



Hastings-to-Haiti Partnership

Report Back March 2009

Introduction

The Hastings-to-Haiti Partnership (HHP) sprung from contacts developed in the Bay Area Haitian Community by Professors Karen Musalo and Richard Boswell. Over the last ten years, the primary aim of the HHP has been to support the Ecole Supérieure Catholique de Droit de Jérémie (ESCDROJ), a law school founded by Bishop Willy Romulus and Father Jomanas Eustache. ESCDROJ is committed to training a new generation of lawyers who will bolster the rule of law, and protect basic human rights in Haiti. ESCDROJ is the only law school of its kind in Haiti; promoting public service and welcoming students from all walks of life and differing political positions.

In addition to our trip this March, the preceding year has been an exciting one for HHP. This year, we brought Haiti-to-Hastings. In October 2008, we hosted Dean Eustache along with two graduates of ESCDROJ, Dieuna Lundys Guay and Jean Denys, here in the Bay Area. Our Haitian partners spent a week meeting with various professors, judges, government agencies, civil society organizations and other practitioners and conducting research to complete their memoirs (or thesis). This visit marked the beginning of a truly reciprocal relationship. With the help of our supporters, we hope to continue to host Haitian students in the United States each year. In the future, we imagine offering longer periods of study at Hastings through exchange or LLM program.

The HHP seeks to send a delegation of students and professors to Haiti each year. In 2004 and 2006, civil unrest prevented our trip. But elections in 2006 have led to a period of relative stability in Haiti, and a group of students and professors spent Spring Break in Jérémie. In addition to Professors Musalo and Boswell, we were joined by Professors Hadar Aviram, Kate Bloch, Heather Field and Kim Seelinger. The student delegation members were Blaine Bookey, Nicolet Kirkland, Yasmin Macariola, Zoe Overbeck, Elisabeth Pellegrin, La'Trici Thomas, Givi Tibaneli, Masaya Uchino, Morgan Weibel and Asha Wilkerson. In addition, we had a special guest, David Rathmann, Professor Bloch's twelve-year-old son!

Our story follows . . .

Sunday, March 8, 2009

This was perhaps one of our most action-packed days of the trip.

To start the morning, we had the privilege of attending a mass led by Father Jomanas in Jérémie. Father Jomanas and everyone at the church welcomed us with open arms, regardless of the fact that we clearly stood out as foreigners who most likely had no idea what was going on. The scene was beautiful. What looked like a small cabin from the outside seemed like an enormous, beautiful structure from the inside. We were struck by the array of energetic people that clearly enjoyed every second of their time at the church, listening to Jomanas and participating in the proceedings. To add further color to the vibrant scenery, a small band played and accompanied the choir with gorgeous, spiritual music that had a wonderful Haitian touch, integrating the local Compa style of rhythm. The substance of the sermon is also noteworthy. Father Jomanas (often switching between Creole and English) told an interesting variation of the story of Abraham and Issac. Rather than focusing on the traditional aspects of blind obedience, Jomanas interpreted the story by posing that one can never murder in the name of belief. The quote that stood out to us most was that “if someone says they are killing in the name of God, they are a liar.” A highlight of the sermon was when Jomanas mentioned Professor Hadar Aviram’s presentation of the Stanford prison experiments from the previous night. Jomanas agreed with and elaborated on Professor Aviram’s interpretations that were given during the presentation of human nature - that “evil” arises from the circumstances in which we are placed. Towards the end of the sermon, there was a point where everyone inside the church started holding hands. The Haitians went out of their way to hold hands with us, which was perhaps one of the most touching moments of the trip.

After the sermon, Jomanas took us to a school he is building right near the church. On our way, we passed what used to be a health clinic, which looked something like a slightly large doghouse. The foundations that were being built for the school looked amazing. Overlooking the ocean, future students will undoubtedly be happy with the environment.

Jomanas then took us to his beautiful home where we had lunch and had a chance to catch some sun and process our experience at mass in the morning and get excited for the days to come at ESCRDOJ.

After our meal, we then decided to join fourth year ESCRDOJ students for a party at the beach. After driving for approximately 20-30 minutes over and through rugged roads and large puddles, we arrived to a nice location by the water where the Haitian students had set up beverages, fish, and cake for us. The majority of our delegation would agree that this was the most valuable opportunity in getting to know the Haitian students and also professors. Particularly, Professor Heather Field expressed her appreciation several times throughout the trip of being able to get to know ESCRDOJ’s tax professor, as they compared the tax systems of the US and Haiti. An interesting development was the arrival of children from a nearby village, dressed in rags and clearly malnourished. Although uncomfortable at times as we could not do much for their situation of poverty, we still had fun and played games such as Duck, Duck, Goose with them.

