

- ▶ the right to land-related to land reform and crop diversification where possible; and
- ▶ women's rights-related to measures to combat discrimination and violence against women.

In the section dealing with the administration of justice, the report states that the judicial system has been based largely on exclusion, corruption and depredation and recalls that impunity remains one of the most divisive issues in Haitian society. In this regard, the refusal of the United States to return documents seized from the headquarters of the Haitian Armed Forces and the *Front pour l'avancement et le progrès Haïtien* (FRAPH) is cited, and the report underlines the urgency attached to the U.S. settling the question of the documents in order to avoid giving the impression that it wants to ensure the impunity of the authors of grave violations of human rights.

The report provides commentary on several issues related to the administration of justice, including:

- ▶ reform of the judicial system-related to the evaluation and reform of the magistrature and increased resources for the courts and prosecution service;
- ▶ independence of the judiciary — related to adequate remuneration of judges to eliminate corruption and the lack of protection against wrongful dismissal;
- ▶ criminal procedures — related to cases of detention for debt, illegal searches, lengthy pre-trial detention, delays in habeas corpus;
- ▶ Haitian National Police — related to unwarranted use of firearms, ill-treatment of detainees; use of force against and firing upon suspects, deaths in custody, murder of police officers and the excessive amount of weapons available in the general population;
- ▶ corruption — related to embezzlement of public assets, fraudulent enrichment, avoidance of import tax and duties;
- ▶ prisons — related to the fact that the majority of prisoners are being held in pre-trial detention and that conditions in prisons do not meet international minimum standards; and,
- ▶ National Commission of Truth and Justice — related to the failure to make the entire report of the Commission public and the limited print run of only 50 copies of the full report.
- ▶ In terms of the report of the National Commission of Truth and Justice and the failure of the government to publish and widely disseminate it, the Independent Expert refers to a statement from a Ministry of Justice document to the effect that the failure to publish the report and the failure of the government to initiate legal actions for serious crimes have all the makings of a time bomb, with large-scale explosive violence possible because of frustration and a desire for revenge. The report notes that this view is shared by representatives of Haitian human rights NGOs and, further, that the people continue to call for justice based on responsibility for violations as determined through the work of the National Commission.

The recommendations in the report include that:

- ▶ the government ratify the Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the Optional Protocol to the Covenant on Civil and Political Rights;
- ▶ a programme of security for peasants be established;
- ▶ government subsidies be provided to private schools to lower the fees and make these institutions more accessible to more Haitians;
- ▶ the United States return, in full and without delay, documents seized from the FRAPH premises;
- ▶ measures be taken to improve the remuneration of judges and court officials;
- ▶ increased resources, human, material and financial, be given to the reform and development of an independent judiciary and a reliable system of administration of justice;
- ▶ more attention be given to the wide availability of weapons in the society;
- ▶ measures be taken to ease overcrowding of prisons;
- ▶ an effective system be established to combat corruption, embezzlement of public funds and fraudulent enrichment;
- ▶ a comprehensive civic programme of education and human rights training be established;
- ▶ legal services in rural areas be established; and
- ▶ the Special Rapporteur on violence against women and the Special Rapporteur on the independence of judges and lawyers conduct field missions to Haiti.

#### **Resolution of the Commission on Human Rights**

At the 1997 session, the Commission on Human Rights adopted a resolution by consensus on the situation in Haiti (1997/52).

The Commission: welcomed improvements in the situation of human rights in Haiti; drew attention to the need for technical training for the Haitian National Police; emphasized the need to strengthen the judicial and penitentiary system, including training in human rights; expressed concern at reported cases of illegal and arbitrary detention; welcomed the electoral process successfully conducted; welcomed the report of National Commission for Truth and Justice and urged the government to act on the recommendations with the support of international community; urged the government to ensure wide distribution nationally of the report of the National Commission; encouraged the continuation of inclusion of ethics courses in police training programmes; noted the work of the general inspectorate to investigate human rights abuses by members of the police with a view to putting an end to impunity; expressed concern at security problems faced by Haitian society, including those arising from difficult social and economic conditions; urged the government to take immediate steps to ensure respect for judicial guarantees and end cases of illegal and arbitrary detention; encouraged the international community to contribute generously to the Trust Fund for the Haitian National Police; invited the Independent Expert to provide an interim report to 1997 General Assembly and a final report to the 1998 session of the