paix	228	21
10.	Hinche	162	23

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11.	Mirebalais	334	29
12.	Saint-Marc	317	31
13.	Cove calf	188	21
14.	Cayes	450	29
15.	Slopes	89	18
16.	Jacmel	358	38
17.	Jeremiah	233	27
18.	Commissioner of Gonaives	0	--
19.	Commissioner of Miragoane	57	--
20.	Commissioner Aquinas	247	--
21.	Commissioner Petit-Goave	145	--
Total	Detention centers 4 Police stations	8984	724

VI. Location prison after January 12, 2010

The DAP, hit by the disaster of January 12, 2010, regrets the death of eight (8) prison officers, reducing their number to *seven hundred sixteen* (716) agents. In addition, *five* (5) of *seventeen* (17) civilian prisons were damaged. These prisons are ***Delmas 33, Port-au-Prince, Carrefour, Damassine / Côteaux and Jacmel.***

1. Civil Prison of Delmas

The building of the ***Delmas civil prison for boys in conflict with the law***, has been hard hit by the earthquake of January 12, 2010. The walls of the prison have partially collapsed. Several cells are fractured, offering no possibility of incarceration.

On the day of the earthquake, the civil prison ***Delmas*** housed *two hundred ninety-four* (294)⁴ detainees including *two hundred fourteen* (214) Juvenile and *eighty* (80) prisoners from the police station in ***Gonaives***. One day after, January 13, 2010, an uprising was recorded in prison, after which *two hundred ninety* (290) inmates escaped.

Three (3) minors chose not to escape and another following his escape, voluntarily returned to prison because his full sentence was about to be served. The *four* (4) minors are as of February 25, 2010, incarcerated at the Prison Civile de ***Petion-ville.***

2. Civil Prison of Port-au-Prince

⁴ Report on the situation of detention centers after the earthquake of January 12, 2010, ***Sub-Department of Management of Detention Operations***, January 20, 2010, page 2, 4 pages.

The interior wall of the Mirador overlooking the part of the prison overlooking the rue **Champ de Mars** is seriously cracked. In addition, the main administrative building housing the records, archives, offices of the director, deputy director and head of post prison were burned.

Following the collapse of a section of the wall surrounding the prison, one the officers of the patrolling MINUSTAH detachment, had to hurriedly leave his post the day of the quake, leaving prison officials faced with prisoners. The civil prison of **Port-au-Prince** who accused before the earthquake, a staff of *four thousand two hundred and fifteen* (4215) held, has been completely emptied.

Meanwhile, *six* (6) prisoners were killed, including *two* (2), by gunfire when they tried to scale the walls of the prison.

As of March 1st 2010, the civil prison of **Port-au-Prince**, whose entrance is blocked, houses *two hundred and thirteen* (213) inmates on the ground floor of the **Brick** area. These are mostly the former escapees of January 12, 2010 which were re-arrested.

3. Civil Prison of Jacmel

The walls of some cells in the civil prison in **Jacmel** collapsed. *Eight* (8) to *sixteen* (16) cells are unusable. All inmates are now stacked in *eight* (8) cells located on the ground floor of the prison.

On January 12, 2010, housed *three hundred and fifty-eight* (358) inmates. *seventy-three* (73) of them escaped.

4. Civil Prisons of Carrefour and Damassin / Côteaux

Prisons Civil **Carrefour** and **Damassine / Côteaux** were damaged by the earthquake, recorded event of escape. For these two (2) prisons, a total of *two hundred and fifty four* (254) inmates escaped which one *hundred eighty* (180) in prison **Carrefour** and *seventy four* (74) in prison **Damassine / Côteaux**.

Other prisons not affected by the earthquake, recorded events of escape and / or uprising of detainees. These include for example, civilian prisons of Petion-ville, of Arcahaie, Les Cayes and Saint-Marc.

