

REVERTING TO DESPOTISM

Human Rights in Haiti

March 1990

**Americas Watch
National Coalition for Haitian Refugees
Caribbean Rights
International Commission of Jurists**

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This report is based on six fact-finding missions to Haiti. Participants in the missions were Mary Jane Camejo, Research Associate of Americas Watch; Adama Dieng, Executive Secretary of the ICJ; Anne Fuller, Associate Director of the NCHR; Jocelyn McCalla, Executive Director of the NCHR; Michael McCormack, Executive Secretary of Caribbean Rights; Kenneth Roth, Deputy Director of Human Rights Watch, the parent organization of Americas Watch; and Amy Wilentz, a consultant to Americas Watch and the NCHR.

This report was written by Mary Jane Camejo, Adama Dieng and Anne Fuller and edited by Jocelyn McCalla and Kenneth Roth.

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The National Coalition for Haitian Refugees is comprised of 47 legal, human rights, civil rights, church, labor and Haitian community organizations working together to seek justice for Haitian refugees in the United States and to monitor and promote human rights in Haiti. Its Executive Director is Jocelyn McCalla and its Associate Director is Anne Fuller.

Americas Watch was established in 1981 to monitor and promote observance of free expression and other internationally recognized human rights in Central America, South America and the Caribbean. The chairman is Adrian W. DeWind and the vice-chairmen are Peter Bell and Stephen Kass. The executive director is Juan E. Mendez and the research director is Anne Manuel. Americas Watch is part of Human Rights Watch, which also includes Africa Watch, Asia Watch, Helsinki Watch and Middle East Watch. Its staff consists of: Aryeh Neier, Executive Director; Kenneth Roth, Deputy Director; Holly Burkhalter, Washington Director; Ellen Lutz, California Director; Susan Osnos, Press Director.

Caribbean Rights is composed of human rights organizations from the Bahamas, Belize, Guyana, Haiti, Jamaica, Puerto Rico, and St. Vincent and the Grenadines, with headquarters in Barbados. Its Chairman is Jean-Claude Bajeux, its Executive Secretary is Michael McCormack, and its Coordinator is Wendy Singh.

The International Commission of Jurists is a worldwide organization founded in 1951 to promote and protect internationally the rule of law and human rights. Its headquarters are in Geneva, Switzerland. Its chairman is Andres Aguilar; the Chairman of its Executive Committee is William W.J. Butler, and its Secretary General is Niall MacDermot.

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I. INTRODUCTION

Four years after a popular uprising brought down the 29-year dictatorship of the Duvalier dynasty, Haiti is once more prisoner of a brutal despot willing to use violence and terror to preserve his rule.

Lieutenant General Prosper Avril's January 20, 1990, declaration of a state of siege and his arrest and expulsion of moderate democratic leaders surprised most casual observers of Haiti. In fact, it was the natural culmination of many months of mounting repression directed against grass-roots democratic activists.

But by adding well known politicians and civic leaders to his list of victims, General Avril has succeeded in reviving international scrutiny of the island nation. Such scrutiny, and the outrage it will engender, may be the last vehicle for assisting Haiti's long-suffering masses in establishing a government that respects human rights.

Compared to his predecessors of the past four years, Avril has been extraordinarily successful at consolidating military power under his command. His personal control over the Presidential Guard, his purge of dissenters in that battalion, his elimination of the only two army units that rivaled it, and his increasing employment of bands of civilian thugs, have

shattered the degree of political space and balance that in the past was provided by rival armed groups. Today's army is Avril's army, and it is seemingly united in support of his authoritarian goals.

Avril continues to be wise enough to profess a commitment to democratic elections. But he has taken steps to ensure that elections pose no threat to his power, by cracking down on civilian opposition forces, including the crucial independent media. In the countryside, where three-quarters of all Haitians live, militarized sheriffs known as section chiefs, with the central government's backing, have tried to eliminate groups critical of military rule by prohibiting them from meeting and by arresting and beating local activists. In the cities, demonstrations have been all but prohibited, while armed soldiers and plainclothes men have sponsored a wave of random terror and crime.

Avril rose to power on September 17, 1988 with the backing of a movement of reform-minded soldiers and non-commissioned officers. He was initially given a cautious welcome by much of the opposition. In the early days of his rule, democratic elements in the army removed several high-ranking officers who were associated with the abuses of the Duvalier dictatorship and the regime of Avril's predecessor, Lieutenant General Henri Namphy.

But within a month, General Avril had secured enough control over the Presidential Guard to move against the very men

who had brought him to power. Fifteen leaders of the September coup were accused of plotting Avril's overthrow and imprisoned. Others were dismissed from the armed forces, or forced underground or into self-imposed exile after troops fired guns at their homes.

In April 1989, General Avril emerged the undisputed leader of the armed forces after putting down a coup headed by the commanders of the capital's two other major infantry battalions: the Léopards (trained as an elite anti-guerrilla force) and the Casernes Jean-Jacques Dessalines. The leaders of the coup attempt -- Colonels Himmler Rébu of the Léopards, Philippe Biamby, a former head of the Presidential Guard, and Léonce Qualo -- were seized by loyal forces and deported. They spent three months in a U.S. prison before being granted asylum in Venezuela. General Avril disbanded the rebel units and rewarded many of those who came to his rescue with promotions and lucrative government posts. Their authority often surpassed that of their nominally higher ranking superiors. New troops were recruited into the Presidential Guard, swelling its numbers to some 1,200 and making this unit a law unto itself. General Avril has developed a symbiotic relationship with these troops, providing them with financial and political payoffs in return for their support of his presidency.

General Avril has frequently restated his commitment to hold free elections, but in the same breath has often warned that Haitians must have full bellies before they can be entrusted with

the vote. Given Haiti's desperate poverty, this has implied an indefinite postponement of elections.

After convening a forum on the electoral process which was attended by many of the mainstream political organizations, General Avril set about creating an electoral commission largely modeled on their recommendations. Members of the Permanent Electoral Commission were sworn in in April 1989, but it would be months before they would receive permanent offices and issue a timetable for elections.

In the first year of his presidency, it became apparent that General Avril's commitment to democracy did not include prosecuting those responsible for the major human rights crimes of the past, or reining in military attacks on political opponents and popular organizations. Avril's sluggish steps toward elections increasingly revealed a ruler determined to retain his command.

Events took a dramatic turn for the worse in November 1989. On November 1, three well-known popular leaders -- Jean-Auguste Mésyeux, General Secretary of the Autonomous Federation of Haitian Workers (CATH); Evans Paul, head of the Confederation of Democratic Unity (KID); and Marineau Etienne, a leader of the September 17 Popular Organization (OP-17) group of former soldiers -- were arrested and beaten for hours by some 40 soldiers from the Presidential Guard. The following day, their bloody clothes and swollen features were exhibited on television

to the nation. They were charged with an implausible plot to assassinate Haiti's entire officer corps.

Attacks on other grass-roots groups, killings of peaceful dissenters, and assaults on journalists soon followed. The president of the Haitian League for Human Rights, attorney Joseph Maxi, was driven underground after troops twice raided his home. Chavannes Jean-Baptiste, leader of the Papaye Peasants Movement, was also forced underground after troops ransacked his home in a supposed search for Patrick Beauchard, leader of OP-17. Beauchard was finally arrested on December 13, 1989. He, Mésyeux, Paul and Etienne were not released until an amnesty for political prisoners was declared on February 7, 1990.

The official press, particularly the newspaper L'Union, began a vicious campaign against government opponents, vilifying as "terrorists" and their "apologists" the broad-based opposition that had been calling for the release of the four opposition leaders. The government press also attacked the independent media for sustaining opposition to government policies.

At the same time, with flourish reminiscent of Duvalier-era propaganda, the official press sought to portray Avril as Haiti's savior, apparently laying the groundwork for a more permanent assumption of power. In its December 23-26, 1989 issue, for instance, L'Union's cover story hailed the "patriotism and filial devotion of Lieutenant-General Prosper Avril to the common fatherland" and noted that he had "renounced the life of comfort and ease of his position as a high-ranking officer of the Armed

Forces of Haiti, in order to make a gift of his life, his quietude and his leisure time to the Nation." The Haitian nation will, "by walking on the ground prepared by President Prosper Avril...in the end find the salvation that the protecting gods have destined for it," the paper intoned.*

When the opposition refused to bow to the pressure against it, General Avril declared a state of siege, on January 20, 1990, accompanied by the arrest, beating and expulsion of a group of mainstream political leaders, the muzzling of the press and the reestablishment of a visa requirement for Haitians returning from abroad.

Under the weight of international pressure, the state of siege and related measures were repealed on January 30. However, a number of leaders remained in jail through February 7, when an amnesty was declared, and unwarranted searches continued. Moreover, a peaceful demonstration of some 100 people held on February 10, following a special mass in honor of freed political prisoners, was broken up by a group of police and armed plainclothes men on the Rue John Brown in Port-au-Prince. Several people were arrested and beaten, including a journalist covering the protest. Although Avril has restated his intention to hold elections in 1990, the attacks on potential candidates, coupled with the year-long pattern of repression against popular organizations in the countryside, have created a climate of

*"Voeux de L'Union au President du Gouvernement Militaire," L'Union, December 23-26, 1989.

insecurity and lack of confidence in elections under General Avril which makes it extremely unlikely that such elections can be a fair expression of popular desires.

To restore the Haitian people's faith in the military government's democratic intentions, the following minimum steps must be taken:

- o Identify and publicly prosecute all those -- including military officers close to General Avril -- who are responsible for the illegal arrests, beatings and killings of opposition activists over the past year and a half, as a prelude to prosecuting the individuals responsible for all major abuses of the recent past.
- o Order a halt to all political violence by the military and its plainclothes cohorts.
- o Insure that the February 1990 amnesty for political prisoners is not followed by a new round of political arrests.
- o Publicly declare that all those exiled during the January military crackdown will not be further persecuted if they return to Haiti and that they will be able to conduct their political activities freely.
- o Cease attacks on the press, and publicly uphold the freedom of speech, association and assembly.
- o Agree to internationally supervised elections, under the auspices of the United Nations or the Organization of American States.

The Avril government should also move to:

- o End the policy of indefinite detention without charge and improve conditions in prisons.
- o Implement the constitutional requirement of a police force separate from the military and under the jurisdiction of the Ministry of Justice.
- o Allow human rights monitors to investigate and report on abuses freely, including within prisons.

The January 1990 crackdown was strongly condemned by the United States, France, Canada and the European Economic Community. France, which in the past year had become the largest foreign donor to Haiti, announced the suspension of all assistance to Haiti and said it would actively seek to block the release of aid by multilateral agencies. The United States, previously the largest donor, ceased most government-to-government aid following the November 1987 election-day massacre, although it provided aid worth \$10 million to the Avril government in August 1989 on the ground that progress had been made toward democracy. Canada had cut off government-to-government assistance in 1988 following the St. Jean Bosco massacre* but has continued to provide aid through multilateral lending institutions and to non-governmental groups; following the crackdown, Canada suspended the deportation of Haitian nationals, a move the United States has refused to take.

The U.S. government, which had maintained a strict silence on military abuses during General Avril's first year in power, finally protested the November 1989 arrests and beatings. The shift in policy coincided with the confirmation of a new U.S. ambassador to Haiti, Alvin Adams, replacing Brunson McKinley. During the January 1990 crackdown, the Bush administration maintained strong pressure on the Avril government to halt the

* See Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, pp. 42-46.

new wave of repression and to honor its electoral vows. But in a residual effect of the administration's exclusive focus on elections to the exclusion of other human rights, Washington's statements in January were slow to treat human rights violations as worthy of condemnation in their own right rather than as mere obstacles to elections.

Also, as noted, the United States continued both to deport Haitian nationals and to return "interdicted" boatloads of Haitian refugees to Haiti, even during the state of siege. Washington apparently remained blind to the inconsistency between this position and its description and condemnation of spreading abuses in Haiti. The continued "interdiction" of Haitian boat people is particularly unjustified in light of evidence presented in this report that a group of 16 returned Haitians were imprisoned for at least seven months in 1989 in Haiti's National Penitentiary after the U.S. Coast Guard turned them over to the Haitian military. This evidence contradicts U.S. government assurances that returned Haitian boat people are never penalized.

We call on the international community to continue to protest abuses by the Avril government firmly and consistently.

We call on international donors to maintain their suspension of assistance to Haiti's military government until power has been relinquished to an elected, civilian successor.

We urge the United Nations Commission on Human Rights, now meeting for its annual session in Geneva, to demonstrate clearly its concern for the state of human rights in Haiti by condemning

abuses under the Avril government and by appointing a special rapporteur to investigate and monitor human rights conditions in Haiti. The Commission's decision in the past two years merely to provide "advisory services" on how to respect human rights to the Haitian government is wholly inappropriate for a government that has shown such contempt for its human rights commitments.

We also urge regional organizations like the Inter-American Commission on Human Rights and the Caribbean Community (CARICOM) to exert pressure on the Avril government to respect its commitments to human rights and democratic elections.

The actions of General Avril over the past year-and-a-half have shown all too vividly that talk is cheap. Time and again polished vows of movement toward democracy and respect for human rights have been contradicted by brazen brutality. It is time for the international community to demand tangible steps from the Avril government: respect for human rights, the establishment of the rule of law, and the holding of free, fair and secure elections.

II. THE STATE OF SIEGE

The ostensible reason for the January 20, 1990 declaration of a state of siege was the murder the evening before of Col. André Neptune, a member of the Presidential Guard, as well as his wife and a servant. General Avril later also cited the January 16, 1990 shooting of radio journalist Jean Wilfrid Destin.* In fact, the declaration seemed more to reflect Avril's anger at an increasingly vocal and assertive democratic opposition than a concern over these recent manifestations of the so-called "insecurity" that has regularly plagued Haiti in recent years.

A. The Taiwan Trip and its Aftermath

The January crackdown appeared to have been most directly related to events surrounding Avril's surprise, week-long trip to Taiwan. The trip was Avril's first abroad as president, and no sitting Haitian leader has ever ventured so far for so long. A 40-member presidential party left Haiti on January 7, with rumors abuzz that Avril hoped to secure tens of millions of dollars in aid from the Taiwanese government. Such a windfall would have dramatically eased the pressure to democratize being applied by the United States and others who insisted on progress on the democratic front as a condition for substantial aid.

*See Chapter IV.

On January 9, an organization known as the Civic Initiative Group to Honor and Respect the Constitution sent a telegram to the president of Taiwan. The telegram was signed by three leading members of the group, none of whom were politicians: Father Antoine Adrien, a respected priest; Antoine Izmary, a wealthy businessman active in the Chamber of Commerce; and Dr. Louis Roy, the founder of the Haitian Red Cross and a major architect of the 1987 Constitution. The telegram informed President Lee Teng-hui that "the Haitian people are not aware of Avril's motives in visiting your country" and that "any agreement he reaches...would not be binding upon the Haitian people." The Taiwanese press gave the telegram prominent coverage. Although there is no way to know whether the telegram contributed to the failure of the trip, Avril returned home embarrassed and empty-handed.

While General Avril was in Taiwan, a broad coalition of political parties and trade unions known as the National Rally (Rassemblement National) called for a general strike, on January 12, with the aim of ousting Avril. The hastily called action failed to attract a following. Several people were arrested in connection with the strike, however, and one, union leader Naly Beauhanaes, was severely beaten and imprisoned for several weeks.*

On the day after the failed strike, graffiti appeared all over the capital reading "Avril for five years." In addition,

*See Chapter III.

several of the members of the National Rally fell victim to a new and crude attack: human excrement was dumped and smeared on the downtown Port-au-Prince offices of three trade unions -- the Autonomous Federation of Haitian Workers (CATH), the Federation of Haitian Workers (CTH) and the Federation of Unionized Workers (FOS) -- and two political parties -- the Haitian Christian Democratic Party (PDCH) and the Unified Party of Haitian Communists (PUCH). The excrement was understood by many Haitians as a death threat.

In a January 15 airport speech upon his return to Haiti, General Avril offered a harsh and bitter denunciation of the opposition. He attacked "an irresponsible nomadic elite that sent a telegram to the President of the Republic of China to ask him not to give aid to the Haitian people." He added: "I denounce to the nation the authors of this unpatriotic and vile act....Let us banish from our social tissue those foreign bodies who sow hate and division, those secular enemies of the true people of Haiti."

This chilling invitation quickly led to violence. The next day, January 16, popular humorist Jean Wilfred Destin, or Ti Will, of Port-au-Prince's Radio Cacique became the first victim. He took to the air at his normal time and chose as his focus for the evening the Taiwan visit, which he rated only "two to three on a 10-point scale." Destin finished his hour-long show at 11:00 p.m. and took a cab home. According to witnesses, as Destin approached his home at the corner of the Rue Fouchard and the Rue des Dalles, three armed plainclothes men called out his name and

then fired at least three shots into him. Destin was brought to the Hospital of the University of Haiti, where after surgery he clung to life for more than a day. He died on the morning of January 18. Hours later, two other Radio Cacique journalists were threatened by groups of plainclothes gunmen.*

Colonel André Neptune was murdered on the night of January 19. A 31-year veteran of the Haitian Armed Forces, Neptune had reportedly left a meeting of army officers at the National Palace and gone to pick up his wife from the bakery they owned. He was said to be wearing civilian clothes when a gunman attacked the car he was driving at around 8:30 p.m. The bodies of the colonel, his wife and their servant were found, reportedly at two different locations, in the Fontamara section of Port-au-Prince, where they lived. The bodies of the wife and servant were found in their vehicle while the colonel's had been dumped in the street, about 100 yards from the house of opposition figure Hubert de Ronceray.

B. The Legal Components

As noted, Neptune's murder became the stated rationale for the declaration of a 30-day state of siege, beginning January 20. The decree establishing the state of siege was signed by Avril and all 11 of his ministers. It revoked four articles of the Haitian Constitution of 1987:

*See Chapter V.

- o Article 278, which provides that "[n]o part of the territory can be declared to be in a state of siege except in case of civil war or invasion by a foreign force."
- o Article 278-3, which provides that a state of siege becomes null and void if it is not renewed every 15 days by a vote of the National Assembly.
- o Article 41, which provides that "[n]o individual of Haitian nationality can be deported or forced to leave the national territory."
- o Article 41-1, which provides that "[n]o Haitian needs a visa to leave the country or to return to it."

This readiness to revoke the Constitution suggested that the Avril government considered itself bound by the charter only when convenient.

At the same time, the military government reestablished the requirement of an entry visa for Haitians returning from abroad. This Duvalier relic had been abolished in 1986 by the National Council of Government (CNG). The decree reinstating it read as follows:

Considering that the great ease of access to the national territory and the insufficiency of immigration controls favor the entry of subversive agents, dangerous terrorists and diverse traffickers; Considering that it is important to prevent the infiltration of terrorist agents and all inclination to use the national territory for ends of which the national and international communities disapprove; Based on the report of the Ministers of the Interior and National Defense, and of Justice; And after deliberation in the Council of Ministers, [the Military Government] decrees:

Article 1. The entry visa is reestablished for all Haitians and will be demanded at all border posts fifteen days after the publication of this Decree.

Article 2. It is required of airline companies, maritime navigation companies and transporters generally that before taking on passengers they assure that they have visas.

Article 3. The present Decree abrogates all Laws or Regulations pertaining to Laws, all Decrees or Regulations

pertaining to Decrees, all Decree-Laws or Regulations pertaining to Decree-Laws that are contrary to it, and will be published and executed at the behest of the Ministers of the Interior and National Defense, and of Justice, each insofar as pertinent.

The decree was announced at a time when several Haitian political and human rights leaders were abroad, including Victor Benoit, the General Secretary of KONAKOM (the National Committee of the Congress of Democratic Movements), one of the leading opposition political parties; Jean-Claude Bajoux, Assistant General Secretary of KONAKOM and Director of the Ecumenical Center for Human Rights; and Louis Dejoie, leader of the National Agriculture and Industry Party (PAIN), another important opposition political party.

C. Targets

The crackdown was highly targeted, and unlike other recent repression, it was not aimed primarily at the members of popular organizations or peasant groups, but at mainstream political opponents of Avril, ranging from the center-left to the center-right, including presidential candidates and party leaders.

On January 20, groups of soldiers from the Presidential Guard, some accompanied by police and armed civilians, fanned out across the city making arrests without warrants. Among those seized were Hubert De Ronceray, leader of the Mobilization for National Development (MDN) and a prominent presidential contender; Serge Gilles, leader of the National Progressive

Revolutionary Party (PANPRA) and, together with Marc Bazin's Movement to Establish Democracy in Haiti (MIDH), part of a major opposition coalition; Dr. Louis Roy, as noted an important drafter of the widely popular March 1987 constitution; KONAKOM leader Gerard Emile "Aby" Brun; and MIDH leader Gesner Prudent.

1. The Ecumenical Center for Human Rights

Some 25 people were arrested, and most beaten, at the Ecumenical Center for Human Rights in Port-au-Prince. KONAKOM, the political party with which the Center's director, Jean-Claude Bajoux, is affiliated, was having regular office hours, seeing constituents, many from the provinces, who came for assistance or advice. Not all of those present were KONAKOM members.

A young woman who works as a secretary for KONAKOM was at the Ecumenical Center when what she estimated were 75 soldiers, police and armed plainclothes men made their appearance. (A witness who looked over the low wall surrounding the one-story building thought the number was closer to 40). The young woman described her experiences to a representative of the National Coalition for Haitian Refugees a few days later:

I looked outside and I saw the military. I saw a lot of military people outside and I called out "Aby, Aby [Brun] come here; the 'chiefs' are outside and they're going to shoot us; they're going to shoot us!" And they said to us, "Don't run... don't run... if you run we will shoot at you, we'll shoot at you." Aby said to us, "Don't run, stay here... stay here, we're not doing anything wrong here, we're just sitting around; let the guys come in on us." Aby must have thought that when he told us to sit, stand or stay here and not to run that they would come in and talk to us and ask us what we were doing.

They came in; they didn't ask us anything; they came at us, held us, beat us, mistreated us. They shoved us, made us lie on the floor, got on our backs, stepped on us, hit us with their weapons; spit on our faces. And after that they said, "These are the people against the President, who won't permit him to live. Oh, the President is a black man, our color. You, you are following the mulattoes, the light-skinned people that are making people do absurd things in the country. You don't want the President. What has the President done to you? You dogs, you pigs, what has the President done to you? Where did you come from? What country do you come from?" They told us off; they cursed at us, they kicked us. Then suddenly, they grabbed me by the collar and started shaking me and beating me. And as they beat me, a man shouted, "Enough Commander, don't hit her anymore. She's the only woman. Not yet, don't hit her anymore." Soon after the man said that, the commander stopped and didn't hit me anymore. Now the man took me and held my hands. Everywhere he went he took me with him. Every room he went into he was toppling all the papers, pulling things out, cutting off the telephone wires, pulling the Fax line, cutting everything off.

Eventually she was able to escape. As she ran away from the Center, soldiers fired shots after her.

Most of those arrested at the Ecumenical Center were freed the same day. But Gerard "Aby" Brun remained in army custody until the night of January 21, when he was expelled to Miami.