After our long day, we drove home exhausted after bidding our new Haitian friends goodbye. We looked forward to getting back and eating dinner. Although the street we lived on is bustling during the day with activity, at night it is very peaceful. However, it was not so when we got home that night. At the exact moment we arrived home, we drove into the beginning of a massive vigil that was held in honor of the rap artist that died as a result of a traffic accident with MINUSTAH. With his music playing from speakers of automobiles, the vigil was several blocks long and lasted at least a good 20 minutes.

Ending the day in this shockingly somber mood, we then talked about all the different kinds of people we met at the church and at the law student party during dinner and began preparing for the days to come.

Monday, March 9, 2009

Today started off with a surprise call from Father Jomanas Eustache about an opportunity to meet with the Bishop Romelus in Jérémie at 9:30 a.m. We jumped at the chance and rushed outside where Father Jomanas had a van waiting for us. The Bishop came around to greet the delegation members and welcomed us to Jérémie. As Father Jomanas explained, the Bishop played a crucial role in developing the law school in Jérémie and has a strong commitment to social justice. Under canon law, he was scheduled to retire at 75 but is still working at the age of 78. Following protocol, he wrote a letter to the Vatican three years ago regarding his replacement but still has not heard back from them.

Following our meeting with the Bishop, Father Jomanas drove several members of the delegation, including Professors Karen Musalo and Kim Thuy Seelinger, to the Jérémie prison to conduct interviews. Prior to our arrival in Haiti, Seton Hall University School of Law (Seton Hall) invited the delegation to participate in a prison project they'd developed. Human rights organizations have been working to document prison conditions in Haiti but have focused primarily on facilities in Port-au-Prince. Seton Hall students and faculty went into the Jérémie prison the week before we arrived and interviewed numerous prisoners, using a questionnaire developed by the university. The questions focused on the nature of the charges against the inmate, general prison conditions, and quality of legal representation. We picked up where Seton Hall left off and went in to the prison on two separate days for interviews. We decided to focus on women and children in the prison, given the vulnerability of both populations.

When we arrived at the prison, we split into two groups of 1-2 students, a professor, and a translator. Reagan Lolo and Gabrielle Paul, an ESCDROJ alumna, translated for us and were invaluable in making this documentation possible. Ms. Paul regularly visits the prison through her job with the UN, and, without her, we would not have had access to the prison at all. Each group separately interviewed inmates and were able to do so out of earshot of the guards. We met with a total of four inmates that day [Blaine, do you know if this is right? I don't have access to anyone else's notes), and a second group came in for ____ more interviews the following day.

Each of the prisoners had a different story, but there were common themes that sprang up in the interviews: unsanitary prison conditions, minimal legal representation, and inadequate medical care. One young boy of 16 was arrested for stealing a goat. He had been before a judge four times, and the plaintiff failed to show on each of those occasions. Yet, he remained in prison and had been there for over four months on the day we spoke to him. He had met with two attorneys, one at the prison and the other at the court. Neither of them asked for his side of the story, only for his name and his plea. As there is no juvenile court in Jérémie, he was awaiting sentencing at the court in Port-au-Prince. He and the other boys in his cell each had the same rash for which they'd received no treatment. He also complained of a toothache, which he'd had for a month. The prison nurse gave him medication but never even examined his mouth. Other inmates shared similar stories, and we likely only scraped the surface of the problems in the Jérémie prison. We did not have a chance to speak with the male prisoners who were sleeping 40 to a cell, in contrast to the women and children who were 15 and 9 to a cell respectively.

That evening we headed over to ESCDROJ for the second day of our conference. Several members of the delegation arrived early to meet with ESCDROJ students regarding their mémoires. Law school in Haiti is four years long and culminates with the student completing a lengthy mémoire (dissertation). Limited computer access, spotty electricity, and outdated legal materials in the library, many of which are in English, make legal research in Jérémie extremely difficult. The delegation met with ESCDROJ students who were studying comparative legal issues to see whether we could assist with locating source materials. The presentations started off with an amazing talk by Gabrielle Paul, the same ESCDROJ alumna who brought us into the prison earlier that day. She spoke of rape laws in Haiti and described many of the same problems rape survivors face in the U.S., such as having to suffer both the violation itself and the indignity of

the subsequent criminal proceeding. The speech was followed by a heated question and answer session about gender roles in Haiti.