5. Civil Prison of Petion-ville

The building of the civil prison in **Petion-ville** withstood the earthquake of January 12, 2010. However, the women and girls rose up against prison officials, arguing that the Palace of Justice in **Port-au-Prince** and the **Ministry of Justice** having

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collapsed, they might spend several years in prison without the possibility of being considered.

No cases of escape have been registered. However, *three* (3) detainees, taken to the orders of Justice on the day of the earthquake, were killed while they were at the Palais de Justice in **Port-au-Prince**.

6. **Civil Prison of Arcahaie**

While the building of the civil prison of the **Arcahaie** was not affected by the earthquake, it is nevertheless true that it has completely emptied of its inmate population, *two* (2) days after. Inmates staged a riot after which they all escaped.

Officers of the DAP, to quell the uprising, called in reinforcements from other officers of the HNP and MINUSTAH. The reinforcement of the HNP has been powerless to restore order.

7. **Civil Prison of Cayes**

Following the escape recorded in the civil prison of **Damassine / Coteaux**, inmates of the prison in Les **Cayes** have staged a mutiny on January 19, 2010 in the evening, after which one of the *fourteen* (14) cells and the prison plant were burned. *Thirty-eight* (38) of the *four hundred fifty* (450) prisoners were able to escape.

8. **Civil Prison of Saint-Marc**

Of the *three hundred seventeen* (317) detainees held the central prison, *ten* (10) prisoners, among them dangerous criminals, have inexplicably escaped.

The following table summarizes the situation as it stands after the earthquake of January 12, 2010.

Detention Centers	Effective before the earthquake	Escaped registered	Deceased registered
Arcahaie	250	250	--
Carrefour	303	180	--
Delmas	294 294	290 290	- --
Petion-ville	300	--	3
Port-au-Prince	4215	4215	13
Cap-Haitien	536 536	- --	3 3
Fort-Liberté	207	--	--
Grande Riviere du Nord	71	--	--

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Port-de-Paix	228	--	--
Hinche	162	--	--
Mirebalais	334	--	--
Saint-Marc	317	10	--
Cove calf	188	--	--
Cayes	450	38	13
Slopes	89	74	--
Jacmel	358	73	--
Jeremiah	233	--	--
Commissioner of Gonaives	0	--	--
Commissioner of Miragoane	57	56	--
Commissioner Aquinas	247	--	--
Commissioner Petit-Goave	145	--	--
Total	8984	5186	32

Following the escape, the prison population has increased by *eight thousand nine hundred and ninety four* (8984) to *three thousand seven hundred ninety-eight* (3,798) inmates. As of February 25, 2010, the functional prison centers of the country have *three thousand six hundred sixty-one* (3661) held.

Meanwhile, several prison officers have been put under investigation of individual cases of escape mentioned above, thus affecting the number of operational staff.

VII. Judiciary

At least *ten* (10) members of the judiciary including the Dean of the Court of First Instance of **Port-au-Prince**, *two* (2) judges of the Court of First Instance of **Port-au-Prince**, the Government Commissioner on Court of First Instance and a deputy **Hinche** Government Commissioner at the Court of First Instance of **Port-au-Prince**, *four* (4) messengers and one (1) Clerk of the Court of First Instance of **Port-au-Prince**, have lost their lives in the earthquake of January 12, 2010.

Four (4) buildings were completely destroyed. They are the **Ministry of Justice**, Palais de Justice in **Port-au-Prince**,⁵ the Court of Peace of the South Section of **Port-au-Prince** and the Court of Peace **Gressier**.

⁵ Report on the damage caused by the earthquake of January 12, 2010 on the judiciary, Justice Section of MINUSTAH, 1st page, 17 pages.

Nine (9) Courts of First Instance, four Flooring, *fourteen* (14) Peace Courts and Special Court Labor in **Port-au-Prince** have been damaged⁶. They are:

- Courts of First Instance:

1. Croix des Bouquets,
2. Petit-Goave,
3. Cayes,
4. Slopes,
5. Aquinas
6. Jacmel
7. Cove calf
8. Jeremiah
9. Cap-Haitien.