In an interview with the Miami-based weekly Haiti en Marche,* Brun described the beating he received at the Ecumenical Center. After the armed men entered the building shouting and threatening the people with their weapons, they made everybody lie down on their stomachs, he said.

*"Abby Brun sous la Torture," Haiti en Marche, January 31-February 6, 1990.

Brun was separated from the others: "They made me go out into the courtyard, handcuffed me, forced me to lie down and fell to hitting me with their truncheons on my buttocks, back and kidneys, trying, evidently, to damage something....Because I didn't cry out they were relentless. I think I received around 100 [blows]. It was evident they had to have received instructions not to hit me on the face. I heard one say, "'Don't hit him in the face.'"

Brun was eventually brought to the Investigations and Anti-Gang Service, where he was treated correctly: "It was typical police style: no comments, no verbal or physical aggression." But while others were released with apologies, Brun was told that he was a special case. He was moved later that same night to the National Penitentiary where, he noted, his treatment was completely different from that received at the hands of the Presidential Guard. "I even had the impression that the soldiers and officers [at the prison] did not have the same interpretation of the situation as their colleagues from the Palace."

Brun was never told what the charges against him were, but he said he received the impression that the authorities were trying to claim he headed a terrorist network.

I believe that from the beginning [of the attack on the Ecumenical Center] they had in their head a special treatment for certain people. They knew, for example, that they were going to expel [some people from the country]. Since the arrest, they asked me if I had my passport. They also asked me if I had my revolver, which is registered, but which I didn't have with me. It seemed that my beating had a double objective: on the one hand to apply a punishment and on the other to humiliate.

In this regard, Brun and others mentioned that the soldiers seemed to go after the light-skinned or mulatto prisoners with a particular ferocity, accompanied by insults relating to their color. Brun is fairly light-skinned.

Brun was hospitalized upon his arrival in Miami. He had temporarily lost the use of his left hand due to the extremely tight handcuffs he was forced to wear, and had multiple contusions on his buttocks, hips and back.

Others present at the Ecumenical Center who were not released quickly were Enock Joseph, the assistant to the mayor of the town of Chardonnières in southern Haiti, and Camelot Brutus, a KONAKOM member from Mirebalais. While little could be learned about Brutus's fate, a representative of the National Coalition for Haitian Refugees was able to see Joseph on January 26 in the National Penitentiary, where he remained until he was freed on January 31 without charges. A man in his late twenties, Joseph was a member of a local group called the Popular Movement of the Southern Coast (MPKS). He said that he had been severely beaten at the time of his arrest.

According to Joseph, one of the peasants arrested at the Center, a man named Walkens Joseph (no relation), from Camp-Coq, a rural section of Limbé in north-central Haiti, had been harshly beaten with iron sticks. He, like the others, was released shortly after his arrest.

2. The Home of Serge Gilles

Another patrol, made up of uniformed police and plainclothes men, visited the Petionville home of Serge Gilles, the leader of PANPRA. A representative of the National Coalition for Haitian Refugees interviewed a PANPRA member who was one of the victims of this attack a few days after it occurred, when he was still suffering great pain and discomfort as a result of his treatment. The story of this man, who requested anonymity, closely follows an account given in a communiqué issued by PANPRA leader Duly Brutus on January 22. They described six heavily armed men in civilian clothes who forced their way into Gilles's home at around 2:00 p.m. on January 20. With Gilles at the time were PANPRA members Georges Werleigh, Philippe Stephenson and Yves Duval, as well as Reverend Jackson Noel, a member of PANPRA's coalition partner MIDH. With their weapons, including M-16 rifles, in front of them, they rushed into the living room where Gilles was and threw him to the ground. While his face was to the floor, Gilles was kicked numerous times, mainly in the stomach. Present throughout Gilles's beating were his wife and two small children.

After a while the men asked Gilles to identify himself and his activities, which he did. In response they began kicking him again.

They searched the house, damaging much of the furniture and taking the prisoners' passports, watches and money. The intruders named a series of associates, apparently reading from a list, and

asked for their addresses. When Gilles and his associates refused to give the information, they were kicked.

Gilles was told to hand over all the weapons in his possession. He had a registered revolver, which he turned over, and was then kicked again. Next the men handcuffed Gilles and brought him before the others, saying, "After beating you up, we're going to beat up the other members of your party in front of you." They threw the others down to the ground and kicked them and stomped on their backs. They hit them with a heavy ashtray on several parts of their bodies, but apparently took care not to open wounds. "There's no trace, no mark," one man taunted.

According to the anonymous source, during the beatings the men talked about the murder of Colonel André Neptune, saying things like:

You killed Col. Neptune. You're garbage. You're not serious. You think you can run the country? You pay people for assassinations. You create insecurity. You pay people to burn tires in the street. You're annoying President Avril. In any case it's the army that runs this country.

After these violent sessions, the intruders handcuffed the prisoners and placed them in several vehicles belonging to the Tax Collection Office [Direction Generale des Impots], which were parked in front of the house.

In one of them, the prisoners discovered Gerard "Aby" Brun, the KONAKOM leader, and Gesner Prudent, MIDH's counselor for the Port-au-Prince region, who were handcuffed and had clearly been beaten. The jeeps circled through several sections of the capital in search of different political activists, including Gesner

Comeau of the Movement to Organize the Country (MOP), who was not at home. They picked up Raymond Bastien of MOP. During the trip, the men asked Serge Gilles to lead them to the homes of Arnold Antonin and Duly Brutus, both of whom are members of the PANPRA executive secretariat. He refused to comply.

Next, the prisoners were brought into the courtyard of the National Palace, where they were met by a band of excited soldiers from the Presidential Guard. These soldiers beat the prisoners with nightsticks while they remained inside the jeeps, all the while insulting their captives and crudely deriding their willingness to organize democratic elections. "They were like enraged doberman pinchers," said the anonymous source.

The prisoners were beaten for about a half hour in the Palace courtyard. One particularly strong blow punctured Gilles's left eardrum.

They were then driven to the Investigations and Anti-Gang Service of the Port-au-Prince Police Department, where they were shut in a cell together with a number of other prisoners for 30 minutes. According to the anonymous source, Aby Brun appeared to be in a state of shock. "He sat curled in a corner and could not speak at first. Later he asked a common prisoner for water and seemed to feel a little better."

The prisoners were correctly and even courteously treated by the police. They were brought before Major Leopold Clerjeune, the Service's commander, who apologized, informing them that their names had not been on the list of persons sought. Clerjeune

invited Gilles to meet with Colonel Fritz Romulus, the chief of police, who also apologized and gave Gilles back his gun and the permit needed to possess it. The five men arrested at Serge Gilles house were then freed.

3. Other Victims

Another well-known civic leader arrested during the crackdown was 74-year-old Dr. Louis Roy, "They didn't even tell me why I was arrested," said Roy. A captain and two soldiers came to his house in the Pelerin suburb on the night of January 20. When he was brought to the police station, Roy said he saw a group of 30 men, some of them uniformed, beating people with their helmets. "Nobody resisted," he said. "Some people fell to the ground. I saw blood on the ground." "I was hit in both ears and full in the face in front of the duty officer at the police headquarters," he told The New York Times.^{**} Roy was put on a plane for Miami on January 21.

Hubert de Ronceray, 57, president of Mobilization for National Development (MDN), who was expelled January 20, told the Miami Herald that armed men wearing civilian clothes had stormed his house that morning during an informal gathering of 20 party members. Soldiers outside the house kept their weapons trained on

^{*}"Oposición condena arrestos en Haiti," El Nuevo Herald, January 23, 1990.

^{**}"Haitian Bishop Says Military Makes 'Rubbish' of the Law," The New York Times, January 23, 1990.

the house while the ostensible civilians handcuffed him, broke his glasses, then beat him about the head and chest with their fists and the butts of their weapons. One of the attackers, de Roncerary said, put a cigarette out in his right eye. Reporters at de Ronceray's press conference of January 21 at the Haitian American Republican Council of Dade County could see that his eye was red.* Max Carré, the MDN's deputy leader, was also arrested and similarly treated.

Max Bourjolly, the deputy general secretary of the Unified Party of Haitian Communists (PUCH), was arrested on the morning of January 21 and shortly thereafter put on a plane for Paris, via Pointe-à-Pitre, Guadeloupe.**

Michel Legros, a member of the League to Install Democracy in Haiti, was arrested at his home in the Pacot section of Port-au-Prince, severely beaten, and expelled to the Dominican Republic on the evening of January 21.***

Max Montreuil, president of the Federation of Neighborhood Committees of Cap Haïtien, was arrested and expelled to the Dominican Republic on January 22.****

*Sandra Dibble, "Haiti regime banishes foes in crackdown," Miami Herald, January 22, 1990.

**"Haïti et le Monde d'aujourd'hui," Le Matin, January 24, 1990.

***"Les Evenements," Haiti en Marche, January 24-30, 1990.

****Id.

Agence France Presse reported on January 23 that the police were searching for Gérard Philippe Auguste, leader of the Movement to Organize the Country (MOP), and Sylvio Claude, leader of the Haitian Christian Democratic Party (PDCH). The downtown offices of the PDCH were reportedly searched during the weekend of January 21-22, and Claude went into hiding.

According to the February 5 statement of PDCH member Dicertain Armand on Radio Soleil, 13 members of his party in Thomazeau, west of Port-au-Prince, were arrested on January 25, by a group of local military and civilian officials, including Kesner Pongnon, the mayor of Thomazeau, and his assistant Rossuel Février. The officials said they were searching for weapons and PDCH leader Claude. Armand said that he had been pulled from his bed, tied up and hit several times with a gun butt. He believed all 13 PDCH members had been released by January 31.*

Businessman Antoine Izmary, 46, who owns a food importing business called the Société Haïtienne d'Importation des Produits Alimentaires S.A., or SHIDPASA, was arrested on January 23 and deported late January 24. He told the Miami Herald that two policemen had stopped him as he was leaving his house in the suburb of Thomassin on January 23. He was detained for 36 hours and was well treated but was never informed of the reasons for his arrest.

*"Thomazeau: Treize Membres du PDCH Arrêtés," Haïti Progrès, February 7-13, 1990.

Dr. Sylvan Jolibois, 62, a political activist and the leader of the Jean-Jacques Dessalines Nationalist Sector who was arrested in February 1989 in connection with a supposed bombing and later released without charge,* was another victim of the crackdown. He was arrested at his medical clinic on January 20 by some 30 armed plainclothes men. He was severely beaten at the time of his arrest. He was later brought to the National Penitentiary. Jolibois's injuries led him to begin vomiting blood on January 26, so that evening he was shifted to the Police Infirmary. He was released on February 7 as part of the amnesty for political prisoners. A representative of Americas Watch and the National Coalition for Haitian Refugees was able to speak with Jolibois briefly at the Investigations and Anti-Gang Service of the Port-au-Prince Police on January 29. He said he had never been told the reason for his arrest.

Representatives of Americas Watch and the National Coalition for Haitian Refugees were also able to conduct prison interviews with Fernand Gérard LaForêt and Marie Denise Douyon, a young Port-au-Prince couple arrested near Acquin in southern Haiti on January 20. Their jeep was stopped in what seemed to be a random military roadblock of the sort that is ubiquitous in Haiti. Weapons were allegedly found, and the couple was brought to the Investigations and Anti-Gang Service, interrogated and beaten.

*See Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, pp. 53-54.

Douyon, 27, a graphic artist and illustrator who graduated from New York's Fashion Institute of Technology in 1987, estimated that she was beaten for a half hour. Three men stood behind her while she was questioned, and after each response they hit her about the head and body. Interviewed several days later at the National Penitentiary, where she was transferred on January 22, Douyon was in considerable pain. She complained of difficulties with her right ovary, an apparently preexisting condition which was exacerbated by the beating. She was suffering from vision problems and appeared to walk slowly and painfully as a result of the beating.

Douyon said that she had been in the Investigations and Anti-Gang Service while Laforêt was being beaten. By a clock on the wall she was able to see that his beating lasted three hours, from nine until midnight.

Laforêt, interviewed separately at the Investigations and Anti-Gang Service, said that during his interrogation he was put into the djak -- his hands and feet were tied together so that his body formed a circle, which was then hung over a stick, baring his back for beating. He was questioned by four men in blue police uniforms, while being beaten by a group of soldiers, police and armed plainclothes men. It was four days before he received any food, and a full week before he received any medical attention, when he was moved to the police infirmary.

The army reported finding weapons arsenals at five houses in Port-au-Prince and its suburbs connected to Laforêt. It also

claimed to have found literature from the political party PAIN, which is headed by Louis DeJoie II, as well as instruction manuals about weapons and detailed maps of the southern peninsula.

Franck Sénat, leader of the tiny Haitian Liberal Party (CPLH), was arrested on January 22 by a group of armed plainclothes men. The men, he told a representative of the National Coalition for Haitian Refugees, brought him directly to the National Penitentiary. He was never charged and was freed as part of the February 7 amnesty.

The League of Former Political Prisoners (LAPPH) reported that a group of armed men, including two in uniform, came to the home of Robert Duval, president of the League, at around 10:00 p.m. on January 21. Not finding the family at home, they beat the caretaker, whose name is Michel. Duval and his family went into hiding following the incident.

4. Provincial Attacks

On the second weekend of the state of siege, January 27-28, activists in provincial cities became a target. According to the Brooklyn-based weekly Haiti Observateur,* at least four people were arrested on January 27 in the northern city of Cap-Haïtien, during a large-scale search of the homes of political activists, ostensibly aimed at recovering illegal weapons. Nearly all

*Gérard Mésidor, "Vaste opération militaire à Cap-Haïtien," Haiti Observateur, January 31-February 7, 1990.

vehicles in the city were also searched. Among those arrested were Edouard Laroche, a planter and businessman; Max Vieux, an 85-year-old agronomist and coffee exporter; Robert Coxe, the former Tontons Macoutes commander of the northern department; and Hugues Florvil, a teacher and correspondent for Radio Haiti-Inter. The first two were released after 15 minutes. Florvil was freed the next morning, and Coxe on the morning of January 29.

Joseph Fernel Manigat, 25, an activist with the National Alliance of Popular Organizations (ANOP), was arrested on January 22 in Cap Haitien by armed plainclothes men. Manigat reportedly was stopped as he was leaving the offices of Radio Citadelle, where he had gone to read a statement from his organization against the Avril government. Brought to the local police station, he was severely beaten. He was released on February 1 and, the next day, described on Radio Metropole having been beaten some 40 times on the head with a stick and having had his left ear seriously damaged by slaps he received.*

In the southern city of Les Cayes, according to Haiti Progrès and a priest with connections to the popular movement there, searches were conducted on January 27 of the homes of

*Gerard Mesidor, "Vaste operation militaire à Cap-Haitien," Haiti Observateur, January 31-February 7, 1990; "Climat de forte insécurité dans le nord du pays," Haiti Progrès, February 7-13, 1990.

several activists with the Unity Movement of the People of Cayes (MUPAC), including Elmase Clautaire and Willard Vancol.*

D. Government Statements

On February 2, 1990, the military government released several lists, apparently as part of an effort to justify the crackdown. One of the lists named 16 soldiers who were said to have been killed between October 6, 1988 and January 19, 1990. No circumstances of the listed deaths were provided, and the only name widely recognized was that of Colonel André Neptune who, as noted, was killed on January 19, 1990. The government also gave a list of weapons, ammunition and equipment recovered in recent searches, without mentioning what was found where.

The government listed 33 rural police officers who had been dismissed from the armed forces, along with the date of their dismissal. No reasons were given for the dismissals. Nor did the names, with one exception, correspond to those who have been charged by human rights groups with abuses.** There were also lists of 119 houses searched by the police by January 27, 1990

*"La répression des organisations populaires s'accroît," Haiti Progrès, January 31-February 6, 1990.

**The exception was David Philogene, the section chief who is widely believed to have instigated the murder of presidential candidate Louis Eugene Athis in August 1987. Philogene was never tried for the murder and is believed to have fled Haiti. See Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, pp. 89-92; Americas Watch & National Coalition for Haitian Refugees, Haiti: Terror and the 1987 Elections, November 1987, pp. 55-56.

and six people arrested during the state of siege who were still in detention: Dr. Sylvain Jolibois, Franck Sénat, Gérard Laforêt, Marie Denise Douyon, Franck René and Erpe Moravia.* All six were freed on February 7 in an amnesty.

The February 7 press release issued by the Information Ministry announcing the amnesty read as follows:

The director of public information of the Ministry of Information, Culture and Coordination notifies the public that by administrative order dated February 6, 1990, a full and complete amnesty has been accorded to the following named citizens:

Sylvain Jolibois
Erbe Morovia
Frank Sénat
Fernand Gérard Laforêt
Marie Denise Douyon
Evans Paul
Marino Etienne
Jean Auguste Mésyeux
Wilner Metellus
Charlot Reynold
Jean Thomas
César Henry
Louis Jean Duval
Delinois Jamson
Guelcé Joseph Fils
Amazan Jean Franckel
Dimanche Jean Renel
Frank René
Frantz Patrick Beauchard

This office, on this day of February 7, 1990, recalling the memory of the choice made by the Haitian People for a future of liberty, fraternity and human solidarity, wishes to underscore that this Amnesty reflects the unanimous will of the Government of the Republic to work incessantly to build a FUTURE DEMOCRACY exempt from the shackles of extremism and all forms of violence, at a time when our society aspires to harmonise its evolution, since September 17, 1988, with the grand currents of change that today

*Moravia is a soldier and the reason for his arrest is not known.

dominate Contemporary Events. [Capitalization and spelling of names as in the original.]

Port-au-Prince, February 7, 1990
Director of Public Information

E. Reactions

The January crackdown prompted immediate and harsh responses from a variety of quarters. Haiti's ambassador to the United States and the Organization of American States, François Benoit, resigned on January 22, 1990. In his letter of resignation to President Avril, Benoit wrote: "The recent violations of human rights by the military government have convinced me that your administration has irreparably moved away from the goals it set for itself in view of helping to establish democracy in Haiti." Benoit said he no longer believed that Avril would preside over democratic elections, given that the leaders of the parties that were to participate in such elections had been arrested, beaten, and jailed or deported.

Avril's repressive intentions became so clear that even the usually passive Haitian Chamber of Commerce* and Association of

* The Chamber of Commerce appealed on January 24 for an end to the state of siege, which it described as "the arbitrary made into law." It denounced the move as a "regime of exception that depersonalizes the citizen, degrades society and distorts the state." The next day, following the expulsion from Haiti of businessman Antoine Izmary -- one of the three signers of the telegram to Taiwan during Avril's visit -- the Chamber protested again.

Industries of Haiti* took public stances against the state of siege. Their statements were published in Le Matin, the only independent press outlet still providing local news. (All independent radio stations were made subject to censorship shortly after the state of siege was declared.**) These declarations were not mentioned in the government-controlled press.***

* The Association of Industries of Haiti (ADIH) issued its protest on January 22, announcing that it

"deplores and condemns the regrettable measures taken by the Military Government during recent days. Namely:

1. Proclamation of the State of Siege;
2. Arrest and banishment of Haitian citizens because of their civic and political activities;
3. Reestablishment of the Visa for entering their OWN COUNTRY [capitalization in original] imposed on Haitian citizens; and
4. The power to deprive compatriots of their nationality and thus make them stateless persons....

In consequence and with the intention of saving the Haitian people from the pernicious political and economic fallout that will follow from these exceptional and anti-democratic measures, the ADIH hopes and recommends their withdrawal as well as the return to the country of citizens forced into exile."

** See Chapter V.

*** International reaction was equally harsh. On January 26, the French embassy announced that France was suspending all aid to Haiti's government. In 1989, France provided some \$23 million in aid, and the aid for 1990 was expected to be \$35 million. For the U.S. reaction, see Chapter VIII.

III. POLITICAL VIOLENCE AND INTIMIDATION OF OPPOSITION GROUPS BEFORE THE STATE OF SIEGE

The breadth of the repression accompanying the January 1990 state of siege was new, in that for the first time victims included such mainstream political figures as Serge Gilles, Hubert De Ronceray and Louis Roy. But at the same time, the crackdown represented the natural evolution of a government policy that was showing increasingly less concern with the adverse publicity attending the silencing of major opposition figures. While during the first year of the Avril government care appeared to be taken to target mainly lesser-known activists, that changed most dramatically with the November 1, 1989 arrest and vicious beating of three important popular leaders. Unlike the principal targets of the January crackdown, the three were associated with opposition forces that had long rejected participation in elections organized by the Avril government. But it was a short step for the government to move from attacking such popular leaders as these to targeting the mainstream victims of the January crackdown.

A. The Violence of November

1. Jean-Auguste Mésyeux, Evans Paul and Marineau Etienne

The victims of the November 1 arrests and beatings were three popular leaders, Jean-Auguste Mésyeux, Evans Paul and Marineau Etienne. The three were arrested on November 1, 1989 and horribly beaten. The next day, in a shocking display of brutality, the government exhibited the battered faces and bloodstained clothing of the three on the state-owned national television station. The overt terror was reminiscent of tactics used by the late Haitian dictator Francois Duvalier. "These are the worst nightmares of the past dictatorship that have returned," said Jean-Claude Bajoux, director of the Port-au-Prince-based Ecumenical Center for Human Rights.

Two days before their arrest, on October 30, 1989, all three men had participated in a televised and widely publicized press conference as representatives of the recently formed coalition of 33 organizations known as the National Rally (Rassemblement National).^{*} They called for a month-long national campaign of nonviolent protest that would conclude with a demonstration on November 29, 1989, the anniversary of the 1987 election-day massacre. Evans Paul said the following at the news conference:

As of October 31, 1989, a big campaign of general mobilization throughout Haiti is beginning. The Rally asks the entire population of Haiti to prepare for a big national protest march....Exercise all kinds of pressure, without violence, on the government -- such as civil disobedience, boycotts, occupying government offices, strikes,

^{*}The National Rally was formed after a general strike held on September 27, 1989, by the participants in that protest.

demonstrations, denouncing in the press the government's evil actions, posters, holding meetings, sending letters to embassies and to organizations in foreign countries and so forth. Applying this program of democratic action is an effective means of preparing for the big, peaceful, popular march that will be held on November 29 at 10:00 a.m. to save the nation.

Mesyeux, 47, the Executive Secretary of the Autonomous Federation of Haitian Workers (Centrale Autonome des Travailleurs Haitiens) (CATH), had for several years been its leading spokesman. CATH is Haiti's largest and most militant trade union federation. Mésyeux helped found the union on May 15, 1980, and he continued to organize for it clandestinely when it was banned by Jean-Claude Duvalier in November of the same year and its General Secretary, Yves Antoine Richard, was forced into exile.