Next up, Professors Kate Bloch and Kim Thuy Seelinger began with the first stage of the Criminal Simulation Clinic they'd developed for the trip. Professor Bloch spoke to the ESCDROJ students about interviewing clients and concepts like attorney-client confidentiality and establishing client rapport. The students then broke out into groups of ten and interviewed their client, Jean Mars, played by a Hastings student or faculty member. For numerous ESCDROJ students, the experience of clinical education was totally new. The clinic gave everyone a great opportunity to work together on improving interview techniques and building a client's trust. This experience was surely one of the highlights of the trip!

Tuesday, March 10, 2009

The Day's Activities

The morning began with different activities for different people on the HHP delegation. At 9:00am, two HHP students went to the law school to meet with an ESCDROJ student to discuss his dissertation and figure out what assistance HHP may be able to provide. At 9:45am, three HHP students and three HHP professors went to the Jérémie jail to continue the prison project. With the help of translation from an ESCDROJ alum and current MINUSTA employee and HHP's interpreter Lolo, these interviews split into two groups and interviewed two minor prisoners and one female prisoner each. Other morning activities included preparation for evening presentations at ESCDROJ.

After the HHP delegation gathered for lunch at our place of lodging, we visited the Haitian Health Foundation's arts and crafts shop at 2:30pm. The Haitian Health Foundation purchases arts and crafts from local artists at a fair price and then elevates the prices so that further profits benefit the Foundation.

During the afternoon, from around 3:30pm to 5:30pm, HHP students and faculty conducted multiple meetings with ESCDROJ students on their dissertations. From 6:00pm to 9:00pm, HHP and ESCDROJ gathered for an evening of three presentations. First, HHP professor Heather Field presented: 1) a brief overview of the U.S. tax system, 2) how U.S. income taxes apply when U.S. citizens invest in foreign countries, 3) how U.S. tax laws apply when foreign individuals invest in the U.S., 4) an example of ways to minimize taxes within this structure, and 5) tax treaties. Second, an ESCDROJ alum presented on women in elections in Haiti and how they are perceived. She discussed: 1) historical struggles of women and their successes, 2) concrete data showing that over 90% of elected positions are held by men, and 3) argued that a country cannot function excluding the majority of its population from elected positions. Third, HHP student LaTrici Thomas presented on reparations for African Americans in the United States. She discussed reparations for African Americans in general, including support for and opposition to, and examined the specific case of the Rosewood Massacre.

After these presentations, HHP returned to our place of lodging after a quick down hill walk guided by moonlight from the law school. From 9:30pm to 10:30pm, HHP eat dinner, planned logistics for the rest of the week, and processed all that we experienced throughout the day. HHP discussed: 1) how each individual's expectations were being met, 2) what each person could do to meet them in the remaining part of the trip, and 3) how each person felt about her contribution thus far. From 10:30pm until bed, HHP organized gifts and typed up notes from meetings and prison interviews.

Reflections & Observations

During the presentations this evening, once again, we were reminded of the patriarchal attitudes that many Haitians hold. In the question and answer session after the ESCDROJ alum's presentation on women in elections, some men made multiple immature comments about women and their role in society. Some of us

discussed whether these comments were made in jest or were serious. Lolo commented that he believes that they were a mix of both.

During processing after dinner, multiple people expressed the desire to interact more with the ESCDROJ students but also felt that we were more successful at interacting this year than in previous years. There was consensus that the meetings to discuss and potentially assist with dissertations have been a great forum to get to know some of the students better. There was also consensus that the simulation also provides for further interaction.

Wednesday, March 11, 2009

Meeting with Representatives from UNICEF and MINUSTAH

The UNICEF office, which is stationed in Port-au-Prince, Haiti, is focusing on child protection, which includes protection from all violence and abuse that can affect the child. In Jérémie, there is a specific problem with drug trafficking and illegal adoption. To learn more about the illegal trafficking, the documentary, *Children and Trafficking*, was recommended for viewing.

UNICEF would like to partner with ESCDROJ and Hastings in order to collect data to shape the vision of the law reform. Evidence needs to be gathered to demonstrate what types of violence and abuse the children are suffering and to show how it can be corrected.

Not only will the information collected inform the changes that will be made to the law, but it will also help increase the effectiveness of the prevention efforts. Currently UNICEF is working to increase awareness in the areas of education, health and protection, and communication.