- Some of Flooring:

1. Port-au-Prince,
2. Petit-Goave,
3. Cayes,
4. Slopes.

- Courts of Peace:

1. Croix des Bouquets,
2. Croix des Missions,
3. Ganthier,
4. Thomazeau,
5. Miragoane,
6. Petite Riviere de Nippes,
7. Grande Riviere du Nord,
8. Bonneau,
9. Waterfall
10. Saint Marc,
11. Hatte Cheveau,
12. Savanne in Roches,
13. Estere,
14. Verrettes.

The Palais de Justice in **Port-au-Prince** which collapsed on the day of the quake, was burned a few days later. Several files which could have been recovered from undestroyed offices, such as the offices of judges of instruction - Magguy Florestal,

⁶ Report on the damage caused by the earthquake of January 12, 2010 on the judiciary, Justice Section of MINUSTAH, pages 1-17, 17 pages

Jean Paul Perez, Carves Jean, Jocelyne Casimir, Ketsia Charles, Lyonel Dimanche, Jean Claude Rigeur, were not saved. It is the same for the offices of the Archives du Palais de Justice and the Court of Appeal. In addition, the office of First Instance Court of **Port-au-Prince** was burglarized.

Today, the Public Prosecutor at the Court of First Instance of **Port-au-Prince** is operational. In addition, an ad hoc office is located at the entrance of the old police station in **Port-au-Prince** with a mission to quickly hear the arrested and held in detention, and to put in motion any public action against them. The deanship is installed at the local office of the State Civil Section East, **Port-au-Prince**.

1. Child trafficking

Consequently the earthquake of January 12, 2010 has given way to atrocities of all kinds especially against the countries' most vulnerable social groups, such as minors, people with mental or physical disabilities, is rising sharply. The abuses being committed are among others, pimping, rape, human trafficking, including children. The most spectacular was the arrest on January 30, 2010, at the Haitian-Dominican border, of *ten* (10) foreign Baptist missionaries, including *eight* (8) U.S. charges of the kidnapping of *thirty-three* (33) Haitian children aged *two* (2) to *fourteen* (14) years. They were imprisoned in the **Central Directorate of Judicial Police** (DCPJ). Judge Bernard Sainvil, hearing the case, ordered Thursday, February 11, 2010, the release of *eight* (8) of these defendants, pending the outcome of the legal proceedings.

VIII. Responses from state authorities

The Haitian government lacks any plan of prevention and disaster management, and has invested, since January 12, 2010, in a campaign to solicit assistance from the international community and has created a commission to coordinate humanitarian aid. State authorities lose themselves in a war of numbers, as their method of data collection is not coordinated to the extent that the President of the Republic, René Préval is not on the same wavelength as his government in regard to the number of lost lives and property saved.

In utter indignity, corpses that littered the streets of the capital were collected by the **National Center Equipment** (CNE), and were thrown into mass graves.

On February 1st 2010, the **Ministry of Public Works, Transportation and Communications** (MTPTC) through a statement, said it created an evaluation of office buildings. Meanwhile, assistance in clearing sites is being carried out by the CNE. Public buildings and houses, that are leaning dangerously and threaten the survivors of the cataclysm, are not prioritized in the response of the CNE.

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The Electricity Company of Haiti (ED'H) since February 20, 2010, began to supply electrical power for certain areas of the capital despite the damage registered. Indeed, at least *three* (3) power plants were damaged. *Eighteen* (18) of the *thirty-two* (32) channels of the metropolitan area are now operational. After the earthquake, the ability of HRE for the department of the West, has gone from one *hundred thirty* (130) to *sixty* (60) megawatts.

IX. Situation of persons living in the camps in affected areas

Since the evening of the earthquake of January 12, 2010, the population of affected areas have occupied streets, public squares and spaces, and sports centers in order to avoid the remains of buildings at any time threatening to fall. Gradually, camps were formed. The country now has at least one *thousand fifty-three* (1053) camps.