Paul, 34, was a journalist at Radio Cacique in the late 1970s. He was tortured and imprisoned for several weeks following Jean-Claude Duvalier's 1980 crackdown on the budding critical press and political opposition that had surfaced during a brief period of liberalization. Paul is better known by the Creole nickname of Kompe Plim (Literary Sage) or simply K-Plim. In the early 1980s he formed a theater company known as Konbit Pitit Kay (KPK) (which loosely translated means Children of Haiti Troupe). It performed, among other things, his own best known work, "Debrafe" (The Unraveling), a shrewd attack on the Haitian dictatorship. Paul traveled with the company to perform in Haitian exile communities in the United States and Canada. In 1985 he became actively involved in clandestine organizing against the Duvalier regime. After the dictator's downfall, Paul

helped create the Democratic Unity Committee (KID), which later became the Democratic Unity Confederation. KID was the first large coalition of grass-roots democratic groups to form in the days after Duvalier fled and it organized the first large demonstration against the failure of the National Council of Government (CNG) to make a clean break with the past. KID is no longer such a dominant group in the opposition, but it remains an important force and Paul's is an important voice.

The third man arrested, Marineau Etienne, 33, was a former sergeant in the Presidential Guard. He was also a spokesman for the September 17 Popular Organization (OP-17), a group of former soldiers who support reform of the military as well as other changes in Haitian society. OP-17 considers itself the inheritor of the September 17 movement of "Little Soldiers" -- the noncommissioned officers and soldiers who, on that date in 1988, are said to have overthrown Lieutenant General Henri Namphy and brought the Avril government to power. These reform-minded soldiers reportedly thought they were setting the stage for a swift return to democratic civilian rule and felt betrayed by the path Avril has taken. Etienne was appointed by Avril to head the Customs authority at the Port-au-Prince wharf, a position he held for several months. He is an assistant pastor of the Church of the Apostolic Faith and the father of seven children.

Our information about the arrest and treatment of the three "Prisoners of La Toussaint" (or All Saints Day -- November 1), as they came to be known in Haiti, comes from several sources. The

most important are two interviews conducted by representatives of the National Coalition for Haitian Refugees and Americas Watch during the men's incarceration at the National Penitentiary; the declarations they made at a January 24 hearing before the Court of Appeals in Port-au-Prince, and the statement they issued after they were freed on February 7, 1990 as a result of an amnesty of political prisoners.

The three men were arrested at the home of a soldier in the Presidential Guard named Bismark Jean-Pierre, at Arcachon 32 in the Carrefour section of Port-au-Prince. They say they were lured there by soldiers who asked to meet with them to discuss problems confronting soldiers in the Presidential Guard.

At approximately 7:00 p.m. on November 1, 1989, shortly after Mésyeux, Paul and Etienne arrived at the house, some 40 heavily armed Presidential Guard troops stormed in and, without asking any questions, began to hit them with night sticks and with the butts of their guns. The soldiers threw the three to the floor and handcuffed them, then stomped on their backs and kicked them. The soldiers took money, papers and the keys to Mésyeux's jeep. Some of the soldiers then left the house. They returned a good while later and loudly broadcast to spectators from surrounding houses that they had found weapons in the jeep.

The three prisoners were hauled off and thrown to the floor of a large pickup truck which filled with soldiers. The beatings continued during what seemed like an endless ride to police headquarters -- the truck was often stuck in traffic.

Shortly after their arrival in the courtyard of police headquarters, another group of Presidential Guard soldiers arrived to join the fray. For a while the soldiers concentrated their beatings on the men's testicles, but they also beat them, mainly with nightsticks, on their backs, kidneys and the soles of their feet. When the prisoners appeared to collapse, the soldiers lit cigarette lighters in their nostrils. They also passed a lighter close by the prisoners' hair. When Paul could no longer stand, the soldiers grabbed him by his feet and dragged his body up a flight of stairs to the police's Investigations and Anti-Gang Service.

There, each man was interrogated individually for several hours by an officer they believe to be General André Jean-Pierre. They also recognized among their tormentors the soldier Bismark Jean-Pierre and Second Lieutenants Délius Joseph, Faustin Miradieu and Fritz Pierre, all of the Presidential Guard. The prisoners continued to be beaten throughout these sessions. Present at the interrogation but playing no role in it were the commander of the Investigations and Anti-Gang Service, Major Leopold Clerjeune, the assistant chief of police, Colonel Joseph Baguidy, and the head of the Traffic Police, Major Isidore Pongnon.

The interrogations ended about 3:00 or 4:00 a.m., and the three prisoners were put into cells in the Investigations and Anti-Gang Service. On November 2 a videotape was made and broadcast on the government-owned National Television of Major

Clerjeune reading the charges against the three while they stood in another part of the room. He said that the military had discovered an arms cache and implicated the three prisoners in a "plot to assassinate General Avril, all the officers of the army and certain civilian personalities." As Clerjeune spoke, the camera turned again and again on the three battered prisoners.

Paul disputed these charges at the January 24, 1989 hearing. He testified: "They never told me they arrested me for plotting. They said, 'You talk on the radio against the government! You said you were going to demonstrate against the government!'" Paul also charged that his captors tried to force him to put his hands on the weapons they had collected so as to leave fingerprints. "I did not want to touch them....They beat me senseless because of that but I never touched them."

At the same hearing Etienne told the court: "Throughout our arrest, for the full six hours that I was beaten, the men never mentioned a conspiracy. They talked about the National Rally. They talked of the position I took on the radio, on television, against the government [at the October 31 press conference]. They never spoke of any conspiracy."

Shortly after the videotape was made, the three men were transferred to the National Penitentiary. They were not beaten again. However, their medical care left much to be desired. Despite grave injuries, the three men waited more than a week before they were permitted to see a doctor. Paul suffered five broken ribs and a crushed hip and was unable to stand on his

right leg. Etienne's right eardrum was punctured; he had a broken finger and constant severe headaches; and injuries to his back made it impossible for him to stand straight. Mésyeux had considerable pain in the groin and on the soles of his feet.

On November 13, the three prisoners began a hunger strike in protest against their arrest and detention. On the November 17, they were transferred to the Military Hospital, where they refused food and medication, charging that the history of prisoners treated at the hospital made them fear for their lives there.

The detainees requested private physicians whom the government then attempted to discredit. After two doctors assigned by the independent Haitian Medical Association visited the prisoners between November 19 and 23, the Haitian Armed Forces issued a communiqué accusing them of attempting to "assassinate" Etienne by administering an inappropriate medication. Finally, on December 1, the authorities transferred the three back to the National Penitentiary. They went off their hunger strike on December 11. Medical attention continued to be sporadic and inadequate throughout their three-month stay in the National Penitentiary.

The Avril government has never commented directly on the three men's mistreatment. The only indirect reference came in a November 3 notice reportedly sent to all military commanders in the country and made public on November 6. This "Message," as it

was titled, from Major-General Hérard Abraham, Interim Commander in Chief of the Armed Forces of Haiti, read as follows:

Military Headquarters reminds all commanders of the extreme vigilance demanded by the current situation. The discovery of a plot against state security and the escape of several participants creates a special situation, requiring tact and firmness in order to protect the population from subversive intrigues, while at the same time reducing to a minimum the inconveniences resulting from the strengthening of security measures.

This office reiterates to all commanders their obligation to follow scrupulously the procedures established for these times. It insists, on the same occasion, on the principle of respect for the bodily integrity of possible prisoners, toward whom the use of physical constraint in case of resistance should not lead to any abuse or excess.

2. The Search for Patrick Beauchard and Attacks on the Papaye Peasant Movement

The arrest of Mesyeux, Paul and Etienne was seen as a brazen attempt to intimidate the opposition, and it galvanized resistance to the Avril government. Groups laid aside their political differences and loudly protested the men's treatment. A general strike called by CATH and supported by many other organizations paralyzed Port-au-Prince and much of the country on November 6 and 7.

One of the groups supporting the strike was the Papaye Peasant Movement (MPP), a national organization based in the Central Plateau region. The MPP, which has been internationally recognized for its innovative methodology in building self-help agricultural cooperatives, came under attack on November 8 and 9.

Late in the evening of November 8, three jeeps carrying some 25 soldiers from the Presidential Guard arrived in the provincial town of Hinche, several hours' drive from the capital. They stormed the home of Bony Beauchard, in search of his cousin, Patrick Beauchard, who the military claimed had directed the supposed plot against the Avril government. Patrick Beauchard had been an important participant in the September 17, 1988 coup that brought General Avril to power, and he was the leading figure in a group of soldiers that General Avril dismissed from the army and detained for two months beginning in mid-October 1988, apparently for pressing the Avril government to live up to its reformist vows.* When Bony Beauchard could not produce his cousin, the soldiers roughed him up and forced him into the trunk of one of their vehicles.

At 4:30 a.m. the soldiers broke through the gate in front of the home of Chavannes Jean-Baptiste, the leader of MPP. Not finding him at home, they forced the other inhabitants to take flight and moved on to the village of Papaye, where MPP has its headquarters.

There, they forcibly entered a dormitory being used by a group of peasants taking a literacy course. One man was thrown into a ditch and hit with the butts of the soldiers' guns. The soldiers threatened to kill anyone who tried to flee the

*See Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, p. 51-53.

building's courtyard. Meanwhile, the troops forced a janitor to give them the key to Chavannes Jean-Baptiste's room, which they thoroughly rifled, and other offices. Many papers were removed, as well as approximately \$5,000 in cash.

The soldiers next visited the towns of Thomassique and Saltadère (where other relatives of Patrick Beauchard live) and reportedly terrorized the population.

Returning to Hinche about noon on November 9, the soldiers fired shots into the air and paraded about with their weapons to intimidate the population. That night, they set fire to a five-hectare farm run by MPP at Inkit, near Hinche, destroying a building, fields of corn, and a grain silo. The soldiers began surveillance of the homes of several MPP leaders and members.

On the following day, November 10, a new group of soldiers arrived in Hinche, claiming to have come to ensure the security of the area. A summons was issued for Chavannes Jean-Baptiste to appear before the military to answer questions. When he failed to appear, a second summons was issued and then an arrest warrant. He remained in hiding for several months.

Meanwhile, on November 10 a police communiqué prohibited a demonstration called for November 14 by opposition groups and political parties to protest the la Toussaint arrests. The prefect of Gonaives also banned a November 13 demonstration in that city. On November 14, Evans Paul's 9-, 11- and 13-year-old daughters began a hunger strike seeking the freedom of their father and his two fellow prisoners. The gesture touched many

hearts, and the tactic was adopted by a broad segment of the opposition, with relays of prominent personalities taking up symbolic hunger strikes for several days at a time. There was another widely observed general strike on November 22.

The Avril government made little response to these events. It continued to insist that there was a dangerous network of terrorists arrayed against General Avril. The President said explicitly on a visit to Hinche that he would not pardon the three prisoners.

Patrick Beauchard was arrested on December 13 near Petit Goâve in southern Haiti by commandos from the Presidential Guard. The soldiers also briefly detained his brother, Hébert Beauchard; the local section chief, Sosthène St. Jean; his deputy, Valles Plaisival; and his the deputy's wife. These others were accused of shielding Patrick Beauchard. The Beauchards' sisters told Radio Antilles on December 14 that their brother Patrick's face was distended and his eyes swollen when they saw him that morning. Patrick Beauchard's wife said on the same broadcast that he had been hit with the butt of a machine gun and that he was unable to see through one eye.

3. Other Victims of the Crackdown

On November 1, the same day as the arrest and beating of Mésyeux, Paul and Etienne, the Port-au-Prince home of Joseph Maxi, an attorney and president of the Haitian League for Human Rights, was searched without a warrant by heavily armed troops

from the Presidential Guard. On November 3, his house was occupied by soldiers. With surveillance apparently continuing, Maxi went into hiding. Lawyers with the Haitian League for Human Rights were involved in the defense of Mésyeux, Paul and Etienne, and Maxi had previously worked on behalf of some former soldiers.

Many victims of the intensified wave of repression that began on November 1, 1989 had no direct connection to the prisoners of La Toussaint. On November 5, 1989, at 4:00 a.m. in the Drouillard section of Port-au-Prince, three armed men attacked and savagely beat Louis Jerome Michel. Michel had recently given an interview to Radio Haïti-Inter about the July 23, 1989 killing of his younger brother, Jean Edouard Michel, by a soldier in civilian clothes in front of the Sylvio Cator Stadium in Port-au-Prince.

On the night of November 17-18, 1989, three men who were pasting up posters supporting former President Leslie Manigat were brutally assassinated in the same Drouillard section of Port-au-Prince.* While the killings could not be directly linked to the government, the timing (in the midst of the intensified government crackdown on dissent that began with the November 1 arrests and beatings) and the circumstances (seven heavily armed men circulating freely at night) led most Haitians to blame the military. The murders increased the fear on the part of many political activists that dissent would no longer be tolerated.

* See Chapter IV.

On November 18, 1989, three members of the League of Former Political Prisoners (LAPPH), a leading Port-au-Prince-based human rights organization which had joined the protests, were arrested in the southern town of Thiotte. Gaston Jean-Baptiste, general secretary of LAPPH; Archange Mardi, Thiotte coordinator of LAPPH; and Germaine Luisne, a member of the Thiotte chapter, were arrested without warrant by soldiers and imprisoned in the local garrison. Twelve other local activists, together with two children aged one and five and well known politician Guy Bauduy, were arrested on November 22 in the same area. They were accused of meeting illegally to incite support for efforts to free the three prisoners. Gaston Jean-Baptiste and Guy Bauduy were badly beaten while in custody. All were released without formal charges on November 27.

Other cases of repression, drawn from Haitian human rights groups and the Haitian press as well as our own investigation, included the following:

- o Four members of the Rally of Baptiste Peasants were arrested November 15, 1989 in Baptiste, a section of the Central Plateau town of Mirebalais, and accused of being communists. Soland Cameau, Camille Marcel, Orelus Bernard and Nelson Ceramy were freed without charges after 14 days. Then on December 25, 1989, at 2:00 a.m., in Roche-Plate, Baptiste, eight soldiers and several local deputies, all under the command of Sergeant Idéric Calixte, arrested several other members of the Rally of Baptiste Peasants--apparently because of they are related to Idly Cameau, a leader of the Committee of Haitian Workers, who had been portrayed in the government press as a terrorist. Sadrack Cameau, the group's leader; his 70-year-old father, Brinvil Cameau; his brother, Kelly Cameau; his uncle, Raoul Cameau; and a neighbor, Leccene Louis, were accused of being communists and having documents critical of the Avril government. They were beaten at the time of their arrest and imprisoned in the nearby

village of Belladère. According to Pachoute Jabrun, a member of the organization who was forced into hiding, the arrests were made with the connivance of a powerful former Tonton Macoute, Jean Ernst Charles.

- o Naly Beauhanais, the 33-year-old president of the Public Transport Workers Union (CSTP), which is affiliated with the Confederation of Haitian Workers (CTH), was arrested on January 12, 1989. Interviewed in the National Penitentiary by a representative of the National Coalition for Haitian Refugees, he explained that he had been arrested at around 5:00 a.m. on the morning that a general strike had been called. He had heard the noise of a car outside his house at Carrefour 91 in Port-au-Prince and gone out to investigate. Beauhanais said that he saw a man burning a tire in the street and a group of about six civilians and an army officer pulling up. A total of about seven people from the neighborhood were arrested. They were brought to the barracks of the army training camp at Lamentin, where Beauhanais was beaten for about an hour with truncheons and gun butts on the buttocks and the head, including his ears. While the soldiers beat him, they asked, "Who are you working for?" They accused him of sending people out into the street to burn tires. Beauhanais said that the other men arrested with him were freed that same day. He did not know whether they had been mistreated. He himself was transferred to the National Penitentiary at about 9:00 a.m. on the day of his arrest. Two weeks later, on January 26, he had still not seen a doctor, although it was clear he was in urgent need of medical help. He had been brought to court on January 22, but the judge did not show up and he was returned to prison. He was finally freed on January 31, without ever having been formally accused of any crime.
- o Jude L. Jean Jacques, the leader of the Association of Youth for Popular Power, was shot and wounded by armed men wearing olive-green uniforms at about 6:00 a.m. on January 12. He had been working to organize support for the general strike called for that day. Jacques was shot at Mon-Repos 38, in the Carrefour section of Port-au-Prince, and was treated at the Adventist Mission Hospital in Diquini for a bullet wound in his shoulder.
- o An activist from Cap-Haitien, Stanley Jean-Mary, was stopped by a sergeant at the military outpost at the entrance to the city at 1:00 a.m. on January 15. Jean-Mary, who is the coordinator of the Mackandal Block Association, was accused of being a communist and going to Port-au-Prince to take part in an assassination attempt on General Avril. He was brought to the police station and released after six hours without formal charges being lodged. As described later in

this chapter, Jean-Mary was previously arrested on April 18, 1989.

B. Earlier Attacks on Popular Organizations

Although November 1, 1989 marked a dramatic escalation in the visibility of government repression, there were ample, less prominent examples of comparable repression in the months preceding November. The targets of these attacks were, for the most part, leading members of popular organizations outside Port-au-Prince who were outspoken critics of the Avril government. Usually this repression took the form of beatings during short-term detentions, although at times killing and outright torture were used.

The government's reaction to these attacks was almost uniformly to do nothing. In early October 1989, our delegation met with General Avril and General Hérard Abraham, interim commander-in-chief of the Armed Forces, to stress the need for a clear, public statement from the President -- preferably over the radio, so that the greatest number of Haiti's largely illiterate population could learn of it first hand -- condemning these attacks and underscoring the freedom to assemble and associate. General Abraham responded that such a statement would be inappropriate because it would circumvent the army's chain of command. General Avril said that such a statement was unnecessary because he had already made such a pronouncement, although he cited no occasion when he had done so, and we know of none.

The following is a summary of government attacks on several popular organizations:

1. The Labadie Youth Movement

The Labadie Youth Movement (MJL), based in Haiti's central Artibonite Valley in the Labadie section of Petite Rivière de l'Artibonite, has met consistent and often fierce repression from military authorities, who have branded its members "communists." Founded in August 1986, MJL is an organization of peasants -- it has grown to include more than just youths -- which has called for land reform and an end to over-charging by tax collectors. It has also interested itself in national issues and took part in the 1987 Congress of Democratic Movements that founded the coalition known as KONAKOM. The most notorious and violent attack on MJL took place on August 14, 1988, when Lt. Gen. Henri Namphy was still in power. Four MJL members were shot and killed in Labadie as they were leaving a group meeting. To date, none of their killers -- who were led by the town prefect, Baguidy Grand Pierre, and the local section chief, Esperance Charles -- have been prosecuted.

Our delegation met with several MJL members in September 1989 in the Labaret rural section of Petite Rivière de l'Artibonite. They reported that on July 10, 1989, five MJL members were arrested in Labaret by a group of six men dressed in civilian clothes, including a deputy to the local section chief named Recevé. The five were Prudent Juste and four brothers,

Moise Eltiné, Luxine Eltiné, Cedieu Eltiné and Louisine Eltiné. At the time of his arrest, according to those interviewed, 29-year-old Luxine Eltiné's hands were tied behind his back with a rope and he was dragged backward. Four of his captors pulled him along like this for about a third of a mile, while the two others hit him with a nightstick. The equivalent of \$10 and his machete were taken from him.

The five MJL members were taken to the jail in Petite Rivière de l'Artibonite, where they spent most of their 23 days in jail. While in detention, they were ordered by a Corporal Smith⁸ to stand for one to one-and-a-half hours at a time in what they called the "piquet" position -- standing on one's toes and leaning against a wall some three to four feet away, supported only by one's two index fingers. The inmates were forced to maintain this position until they dropped.

Sometimes, a soldier at the jail would also press down on the head of the inmate in the piquet position. If, as a result, the inmate moved from a tip-toed to a flat-footed position, he would be hit with a rubber hose on the calves and feet.

Some of the inmates were forced to assume the piquet position on a daily basis. All of those being held in the jail at

* Corporal Smith and a police attaché known as St. Gel were also responsible for the November 18, 1989, arrest without warrant of three men in Petite Rivière de l'Artibonite, one of whom died as a result of injuries he received while in custody. See Chapter IV.

the time -- 15-17 inmates, including the MJL members -- were made to stand in the piquet position at times.

The MJL inmates were made to move to the jail in Savane à Roche, 12 miles away, for several days. As they walked there, the soldiers accompanying them cried out to the people as they passed, "Look at the communists! The communists are going by!" The five MJL members were released without charge or explanation on August 2, 1989, following intervention by the Haitian Lawyers' Committee and the League of Former Political Prisoners.

On August 20, 1989, in Labaret, three local farmers -- St. Juste Cadet, Lamarre Jean and his brother Yvio Jean -- were arrested by Sergeant Alexis Alexandre and four other men. St. Juste Cadet is a member of the MJL as well as a part-time musician; Lamarre and Yvio Jean are sympathizers but not members of the group. They happened to be in the vicinity where Cadet's musical group, Kenbé Fem (Hold Together), was rehearsing. The rehearsal was organized by MJL. When the musicians and other MJL members saw Sergeant Alexandre approach, they scattered. The sergeant proceeded to arrest Cadet and the Jean brothers, apparently under the pretext of finding out where the other musicians had fled.

The three were initially taken to the military outpost in Labadie. There, they were each beaten by Sergeant Alexis, who attempted to force them to admit that they were members of MJL. Each received 50 blows to the buttocks with a nightstick. They had to sleep on their stomachs that night because of the pain.

The next day, they were forced to walk to the jail in Petite Rivière de l'Artibonite, where they were held for two days. There, too, they were subjected to the piquet treatment by Corporal Smith. They were released without charge on August 23, after the League of Former Political Prisoners intervened.

2. Tèt Kole

Tèt Kole Pou Yon Mouvmman Ti Peyizan Ayisyen (Heads Together for a Movement of Small Haitian Peasants) is a national peasant movement that is particularly strong in Haiti's northwest, where it grew out of the Catholic Church-based Tèt Ansanm movement that fell victim to the July 1987 massacre at Jean Rabel. Tèt Kole supports land reform and works to bring basic services to remote rural communities. On a national level, its leadership has taken public positions opposing General Avril's military government.

On October 1, 1989, our delegation spoke with several Tèt Kole members in Raymond, a rural section of Jean Rabel, who were among 12 arrested in July and August 1989 for putting up posters and wearing T-shirts commemorating the massacre's victims. The interviews were conducted outside a small community granary built by Tèt Kole with funds from the Canadian organization Development and Peace. The granary itself, Raymond residents told our delegation, had been the target of vandalism because it had been labeled "communist" by local authorities. In July 1989, local deputies had broken down the door and stolen some cement, and earlier others had damaged the building with rocks.

The arrests and accompanying abuses of Tèt Kole members were attributed principally to Anovil St. Vil, the section chief of Cabaret, the first communal section of Jean Rabel, whose jurisdiction includes Raymond. On July 24, 1989, St. Vil arrested Levisier Joseph, Likel Augustin and two other members of the peasant organization Tèt Kole from the Raymond and Dubois sections of Jean Rabel. The arrests came the day after the Tèt Kole members had held an event commemorating the Jean-Rabel massacre of July 23, 1987, in which at least 140 peasants were killed, mostly at the hands of those aligned with local landowners and former Tontons Macoutes. Joseph and Augustin told our delegation that they were forced to pay St. Vil \$40 and \$30 respectively before he would free them. The four men had written a letter reporting the ransoms, which was read on Radio Etincelle in Port-de-Paix. St. Vil, in a meeting with our delegation, denied any knowledge of the July 24 arrests, which had been widely reported in the Haitian press.