Evening Presentations

Tonight Yasmin Macariola presented a case that she personally worked on during her time at the Equal Employment Opportunity Commission (EEOC). She spoke about the Five Farms Case (real name needed), which included a lawsuit against an employer for refusing to hire women.

Following the presentation, students from both ESCDROJ and Hastings asked some interesting question, which led to a dialogue regarding women's rights and privileges in the United States and in Haiti.

Thursday, March 12, 2009

Today, Father Jomanas arranges for a group of us to tour various Haitian schools ranging from kindergarten to high school. Our first stop is back at Father Jomanas' church where it is divided into six different sections. Father Jomanas says that when the flag in front of the church is at the halfway point, school is in session. Each section contains about 20-25 students, one blackboard and a teacher. The students' ages range from probably 7 years old to 12 years old. The students sit in wooden pews and the teacher calls each student up to work out a math equation. The students don't appear to have desks, notebooks or pencils.

Father Jomanas walks us up the hill next to the church and shows us a semi-built concrete building where high school students are studying. Our second stop is at another school further down the road. When we turn in, there are a group of kindergarteners sitting in a grove of trees on wooden chairs. There is no blackboard or chalk this time, just a teacher holding up different colored cards asking the children to identify their colors. About 100 yards away is a kiosk type platform where 4 sections of students have been divided up by blackboards. Father Jomanas tells us that although these students are in the same grade, their ages vary.

He also indicates that only around 20-30% of students who finish their primary studies continue onto high school.

Father Jomanas brings us to another school, where the students welcome us with a song that starts with 'Ben venue'. At the last school we visit, there are 4 and 5 yr olds sitting on wooden benches under thatched roofs. Father Jomanas teases one of the children who refuses to remove his hands from his hat.

We decide to switch up the routine and eat out at Chez Patou for lunch, where we are offered the choices of a cheese sandwich, ham sandwich, hot dog or French fries. During our lunch Reagan Lolo (our translator) tells us about the schools that he has been open up through his organization SODA (Sosyete Djòl Ansamn pou Demokrasi Partisipatif). He states that the majority of the children in his schools and young girls who have been brought from the country into the cities to basically work as child slaves. He has convinced the families that employ them to send them to school so that they can contribute to a better future instead of turning to a life of crime.

After lunch a group of us head to the prosecutor's office. Two prosecutors speak with us about the laws in Haiti and cover topics such as the protection of victims of rape, incest, and due process. During this question and answer session an armed guard with a shotgun pops in and out of the room. We can also hear yelling from the jail cells adjacent to the building. Interestingly enough we discover that trials in Haiti have no breaks and will continue on for days on end. Additionally, although there is protection for rape victims, it is extremely difficult to prosecute for marital rape.

After visiting the prosecutor's office, we return to ESCDROJ for additional presentations. Kim Seelinger (Hastings law professor) and Kate Bloch (Hastings law professor) conclude their simulation with the introduction of Hadar Aviram (Hastings law professor) as 'le petit Lissette'. The students give a round of applause and tell Father Jomanas that they would like to conduct similar simulations in their classes. Nicolet Kirkland, Masaya Uchino and Morgan Weibel (all Hastings law students) present on various aspects of the Obama administration such as: foreign policy, his fiscal policies and recent criticisms of the actions that he has taken thus far. After their presentations, Father Jomanas thanks each of the Hastings group for their visit and with the Hastings professors, hands out certificates of participation to the Haitian law students.

Several of the Haitian students put on a performance of a local popular song, which talks about uniting the various sectors of Haitian society. One of the law students' niece is dressed in white and represents the path of hope and change in uniting the sectors of Haitian society. Hopefully this is a harbinger for the future.

Friday, March 13, 2009

Today, we left Haiti for the United States. We were deeply inspired by the many Haitians our group met with, who despite the great adversity they have faced in their own everyday lives, are working so hard and passionately to be a force for positive change within their country. We all have something to learn from the Haitian society and way of life, and a great deal to be grateful for in our own lives. The trip further confirmed our commitment to work for human rights in whatever contexts we find ourselves, and for ensuring that the U.S. and all violators of human rights are held accountable for atrocities that occur as a result of their actions.

For more information, please see our website at <http://hastingstohaiti.org> or email us at HastingstoHaiti@gmail.com. If you would like to support our efforts, tax deductible donations are accepted through <http://uchastings.edu>.