Several camps are managed by committees that will ensure, insofar as is possible the daily coexistence including rules for use of toilets and showers, cleaning camps, the representation of the camp with NGOs with regard to distributions. With the number of families, pregnant women and many children to be identified within the camps, the work of the committees is a tremendous undertaking.

1. Insecurity in the camps

Security in the camps is generally provided by the HNP, often supported by agents of the U.S. armed forces or agents of the present UN force in Haiti. They operate through fixed patrols placed around the camps. Meanwhile, the management committees of the camps have set up surveillance brigades responsible for internal security of the camps. We must however note that some camps are left to their own safety. Such is the case of camps ***Place Sainte Rose Léogane, Brothers Louis Borno Léogane of Laramie Bizoton and Diquini.***

According to the occupants of the camp site of the ***Mausoleum of Dessalines,*** located opposite the old courthouse in ***Port-au-Prince,*** the agents of the U.S. forces ensured their safety. However, since the first week of February these agents have left the camp, leaving the population open to abuses of all kinds.

2. Sexual violence

Inside the camps, cases of sexual and gender-based violence are frequently reported despite the fact that they are easily documented. For the period from January 13, 2010 to February 24, 2010, at least *nineteen* (19) cases of rape were recorded by the RNDDH.

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3. Witchcraft

Meanwhile, mothers and fathers in the camps complain of the lack of electricity, which promotes the phenomenon of witchcraft. It is reported that the evening, young children have trouble sleeping while others become sick. Moreover, animals such as dogs, chickens, pigs, snakes, prowling around the camps, attack newborn babies, pregnant women, young children during the night. Some people of advanced age have been persecuted by the people, arrested for sorcery and conducted in police stations, or others are simply lynched by the population. At least two (2) cases of lynching respectively in **Delmas** and **Carrefour** have been reported to RNDDH.

4. Environment of the camps

Several camps have no tents, forcing their occupants to build slums out of bedsheets and other linens, sheet metal, wood and tarpaulins. The picture presented is hideous and grotesque.

People living in camps face many problems such as: lack of toilets or latrines, poor sanitation, nauseating odors, standing water, etc. Mobile latrines installed by institutions such as **Jordan Enterprise Development Corporation** (JEDCO), **Action Contre la Faim** (ACF), Pyramid, have been placed in several camps. If at first, people complained about the lack of latrines, it is clear that today the number has considerably increased. However, the cleaning of some of these facilities is not on a regular basis, causing the release of a stench. In addition, latrines misused, are dirty and disgusting.

The victims, of all sexes, are forced to bathe in the open without any privacy, as they lack sanitary facilities for this purpose.

For cooking, many families are continuing to use wood, further affecting the countries' already precarious environment.

Gray water used by families are not drained, forming layers of stagnant generating insects including mosquito borne illnesses such as malaria. In addition, due to the prevalence of unattended cadavers **Lucilia sericata**, (also known as the **green fly**, whose larva plays an important role in decomposition), spreads germs extremely harmful to health.

5. Distribution of humanitarian aid

Initially, the aid distribution was difficult to coordinate causing the UN forces and U.S. helicopters to choose to drop the food kits for earthquake victims in a disorderly fashion.

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When it came time to consider the best method of distributing aid, many international organizations have introduced the card technique generally distributing to the people based on gender, with female preference. In this sense, cards are distributed to the victims the day before or the same day distribution.

However, the distribution of cards is done without transparency- anywhere, anytime, usually outside the camps; without coordination and without any planning. Distributing agents vary: it can be HNP officers, employees of municipalities and members of management committees in the camps, however to a lesser extent.

Some organizations offer food kits while others distribute hygiene kits, first aid kits, kitchen sets, blankets, plastic tents, clothing and footwear, etc.. The food given to occupants of the camps is cooked or raw. At times, victims of the earthquake receive hot meals each day while others get raw food to prepare for their themselves.

RNDDH cautions however that if the distribution of cards was done in confusion, the humanitarian aid, for its part, is now assigned with ease and discipline.