Four other Tèt Kole members were arrested on August 2, 1989. Celifaite Dumesle said that St. Vil struck him on the neck and kicked him in the leg in the course of the arrest. Later in the jail in Jean Rabel, according to Dumesle, soldiers beat him with a nightstick and accused him of being a communist.

Inalia Analion, a local spokeswoman for the group, was also arrested on August 2, in her home. When she pleaded with the soldiers that she was ill, Lieutenant Adrien Saint-Julien beat her until she began bleeding. Anelion, Dumesle and two others

were never charged with any crime and were freed at the end of August as a result of efforts by Port-au-Prince human rights groups, including the League of Former Political Prisoners, the Lafontant Joseph Center for Human Rights, the Ecumenical Center for Human Rights and the Haitian Center for Human Rights.

The Tèt Kole members told our delegation that since the arrests, local authorities had prohibited Tèt Kole from holding any meetings, although before the group had met openly. This was confirmed by a local deputy, Nevert Metayer, who under intense questioning told the delegation of a prohibition on unauthorized meetings of more than 10 people. St. Vil, in the interview with our delegation, denied giving instructions restricting Tèt Kole meetings.

According to St. Vil, the order to arrest Tèt Kole members in the area had come from the military commander in Jean Rabel, following complaints by other village residents about posters being placed on their homes without their permission. However, St. Vil's supervisor, Lieutenant Adrien Saint-Julien, the commander of the Jean Rabel subregion, told the delegation that the arrests had been entirely St. Vil's doing and that the

commander only became aware of them when the prisoners were brought to Jean Rabel.*

Tèt Kole groups in other parts of Haiti have also been targeted for abuse:

- o On July 7, 1989, in the Artibonite Valley town of St. Michel de l'Attalaye, 58 Tèt Kole members were arrested for protesting against excessive market taxation.
- o On September 27, 1989, in the Goyavier section of the central coastal town of St. Marc, section chief Josaphat Aimé and his deputies, Derilus Joseph, Prosper Marc and Antoine Joseph, interrupted a Tèt Kole meeting and forbade the participants from meeting further.
- o On December 1, 1989, Tèt Kole members Elistène Charles, Corona Rosier and Marcel Honoré from the fourth communal section of St. Michel de l'Attalaye were arrested by the local section chief because they took part in a demonstration on November 29.

3. Komilfo

On September 16, 1989, a group of young men said to be tied to the local military barracks in the southern town of Grand Goâve attacked the office of the Konbit Komilfo (As It Should Be Collective), a popular organization that is a member of the Democratic Unity Confederation (KID). Wielding machetes, picks and rocks, the assailants, known as "Les Brulants" (The Burners), ransacked the office, destroyed furniture, stole equipment and

*St. Vil was also involved in other abuses. On December 4, 1989, St. Vil arrested Beauvais Maxime, accusing him of being a sorcerer. St. Vil is reported to have tied up Beauvais, severely beaten him and demanded a ransom in exchange for his freedom. Maxime sold his ten sheep and two cows to pay the ransom and was freed on December 9.

documents, and wounded several Komilfo members. There were further incidents the following week, when the Brulants attacked other members and sympathizers of Komilfo in their homes. Among the Komilfo members wounded in these attacks were Frantz Pascal, who was struck on the head with a rock, and Erick Franquila, who was stabbed in the back with a pick and had to be hospitalized.

The Brulants are said to have taken the equipment and documents directly to the military barracks, which is under the command of Warrant Officer Brunache Carlo. Among the assailants who have been identified are Patrick and Shiller Milord, who are relatives of Warrant Officer Weber Milord of the neighboring town of Petit Goâve, Joel Démosthèmes, Melesky Honoré, Claustope Casimir, Jackson Clerveau, former soldier Jimmy Delmas, as well as others known to be former Tontons Macoutes. The Komilfo members were forced to flee Grand Goâve.

In October 1989, two representatives of Americas Watch went to Petit and Grand Goâve and spoke with members of Komilfo and the Brulants. Six of the attackers had been summoned to appear before the public prosecutor (commissaire du gouvernement) in Petit Goâve, which has jurisdiction over Grand Goâve, where Komilfo was attempting to press charges against them, through its lawyers from the League of Former Political Prisoners (LAPPH). When the six failed to appear, the LAPPH lawyers urged the prosecutor to issue warrants for their arrest. But the prosecutor, who had apparently been intimidated by members of the Brulants or their military backers during a visit the day before,

refused. In a discussion with the delegation, members of the Brulants -- who were stationed across the street from the military garrison in Grand Goâve -- accused the Komilfo group of being communists.

The Americas Watch representatives sought to meet with the military commander in Grand Goâve to solicit protection for the Komilfo members so that they could return to Grand Goâve. The commander, who was in town, refused to meet with our representatives. As a result, the Komilfo members were forced to remain in hiding.

4. The National Popular Assembly

Two leaders of the National Popular Assembly (APN) were arrested in connection with demonstrations planned by the group on the 74th anniversary of the beginning of the 19-year U.S. occupation of Haiti. Patrick Casimir was arrested on July 29, 1989 in Cap Haïtien, the day after the police dispersed an APN-organized demonstration there commemorating the anniversary. On August 1, he was brought before the Civil Tribunal and was provisionally freed.

The same day, Jean Robert Lalanne, an APN leader who had been sent from the capital to help free Casimir, was arrested while leaving the Tribunal. The local military authorities charged him with making "outrageous proposals" the previous week on a local radio station.

Lalanne described being tortured during his 24-hour stay in prison:

They put me into the djak [a position in which a person's hands and feet are tied together so that the body forms a circle which is suspended over a stick, exposing the back for beating] and some six torturers administered a cruel beating in the presence of Major Coulanges Justafort, who was chewing on a cigar. The principal torturer, a certain Phanor, had first announced that he was going to hit me 200 times with the truncheon and that I must count them. After 40 blows, I stopped and I couldn't say how many they gave me. I woke up with deep wounds on my buttocks.

Lalanne was released on August 2 and had to be hospitalized. Major Justafort, who Lalanne says supervised his torture, headed the Investigations and Anti-Gang Service of the Port-au-Prince Police Department during the first months of the Avril government.

The APN was formed in 1987 at a national conference of democratic activists. It often joins with other Port-au-Prince groups to denounce military repression and it has attempted to organize several anti-government demonstrations in the past year. The APN has a number of local affiliates in different parts of the country known as Local Popular Assemblies (APL).

- o On June 6, 1989, Dieudonné Toussaint, a member of the APL of Le Borgne in northern Haiti, was arrested along with four others.
- o Fourteen members of the APL of Le Borgne were arrested on the night of August 16-17, 1989 by a detachment of some 40 soldiers under the command of Lieutenant Jadis St. Pierre. The soldiers proceeded to burn the peasants' produce and to destroy their homes. The local section chief, Liverdieu

"Tortures Atroces: Jean-Robert LaLanne Explique," Haiti Progrès, August 9-15, 1989.

Andresi, also arrested nine other APL sympathizers in Le Borgne on August 17.

- o François Pierre-Louis of the APN was detained along with Elie Jean Philippe, a lawyer for the League of Former Political Prisoners, and Thony Belizaire of the Brooklyn-based weekly Haiti Progrès, on September 8, 1989, in Le Borgne. The three had traveled there to investigate the arrests and other acts of repression against APL members. They were held for about 45 minutes by soldiers under orders of Sergeant Morel at the military outpost at nearby Petit Bourg and then driven to the military outpost in Le Borgne, where they were released by the commander there.
- o In the Champagne section of Le Borgne, some 15 deputies of section chief Liverdieu Andresi arrested Noisens Petit Negre on September 20, 1989 for holding a meeting of the APL. He was freed after he paid \$50.
- o Three APN members were arrested in Melonnieres, a rural section of Chantal, near Les Cayes, in southern Haiti, on November 25, 1989. Frantz L. Jean, Illio Alexis and Aloute Jean-Louis were taking part in a meeting to discuss local problems, when section chief Orphane René attempted to join them. They asked him to leave and he had them arrested by Corporal Vilson Ledon from the Chantal army post. The three men were accused of "holding a meeting without the presence of a local authority" and were brought to the jail in Chantal, where they spent one night before being moved to Les Cayes. Their lawyer was able to obtain their release on November 27 by convincing Captain Evans Gedeon that their arrest had been illegal.

5. Other Repression of Political and Popular Organizations

- o On December 19, 1989, in Cleteau, the fifth communal section of Marchand Dessalines in the Artibonite Valley, a dozen police deputies arrested Jean Charles Mayol, a member of the November 28 National Progressive Movement (MNP-28), a left-center political party. The men beat him, locked him up in the jail at Marchand Dessalines and robbed him of \$20. Freed on December 26, Mayol said he was arrested for carrying a machete which he was using to prepare his land.
- o On October 23, 1989, in the border town of Savannette, two lawyers and a driver for the League of Former Political Prisoners were arrested and held at the local military post. The lawyers, Marc Elie-Blanc and Daniel André, had gone to Savannette to investigate reports of military persecution of peasants. The attorneys and their driver, Jacques Juste, were freed the next day.

- o On the night of October 11-12, 1989, two truckloads of soldiers from the Presidential Guard bearing heavy weapons searched the home of Abel Leger, a leader of the Agricultural and Industrial Party (PAIN). The troops gave no reason for their action, which took place while Leger was out. They left shouting death threats against the politician. PAIN, whose leader is Louis Dejoie, is a center-right party that has been outspoken in opposition to the Avril government.
- o On June 29, 1989, a press conference called to protest the unsanitary conditions market sellers must work in at Port-au-Prince's largest market, the Croix des Bossales, ended before it began when police arrested nine organizers. The police claimed the organizers planned to incite the market women to protest taxes and that they did not have a permit. Two of the organizers, Paul Laroche and Lyonel Theodore, were beaten as they were arrested. They were all ordered released a few hours later by a judge who found the police charges unjustified.
- o On June 17, 1989, four members of the Popular Literacy Movement of the northern town of Limbé, Alzy Henriot, Fred Pierre, Gabriel Dugue and Rony Senat, were seized and badly beaten by military officers in the Ravines Desroches section of Limbé. Henriot's arm was fractured. Taken into detention in the nearby city of Cap-Haïtien, they were released the next day. Rony Senat was arrested again in Cap-Haïtien on November 6, 1989. He was beaten and accused of being an agitator but was freed the next day.
- o On June 19, 1989, Section Chief Merilien Pierre arrested Thomas Odena, the local coordinator for the Committee of the National Committee of the Congress of Democratic Movements (KONAKOM) in the village of Pilate, a section of Limbé. Odena explained to our October 1989 delegation that Pierre told him he was being arrested for holding "unauthorized meetings" of KONAKOM and of a cooperative he helped found called the Agricultural Cooperative of Pilate Farmers (Cooperative Agricole des Planteurs de Pilate) (CAPPI). Odena said he was imprisoned in Pilate for four days before he was moved on to the Limbé jail on June 23, where he was held only briefly but was beaten 30 times with a truncheon, slapped on his face, and punched in the back. He was shifted to the prison in Cap Haïtien from where he was freed on June 27 following protests by KONAKOM.
- o Cap-Haïtien military authorities refused to permit a June 8, 1989 rally planned by the city's Association of Neighborhood Committees to take place. Captain Lener Renauld said in a communique that the decision was based on the right of the

government to stop "all meetings that tend to endanger public order."

- o On April 18, 1989, two members of the Mackandal Block Association, Steve and Stanley Jean-Mary, were arrested by the police, reportedly at the instigation of a well known former Tonton Macoute, Bob Lecorps, who accused them of being communists. Stanley Jean-Mary was arrested again on January 15, 1990, as described earlier in this chapter.
- o On March 19, 1989, armed men fired shots and tried to force their way into the Carrefour, Port-au-Prince, home of Jocelyn Beauchard, the leader of a small political group known as the National Union for Democracy and the Defense of Human Rights.
- o On March 8, 1989, in the eighth rural section of Limbé, section chief Jacques Innocent Telemaque arrested and beat Marc Alouistaine, who he accused of being a member of the National Alliance of Popular Organizations (ANOP), one of a number of groups which have encouraged peasants to refuse to pay market taxes until they receive government services.
- o On the weekend of March 4-5, 1989, police and army units searched many homes in Port-au-Prince, in what the government claimed was a move against civilians who illegally possessed weapons. Among those whose homes were forcibly entered were two opposition politicians, Rockefeller Guerre of the Union of Patriotic Democrats and Turneb Delpé of the Haitian National Popular Democratic Party. The government announced that 124 persons had been arrested in the course of the operation, but no names have been released by the authorities.
- o On March 4, 1989, a demonstration in Port-au-Prince organized by the Association of the Revolutionary Unemployed was forcibly broken up by police from Fort Dimanche. Two of the leaders, Ernst Charles and Vaudre Abelard, were brought to Fort Dimanche where they were beaten for several hours before being released. The men managed to reach the offices of the League of Former Political Prisoners, where members brought them to the hospital and documented their injuries.

C. Attacks on Individual Critics

Organized groups have not been the only ones targeted by the military for intimidation. Throughout Haiti, security forces have

acted to prevent ordinary citizens from speaking out on government policy or abuses. Arrests and beatings have again been the most common form of repression.

- o On December 15, 1989, in the Grand Plaine section of the island of La Gonave, section chief Carobert Deronville arrested Lemoine Auguste and beat him savagely, accusing him of criticizing the military government.
- o On September 26, 1989, in the town of Petit Goâve, Guito Geauvy was arrested and shot in the right hand by a soldier named Raymond Fenelon. The victim was accused of promoting the national general strike called for the following day.
- o On September 22, 1989, two uniformed soldiers arrested and jailed Laforet Jean, who works as a real estate broker (courtier) on the Rue Monseigneur Guilloux in Port-au-Prince, because he said that the National Palace was full of Macoutes.
- o On September 4, 1989, in Terre-Nette, the sixth communal section of the Artibonite Valley town of Verrettes, section chief Milord Joseph arrested a peasant named Jeannot Alexandre, accusing him of being a communist.
- o Also on September 4, 1989, in Montrouis, a coastal town in the lower Artibonite Valley, section chief Difficile St. Georges beat people attending a prayer meeting and arrested the organizer of the gathering, Emilia Fleurant, saying all meetings were prohibited.

IV. OTHER KILLINGS, "INSECURITY," AND OTHER MILITARY ABUSES UNDER PROSPER AVRIL

In addition to the violence directed against opposition groups and critics described in Chapter III, Haiti has been plagued by a phenomenon that Haitians refer to as "insecurity" -- acts of violence by heavily armed, often unidentified assailants, frequently directed against seemingly randomly selected victims. These attacks began in July 1987, when the military-led National Council of Government set out to sabotage the democratic process by unleashing a wave of terror,* and have continued ever since. At times, no purpose can be discerned behind these killings. At other times, the incentive appears to be personal or financial. Often, however, political motives are obvious, such as when the killings take place in the course of a land dispute or as a reprisal for anti-government activity. Moreover, by giving the impression of a country out of control, the attacks tend to serve those seeking to defer steps toward democratization.

Haiti under General Avril has continued to suffer these violent attacks, at times with alarming frequency. The result has been long periods when Haitians -- particularly in Port-au-Prince, where the violence is often centered -- do not venture out at night.

*See Americas Watch & National Coalition for Haitian Refugees, Terror and the 1987 Elections, November 1987.

Haitians have long speculated who, or what forces, are behind the killings. In many, if not the majority of the killings, there is no evidence other than a bloody corpse left lying in the streets. Increasingly, however, patterns can be detected and these point toward military responsibility.

Like his predecessors, General Avril purports to oppose this violence. Indeed, he cited "insecurity"-style violence to justify the January 1990 declaration of a state of siege. General Avril has also announced arrests of alleged perpetrators of acts of "insecurity," but these are rarely followed by prosecutions. The only known criminal conviction of a soldier for murder was of Lieutenant Antoine Clarel Metellus, who was court martialed and found guilty of the August 20, 1988 killing of Schubert Baptiste, an employee of the Haitian National Television. Apart from that case, the only known prosecution of soldiers for acts of "insecurity" is the robbery trial of Lieutenant Gerald Larochelle and five other soldiers, which ended in their acquittal on February 16, 1990.*

A review of the disturbingly high number of killings and other acts of violence known to have occurred at the hands of army soldiers, usually without any official reaction, casts doubt on General Avril's efforts to distance himself from the "insecurity" violence. Our account of this violence is drawn in substantial part from the monthly reports of the Haitian Center

*See Chapter VII.

for Human Rights (CHADEL), as well as from news accounts and our own investigation. These accounts show an army ready to use lethal force for anything from political power to personal jealousies. That General Avril has not seen to it that the authors of these crimes are punished -- that in many cases he has allowed them to remain in the army -- has only fueled this violence by reinforcing soldiers' sense of impunity.

A. Army Killings

The following is a chronology of killings clearly attributable to army soldiers that have occurred in the year since our February 1989 report. The regularity of these murders demonstrates how little inhibition soldiers feel in using lethal force. It also suggests possible official complicity in the far larger number of violent incidents for which no author is known.

1. Port-au-Prince

- o On February 3, 1989, in the St. Martin section of Port-au-Prince, Herold Louis, 28, was shot dead by Lherisson Juste of the army's Leopards Corps, following an argument between the victim and a woman reputed to be Juste's girlfriend.
- o On March 1, 1989, Corporal Exant Jerome killed 21-year-old Lazarre Louis, apparently because Louis was owed \$12 by the corporal's brother-in-law. The shooting took place opposite the studios of the National Television, on one of Port-au-Prince's main thoroughfares, the Route de Delmas. The army initially announced that Jerome had been arrested, but it is not known whether he remains in detention or, indeed, whether there has been any follow-up at all.
- o In a similar incident, a Port-au-Prince man, Iramis Lacroix, was killed by soldiers at around 11:00 p.m. on March 9, 1989, on another of the capital's principal thoroughfares, Avenue John Brown (also known as Lalue). Lacroix had been

having an argument with a civilian employee of the army when he was shot by a soldier. That soldier, in turn, was also shot and killed by another soldier involved in the melee.

- o On April 4, 1989, a soldier shot dead a Port-au-Prince money lender named Justin Ocanne and stole some \$2,500 from him.
- o On July 7, 1989, Michel Jean Ronald was found shot to death in the Bourdon section of Port-au-Prince. According to witnesses, one of his killers wore a military uniform. Ronald's death is linked by some to his having been a witness to the election-day massacre of voters at the Argentine Bellegarde School on November 29, 1987.
- o On September 1, 1989, at 11:00 a.m., a group of men, including two uniformed soldiers, seized Jean-Robert Dorvil from his home at Arachon 32 in the Carrefour section of Port-au-Prince. His bullet-ridden corpse was found the next morning in the Riviere Froide section of Carrefour.

2. Provincial Cities

Although much of Haiti's political drama is center in the capital, Port-au-Prince by no means has a monopoly on army violence. The following is a list of killings clearly attributable to soldiers that took place in Haiti's provincial cities:

- o On May 27, 1989, in the southern city of Les Cayes, two soldiers forced their way into the studios of Radio Men Kontre, which is affiliated with the Catholic Church's Radio Soleil, and shot to death Gilles Charles. The young man had been shouting anti-Avril slogans and seemed not in his right mind but, according to witnesses, was not endangering the police. In protest against the killing, Radio Men Kontre went off the air for three days.
- o On October 18, 1989, a man named Jean Fleriste was accused of being an agitator and beaten to death by soldiers in the Ferrier section of the northeastern town of Fort Liberté.
- o On November 18, 1989, three men -- Jaures Celeste, Mercurieu Gregoire and a man known only as Charles -- were arrested without warrant in Petite Riviere de l'Artibonite in central Haiti by a Corporal Smith and a police attaché known as St. Gel. The three were accused of theft, tied up and severely beaten. Charles died of his injuries on November 25, while

still being held in the military post.

- o On December 14, 1989, in Limbé in northern Haiti, Corporal Raymond Cadet and a civilian known as Jose illegally arrested Norvillien Maxime as he got off a mini-bus. The men brought him to the Limbé army post. Norvillien died on December 20 and his body was given to his relatives, who noted that it showed signs of torture. No action has been taken against his persecutors. Captain Castera Senatus, who was transferred in April to Limbé, where he is in charge of the garrison, is blamed by many for an increase in military repression in the area.

3. Rural Areas

A good part of the violence occurred in rural areas, where section chiefs and local military commanders exercise near absolute authority. Haiti is divided into 565 rural communal sections, which along with urban municipalities are the lowest administrative units of the Haitian state. In each section, there is a section chief, appointed by Haiti's president upon the recommendation of the military commander of the district in which the rural section is located. The power of the section chief comes from his combined administrative, judicial and military duties. He is charged with maintaining law and order -- he can make arrests -- and is empowered to settle petty disputes and minor criminal matters. The section chief collects taxes and fees for selling goods at market, registering births and other administrative matters, keeping a portion of these revenues for himself. He also manages such public assets as local roads and water systems. The section chief is a military official and takes his orders from his commanding officer, not from civilian authorities.

According to Haitian military rules, the section chief can be assisted by two deputies (adjoints). Unlike the section chief, these deputies need not wear uniforms or be literate. To hire them, the section chief needs only the approval of his superior officer.

In fact, section chiefs are often assisted by many more deputies. A survey released on June 6, 1989 by the peasant organization Tèt Kòle charged several section chiefs in the verdant and heavily populated Artibonite Valley in central Haiti with having substantially increased their deputy force and with setting arbitrarily high fees for such things as selling livestock in the rural markets. In one extreme case, in the Platana section of the township of St. Michel, the section chief was found to command a force of 574 deputies, for a population of 6,727 people, or one deputy for every 12 citizens. The Tèt Kòle study also accused section chiefs of arresting peasants arbitrarily and "meting out justice" by detaining them on their premises, tying them to a stake and flogging them.

Much of the violence attributed to section chiefs and soldiers arises out of the central issue in rural Haiti: land. Military officials are often themselves the local economic power, or they tend to side with local powers in exchange for the proper compensation, and thus they oppose, frequently with violence, peasants seeking to preserve their small parcels of land or to challenge the economic status quo. At other times, military officials resort to violence for merely personal reasons. The

following list of murders attributable to section chiefs, their deputies, and other members of the military in the past year is a measure of their unchecked power.

- o On May 3, 1989, Edouard François, the section chief of Lestage, the 11th communal section of Maniche, a small town near Les Cayes in southern Haiti, shot to death a man named Ogenio Benoit. The village's inhabitants had been attending a voodoo ceremony when François angrily interrupted, shouting at the celebrants. When Benoit, fearing for his safety, tried to flee, the section chief shot him. According to the government newspaper, L'Union, an army sergeant who was present at the ceremony took François to the local army post to protect him from the angry crowd. As far as we know, he was never charged with any crime.
- o On May 7, 1989, Corporal Maxo Crib of the Presidential Guard shot to death a civilian named Delbau Leblanc in the third communal section of the southern town of Petit Goâve. The victim's father, 69-year-old Eligene Leblanc, said his son had intervened to stop Crib from beating the father in the courtyard of his own home. The corporal retaliated by shooting the younger Leblanc three times in the head. According to L'Union, Crib was later wounded by local peasants who attempted to capture him. The corporal was said to have received medical treatment at the Port-au-Prince military hospital but there has been no word of his prosecution for Leblanc's death.
- o In rural sections of the town of Marchand Dessalines, in the Artibonite Valley, peasants were killed when they tried to reclaim land taken from them by the former local Tonton Macoute chief. In late May 1989, Charidieu Joseph, a landowner and the former chief of the Tontons Macoutes in Marchand Dessalines, complained to the military garrison in St. Marc about the actions of peasants in Grand Bois, the third rural section of Marchand Dessalines. A contingent of soldiers was sent to the village and, according to members of a peasant group in a neighboring village, the soldiers killed a student named Regis Charlot and three peasants known as Koyo, Tito and Ti Simon. The peasants retaliated by killing Charidieu Joseph's mother, Jeannette Dor. The army then returned, burned down nine houses and shot and wounded several peasants, causing many others to go into hiding.
- o A few months later, Charidieu Joseph was involved in a similar incident in the Pont-Dujour section of Marchand-Dessalines. On October 12, 1989, Joseph, section chief Hyppolite Pierre and five soldiers, including Second Lieutenant Ernst Cadet, shot and killed a peasant named

Wilson Richardson in connection with a land dispute. No action is known to have been taken against Joseph or the others.

- o A land conflict led to the death of two peasants in the Latapie section of Grand Saline on June 4, 1989. Section chief Archange, accompanied by a man named Vercy Dorcé, shot and killed Jean-Robert Francois and Onondieu Francois, and wounded five others. Archange and Dorcé also burned down 28 houses on the disputed land, sending many into hiding. No action is known to have been taken against Archange or his accomplice.
- o On June 8, 1989, the chief of the Basse-Terre section of Marchand-Dessalines, Chrisner Adrien, shot to death Wisly Laurius, the 20-year-old godson of Louis Dorcé, with whom he was involved in a land conflict. Although no action has been taken against the section chief, the victim's father, Dieufils Laurius, was arrested. Some of Adrien's deputies also stole \$2,000 from a woman named Clersia, who was involved in the dispute.
- o On July 11, 1989, a peasant named Joanis Malvoisin was killed by a group of soldiers. Malvoisin had been the target of a particularly virulent campaign by section chief Jean-Lacoste Edouard in the Savien rural section of Petite Riviere de l'Artibonite. On May 12, 1989, Malvoisin was shot and wounded by Edouard and a deputy named Alvarez. On July 1, 1989, a group of armed men led by Edouard and two corporals from the Petite Riviere military post raided Malvoisin's property as Malvoisin and 60 others were sowing the land. The men fired shots into the air, demolished three houses and threatened Malvoisin with death. He briefly went into hiding. On July 11, a group of soldiers from the Petite Riviere post led by Corporal Wilfred Pierre-Louis forced their way into Malvoisin's home without a warrant, beat him and shot him. After the troops left, Malvoisin's family brought him to the hospital at Deschapelles, where he died later that day from his wounds. Later that day, the troops returned to Savien and threatened the peasants. An aide to the section chief was punished for having allowed Malvoisin to be brought to the hospital. Still later, on July 24, a group of men led by Ernst Charlot, a member of the party that killed Malvoisin, terrorized the population of Savien with gunfire as they searched for two of the late man's friends. No action is known to have been taken against either the section chief or Corporal Pierre-Louis.
- o On November 12, 1989, at 1:00 a.m., a group of armed men in military uniforms raided several houses in Boudette-Petite-Place, the first communal section of Marchand Dessalines, in the Artibonite Valley. They killed a man named Saul St. Come

and stole some \$2,000.

- o On December 7, 1989, at 1:00 a.m., in the Boular section of the central coastal town of Arcahaie, a group of men in army uniforms forced their way into the home of Benicier Rene, the leader of the "Regional Organization of Planters of Arcahaie," and shot him in the chest. Rene, 59, died on the way to the hospital.

B. Other Abuses of Military Authority

Along with the arbitrary and random killings of civilians by military officials have come less serious crimes motivated by the same disregard for the rule of law and near immunity from prosecution.

1. Port-au-Prince

Haiti's most powerful army unit, the Presidential Guard, has been responsible for a number of recent abuses, particularly in and around Port-au-Prince.

- o On October 11, 1989, a restaurant called "La Detente," located one block from the National Palace in downtown Port-au-Prince, was attacked and virtually demolished by soldiers belonging to the Presidential Guard. The motive for the attack appear to be that the owner of the restaurant, Mimose Jean-Louis, had ties to former Sgt. Patrick Beauchard. Beauchard was a leader of the noncommissioned officers who brought Avril to power in September 1988. He was arrested one month later, and held until December 1988, for allegedly plotting to overthrow the Avril government.* Beauchard was again arrested on December 13, 1989 and once more charged with plotting to overthrow the government. Jean-Louis was arrested and brought to the Palace for questioning. She was freed shortly afterward but her home was also searched. On October 26, her home was destroyed in a suspicious fire.
- o On November 8, 1989, a group of armed civilians made three raids on the Port-au-Prince home of Evans Saintimé, secretary of the union of employees of Electricity of Haiti.

*See Americas Watch, National Coalition for Haitian Refugees, Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, pp. 50-53.

Failing to find Saintimé, they ransacked the house, beat a child, arrested Saintimé's wife and stole some money. Two weeks earlier, during a brief blackout on October 21, two soldiers from the Presidential Guard entered the offices of Electricity of Haiti and accused the union of trying to undermine the Avril government. Still two days earlier, on October 19, Lieutenant Jean-Michel Dorival of the Army Engineers Corps and two other soldiers forced their way into the Electricity of Haiti plant and severely beat a worker, Joel Prioly.

- o On November 14, 1989, a man named Faya Jean-Baptiste, who had briefly stopped in front of the Palace of Justice in Port-au-Prince, was assaulted by a soldier from the Presidential Guard. The soldier took a "Walkman" radio that Jean-Baptiste was carrying and beat him with his rifle butt. Eight other soldiers joined in the beating.
- o On December 1, 1989, a man named Robert Pierre-Louis was beaten by about a dozen soldiers, believed to be from the Presidential Guard, in the Cité Soleil slum of Port-au-Prince. The soldiers accused Pierre-Louis of criticizing General Avril.
- o On December 6, 1989, two soldiers from the Presidential Guard beat a woman named Anice Delva at the military post in the Delmas 3 section of the capital, apparently following an argument between the woman and a cousin of one of the soldiers. Delva described her experience on Radio Haïti-Inter.

2. Provincial Cities

Such lawlessness at the hands of army soldiers has also plagued Haiti's provincial cities.

- o On May 17 in the city of Gonaïves, a nine-year-old child, Luben Mose, was killed when he was run over by a car driven by Elie Jean, the commander of the army's tactical battalion in Gonaïves. The officer apparently did not stop his car. A crowd, including local journalists, collected around the child's grief-stricken parents. Officer Jean then returned to the neighborhood with troops, who forcibly dispersed the

*Abuse of military authority in Port-au-Prince is not limited to members of the Presidential Guard. On January 16, 1990, Pierre Anabole, a former Tonton Macoute who is now an "attaché" of the Port-au-Prince Prefecture, tied up and beat Jacques Pierre on the Ruelle A in the Delmas section of Port-au-Prince. The two men had had a difference of opinion.

crowd, beating, among others, the dead boy's parents and a reporter for Radio Trans-Artibonite, Ediles Exil Noel.

- o On August 6 in the northeastern town of Fort Liberté, a man was arrested by the local police after he shot and wounded Marie-Helene Pierre. He was quickly released without charges being filed when he was discovered to be a soldier on leave from the Investigations and Anti-Gang Service of the Port-au-Prince Police Department.
- o On September 14, 1989, in Cap Haïtien, a sergeant known as Fido hit a man named Dany Prophete because the latter touched the television set of a merchant. Onlookers protested and the sergeant left the scene but returned somewhat later with a detachment of troops from the local garrison. The soldiers beat protesters and arrested several people, including Prophete.
- o On December 16, 1989, a man named Lavictoire Cassin was shot three times in Petit Goâve by a man wearing civilian clothes who was identified as a member of the military-affiliated Fire Department. Cassin had openly criticized civilian police attachés while riding in a bus.
- o On January 6, 1990, a soldier arrested Fritzner Altenor and his two brothers, Laurent and Philistin, after Fritzner Altenor accidentally jostled the soldier as he took his seat on a mini-bus traveling from St. Louis du Nord to Port-de-Paix. The three were held in Port-de-Paix until they paid a ransom.
- o Also on January 6, 1990, at nightfall, in Tempus, the first communal section of Léogâne, some 25 miles south of Port-au-Prince, armed men wearing olive green uniforms forced their way into the house of Gérard Paul, a houngan or voodoo priest, tied up his two daughters Elizabeth and Aricline and, threatening with their pistols, forced the two girls to give them money and jewelry valued at some \$6,000.
- o On January 8, 1990, in Buteau, Léogâne, several men in military uniforms forced their way into the house of Pressoir Chéry and shot and wounded him and his son Franckel Chéry.

3. Rural Areas

Abuses of military authority continued in rural areas as well. Several of these are chronicled in Chapter III, in

discussing attacks on popular organizations. Here, we note abuses of a nonpolitical nature:

- o A peasant named Bersin Joseph from La Chapelle was arrested on December 24, 1989 by the section chief known as Saintinor. According to CHADEL, Joseph's family did not know why he was detained, but his father was told by Saintinor that if he paid \$10 his son would not be tortured and if he paid \$50 his son would be freed. The father managed to put together the \$10 but not the \$50 and the son remained in prison at the end of December. Bersin's brother Gerard, who had tried to obtain his brother's freedom, was told by Saintinor to pay \$50 if he wanted to be able to remain in the area. He was unable to pay and so felt compelled to leave the region.
- o On December 13, 1989, Lemoine Decius was arrested and beaten in the marketplace of the Palma section of the island of La Gonave by deputy section chief Acceus Deronville. Decius had inquired about the arrest of one of his relatives. He was freed a short time later without having been charged.
- o On December 16, 1989, a farmer named Wilfred Pierre was arrested and beaten by rural police officer Paul Pierre-Louis in Costa, the third communal section of Les Anglais, a town on the tip of Haiti's southern peninsula. The actions were triggered by an argument between the two men at a cock fight. Pierre was freed after several hours.

The Artibonite Valley has been the focal point for abuses of power by section chiefs and other military officials in connection with disputes over land titles and rights. The region is the most fertile and heavily populated rural area of the country and many peasants there have recently attempted to reclaim land taken from them during the Duvalier years.

One section chief, Présendieu Mestus of Carreau-Médor, the sixth communal section of Petite Rivière de l'Artibonite, has been responsible for numerous acts of terror and destruction against peasants in his section who are claiming land held by large landowners.

In one incident, on the morning of June 5, 1989, Mestus and his deputies arrested 17 peasants who were claiming land held by Baptiste Fléry, which Fléry says he inherited from his father Louiston Fléry. The peasants arrested included Mrs. Julméus Miliéna, Jérôme Bijou, Mrs. Lereste Joseph, Mrs. Montel Valcin and Marie-Jeanne Alcide. They were held for three days in the section chief's house. Mestus and his deputies, who were armed with machetes and guns, also fired rounds of ammunition in the air during the arrests.

Then on August 18, one of Mestus's deputies, known as Senor, arrested a farmer named Florvil Guillaume who was involved in a land dispute with Estira Estimé. Guillaume was brought to the section chief's office, where he was severely beaten and held for four days, before being brought to the military post in Petite-Rivière de l'Artibonite.

In yet another instance, on May 20, 1989, Mestus arrested a peasant named Lifete Jean because he had gotten into an argument with one of Mestus's deputies.

Other abuses stemming from land disputes in the Artibonite include:

- o Liancourt, the first rural section of Verettes, was the scene of a violent confrontation over land on November 23, 1989. At 9:00 a.m. some 20 soldiers from the garrison at St. Marc, reportedly under orders from Michel François, a representative of the locally powerful Luberisse family, raided the Castera family residence, beating the farmers and opening fire on those who tried to flee. They shot and wounded two people -- Steve Adrien and Ferdinand Fainé -- and arrested six: Louis Mondesir, Saintoine Louis, Itepsie Jean-Baptiste, Mercinette Jean-Baptiste, Enis Prince and someone known as Sannois. The six were brought to the

military garrison at St. Marc, while the rice already harvested was carried off by the soldiers.

- o On February 19, 1989, Desilien Joseph was arrested and beaten by section chief Jean Lacoste Edouard of the Carrefour-la-Ville rural section of Petite Rivière de l'Artibonite, in connection with his land dispute with Danton Dantes.

C. Military Involvement in Common Crime

As in the first months of the Avril government, soldiers in 1989 continued to commit common criminal acts. Reports of uniformed criminals increased dramatically following the failed coup attempt of April 1989. While the Avril government has apparently moved against some of these military criminals, many others have gone unpunished.* The following are several examples of this lawlessness:

- o On the night of February 10-11, 1989, in the Llomond section of Aquin in southern Haiti, four armed men wearing military uniforms forced their way into the house of Lys Laude, the owner of a small rope factory, beat him with a cudgel, tied him up and stole some \$17,000 and a van.
- o On April 10, 1989, twelve armed soldiers robbed a major gas station outside Port-au-Prince, stealing \$4,000.
- o On April 23, 1989, in the valley around the southern town of Jacmel, six armed soldiers robbed the home of a local businessman, Georges Bourguillon, taking \$2,000.
- o On May 25, 1989, in the Beaumont section of the southern city of Jeremie, a group of men wearing the uniforms of the defunct Leopards Corps and carrying automatic weapons entered the home of a local businessman known as Noseillard. They shot and injured two people, Edner St. Jean and Phito Michel, and stole an unknown sum of money.
- o On July 17, 1989, two armed men, one of them in military uniform, stole \$500 from Mrs. Jean Fimon on Port-au-Prince's

*See Chapter VII.

Route de l'Aéroport.

- o On October 20, 1989, two soldiers in the southern city of Jeremie raped a 17-year-old girl. The local correspondent for Radio Metropole, Ertho Zamor, was threatened by members of the military after he reported the news. One of the soldiers who participated in the rape was reportedly arrested.
- o On November 20, 1989, eight armed men, including three in uniform, forced their way into the house of Pierre Mathieu in Port-au-Prince, beat him with the butts of their rifles, threatened him and stole money and jewelry.

D. Killings by Unidentified Armed Gangs

Killings by armed men wearing civilian clothes also multiplied in 1989, particularly after the failed April coup attempt. The murderers are widely believed to be linked to the military, because plainclothes gunmen have often been observed operating in tandem with uniformed soldiers, and because few Haitians, other than soldiers, civilian attachés of the military, and former Tontons Macoutes, have access to guns. The government bolstered these suspicions in early October 1989 when it announced that a number of soldiers had been arrested in connection with criminal acts and were being prosecuted.* However, since we lack firm evidence linking these particular killings to the army, we have listed them separately.

- o As noted in Chapter III, on the night of November 17-18, 1989, in an apparently politically motivated case of exceptional brutality, three men who were pasting up posters supporting former President Leslie Manigat were assassinated on the outskirts of Port-au-Prince. Verel Isophe, 22, a student; his brother Israel Isophe, 39, a member of the Confederation of Haitian Workers (CTH); and Dragus Lorneus, a 35-year-old tailor, were pasting up Manigat posters along

*See Chapter VII.

a wall in Drouillard, just outside Port-au-Prince on the way to the international airport. According to the report of a fourth man who was with them but escaped by hiding under a parked truck and then described the killings on several Port-au-Prince radio stations, the Manigat supporters were stopped by seven armed men in civilian clothes driving a gray pick-up truck. Israel Isophe and Dragus Lorneus were beaten and shot at close range while the attackers tied a rope around Verel Isophe's neck and dragged him behind their truck until he was dead.

- o In another highly publicized case, the director general of Haiti's State Lottery was killed in late April 1989, apparently by a soldier. Gerard Laforest's body was found in his car on a Port-au-Prince street on the morning of April 28. The evening before, on live telecast of the weekly sweepstake's drawing, a soldier who was supposed to be safeguarding the contest's honesty tried to replace the number drawn with one of his own choosing. Shots were fired and lottery operations were suspended. Laforest was a former anti-Duvalierist exile who shortly before had been named to head the lottery. He had a reputation for integrity and was believed to be moving to end the widespread corruption in that institution. A soldier named Celidon Watson has been charged with the Laforest slaying and in September was remanded from the military to the civilian justice system. Nothing further has been heard of the case.
- o Another well-publicized killing was that of 28-year-old Gregory Delpé. Delpé was an active member of the National Students Federation (FENEH) and the brother of Turneb Delpé, the leader of a small political party, the National Progressive and Democratic Party of Haiti (PNDPH). He was killed on the night of July 5, 1989, when armed men broke into his family's home. According to Turneb Delpé, the civilian-clad assailants made off with \$4,000 -- the day's receipts from the family's grocery store -- after threatening Turneb Delpé with further retaliation and accusing him of being responsible for the problems of the Avril government. The actions of the police following the murder provoked suspicions of a cover-up. The police questioned Turneb Delpé three times, never speaking with anyone else in the family. On July 8 they gave a press conference to announce that the investigation was complete, implying that the killing was a family matter. The case was then turned over to the State Prosecutor (Commissaire de Gouvernement) but he declined to pursue it, saying the evidence collected by the police was worthless.

There were many other less publicized murders. For example:

- o On May 9, 1989, in the Duval section of Croix-des-Bouquets, near Port-au-Prince, a group of armed men shot to death Telisson Releus, an employee of the State Electricity Company. They also raped his wife and shot his five-year-old daughter in the leg.
- o On June 16, 1989, at a busy Port-au-Prince intersection, three armed gunmen killed soft-drink vendor Samson Francois for no apparent reason. The same day, three armed civilians seized a young man, apparently at random, and dragged him to a downtown street, where they forced him to the ground and shot him dead with three bullets. The murder took place in full view of passersby and an eyewitness identified one of the killers as Aji Mal, a former local government official.
- o On July 9, 1989, in the Delmas 19 section of Port-au-Prince, residents of the Rue Mackandal were awakened by the sounds of gunfire. In the morning, they discovered the bullet-ridden body of an unidentified man about 30 years of age.
- o On the night of July 10, 1989, some 20 armed civilians scattered gunfire in an area of the Port-au-Prince slum of Cité Soleil known as Cité Carton (Cardboard City). According to residents, the attack took place at around 2:00 a.m. and resulted in the deaths of Cédul Ernés, a father of eight, and 26-year-old Elie Antoine. Both men were killed inside their homes.
- o On the night of October 6, 1989, in the Central Plateau region, Vilme Eliazar, a member of the Catholic Church's Justice and Peace Commission, was stabbed to death by unknown assailants, following a protest against "insecurity" by 47 members of the Commission.

E. Other Violence by Armed Gangs

Heavily armed gangs have also committed a variety of other violent crimes in the last year. Again, the pattern and circumstances of such violence suggest military involvement, but because we have no specific evidence linking these particular crimes to the army, we list them separately. For example:

- o On February 2, 1989, during the night, armed men scattered gunfire in the Carrefour Pean section of the St. Martin slum in Port-au-Prince. A woman named Venette Exuma was struck by a bullet in her left arm while she lay in bed.

- o On April 20, 1989, a group of armed men stationed themselves along the main road connecting the capital with the southern city of Les Cayes and stopped busses and trucks, holding passengers hostage while they demanded money.
- o On May 11, 1989, at around 2:00 a.m., in the Artibonite Valley town of Marchand-Dessalines, a group of armed men shot to death Joseph Jules, wounded two of his children, Ketlie Jules and Ismela Filius, and stole \$250.
- o On June 11, 1989, a group armed with sticks, batons and machetes assaulted several street vendors in a small open-air market in the Delmas section of Port-au-Prince, forcing the vendors to flee.

V. ATTACKS ON THE PRESS

In a country where over three-quarters of the population is illiterate, the radio is the most important source of information. It has also been the segment of the press that has been most vigorous in its willingness to address and investigate sensitive political issues. Several radio stations, by regularly reporting government and military abuses, have become significant sources of information on human rights conditions in Haiti. It has become almost routine for victims of government-sponsored abuses to describe their plight over the radio, particularly since legal avenues of recourse have been so meaningless.

Given the significance of the radio, it is not surprising that it has been forced to weather periodic attacks by army troops in recent years. Under the Avril government, these attacks have been most pronounced during the April 1989 coup attempt and at the time of the January 1990 state of siege. But they have occurred periodically throughout the year.

A. The January 1990 Crackdown

The military government imposed near-total censorship of the press two days after declaring a state of siege on January 20. For more than a week, the government was the only source of news

for most Haitians. The quiet airwaves underscored the gravity of the crackdown engineered by General Avril.

On January 20 and 21, 1990, Haitian radio stations had reported news about the crisis, including domestic and international protests. In addition, the few thousand people with access to cable hook-ups were able to see exiled politicians like Hubert de Ronceray on Cable News Network (CNN) from Miami.

On January 22, the Ministry of Information issued a "Memorandum" to the media, and radio and television coverage faltered. The religious stations -- the Protestant Church's Radio Lumiere and the Catholic Church's Radio Soleil -- continued to carry some news until the morning of January 23, but thereafter only the state-run National Radio and Television offered any information. The independent stations turned to music, sports and advertising. In the case of independent Tele-Haïti, it went off the air entirely. Foreign news broadcasts usually available to cable subscribers -- CNN and Univision from Miami, TV5 from France and TV Canada -- were also cut off.

The Memorandum that quelled the media was distributed on January 22. It read:

Because of the particular situation that has led to the installation of the state of siege and in application of this, it is asked of all radio and television stations that they conform to the following line:

1. Verify with the competent authorities of the Ministry of Information, Culture and Coordination, the correctness and truthfulness of all local information before all broadcasts.
2. Register reports from correspondents in provincial cities before broadcasting.

3. Refrain from relaying or rebroadcasting all information on Haiti coming from stations transmitting outside the national territory.

4. Do not broadcast information, declarations or statements of opinion that could lead to agitation.

These provisions will remain in effect until their official annulment.

As the Memorandum specified, it was the broadcast media -- with its mass audience -- that was the target of the censorship. Newspapers, with a combined circulation of no more than 20,000 for dailies and weeklies, were largely left alone. One of Haiti's two daily newspapers, Le Matin, broke with its usual practice of offering scant hard local news and for several days filled its front page with information about the state of siege without government interference. The outspoken Haitian weeklies published in the United States also continued to be sold in Port-au-Prince during the state of siege.

In Cap Haïtien, Haiti's second city, the radio stations -- several of which had continued to air news and criticisms of the wave of repression -- came under direct attack on January 22. Groups of soldiers and armed plainclothesmen raided the premises of Radio Citadelle, Radio Voix du Nord and Radio Cap-Haïtien. Reporters at the stations fled. On the morning of January 23, station managers were called to a meeting with local authorities, where they were informed of the censorship order and told to clear all news with the military.