X. Situation of persons living in Receiving Areas

All departments of the countries that have not been affected by the earthquake of January 12, 2010, serve as places of welcome and refuge for victims. However, some cities or municipalities were favoured over others. These include, Les **Cayes, Cap Haitien, Hinche, Mirebalais, Fort-Liberté, Ouanaminthe, Terrier Rouge, Trou du Nord, Carice** of **Mombin Crooked**, etc.

The **Directorate of Civil Defense** reported *five hundred and ninety-seven thousand eight hundred and one* (597,801) displaced persons. The data⁷ on the ground for RNDDH shows the *three hundred and ninety nine thousand five hundred twenty-eight* (399,528) displaced persons, as follows:

- *Nine thousand two hundred ninety nine* (9,299) in the department of North East;
- *Forty seven thousand three hundred forty five* (47,345) in the department of North-West;
- *Thirty seven thousand three hundred and fourteen* (37,314) in the department's Center;
- *Twenty-one thousand* (21,000) in the Department of Grand'Anse;
- *Sixty-three thousand* (63,000) in the Southern Department;
- *Two hundred and ten thousand* (210,000) in the department of Artibonite;

⁷ Data on the number of displaced persons were provided by the various municipalities of the departmental country networks of RNDDH.

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- *Eleven thousand five hundred and seventy* (11,570) in the Northern Department.

IDPs have returned to their hometown to live with their parents. However, for others who are concentrated in the camps the situation is different. Most of them were forced to travel to the receiving areas, without money, clothing, without anything.

In some places, the municipality, with the help of international organizations, is distributing food to victims. However, this distribution, is largely inadequate, and is done sporadically, without monitoring or control.

In other displacement areas, insecurity reigns. Merchants as well as the displaced, are stripped of their assets. Cases of armed attacks are numerous and the reaction of local authorities is not proportional to the phenomenon.

XI. Coordination of Humanitarian Assistance⁸

International organizations are distinguished for their increased presence on the ground. These include the European Commission, the IFC, the World Food Program (WFP), ADRA, Save the Children, CRS, of USAID Winner of the Aid Agency for Technical Cooperation in Development (ACTED), of Oxfam, Action against Hunger (ACT), Christian Aid, Action Aid, First emergency, the Mennonite Central Committee (MCC), Caritas, CARE, Lutheran World Federation (LWF), World Vision, Doctors Without Borders (MSF), Médecins du Monde, Handicap International, International Medical Corps, various red crosses, Dominican organizations, etc..

To coordinate the international humanitarian aid, international agencies have come together in a platform called the **Office of the United Nations for the Coordination of Humanitarian Affairs** (OCHA). Twelve (12)⁹ clusters, each working on different topics have been created. The sectors of intervention are education, food, protection, agriculture, Early Recovery, telecommunications, health, shelter and non-food aid, nutrition, logistics, WASH, camp management and coordination.

1. Education

The **United Nations Children's Fund** (UNICEF) has distributed *one hundred fifty* (150) tents,¹⁰ to schools with an area estimated at *fifteen thousand and seventy-two*

⁸ Situation Report # 23, Office of the United Nations for the Coordination of Humanitarian Affairs, February 22, 2010, 8 pages.

⁹ Situation Report # 23, Office of the United Nations for the Coordination of Humanitarian Affairs, February 22, 2010, page 2, footnotes page, 8 pages

¹⁰ Situation Report # 23, Office of the United Nations for the Coordination of Humanitarian Affairs, February 22, 2010, page 5, 8 pages

square feet (15,072 m²), *three hundred ninety* (390) kits school, and *four hundred ten* (410) recreation kits. In addition, the Dominican Republic has granted the State of Haiti *fifteen* (15) mobile schools, each with a capacity of *forty* (40) students.

2. Health

On February 15, *ninety-one thousand five hundred* (91,500) hygiene kits were distributed by the international community, *ninety four* (94) hospitals were filled with drugs. *Two hundred and thirty five* (235) members of staff including one hundred (100) foreign medical specialists involved in Haiti, at *forty three* (43) local hospitals, *twelve* (12) field hospitals and *two* (2) hospital ships.