Even after the independent media shut down, intimidation of the press continued. At about 10:00 p.m. on January 23, a group of some 20 soldiers and armed plainclothesmen arrived at the gates of Radio Haïti-Inter. Since the purging of Radio Soleil by the Catholic Church hierarchy, Radio Haïti-Inter has been Haiti's most outspoken radio station and the most important source of information on human rights abuses. The armed band attempted to enter the radio station's courtyard, but the lock held and the men did not persist, although they left threatening to return. Following that incident, Radio Haïti-Inter locked its doors and shut down completely for several days.

Censorship was officially lifted on January 30, along with the state of siege. But it was several more days before radio stations cautiously began to report news again.

Even after the state of siege and the censorship order had been lifted, hostility against the press remained. On February 10, 1990, Radio Cacique reporter Willy Paul was arrested and beaten by a group of police and armed plainclothes men as he was covering a peaceful demonstration by some 100 people, following a special mass in honor of freed political prisoners. The armed group also arrested and beat several demonstrators.

B. The Prelude to the Crackdown

1. The Murder of Jean Wilfrid Destin

The attacks on the press during the state of siege were simply the most recent of a series of attacks during the

preceding year. As noted in Chapter II, a mounting campaign of threats and intimidation culminated in the January 1990 murder in Port-au-Prince of Radio Cacique commentator Jean Wilfrid Destin. Destin, whose late-evening program was known for its humorous commentary about the government, reportedly was shot by a group of unidentified assailants near midnight on January 16, as he was arriving home after his show on which he reportedly had been commenting on General Avril's ill-fated trip to Taiwan and recent attacks on opposition political parties. According to the New York-based Committee to Protect Journalists, "witnesses say the journalist identified himself clearly before the shooting, making it doubtful that he was killed in a case of mistaken identity." Destin was taken to a hospital and died two days later.

In the days following the shooting of Destin, armed men in plainclothes sought out three other journalists in Port-au-Prince. On January 17, at 11:30 p.m., a group of men in a vehicle on Rue St. Honoré fired a gunshot at Winchell Voltaire of Le Rouleaux magazine after calling out to him by name. On January 18, Etienne Mathurin of Radio Cacique was stopped by a group of armed men and forced into their car. They tried to make him to tell them the addresses of various people, including Yolene Gilles, another Radio Cacique reporter, who had made a strong statement about the Destin murder on two other Port-au-Prince radio stations that morning. Armed men also visited Gilles's home on January 18. She was not there but the men told another

resident that they would kill Gilles. Gilles went into hiding and fled to the United States several days later.

2. Other Threats and Harassment

Three weeks earlier, several journalists were harassed in Gonaïves. On January 1, 1990, to celebrate Haiti's independence day, General Avril went to the coastal city of Gonaïves in central Haiti, accompanied by several members of the diplomatic corps, including the U.S. Ambassador and the Papal Nuncio. A ceremony was staged in the cathedral. A group of armed plainclothes men and members of the Presidential Guard forcibly barred Radio Haïti-Inter reporter Patrick Chérilus from entering the cathedral, searched his briefcase and confiscated his papers. A Radio Soleil reporter was roughed up by some of members of the Presidential Guard, who trained their guns on him three times while explaining that the government did not need journalists to do the work that the government could do itself. Two Gonaïves-based radio correspondents -- Edilès Exil Noel of Radio Soleil and Oris Phistone of Radio Haïti-Inter -- were pushed about and their equipment was seized by the police. Other journalists were reportedly threatened with beatings. The Association of Haitian Journalists protested these incidents in a January 4 press release.*

*"La presse réprimée durant la tournée d'Avril aux Gonaïves," Haïti Progrès, January 10-16, 1990.

In November and December 1989, Jean Dominique, the outspoken director of Radio Haiti-Inter, received a number of anonymous threats by mail and telephone, in which he was referred to as "the enemy." The messages included threats to destroy the radio station.

C. The April 1989 Coup Attempt

Radio stations also came under sustained attack during the April 1989 coup attempt against the Avril government. Troops loyal to General Avril caused severe damage to several stations. Others were occupied by rebel forces.

On April 5, the Dessalines Battalion, one of the rebelling army units, called for the overthrow of the Avril government and the restoration of the March 1987 Constitution in its entirety. In response, General Avril called a 7:00 p.m. to 6:00 a.m. curfew and banned the media from reporting on the rebellion without government approval, accusing radio stations of inflaming and distorting the crisis. The decree succeeded in largely silencing the broadcast media.

On April 6, loyalist troops from the Presidential Guard destroyed the transmitters of four Port-au-Prince radio stations that had defied the order and continued to broadcast local news - Radio Haïti-Inter, Radio Antilles, Radio Metropole and Radio Liberté. Each of the stations suffered tens of thousands of dollars worth of damage. General Avril later offered to help to

repair or replace damaged or stolen equipment. This offer was never carried through.

Meanwhile, soldiers from the Dessalines Battalion occupied Radio Soleil, a station of the Catholic Church, for several days in order to protect it from loyalist troops and ensure an outlet for their statements. The other rebel army faction, the Léopards Corps, briefly took over the offices of the government radio and television network to broadcast their own statements.*

D. Other Attacks on Radio Stations and Journalists

In at least two other instances in the last year, the premises of radio stations have been stormed by soldiers or heavily armed men. On May 27, 1989, in the southern city of Les Cayes, two soldiers forced their way into the studios of Radio Men Kontre, which is affiliated with the Catholic Church's Radio Soleil, and shot to death Gilles Charles. The young man had been shouting anti-Avril slogans and seemed not in his right mind but, according to witnesses, was not endangering the police. In protest against the killing, Radio Men Kontre went off the air for three days.

On October 9, 1989, in the early-morning hours, a group of heavily armed men forced their way into the Port-au-Prince offices of Radio Caraïbe, causing damage estimated at \$3,000. The men broke into three cars at the station, including that of

* Committee to Protect Journalists, "Press Conditions in Haiti," Backgrounder, Number 10, June 7, 1989.

Patrick Monsignac, the station's director; Marc Arthur Desjardins, a radio employee; and Jean-Claude Nord, an attorney with the Haitian Human Rights League.

In addition to the premises of radio stations, Haitian journalists have themselves been victimized by soldiers and heavily armed men. On May 17, 1989, in the city of Gonaïves, a nine-year-old child was killed when he was run over by a car driven by Elie Jean, the commander of the army's tactical battalion in Gonaïves. The officer reportedly did not stop his car. A crowd, including local journalists, collected around the child's grief-stricken parents. Officer Jean then returned to the neighborhood with troops, who forcibly dispersed the crowd, beating, among others, the dead boy's parents and a reporter for Radio Trans-Artibonite, Ediles Exil Noel. The incident led to a strike of more than a week by the Journalists Association of Gonaïves, who demanded a formal guarantee of security in exercising their profession.

On June 10-11, 1989, in Les Cayes, a group of men dressed in olive green and armed with automatic weapons attacked the home of Radio Soleil correspondent Raymond Clergé. They harassed members of his household and stole electronic equipment and \$1,000.

Willah Vancol, an announcer on Radio Men Kontre who broadcasts a popular audience-participation show dealing with human rights and other issues, was arrested on September 24, 1989 in Les Cayes. Earlier that day, Vancol's superior had prevented him from going on the air and a number of angered listeners went

to the station to protest. In the process, they damaged a door of the radio station. The director of the station, Father Jean Joseph Junius, informed the police and the justice of the peace that he would hold Vancol and another employee responsible for any damage to the station. Shortly thereafter, the police arrested Vancol at the station. He was reportedly released without charge after a few days.

On October 4, 1989, in Grand Goâve, six men armed with revolvers, said by witnesses to be members of a paramilitary force known as Les Brulants (the Burners) who are linked to the Grand Goâve army garrison,* roughed up and threatened two journalists, Maksa Metellus of Radio Soleil, and Exael Claude Hervé of Radio Cacique. On the same day in nearby Petit Goâve, Radio Haïti's Patrice Cadet was threatened by members of the same group.

* See Chapter III.

VI. PRISONS

The Duvalier dictatorship left Haiti a prison system that falls well below most international norms. The governments since Duvalier have vowed to improve the prison system, and some of the worst abuses have been curbed. But Haitian inmates continue to endure primitive conditions and few legal safeguards.

The vast majority of Haiti's prisoners have never been found guilty of an offense. Many have not even seen a judge. Large numbers have no idea why they were arrested. Some prisoners have been known to languish in jail for more than a year before being formally charged. Most arrests are not publicized, so family members often have no idea what has happened to their loved ones. Even at Haiti's best-run and largest prison, the National Penitentiary in Port-au-Prince, it has been almost impossible to obtain a list of all prisoners.* There are also prisons, often with extremely crude facilities, in each of Haiti's provincial cities.

The food given prisoners is usually inadequate for basic nutrition, consisting mostly of corn or wheat gruel. Relatives are counted on to supplement this meager fare with food from the

*The only instance in which anything near a comprehensive list was released was during a visit to Haiti by the Inter-American Commission on Human Rights of the Organization of American States in August 1988. See Organization of American States, Report of the Situation of Human Rights in Haiti, September 1988.

outside. Inmates without families or with inattentive relatives are forced to beg food from their fellow inmates. Medical care is rare or nonexistent for most prisoners.

On September 29, 1989, the Avril government announced it would establish a "National Penitentiary System" to take charge of Haiti's prisons. Administration of the prison system was to be transferred from the army to the Ministry of Justice. This had not occurred by the time this report went to press.

A. The National Penitentiary

Considerable information has become available about conditions in the National Penitentiary. One valuable source is the monthly reports of the prisoner assistance project of the Haitian Center for Human Rights (CHADEL), the "Committee to Assist Prisoners of Opinion and Conscience," or CAPOC. In addition, representatives from our organizations have visited the prison on several occasions, most recently in January 1990. We have also obtained reports from the Massachusetts-based Physicians for Human Rights, a representative of which spent several hours in the prison in December 1989. And we have obtained valuable information through interviews with former prisoners.

The National Penitentiary is Haiti's largest prison. Throughout 1989 it held between 500 and 600 prisoners. During a visit on January 26, 1990, the prison commander, Major Leopold Clerjeune, told a representative of the National Coalition for

Haitian Refugees that the Penitentiary housed 542 inmates, 22 of whom were women. More than 400 of these, who lived in a separate section of the prison, were said to be in prison for common crimes, although most had not been convicted and many had not even been formally charged.

Well known political prisoners, former and current soldiers, and those with good connections appear to live reasonably well in the National Penitentiary. Their cells are generally not overcrowded and all appear to have beds. The celebrated prisoners Jean-Auguste Mésyeux, Evans Paul, Marineau Etienne and Frantz Patrick Beauchard provided a case in point. Although at the time of their arrest all four were beaten, the first three very badly, the resulting international outcry served to furnish them with the best the National Penitentiary had to offer. At the time of our January 1990 visit, each man had a private cell containing a two-bed bunk bed with a mattress and covers. Their cells were open from about 6:00 a.m. to 6:00 p.m. daily, during which time they were able to enter a private courtyard that contained a shower and toilet.

The major deficiency in their treatment, once they had arrived at the National Penitentiary, was their medical care. Evans Paul, whose beating at the time of his arrest left him unable to walk unaided, was not provided a cane. The deprivation appeared to have been politically motivated, since Luc Desyr, the former Duvalier Secret Police chief who is also in the National Penitentiary, is permitted to have a cane.

Max Bourjolly, a leader of the Unified Party of Haitian Communists (PUCH) who was arrested on September 15, 1989 and charged with illegal possession of a weapon, spent several days in the National Penitentiary and spoke extensively of his experience after he was freed. He reported to our delegation that at the time of his stay some 380 prisoners, including 13 non-Haitians, were housed in the main courtyard of the prison, apart from the separate areas reserved for women and privileged prisoners.

According to Bourjolly, the privileged prisoners, who included soldiers, were free to leave their cells and move around their section of the prison from 6:30 a.m. to 6:00 p.m., but their only contact with prisoners in the large courtyard was through a barred window in one locked doorway. Bourjolly said that goats and chickens lived in the prison courtyard, subsisting on prison food, and that if men were seen taking the food given to the animals they were sometimes beaten.

Bourjolly himself was not badly treated, either in the National Penitentiary or in the Petionville Casernes, where he was briefly held following his arrest, but his caretaker, Jean-Wilfred Herard, who was arrested with him, was beaten in both facilities.

Bourjolly noted that Adler Bassin, who was the secretary to the Constituent Assembly that drew up the 1987 Constitution, was being held in the prison's section for common criminals. Bassin

was still being detained during our January 1990 visit and has never been tried.

During March 1989 visits to the National Penitentiary, CAPOC reported hearing of many cases of corporal punishment. Physical conditions in the prison, it wrote, showed no improvement until the very end of 1989. According to CAPOC, on August 27 a number of prisoners held a protest strike demanding change in the prison -- justice, beds and an end to beatings -- and there was another protest on September 17 and 18. According to Bourjolly, on September 17, the one-year anniversary of the Avril government, the 60 or so military prisoners were given special food by the authorities, which they decided to boycott and donate to the less-privileged prisoners. They were punished for this and in protest set fire to their mattresses.

In the National Penitentiary, as in Haiti's other prisons, many prisoners are incarcerated without ever having been charged or tried. Moyse Senatus, Director of the Haitian Lawyers' Committee, identified several such cases in January 1990. The information had been supplied to him by an inmate. Those detained without charge were: Elord Pierre Louis, who was arrested in Les Cayes in March 1989, transferred to the National Penitentiary the same month, and had never seen a judge; Robert St. Luc, who was arrested on August 7, 1988, sent to the National Penitentiary on August 16, 1988, and had never appeared in court; Tony Pierre, who was arrested at the Port-au-Prince airport, allegedly for participating in the murder of Louis Marie Bonnet, the cousin by

marriage of General Avril, but had never appeared before a judge; and Inofene Saintara, Retardieu Mayis, Remy Mayis and Antonio Stemphil, who were arrested on December 5, 1988 in Grand Bois, allegedly for having caused the death of a voodoo priestess by killing a turkey, sent to the National Penitentiary on December 13, 1988, had appeared once in court, and had heard nothing about their case since then.

1. Special Problems of Women at the National Penitentiary

In addition to the general problems of prisoners at the National Penitentiary, women must contend with sexual abuse and attendant gynecological problems.

According to CHADEL, a young woman named Yolene Boniface was arrested in 1986 and charged with killing her cousin during a quarrel. The cousin had been trying to rape her. Boniface appeared before the juge d'instruction (the investigating judge) in 1987 but was never tried. At the National Penitentiary she was regularly raped by guards and she suffered from an acute infection of the genital passages. She was freed in August 1989 following letters on her behalf by a group of Swiss young people.

A staff member of the Physicians for Human Rights visited the National Penitentiary in December 1989 and reported that many women prisoners were suffering from gynecological problems.

2. Minors in the National Penitentiary

CHADEL reported several cases in 1989 of minors being held together with adults in the National Penitentiary, in violation of the Haitian Penal Code, which calls for children under 16 to be sent to a separate rehabilitation center.* Such a Rehabilitation Center exists in the Carrefour section of Port-au-Prince. It is run by the Ministry of Social Affairs and is reported by CHADEL to be an overcrowded but decent facility.

In February 1989, CHADEL reported five minors being held at the National Penitentiary. They were: Wilfred Aly, 15; Jean-Mary Joseph, 15; Sonel Dicelus, 14; Wilbe Toussaint, 14, and Ginto Abas, 14.

In August 1989, six youths ranging in age from 14 to 16 were being held at the National Penitentiary, according to CHADEL. They were Albert Pierre, 16, accused of theft, who had been in prison for eight months; Louis Petit-Frere, 14, also charged with theft, who had been in prison for 18 months; Alain Jean, 14, accused of theft and in prison for one year; Lionel Alexis, 15, and Junior Telfort, 16, both accused of drug-related offenses and in the National Penitentiary for a year; and Casimir Dieufils, 16, also accused of drug-related crime, and in prison at the time for 18 months. By January 1990, four of the latter group of youths had been transferred to the Rehabilitation Center while

*See also Article 8(d), U.N. Standard Minimum Rules for the Treatment of Prisoners ("Young prisoners shall be kept separate from adults.")

two were believed still in the National Penitentiary. None of the youths, to our knowledge, has ever been brought to trial.

3. Slight Improvements

There have been several small improvements in conditions at the National Penitentiary over the last year. In January 1989, CHADEL obtained permission for two social workers to make regular visits to Port-au-Prince prisons, under the auspices of CAPOC, which provides food, medical assistance and legal aid to victims of torture. The social workers have been providing food to indigent prisoners on a twice-weekly basis.

There have also been some improvements associated with the arrival of Major Leopold Clerjeune, the commander of the Investigations and Anti-Gang Service of the Port-au-Prince Police Department, as commander of the National Penitentiary in October 1989. Since then, the CAPOC social workers have been allowed the assistance of two full-time social workers provided by the Institute of Social Welfare. Major Clerjeune has also permitted the establishment of a sewing workshop in the women's section of the prison. In early January 1990, visitors could see some 20 sewing machines which had been collected by a volunteer who was planning to teach female prisoners sewing skills. Clerjeune has also requested assistance from CHADEL in obtaining supplies and equipment for the prison, including 600 beds, mattresses and bedding, which apparently he cannot obtain through government channels.

B. Prisoners at the Investigations and Anti-Gang Service

In the recent years, the Investigations and Anti-Gang Service -- formerly the Criminal Investigations Unit, or Recherches Criminelles -- has been the site of the worst abuses in the Haitian prison system.* Reports of death by torture and starvation, a regular occurrence in the past, have now stopped. But reports of serious mistreatment and even torture continued to emerge in 1989.

Although the Avril government has claimed that prisoners are no longer kept in the facility, CHADEL social workers with the CAPOC program visited the Investigation and Anti-Gang Service in January 1989 and reported that prisoners were being held there. Some, they said, were denied visits from their relatives. In February the social workers prepared a list of 17 people being held there. These were:

Dalin Deny
Jhonas Jolibert
Christa Noel
Morege Bregard
Locene Brize
Benise Daceuil
Jean-Claude Saint Dor
Fortilien Nouvel
Joseph Beauvoir
Amio Cantav
Ganiol Marcelus
Hiberman Pierre
Josaliste Toussaint
Saveur Rosiclaire
Maxo Egziles

*See Americas Watch, National Coalition for Haitian Refugees, Caribbean Rights, The More Things Change... Human Rights in Haiti, February 1989, pp. 65-70.

Makrel Etienne
Michelle Dime

Many of these people, according to CAPOC, were suffering from health problems as a result of beatings and torture, including badly bruised buttocks, broken legs and fractured skulls, as well as internal complications, including abdominal pains, difficulty urinating and repeated loss of consciousness.

During an August 1989 visit, the social workers noted that considerable work had been done to modernize the facility. The area adjacent to the holding cells contained new cameras, microphones, observation posts and sentry boxes. But no improvements had been made to the cells themselves.

For other reports on the condition of prisoners at the Anti-Gang Service, see Chapter II on State of Siege.

C. Detention of Returned Boat People

In February 1989, a group of deserting soldiers hijacked a boat in an attempt to flee to the United States. They were joined at some point by a number of civilians. The boat was interdicted by the U.S. Coast Guard and returned to Haiti in early March. The soldiers and civilians were turned over to the Haitian military on March 10 and were imprisoned at the National Penitentiary.

In April, social workers with CHADEL's CAPOC program were able to speak with eight soldiers who were among the group of deserters -- Bellune Maxo, Ponge Aurel, Casimir Jean Robert, Casénév Kerit, Milor Jean Roger, Bazelais Jean Claude, Fritz

Lormil and Jean Eli Elisma. The soldiers said that they had been jailed since March 7, without having been tried or charged. They claimed that they had fled Haiti because they had had enough of following orders to commit arbitrary arrests and deliver "gratuitous beatings" ("bastonades gratuites"). Upon being returned to Haiti, they said, they had been roughed up and detained without having seen a judge. An announced investigation into their case by Col. Georges Valcin apparently never materialized.

On May 28, all eight soldiers were thrown into a punishment cell (cachot), and other prisoners reported that their state of health was poor. They spent six or seven weeks in this cell, during which time the social workers were forbidden to visit them. This prohibition also continued for some time after the soldiers were returned to their old cell. The soldiers were finally permitted to speak with the social workers again in August. Apparently in October, these soldiers were moved out of the prison and turned over to their respective units to be court-martialed. Nothing further is known of their fate.

The group of civilian boat people were also kept in prison, where CAPOC encountered them. They were: Gilbert Decoline, Jacques Pierre, Jackson Pierre, Jean Francois, Reynel Sanon, Guy Joseph, Fritzner Josier and Fritzner Clervil.

In May 1989, CAPOC expressed great concern for the civilians' health, in particular that of Josier and Clervil. The whole group of civilians said that they had been beaten severely

by soldiers in the National Penitentiary and that they were struggling against hunger and cold. In their June 1989 report, CAPOC described the health of the boat people: Jackson Pierre was in severe pain while Jacques Pierre and Jilbert Decoline had acute pain in their chests, although all had improved from the previous month. Fritzner Josier had blood in his mouth. Jean Francois, Renel Sanon and Fritzner Clervil continued to have irritated skin but their headaches had become less intense.

In July, CAPOC reported a slight improvement in the condition of Gilbert Decoline, Jacques Pierre and Jackson Pierre, but noted that they continued to suffer from abdominal and back pains.

In October, most of the civilian boat people were either freed or sent elsewhere, according to CHADEL. Upon inquiring about their whereabouts, CHADEL's director received a letter dated December 27, 1989 from Army Headquarters, informing him that only Jacques Pierre remained in the prison. It described Pierre as having been "arrested for theft by a patrol of the Fourth Company of the Armed Forces of Haiti" and said he had been "brought before competent judicial authorities." No further details were provided.

D. The Jail at Gonaïves

In October, our delegation was permitted to visit the jail in Gonaïves, to conduct short interviews with some dozen inmates and to glimpse and photograph the cells.

The Gonaïves jail abuts the military garrison and is administered by the army. Officials said that 62 of the 81 inmates had never been seen by a judge. Many had already spent six months in jail and some had been there more than a year.

Among the inmates interviewed who had never been tried were Ocín Jean, who was arrested in October 1988, and said he was accused of murder; Elison Dorfilain, who was jailed on August 14, 1988 and accused of murder; and Bere Antony Philippe, who was arrested on October 16, 1988 for fighting.

One man interviewed, Titon Pierre Sotite, said he was arrested in May 1989 and had no idea of what he was accused. He believed that his arrest was connected with his earlier efforts, in 1986, to prevent police from beating demonstrators.

The delegation spoke to the inmates in the jail's courtyard. The male inmates told them that this was the first time they had been allowed out of their cell, apart from brief trips to the bathroom, since arriving at the jail. Some complained that they had been beaten. A group of inmates begged the visitors to ask the commander to allow them occasional time in the sun. (The commander told the delegation afterward that he would experiment with letting the men out in small groups for short periods.)