3. Water and Food

Sixteen (16) sites of distribution of food aid are currently operational. Rations of food and water are being distributed to victims. In total, *twelve thousand four hundred thirty-two* (12,432) metric tons of rice, *seven hundred and fifteen thousand two hundred seventy-four* (715,274) hot and *twenty six thousand five hundred* (26,500) food kits of all kinds have been distributed up to February 23, 2010. Moreover, *twenty three thousand two hundred eighty seven* (23,287) cooking kits were provided to victims.

Several treatment plants for drinking water are installed at numerous sites including the **Champ de Mars, Carrefour**. To date, one *hundred ninety-nine thousand two hundred* (199,200) gallons of water have been distributed.

4. Lodging /Canopies

As of February 22, 2010, *twenty-three thousand* (23,000) tents, one *hundred four thousand* (104,000) tarpaulins, *one hundred and seventeen thousand eight hundred* (117,800) blankets and *thirty-one thousand three hundred* (31,300) nets have been distributed for the benefit *sixty-six thousand* (66,000) families¹¹.

A clear improvement was observed in the distribution of tents. However, international organizations distributing tents prioritize those placed in areas of easy access, in order to ensure the visibility of their respective organizations. Consequently, the population in search of tents, tend to situate themselves on roads in order to benefit from this, despite the various insecure conditions.

¹¹ Haitiseisme2010.gouv.ht - Activities - temporary shelters and relocation

5. Early Recovery / Cash for work

More than 16 international organizations are involved in the Cash for Work project. Among them are, DINEPA, UNDP, Concern, Viva Rio, Food for the hungry, CEPHAPE, GRET, GTIH, CROSE, initiative Développement / Entrepreneurs du Monde, GOAL, ACF, ACTED, CHF, Oxfam et STC. These DINEPA, UNDP, Concern, Viva Rio, Food for the hungry, CEPHAPE, GRET, GTIH, CROS, Initiative Development / World Entrepreneurs, GOAL, ACF, ACTED, CHF, Oxfam and STC. *Sixty-six thousand and nine hundred and sixty five* (66,965) people were hired under the Cash for Work project, including the international community, together with the Haitian government.

This cluster, led by the international community, is currently working among others on developing a national reconstruction plan. Several activities are being conducted within the framework of developing the plan, with the participation of the Haitian State. However, civil society, deliberately discarded, has not been invited to any meeting discussions while the final document should be ready March 15, 2010.

XII. COMMENTS AND RECOMMENDATIONS

The Haitian government, caught unawares by the disaster, was unable to handle the emergency. State officials, students, people buried alive under the rubble, had to wait for their parents or foreign specialists to help them. This scenario having already been experienced to a lesser degree on November 7, 2008 with the collapse of the Evangelical College Promise; reminds us of the State's broken promises. Lives can be saved if the Haitian State has the ability to respond immediately after a disaster, the rescue of victims.

In order to address issues related to natural disasters, It is important to remember that on September 9, 2008, a law on the state of emergency has been adopted by the Haitian parliament. This law allows the government to make any expenditures deemed necessary regardless of the budget law and rules of procedures for public procurement and it has been a source of corruption for the Haitian government that has taken one hundred and ninety seven million (197,000,000) dollars from the Petro-Caribe Fund and spent the money in total opacity. It is sad to realize now, that no plan for disaster management and post-disaster response has been developed, no purchase to help potential victims have been made even in anticipation of the 2009 rainy period. If this were the case, the Haitian government would at least have had the first kits to provide relief to victims of the earthquake of January 12, 2010 pending international assistance.

Moreover, the government shows no inclination to protect national heritage, important national documents, lying under the ruins of public buildings such as the

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National Palace, the Palace of Justice, the Directorate General of Taxes, etc.. which to date have not been recovered.

The Ministry of National Education and Vocational Training has no control over the number of students who have to the countryside or other towns, the number of students who have already integrated into schools in provincial cities, or the number of schoolchildren who have been struck with a physical disability as a result of the January 12, 2010. Meanwhile, losses at private universities lie completely outside the Department. Given the extent of damage recorded in the education system, the reopening of classes inevitably requires the combined efforts of all actors in the system. However, to date, no concrete steps have been taken to restore confidence among school principals, teachers, parents and students to reopen classes.

In the first days following the earthquake of January 12, 2010, the population could not find the necessary health care and so foreign institutions working in the field of Health helped, foreign doctors accompanied finishing students, and gave valuable service to save as many lives as possible and prevent the spread of highly contagious diseases. However, this does not mean that the population is currently unexposed to disease, given the living conditions of the displaced.

The security situation in Haiti remains a concern, both in the camps and at the street level in the capital and some major cities which host the displaced. Frequent cases of abuse are recorded and at least thirty-eight (38) people were shot dead in the short period from January 27 to February 24, 2010. The HNP, hit hard by the earthquake of January 12, 2010, is struggling to recover and regain control of the country's security. Today, police patrols, which were once encountered at every corner, and were likely to deter the actions of lawbreakers and provide confidence to the population, are virtually absent.

Cases of dramatic escapes and riots have been registered in several prisons. The largest prison center was inexplicably emptied of its population while the security fence of the prison remained intact.

The judiciary is trying somehow to resume its activities. However, despite all the public pronouncements and administrative measures announced, the provisions are far from sufficient for the normal functioning of the institution.

The situation of people living in the camps is alarming. The dignity of the displaced is being challenged by the forced cohabitation in spaces not intended for this purpose- Public squares, spaces previously not occupied have been transformed into camps where domestic waste is improperly managed, waste water stagnates, the toilets smell disgusting, insects harmful to health are generated, etc. In general basic sanitary requirements are not being met.

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In addition, occupants of the camps are vulnerable to all sorts of abuses, security was often carried by officers of the brigades of security in these camps.

In general, the international community and **Non Governmental Organizations (NGOs)** demonstrate their desire not to work with the Haitian government. Thus, the executive has been dismissed from the management of international aid, insofar as it inspires no confidence and did not demonstrate any competence in the management of public affairs. The same is true of local organizations working in the field who have simply been set aside in the sphere of international assistance. Consequently, the distribution of humanitarian aid does not reach the social groups most affected by the earthquake, and a parallel market is created and the support offered is sold to the highest bidder. This is a real dilemma since on the one hand, local organizations are weakened, especially by the methods of recruitment of international organizations who appropriate resources already working in local organizations and on the other hand, sustainable development can not be conceived only by the multiplication of micro-projects.

In addition, millions of U.S. dollars have already been invested in the country since January 12, 2010 while the impact and contribution of these investments are intangible. Meanwhile, stars from several countries moved by the disaster of January 12, 2010, organized activities for raising funds for the Haitian victims, while others offer direct financial support. These funds are granted to non-governmental organizations in their respective countries to be managed by them.

The interventions of the international community if they were expected due to the inability of the Haitian State, however, were disappointing in relation to the Humanitarian Charter and Minimum Standards in Disaster Response. Initially, the manner in which food aid was provided to victims was an affront to the dignity of the latter.

The same can be said for the present incomplete food rations which do not take into account the basic dietary requirements of people suffering as recipients, without distinction, are being issued with bags of rice.

From the foregoing, RNDDH recommends

1. That the international community:

- ✓ Undertake its activities in accordance with the principles of the Humanitarian Charter and Minimum Standards in Disaster Response;
- ✓ Initiate a process of dialogue with all sectors of national life in order to arrive reconstruction plan adapted to national realities;

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2. Haitian government to:

- ✓ Demolish the private and public buildings tilted dangerously which threaten the population;
- ✓ Clear the public and private buildings and retrieve important documents for the Nation;
- ✓ Arrest the escapees from prisons and their accomplices;
- ✓ Initiate talks with various sectors involved in the education system to achieve the reopening of classes.