The inmates appeared to live in three cells which opened onto a central courtyard: one housed the jail's seven women and another held six apparently privileged male inmates. The remaining cell, approximately 20 by 40 feet, housed the other 62

inmates. In it were about a dozen thin, dirty mattresses on a concrete floor.

None of the cells had a toilet or running water. Inmates said that they had to ask guards for permission to be taken to the bathroom, and that they had the option of doing this only from 6:00 a.m. to 6:00 p.m.

The inmates said that they were given one meal of corn gruel each day, which they were required to supplement with food brought by relatives.

E. The Jail at Port-de-Paix

In early 1989, in response to a petition from inmates being held in the jail in the northwestern coastal city of Port-de-Paix, CHADEL sent one of its regional monitors to investigate. CHADEL's director, Jean-Jacques Honorat, then wrote to President Avril, on May 23, and described conditions in the jail:

For food, they say they only receive a meager ration of wheat each day. They sleep on the ground on dirty mats, torn and infested with vermin. The roof of their cells being pierced with holes, the ground is flooded during the slightest rain. At night they are sometimes obliged to stand because rats, mosquitos, bedbugs and other insects unite to make war on them.

In response, Honorat received a letter dated June 8 from the military government, saying that "the President of the Military Government has ordered Army Headquarters to implement an immediate improvement in the lot of these detainees." The letter also stated that "other penitentiaries in the country would be the object of the same attention."

Despite this vow, conditions remained deplorable in the Port-de-Paix jail at least through August 1989. On August 18, Marc-Elie Blanc, a lawyer with the League of Former Political Prisoners (LAPPH), and other human rights advocates, visited the jail on behalf of members of the peasant organization Tet Kolé ("Heads Together") who had been arrested for political activity.* He reported that the jail was overflowing with desperate detainees whose case had never been heard.

Inalia Anelion, one of the Tet Kolé inmates, spent six days in the Port-de-Paix jail in August. In an October interview, she told our delegation that there were 66 inmates in detention at the time of her stay. Some were completely forgotten by their families and received almost no food, other than what other inmates would give them. Many had ulcerated wounds. Anelion reported that at night the male inmates were forced to remove their clothes as a precaution against escapes.

F. The Jail at St. Marc

On August 2, 1989, LAPPH President Robert Duval and Moyse Senatus, Director of the Haitian Lawyers' Committee, were able to visit the jail at St. Marc, a coastal town 60 miles north of Port-au-Prince. The jail appeared to house 75-100 inmates. Most were nearly naked, malnourished and sickly. In brief interviews, Duval and Senatus established that most had never been charged

*See Chapter III.

with a crime, and many had no idea why they were being held.

Inmates reported that only those with relatives outside agitating on their behalf were likely to be freed. The only source of food appeared to be donations from relatives.

Our delegation, which visited St. Marc in October 1989, was denied permission to enter the jail.

VII. GOVERNMENT INACTION ON HUMAN RIGHTS CONCERNS

The Avril government has shown little inclination to prosecute those responsible for human rights abuses, regardless of whether the abuses took place before or after the September 1988 coup that brought General Avril to power. No new investigations or prosecutions have been launched into the many political killings under the Duvalier dictatorship and the military and military-dominated governments that have since ruled Haiti. Among the notorious murders left unexamined are the September 11, 1989 massacre at St.-Jean Bosco Church, the November 29, 1987 election day massacre, and the July 1987 massacre of at least 140 peasants in Jean Rabel. The sole action taken by the Avril government has been against soldiers accused of common criminal acts, and even there little movement toward prosecution and conviction has been seen.

In early October 1989, our delegation questioned the heads of the Port-au-Prince Police Department about the status of investigations and prosecutions into human rights abuses of the past several years. The officers -- Colonel H.R. Augustin, then Police Commander; Lieutenant Colonel Jodel Lessage, who is in charge of public information for the police; Lieutenant Colonel Joseph Baguidy, at the time Assistant Chief of Police; and Major Leopold Clerjeune, head of the Investigations and Anti-Gang

Service -- revealed one aborted investigation after another. Invariably, fault was attributed to those other than the police.

For example, the stalled investigation into the November 29, 1987 massacre of voters was blamed on local human rights groups, who had declined to join a government-sponsored investigative commission because of the government's failure to grant the power to subpoena government records and officials and to guarantee the security of commission members.

The lack of inquiry into the massacre of at least 13 churchgoers at St. Jean Bosco Church on September 11, 1988 was justified in light of the well publicized lynchings of a few people believed to have been involved in the massacre, following the September 17, 1988 coup that brought General Avril to power. Despite evidence implicating senior officials at the time -- including Lieutenant General Henri Namphy and Port-au-Prince mayor Franck Romain, both now in exile in the Dominican Republic -- it was implied that further investigation was unnecessary because all the culprits were dead.

A. The Murder of Yves Volel

The one crime that the police representatives claimed to have solved was the October 13, 1987 murder of Yves Volel, a prominent attorney who was a candidate for president in the 1987

elections.* Volel was shot dead as he stood in front of the Port-au-Prince police headquarters, lawyer's robe and a copy of the Haiti's new Constitution in hand, ready to enter the Criminal Research Bureau on behalf of a client who, it appeared, was being severely mistreated.

Independent journalists reported at the time that plainclothes detectives from the Criminal Research Bureau, armed with revolvers, came out of police headquarters and started to beat Volel, and that they executed him with two shots, one to the head and one to the heart.

According to Lieut. Col. Baguidy, who was the commander of the Criminal Research Bureau at the time of Volel's death, witnesses to the killing identified the murderer as a man named Barnave Gaston. Police investigation was then said to have discovered Gaston to be an associate of Luc B. Innocent, a maverick politician who was killed in October 1988 in a supposed firefight with a Haitian army patrol in Fonds-Verrettes, in southeastern Haiti, after what the government claimed was an armed invasion of Haiti from the Dominican Republic.**

*See Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, pp. 93-94; Americas Watch & National Coalition for Haitian Refugees, Terror and the 1987 Elections, November 1987, pp. 31-33.

**See Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, p. 50.

According to Baguidy, by the time the police obtained an arrest warrant for Gaston and arrived at his Port-au-Prince house a few days after the Volel killing, the man had fled. The case was not broken until some seven months later, when three men driving a jeep and carrying firearms were arrested in Fort Liberté, a town near the Dominican border in northern Haiti. Interrogated by the army they reportedly admitted that they were on a mission to liquidate Colonel Abelard Denis, the military commander for northwestern Haiti, on orders of Luc B. Innocent. They allegedly were to contact and procure the necessary heavy arms from one Camille Muzac, a fellow member of Innocent's political party, the Revolutionary Union Movement.

Following this reported confession, Baguidy said that the police had searched Muzac's Port-au-Prince home, where they discovered weapons, ammunition, the makings of molotov cocktails, and two letters from Barnave Gaston to Luc. B. Innocent. In the first, Gaston allegedly wrote that he had been forced to flee to the Dominican Republic because he had been recognized while shooting Volel. "Send money," he reportedly wrote. In the second, Gaston was said to plead his loyalty to Innocent's party, despite "what others were saying." The police were also said to have found lists of names of "bandits" operating in different regions of the country, with Barnave named as one group's chief.

According to Baguidy, the police were then able to arrest Gaston, Camille Muzac, Johnny Augrand Obas and a fourth man whose name he could not recall, all of whom were tried and condemned in

northern Haiti. Baguidy said he knew that Muzac had since been released and that the others may also have been. He promised to provide the delegation with written documents on the Volel investigation, but these were never made available.

None of this story ever reached the press, despite widespread interest by the media and human rights organizations. Baguidy blamed this lack of publicity on Haiti's then-Attorney General, Jacaman Charles, who he said was a member of the opposition and wanted to embarrass the government. In mid-December 1989, Baguidy was removed from his post and made a military attaché in the Dominican Republic.

We reported in February 1989* that Camille Muzac was arrested on April 1, 1988, following a police search of his house the day before. We have since learned that he was charged with illegal possession of weapons -- some empty bottles and two old rusty revolvers. Muzac, 60 and a diabetic, spent six months in the National Penitentiary before being freed. Although there appears to have been an attempt to link him to Luc B. Innocent and the Volel killing, Muzac was never tried.

Baguidy's account also contradicted the version of events given by the government shortly after Volel's murder, in which it claimed that Volel had died in a firefight, pointing to the gun that he regularly carried for his protection. Witnesses

*Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989.

contradicted that version, noting that Volel never drew, let alone fired, his weapon.

In an interview with our delegation in August 1988, Brigadier General Fritz Antoine, then the Justice Minister, initially said that the inquiry had been largely completed and the murderers identified but that they had fled Haiti. Moments later he contradicted himself and asserted that while the investigation was proceeding, there was little evidence available and nothing to warrant a major effort by the judiciary.

B. Office for the Protection of the Citizen

The government of Prosper Avril has issued several decrees which, taken at their word, would seem to offer a sharp break with the repressive past. For instance, on September 14, 1989, it announced the creation of the "Office for the Protection of the Citizen," a sort of government-sponsored human rights group. Article 207 of the Constitution calls for the establishment of such a body.

Since the decree, however, at least one Haitian human rights group has sent several letters to the Office regarding specific cases of abuses. No action has been taken on these cases and the letters were never even acknowledged.

The reason for this inaction was made clear in a December 1989 interview with the Director of the Office, Gérard Romulus, who is also a close advisor to General Avril.* In the interview, Romulus spoke warmly of Avril's support for the new office:

The line of the government of Gen. Prosper Avril is to respect the Constitution; it is to respect the laws of the country; it is to eliminate the physical torture that we saw before. Not too long ago the General himself repeated in a speech or interview...that he is proud of the fact that, up to that point...the government had never had searches done of people's homes at night, had never made house searches without warrant, had never ordered anyone arrested without a warrant, had never had someone beaten or killed. I believe that what he said is the truth. I think he believed what he said.

When asked about how, in this light, he would explain the tortures inflicted on political prisoners Jean-Auguste Mésyeux, Marino Etienne and Evans Paul -- who were displayed on national television on Nov. 2, 1989, the day after their arrest, with visibly bandaged and swollen faces and with traces of blood on their clothes -- Romulus replied this was an "isolated case."

He added:

The Constitution anticipates also that it is that person [the torturer] that the victim challenges. The Constitution is clear and precise there. If the victim ought to receive redress, he will get it directly from that person who tortured him....Thus I don't think that the government needs to take any direct action vis-a-vis this order, vis-a-vis that action. The person or persons who have a legal action to take, these are the victims who have been beaten and who will legally challenge the persons who inflicted these tortures on them. The government has nothing to say about that....[T]he government was not familiar with the affair, that is the [president]...was not there when they were beaten. It is not the leader who beat them, who tortured them. If someone taken in an isolated way, who in their

*The interview appeared in the Brooklyn-based weekly Haiti Observateur, January 3-10, 1990.

zealousness, in an excess of zeal or in view to a settling of accounts -- whatever the reason for which he did it -- it is that person who should be pursued, not the government.

Romulus continued to take this view, even when it was pointed out that the three men, then in prison, were not in a position to seek damages against their torturers. He defended the Avril government's non-intervention in the case, saying it is enough to make it clear that beatings or torture are not "the line of the government." All the government need do, according to Romulus, is make clear that "it does not ratify" such actions. He explained:

This the government has done. Now it is up to the victims to petition for justice or not. On the contrary, the government has no action to take. Because if the government takes an action, this would mean that it has already decided on the fact of the torturing of these men. The government should say nothing about that. It leaves the field free for justice to rule on the affair.

Asked if this meant that any time a soldier is accused of violence against someone, it is up to the victim to seek redress, Romulus said: "If these citizens present themselves before me, as protector of the citizen, if they ask me what must be done to obtain compensation, at that time, I think that I will give them legal advice. I should help them to seek redress if they meet the conditions. I would furnish them with an attorney in order to seek compensation."

We note that this position, particularly in the case of torture, violates the government's obligation to prosecute abusers under the United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment, which the Avril

government ratified in December 1988.* It also violates the government's duties under the American Convention on Human Rights, as interpreted by the Inter-American Court of Human Rights.**

This hands-off posture also shirks the government's responsibility to expose and acknowledge serious human rights violations -- a fundamental moral duty to the victims and an important deterrent to future abuses. Without such steps, whatever the government's professed "line" toward serious human rights violations, its actions are those of at best tolerance and at worst complicity.

C. Other Decrees

In October 1988, the Avril government also announced that the Ministry of Justice would provide free legal service to indigent defendants, using law students and young lawyers. This service was supposed to operate under the Office for the

* Article IV of the Torture Conventions provides:

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

** See Velásquez Rodríguez Case, Judgment of July 29, 1988, Series C No. 4, Inter-American Court of Human Rights, Organization of American States, San José, Costa Rica.

Protection of the Citizen which, as noted, appears to be non-functional.

On September 29, 1989, the Avril government issued another decree announcing that control of the country's prisons would be shifted from the army to a National Penitentiary Administration, under the tutelage of the Ministry of Justice. As noted, this has not yet occurred. The Port-au-Prince prisons are now under control of the police. Although the 1987 Constitution mandates the separation of the police from the army, they remain a single military force.

D. Action Against Soldiers Charged with "Insecurity"

While the Avril government has made no moves whatsoever to prosecute military personnel for abuses against political opponents and popular organizations, it has taken some action against soldiers believed guilty of criminal acts of "insecurity." In early October 1989, the military government announced that legal or administrative procedures had been initiated against a number of soldiers, and a list of 44 names was released. The disclosure was widely viewed as an admission of military involvement in the wave of violent crime that had swept Haiti since the unsuccessful coup attempt in April 1989, and a concession to popular outcries against these acts.

However, outside of a handful of cases, very little is actually known about the status of the actions against most of these soldiers. The government's list named 29 soldiers who were

awaiting trial for their alleged role in 15 different crimes, as well as 15 other military men who had been discharged from the armed forces and remanded to civil justice in six different criminal cases.

The men are accused of such crimes as armed robbery, drug dealing, murder, rape and desertion. Most are simple soldiers but a few are officers. The following is the text of the list:

**List of Officers and Enlisted Personnel of the Armed Forces
of Haiti Awaiting Trial**

1. Private First Class Jean-Fanfan Dominique, of the former Casernes Dessalines, accused of murdering Bernard Joseph and Celina Joseph.
2. Privates Morose Pierre-Patrick, Hyppolite Dagobert, Osias Monesa, 38th company, accused of violation of the home of Myrtho Phanord, fraud, abuse of authority and blackmail.
3. Private First Class Jean Enix Jeune, accused of theft of state property, aggression with a dangerous weapon, desertion and homicide.
4. Private First Class Jean-Rabel Bastien, Private Vanus François, Private Tphais (sic) François of the Saut-d'Eau subdistrict, accused of theft and violation of the home of Israle Michel.
5. Corporal Ad Honores Gerard Belizaire, Private Willy Theodore accused of robbing Dieumerchie Dieurilus.
6. Private Willy Theodore, accused of making defamatory statements.
7. Privates Gaston Jure, Sosthene Dorsainvil, accused of violating the home of Resto Cyrus, kidnapping, armed robbery, that resulted in wounds to Resto Cyrus.
8. Sergeant St. Thomas Jean-Baptiste, accused of murdering a man known as Richard, a presumed pimp.
9. Lieutenant Gérald Larochelle, Warrant Officer Joseph Metellus, Second Lieutenant Israel Pierre-Fils, Private

First Class Jean Frenes Zamor, Private Pierre Antoine Zamor, Private Auguste Limage, accused of theft.

10. Privates Gary Jean, Elvy Cheristil, Azar Desamar and Abdel Versaille, accused of holding up a restaurant in Delmas.

11. [No rank given] Elie Dardompre, accused of murdering Anthenor Martiale.

12. Corporal Wilner Alexis, waiting judgement by a Court Martial.

13. Private First Class Raynold Cherisier, defamatory statements and desertion.

14. Private First Class Altagar Pierre, waiting judgement by a Court Martial.

15. Private Jean Deriston, who "should be tried by a Court Martial."

Discharged Officers and Soldiers whose cases have been turned over to Civilian Justice.

1. Sergeant Ad Honores Stenio Jean, Private Yves Brisseau, discharged from the Haitian Armed Forces for "Armed robbery" and remanded to civil justice.

2. Soldiers Rubens Saintil, Mayo Zetrenne and Wilfrid Brunot, discharged for the "good of the service," are incarcerated in the National Penitentiary on the order of the Narcotics Service, before being brought before civil justice.

3. Warrant Officer Théophile Delva, discharged from the Haitian Armed Forces and held in preventive detention at the headquarters of the National Penitentiary on the order of the Narcotics Service, awaiting civil justice.

4. Privates Jean-Elie Elusna, Jean-Claude Bazelaïs, Maxo Bellune, Queret Caseneuve, Fritz Normil Bob, Orel Ponge and Jean-Robert Casimir, discharged from the Haitian armed forces for the "good of the service" and imprisoned before being brought before civil justice.

5. Private Celidon Watson, charged with murdering Gerard Laforest.

6. Corporal Jean Nidorce, discharged and held in preventive detention at the National Penitentiary, at the disposition of the courts.

Officer Already Tried

Ex-Lieutenant Antoine Clarel Metellus, accused of the murder of Schubert Baptiste and of conduct capable of causing injury to military order and discipline, condemned to three years' imprisonment.

Of the cases mentioned above, only one -- other than that of Lieutenant Antoine Clarel Metellus -- is known to have proceeded. That is the trial of Lieutenant Gérald Larochelle, Warrant Officer Joseph Metellus, Second Lieutenant Israel Pierre-Fils, Private First Class Jean Frenes Zamor, Private Pierre Antoine Zamor and Private Auguste Limage, which opened on December 22, 1989 at the Army's officer-training college in Port-au-Prince and concluded on February 16, 1990 with the defendants being found not guilty. Lieut. Larochelle, a former member of the Investigation and Anti-Gang Service, and the other soldiers were charged with the theft of some \$10,000 during a search of the home of Léon Duval in the Bois Verna section of Port-au-Prince on June 26, 1989.* They were defended by attorney Osner Fevry. The military prosecutor was James Jean-Baptiste.**

*"En Bref," Haïti Progrès, January 17-23, 1990.

**"Le Jugement de l'ex-lieutenant Gérard [sic] Larochelle," Haïti Observateur, December 27, 1989- January 3, 1990.

VIII. U.S. HUMAN RIGHTS POLICY IN HAITI

Despite continuing attacks on popular organizations, unchecked random violence and slow progress toward elections, Haiti's military government continued to enjoy the support of the Bush administration throughout most of 1989. That support included the first major government-to-government aid since the violent collapse of the November 1987 elections, and excuses and silence in the face of ongoing abuses. By November 1989, however, with increasingly bold military repression and a new U.S. ambassador, the administration began to show greater resolve in pressing for elections and a halt to abuses. The shift in U.S. policy became most apparent following the declaration of a state of siege in January 1990, when the administration issued firm and important statements of support for free and credible elections in 1990. Unfortunately, the administration took longer to protest the arrests, beatings and deportations that accompanied the state of siege, treating these abuses at first as mere obstacles to elections rather than as serious human rights violations in their own right. As the crisis advanced, this deficiency was largely corrected.

The Bush administration, and the Reagan administration before it, uttered not a word of public criticism over Haitian military abuses during General Avril's entire first year in

power. The Bush administration made its first public comments on Haiti on March 14, 1989, when Deputy Assistant Secretary of State for Inter-American Affairs Richard Melton testified before a House subcommittee. (The State Department's Country Reports on Human Rights Practices in 1988, written by the Reagan administration but issued in early February 1989, described abuses only under Haiti's prior rulers, but none under General Avril.) Echoing U.S. comments about past Haitian dictators, including Jean-Claude Duvalier, Melton described the Avril government as "offering the best, and perhaps the last real chance for democratic reform in Haiti." He acknowledged ongoing abuses but claimed that "there is little if any evidence to link these abuses to policy levels within the Avril government." This claim was contradicted by widespread attacks on Avril opponents, including, for example, the January 1989 beating of two Avril opponents in the National Palace, the site of General Avril's presidential office.* Two weeks later during a trip to Port-au-Prince, Melton called for elections but said nothing about military abuses.

At the same time that Melton was exculpating General Avril, the Bush administration was pressing Congress to resume direct aid to the Haitian government as a reward for the "progress" that General Avril was said to have made. The progress cited included

*See Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, p.49.

the reinstatement, on the day before Melton's testimony, of portions of the popularly enacted 1987 constitution, which had been suspended by the predecessor military government in June 1988; the establishment in April 1989 of the constitutionally prescribed electoral council to organize and run elections, although at the time no electoral calendar had been set; and assistance in combatting drug trafficking.

These developments were considerably short of the conditions for the restoration of aid that had been set when most aid to the Haitian government was suspended following the aborted November 1987 elections. At that time, the State Department had proclaimed that, at the very least, "the electoral process [would have to be] resumed and restored" and that "an independent Electoral Commission is a key to restoring the electoral process." In addition, the State Department had noted "other measures that are crucial to Haiti's transition to democracy, [including]: the arrest, prosecution and punishment of those responsible for the election violence, the maintenance of public order, and the protection of Haitians during the election period as well as respect for the results of the new elections."

Congress agreed, however, to permit \$10 million in "food aid" to the Haitian government -- wheat donated for resale on the local market. While the unsuccessful coup attempt in early April delayed disbursement of this aid, it was released on August 3. Two weeks later, on August 17 and 18, Melton visited Haiti, where his statement to the press made no mention of the military's

attacks on popular organizations, the "insecurity" killings, or the Avril government's failure to halt these abuses. Rather, Melton contented himself with broad statements on the importance of democracy and expressed "hope that elections can be scheduled in the not-too-distant future."

One month later, Assistant Secretary of State for Inter-American Affairs Bernard Aronson visited Haiti. In a statement issued on September 16, he stressed that the Bush administration endorsed the Avril government's vow to uphold the electoral calendar and to ensure the security of voters. But he made no mention of continuing human rights abuses.

U.S. silence on abuses under the Avril government appeared to be due in large part to Ambassador Brunson McKinley, whose insistent deference to the Haitian military led to this virtual abandonment of U.S. public criticism. But with the November 1989 appointment of a new U.S. ambassador, Alvin Adams, and the Avril government's increasingly stark repression, the Bush administration began to take a more aggressive stand on human rights in Haiti.

On November 9, shortly after Adams's confirmation though before he had arrived in Port-au-Prince, the State Department spokeswoman issued a protest over the November 1 beatings of popular leaders Evans Paul, Marineau Etienne and Jean-Auguste Mésyeux. The State Department observed that, "based on their appearance on television, they had been mistreated," and noted that "concerns about these arrests" had been expressed to "senior

officials of the Haitian government." The State Department then not only reaffirmed its belief that "free and credible elections leading to the inauguration of a civilian government is an essential step in finding solutions to Haiti's problems" but also called on the Haitian government "to ensure that any detainees are treated in strict accordance with Haitian law and with respect for their civil and human rights." The statement was the first U.S. public criticism of the Avril government in human rights terms.*

As Ambassador Adams arrived in Haiti to assume his post on November 24, he took a strong public stand on the need for elections. In a speech at the airport, Adams invoked a Creole proverb, "Bourik chaje pa kanpe" -- a loaded donkey cannot stand still, which was understood as a reference to the burdened Haitian people and their expectations for democracy. He invoked the same proverb on November 13 at his swearing-in ceremony in Washington. Apparently as a result, Adams was turned away at the Haitian Foreign Ministry the first time he tried to present his credentials, on November 28, and General Avril feigned a cold the same day to avoid meeting Adams (although Avril reportedly met

*Four days later, in an address to the Organization of American States ("OAS"), Secretary of State James Baker made no mention of human rights violations in Haiti. He did, however, suggest concern over the Avril government's ability to protect the electorate and to carry out fair and honest elections, and thus called on the OAS and the Caribbean Economic Community ("CARICOM") to monitor Haitian elections. He added: "In 1987, the democratic community stood helpless as voters were gunned down in polling booths; surely we cannot permit that nightmare to return."

that day with the Taiwanese ambassador to receive a check for \$1 million in aid). Adams was ultimately permitted to present his credentials and to meet with Avril in early December.

In the next few weeks, Ambassador Adams used the occasions of a New Year's broadcast on the Voice of America and a speech in Cité Soleil in early January 1990 to underscore again the importance of elections. In the Voice of America broadcast, he expressed in Creole the hope that "in 1990 Haiti will rejoin the family of democratic nations," adding that Haiti's economic development was best promoted by the establishment of democracy. This latter point was a direct response to Gen. Avril's often-expressed view that Haiti's economic problems would have to be solved before elections could be held.

This strong public support for elections yielded a change in the perception of the U.S. government among many Haitians. After nearly a year of the Bush administration's seemingly unqualified support for the Avril government, Haitian observers were heartened to see an apparent move away from a policy of tolerance of the military dictatorship so long as it cooperated in stemming drug trafficking and the flow of Haitian refugees to Florida's coast.

Unfortunately, it took the Bush administration longer to match this vocal support of elections with an equally firm condemnation of human rights abuses. Although beginning in November 1989 the administration was willing to speak out against abuses by the Avril government, Washington treated these, in many

cases, only as impediments to elections and not as human rights violations that should be condemned and halted regardless of their effect on the electoral process. This left the impression that so long as elections were held, U.S. concern over abuses would not be serious. This pattern was apparent in the administration's early response to the increasing brutality of January 1990.

On January 21, the day after the Avril government declared a state of siege and proceeded to arrest, beat and expel opposition leaders, the State Department

call[ed] on the government of Haiti to move quickly to rescind the extraordinary measures taken and to restore faith in the democratic process in accordance with the wishes of the Haitian people as expressed in their constitution. In addition to rescinding these measures, including allowing deported politicians to return immediately, nothing could restore confidence more quickly than a clear reaffirmation of the government's commitment to go forward with the elections and to guarantee their security.

This strong reaffirmation of the U.S. commitment to elections was important in showing Avril that his pretext for invoking a state of siege would not be taken as an excuse to postpone elections.

In the same statement, the State Department "deplore[d]" the suspension of four articles of the constitution, the declaration of a state of siege and the arrest of a number of political leaders. But these acts were condemned not as human rights violations but because they "put at risk the democratic transition in Haiti." Moreover, the administration inexplicably failed to mention that many of those arrested had been severely

beaten, even though news of such beatings had been reported in the U.S. press.*

The administration's electoral focus also led to an unfortunate treatment of the deportations. The January 21 statement said:

Especially disturbing is the deportation without charges, evidence or due process of responsible democratic opposition leaders. Such actions undermine the confidence candidates and voters must have in order to participate in a credible electoral process, as well as the confidence of the international community in the government of Haiti's commitment to that process.

By condemning deportations without formal charges or due process, rather than condemning deportations in unqualified terms, the statement suggested that the deportation of Haitian citizens might have been acceptable had they been carried out properly. That is plainly contrary to Article 22(5) of the American Convention on Human Rights, to which Haiti has acceded, which provides that "[n]o one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it."** The error might have been avoided had the

*See, e.g., "Haiti Army Declares State of Siege And Reportedly Seizes Opponents," The New York Times, January 21, 1990 ("Eight plainclothes gunmen also arrested Serges Gilles, a socialist leader, and three members of his Progressive National Revolutionary Party who were at his home, witnesses said. Mr. Gilles was thrown to the ground and stomped upon in front of his children, witnesses said, while the others were beaten with gun butts.").

**See also Article 12(4) of the International Covenant on Civil and Political Rights ("No one shall be arbitrarily deprived of the right to enter his own country.") and Article 13(2) of the Universal Declaration of Human Rights ("Everyone has the right to leave any country, including his own, and to return to his country.").

administration focused more on international human rights standards than on its sense of what was needed for "a credible electoral process."

On January 24, the State Department issued a statement protesting the restrictions imposed on the Haitian press on January 22, and for the first time since the beginning of the state of siege spoke in terms of human rights violations. The State Department spokeswoman called these restrictions "a blatant assault on basic civil liberties," and urged the Haitian government "to cease any actions which infringe upon freedom of speech and other basic human rights." The Embassy, on January 25, also stated that these restrictions "constitute an unjustifiable violation of freedom of expression," noting that such freedom "is a cornerstone of all democratic systems."

But the State Department did not extend this approach to the other aspects of the crackdown on the democratic opposition. The State Department spokeswoman called the expulsion of opposition leaders "indefensible" and the actions of the Haitian government "outrageous" -- appropriately strong language -- but then, again, spoke only in terms of the elections: "Unless these and other opposition figures are allowed to participate safely and fully in the electoral process, the elections will not be credible"; and "You cannot destroy democracy in order to save it."

On January 26, the State Department took a significant step in recognizing that the lifting of the state of siege, which was then anticipated, would not suffice for putting Haiti on the path

toward free and fair elections. The spokeswoman said:

We would welcome such an action though it is only an initial step in undoing the damage that has already been done. Any announcement lifting the state of siege should be accompanied by action. Exiled political leaders should be allowed to return immediately. They and others should be permitted to freely participate in political activity. Restrictions on freedom of the press should be lifted immediately.

Moreover, in an important development, the State Department announced that "[t]hose responsible for the beatings of arrested opposition leaders, journalists, and human rights leaders should be punished." This was the first public recognition since the January 20 crackdown that democratic leaders had been beaten. It also represented a rare exception to the administration's policy of public silence on the issue of prosecuting human rights abusers.

The sole exception to this silence on prosecutions since the U.S. reaction to the election-day violence of November 1987 occurred following the September 11, 1988 attack on St. Jean Bosco church in which 12 were killed and 77 wounded.* The Reagan administration called on the military government to "investigate, apprehend and punish" the attackers. But there was no public follow-up to this appeal.

The Bush administration has also not called for the prosecution of those responsible for gross abuses in Haiti over the past several years, including the Jean Rabel massacre of July

*See Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, pp. 42-46.

1987, the murder of presidential candidates Louis Eugene Athis in August 1987 and Yves Volel in October 1987, the election day killings of November 1987, the murder of four members of the Labadie Youth Movement in August 1988, the killing of two Cité Soleil residents who denounced participants in the St. Jean Bosco massacre in November 1988, and the murder of the three Manigat supporters in November 1989. The administration should underscore the duty of the Haitian government to bring such gross abusers to justice. It should also stress when discussing elections that it will be difficult for the Haitian people to feel secure enough to venture to the polls while such notorious murderers remain at large.

The trend toward greater U.S. candidness in denouncing abuses by the Avril government continued with a statement issued on February 8. The State Department welcomed the February 7 release of political prisoners but noted that "many" had been beaten and detained without charges. Moreover, in an important recognition that the events of the preceding several weeks could not simply be forgotten, the State Department stressed that the Avril government had much to do to convince the Haitian people and the international community of its commitment to hold free elections and to respect human rights.

For the most part, the State Department's annual country report on Haiti, issued on February 21, 1990 and covering the calendar year 1989, continued this trend. Unlike the report issued in February 1989 and covering 1988 -- which, as noted,

whitewashed the Avril government's human rights record -- the most recent report candidly described a range of abuses, including killings, beatings and arbitrary arrests. Moreover, the State Department went out of its way to update the report by including reference to the events of January 1990. It said:

[I]n late January 1990, the Avril Government imposed a state of siege which suspended basic civil liberties, including freedom of the press, and arrested, beat, and deported a number of prominent opposition politicians. This action posed serious questions about the intent of the Avril Government to stand by its commitment to a transition to democracy.

Apart from this important reference, however, the State Department tended to pull punches in attributing abuses to General Avril. For example, in describing beatings and other physical abuses of prisoners, the State Department described "official admonitions to soldiers and Section Chiefs" to avoid such practices, but omitted any reference to the role of the Presidential Guard in these beatings. Of the five beatings it described in the report, the State Department picked four in which other branches of the army were responsible and in each case clearly identified the perpetrator. In the fifth case was the only one described in which the Presidential Guard was responsible -- the November 1 beating of Jean-Auguste Mésyeux, Evans Paul and Marineau Etienne the State Department launched into the passive voice "three political activists were beaten" (emphasis added), it said, without mentioning the Presidential Guard. In light of the Presidential Guard's significance as the main pillar of General Avril's power, this failure to mention its

role in the beatings appears like an effort to portray General Avril as more distant from such serious abuses than he actually was.

Nonetheless, the last four months have seen a greater U.S. outspokenness in protesting military repression. That has paralleled an apparently firmer resolve not to deliver additional aid to the Avril government until significant progress is made in respecting human rights and inaugurating an elected civilian government. For fiscal year 1990, the Bush administration has budgeted \$41.4 million in humanitarian and development assistance, which is directed through private voluntary and non-governmental agencies. The administration has also provided funds to the Haitian government for what it called "a small anti-narcotics program." Neither form of aid was suspended following the November 1987 elections. In both its November 9 and January 24 statements, the State Department made clear that any further government-to-government assistance "will be contingent on tangible evidence of progress on a transition to democracy and respect for human rights."

As the Avril government appears increasingly willing to tolerate the substantial sacrifices required to forego U.S. aid, the Bush administration must look for other avenues to continue pressuring the Haitian military to respect human rights. One important candidate is the U.N. Commission on Human Rights, which meets annually in Geneva in February and March. In 1988 and 1989, the U.S. supported the appointment of an "expert" to provide

"advisory services" -- a form of human rights instruction that is meant for a well intentioned government seeking in good faith to promote human rights. Because the Avril regime can no longer plausibly be viewed as such a government, the State Department has suggested in private conversations that it is willing to endorse a Commission resolution condemning Haitian human rights violations and appointing a special rapporteur to investigate and report on abuses. However, it has also said privately that it is following the lead of the French government on this issue. A more open campaign by the United States -- Haiti's principal international backer -- would go a long way toward encouraging the Commission to scrutinize abuses under General Avril. That critical international attention would provide an important source of leverage over the Haitian government.

IX. THE ROLE OF INTERNATIONAL AND REGIONAL ORGANIZATIONS

A. The U.N. Commission on Human Rights

In 1984, the United Nations Commission on Human Rights decided to extend "advisory services" to the government of Jean-Claude Duvalier while continuing a study of its human rights record under Confidential Resolution 1503. This was in addition to the Commission's decision, on March 4, 1981, to name an independent expert for Haiti, Jonas K.D. Foli, whose mission was to enter into direct contact with the Government of Haiti and report on a situation which "appeared to reveal a consistent pattern of gross violations of human rights." His report was to be restricted to members of the Commission.

The advisory services program, begun in 1955 by the U.N. General Assembly, was designed to give governments expert and technical assistance for building institutions that respect human rights. Accordingly, at the request of the recipient government the Secretary-General was authorized to: a) delegate experts who, in consultation with the concerned government, would provide advisory services, the nature of which was to be determined by the government; b) provide fellowships and scholarships to government officials; and c) organize seminars.

The effectiveness of these services depended, of course, on the good faith of the recipient government in its stated desire

to respect human rights. Given that prerequisite, a good case can be made that advisory services were never appropriate for Haiti. Certainly, in light of the increasingly authoritarian rule of General Avril, they are not appropriate today. The U.N. Human Rights Commission, now meeting in Geneva, should stop the pretense of advising General Avril how to respect human rights and accept the reality that his concern with human rights extends only so far as is convenient. The appointment of a special rapporteur, to investigate and report on human rights violations in Haiti in the manner that is reserved for other governments that consistently commit gross violations of human rights, would be a far more appropriate disposition for the case of Haiti.

According to the U.N. Secretariat, advisory services are "aimed at situations where the Commission considers that important changes have occurred in countries that have just come out of a period characterized by flagrant violations of human rights." There was little evidence in 1984 when advisory services for Haiti began, that the Duvalier dictatorship had "just come out of" a period of flagrant human rights violations.

In 1983, the government arrested Sylvio Claude, President of the Christian Democratic Party of Haiti (PDCH) for the sixth time in four years. His daughter, Marie-France and two other party members were forced into exile. A church activist, Gérard Duclerville, was arrested, severely beaten and kept in detention for at least 40 days. Opposition activities were banned. There continued to be no freedom of the press and expression, and no

respect for the rule of law, and the government had organized fraudulent legislative elections where most, if not all victors had been handpicked by the Duvaliers.

Nevertheless, Mr. Foli continued to give a positive evaluation of the Duvalier government's record on human rights, singling out as signs of improvement the formation of a government-sponsored National Commission on Human Rights (a Duvalierist public relations effort) and repeated government promises that it would fully cooperate with the U.N. Commission. Since his original appointment in 1981, Mr Foli had consistently remained uncritical of the Duvalier regime.*

Foli met representatives of the National Commission on Human Rights during his October 1984 visit to Haiti. At the time the Commission indicated that it would:

- 1) like to establish a documentation center where government officials could consult specialized journals dealing with human rights;
- 2) recommend the government submit names of candidates for fellowships and scholarships;
- 3) submit a proposal to the government that it organize a symposium on human rights for its officials, and request speakers from the U.N. Center for Human Rights.

* For instance, in his first report to members of the Commission, Mr. Foli stated that: "In my view, this fact [the courtesy and attention accorded by Haitian government officials] underscores the Haitian government's respect for the Commission, the seriousness with which it regards the latter's decision and, above all, its readiness to cooperate closely with the Commission in the quest for solutions to problems of common interest to both sides." He also supported the Haitian government's position that "Haiti's human rights problems cannot be eliminated until its economic condition is markedly improved." Jonas K.D. Foli, Report on direct contacts with the Government of Haiti, 8 February 1982.

No formal request was ever submitted by the Duvalier regime.

Less than a month later, in November 1984, more than 30 agronomists, agricultural economists and church development workers were arrested in a large government crackdown directed at development workers involved in building self-help peasant cooperatives. These arrests signaled the most pronounced campaign of intimidation since a 1980 crackdown on the press, political parties, human rights monitors and independent trade unions. Many activists were forced into hiding. Some, such as Victor Benoit, currently the General Secretary of the Congress of Democratic Movements (KONAKOM), fled into exile.

Nothing was said publicly about advisory services to Haiti in 1985 and 1986, although Haiti continued to be examined under the confidential 1503 procedure. With the fall of Jean-Claude Duvalier on February 7, 1986, the U.N. Commission at its February-March 1986 session adopted a confidential resolution asking that the U.N. Secretary General name a special representative on Haiti. His mandate, to be pursued under the confidential 1503 procedures, was: 1) to collect information concerning the human rights situation in Haiti and evaluate the developments with regard to civil, political, economic, social and cultural rights as well as prospects for free elections; and 2) to study, together with the government, the question of what assistance could be provided through Advisory Services. Mr. Gauvin, a Canadian, was designated, and visited Haiti in December 1986.

Gauvin's report portrayed the human rights situation in a positive light, and in 1987 the Commission recognized "the improvements achieved in the human rights situation in Haiti and the demonstrated commitment of the Government of Haiti to restore fully the enjoyment of human rights and fundamental freedoms for all in Haiti...." At the same time, the Commission decided to end its confidential examination of human rights in Haiti under Resolution 1503, and instead to:

[i]nvite...the Government of Haiti to continue its endeavors to develop full respect for human rights and fundamental freedoms in Haiti and to give consideration to the adoption of measures in the following areas of need indicated by the Special Representative:

- a) Training and instruction of the police, military and prison personnel in respect for human rights and fundamental freedoms;
- b) Adoption of measures to strengthen the independence of the judiciary;
- c) Absolute prohibition of torture;
- d) Establishment of a panel of eminent Haitian personalities to investigate and report on past human rights abuses in the country;
- e) Possibility of inviting international observers to the forthcoming legislative and presidential elections.

The Commission also recommended that the Haitian government ratify the principal international human rights instruments and it asked the Secretary General to name an expert "with a view of assisting the new government, through direct contact, to take the necessary action for the full restoration of human rights." This expert was to report to the February-March 1988 Commission session.

Unfortunately, the expert, André Braunschweig of France, was not named until October 8, 1987. Then, because of roadblocks mounted by the CNG -- the Haitian government never extended an official invitation to the expert -- he was unable to visit the country to fulfill his mission.

On November 29, 1987, elections organized by a constitutionally established independent electoral council were crushed in a bloody assault by army and paramilitary troops.** The CNG organized substitute elections for January 17, 1988, which were boycotted by all leading candidates and the overwhelming majority of the Haitian electorate.*** On January 24, 1988, Leslie Manigat was proclaimed the winner of these sham elections, and was inaugurated president of Haiti on February 7, 1988. Placing behind him the electoral violence of the preceding months, the Haitian observer at the February-March 1988 session of the Commission declared that "there were reasons to be optimistic as far as the prospects for democracy in Haiti and the relations that his government maintained with the Human Rights Commission."

Braunschweig's mandate was renewed, but for reasons of health he resigned in June 1988 and was replaced by Philippe Texier, also of France. Texier visited Haiti from December 15-22,

**See Americas Watch, National Coalition for Haitian Refugees & Caribbean Rights, The More Things Change...Human Rights in Haiti, February 1989, pp. 9-19.

***Id., pp. 19-21.

1988, initiating contacts with governmental authorities, democratic opposition forces and non-governmental organizations.

Texier submitted a report to the Commission during its February-March 1989 session which contained a large if not exhaustive list of the most serious human rights violations of the period from February 1986 to December 1988. These included killings, torture and disappearances. Texier underscored that no serious judicial investigations were under way into any of the important human rights violations committed during this period, despite the authorities' frequent vows to punish such transgressions.

Texier also pointed out that, despite the recognition by the Organization of American States in a September 1988 report that disappearance, extra-judicial execution and torture were a consistent feature of the Haitian landscape, most individuals suspected of having actively participated in human rights violations, or of having authorized or encouraged them, continued to hold important positions in government and the armed forces.

He noted that the suspension of the Constitution by General Namphy in June 1988 -- continued by General Avril until March 1989, when portions of the Constitution were reinstated -- effectively deprived of significance both General Avril's vows to respect human rights and his ratification and adhesion to several international human rights instruments in December 1988. In fact, as late as January 1, 1990, Haiti had still not deposited the instruments of ratification.

These legal deficiencies are, of course, only part of the problem. As General Avril has made clear throughout his year-and-a-half in office -- a period marked by regular arrests and beatings of opposition figures, culminating in the abuses associated with the January 1990 state of siege -- his repeated vows to respect human rights and inaugurate democracy were empty promises designed to garner international support and help him remain in power.

Under these circumstances, there is no value in continuing advisory services for Haiti. In his most recent report to the Commission, Texier indicated that no such services were requested by the Avril government in 1989, and recommended that the Commission name a special rapporteur mandated to investigate the "situation of human rights and fundamental freedoms in Haiti."

Indeed, continuing advisory services poses a potential harm to human rights in Haiti, insofar as it is used to prevent more rigorous scrutiny and condemnation of the government's human rights practices. Since most major donors to the Haitian government, including the United States and France, have suspended aid in light of ongoing government abuses, the principal form of leverage that remains for preventing human rights violations is the fear of international condemnation. The U.N. Human Rights Commission could help apply such pressure by dispensing with the pretense of advising the Avril government how to respect human rights. Instead, the Commission should vote to condemn Haitian government abuses and to appoint a special

rapporteur to examine these abuses and to report back at the February-March 1991 Commission session.

B. The Caribbean Community

The 13 member countries of the Caribbean Community (CARICOM)* have frequently disagreed among themselves about the degree of pressure that should be placed on Haiti with regard to human rights and democratization. In practice, this has often led them to soft-pedal criticism of rights abuses.

In July 1989, for instance, at its 10th summit, while some Caribbean states were calling for strong disapproval of Haiti's military government and even suspension of the country's observer status in CARICOM, the summit's final communiqué, which requires a consensus of all member states, made no direct mention of rights violations under General Avril and appeared to support the Haitian government's view that it was moving steadily forward toward free elections. The heads of government said they:

hoped that the Haitian government would pursue democratic reforms, including the holding of national elections, in accordance with the provisions of the Haitian Constitution and the sovereign will of the Haitian people and having regard to its commitment to the international community...They agree that based on an understanding that a process of reform is being initiated in Haiti, a team [of high-level officials]...should visit Haiti in response to the invitation of the government of Haiti in order to meet a wide cross-section of the Haitian people and to reaffirm CARICOM's previously stated solidarity with them.

* The 13 members of CARICOM are: Antigua and Barbuda; Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Jamaica; Montserrat; St. Kitts/Nevis; St. Lucia; St. Vincent and the Grenadines; Trinidad and Tobago.

The participants of this August 15-18, 1989, ministerial level team essentially echoed this view, with one member expressing the opinion, at an August 18 Port-au-Prince press conference, that Haiti "is currently on the path of democratization."

Developments in Haiti since then have convinced many CARICOM leaders of the need for a more critical stance. Prime Minister Arthur Napoleon Raymond Robinson of Trinidad and Tobago has taken the lead regionally in pressing for a tougher response to rights violations in Haiti, including the possibility of actively discouraging funding to the military regime.

On February 9, 1990, Prime Minister Robinson stated that, "While we stand ready to assist in the promotion and coordination of a democratic transformation in Haiti, we await unambiguous pronouncements by General Avril on implementation of [several]...measures."

The eight measures he mentioned included "respect for human rights at all levels with a clear acknowledgement of the relationship between democracy and human rights progress" and "adherence to the provisions of the Constitution of 1987," in which regard he added, "We seek clear undertakings that General Avril has no intention to remain in power following the scheduled elections."

Another measure listed by the Trinidad and Tobago Prime Minister was "punitive action against those responsible for the beatings of arrested opposition and human rights leaders."

The declaration concluded by noting:

Moreover, until there is sufficient evidence of a return in Haiti to the path of democratic reform, Trinidad and Tobago would feel constrained to exert its influence in CARICOM, the OAS [Organization of American States] and wider international fora, to apply economic pressures, including the prevention of allocation of funds for economic programmes.

A statement of this sort issued by CARICOM as a whole would have an important impact in Haiti as well as in international forums. The CARICOM heads of state, who will be meeting in July 1990, should also consider moving to suspend Haiti's observer status in the regional body if the Haitian government has not demonstrated real progress in respect for basic human rights.