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Human Rights Violations and Failed Diplomacy

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I. INTRODUCTION

President Clinton's policy of disregarding fundamental human rights issues to resolve Haiti's political crisis, combined with his inhumane and illegal practice of summarily returning Haitian refugees, has contributed to a human rights disaster that has tarnished his presidency and discredited its stated commitment to democracy and human rights around the world. Constant concessions to the Haitian military by the President's Special Envoy, Ambassador Lawrence Pezzullo, and the refusal to support President Aristide's position that members of the army must be held accountable for human rights abuses, have resulted in the current political stalemate; more importantly, they have strengthened the army's hold on Haiti and prolonged its reign of terror.

By late March, this Haiti policy had come under increasing public criticism from human rights groups, Members of Congress, and the American civil rights community. To appease critics, the executive branch began to tinker with the details of the Governors Island Accord, still failing to address the underlying flaw in the Accord: the absence of any human rights guarantees.

The human rights issue at the core of Haiti's crisis is the army's responsibility for continuing widespread abuses against the Haitian people and its demand for impunity for those violations. To its shame, the Clinton administration supports a broad amnesty that would ensure that the thousands of murders committed since the September 1991 coup will go unpunished. Passage of an amnesty law is one of the three priorities in the Administration's latest proposal to implement the Governors Island Accord. Further, the administration suggests that only General Raoul Cédras will resign his post, leaving the rest of the killers on duty in the armed forces of a "democratic" Haiti. While it is clear that the Haitian judicial system is currently incapable of adjudicating the many cases of serious human rights violations since the coup, it is essential that the right of victims to seek justice in the future be preserved. More immediately, any settlement should ensure that abusive members of the security forces are dismissed to prevent them from using their official capacity to further abuse Haitians.

The Clinton administration's opposition to efforts to hold senior military officials accountable for the killing has had an insidious effect on the political negotiations. For over two years, since the Washington Accord of February 1992, President Aristide has insisted on immediately dismissing these killers from the army and preserving the option of later prosecution. International law fully supports his position. Nonetheless, the administration has failed to support a purge of the murderers in the Haitian army or to oppose a blanket amnesty for these killers, thus supporting the army high command's demand for impunity. Long ago the administration should have made clear that this option is not on the negotiating table. Instead, it has embraced a murderous armed force as a counterweight to a populist president it distrusts. This inexcusable compromise has encouraged the army to sit back and wait while the administration itself presses Aristide to abandon the principle of accountability which international law, and the long-term best interests of Haiti, compel him to uphold.

For its part, the Haitian army has long expressed fear of President Aristide's capacity to inspire mob violence. This concern has only magnified as severe repression and the bite of economic sanctions breed a heightened desire for revenge. In these circumstances, some form of accountability is arguably even in the army's interest, since Haitians will be less likely to impose "justice" in the streets if they can foresee the prospect of justice being done in a court of law.

The small team of UN/OAS International Civilian Mission observers who have returned to Port-au-Prince have documented an escalating number of murders, disappearances, politically-motivated rapes, and arbitrary arrests during the first months of 1994. Residents of Port-au-Prince's Cité Soleil, who are perceived by the military and its backers as Aristide supporters, have been particularly targeted by the heightened violence, especially since the December 27, 1993 massacre there. The administration's failure to support accountability for abusive individuals has no doubt convinced the army and its supporters that they can, in fact, get away with murder.

The Clinton administration has continued to forcibly repatriate Haitian refugees with no prior screening for asylum seekers, in violation of international principles of refugee protection. Worse, throughout the negotiation process, the

Administration's support for President Aristide has been tacitly conditioned upon his silence on the refugee issue. In recent months, as even Haitians deemed high priority asylum cases were arrested upon return to Port-au-Prince, the U.S. has continued to defend this abhorrent policy. In order to justify the continuing practice of summary repatriation, the Clinton administration has relied on the fig leaf of a seriously flawed in-country processing program. The Administration steadfastly refuses to consider alternatives to this policy, such as regional safe havens, and instead downplays the risks faced by Haitians who are returned to Port-au-Prince. Despite the violence in the streets of Port-au-Prince, the U.S. Embassy remains largely silent on human rights abuses, an approach reflected in the errors and omissions in the State Department's annual country report.

If the Clinton administration intends to regain the credibility it has lost, it must take the following steps immediately:

- ◆ Review the entire U.S. strategy for restoring democracy to Haiti by starting anew with a commitment to emphasize human rights protections and accountability for abusers.
- ◆ Oppose publicly and explicitly any broad amnesty that would absolve members of the Haitian armed forces and their supporters for serious human rights abuses committed since the September 1991 coup. U.S. support for a blanket amnesty undermines the very goals the U.S. claims to advocate — support for human rights and the rule of law. Any quick political advantage gained by supporting a broad amnesty will be short-lived since democracy cannot be built on a foundation of impunity for murder and torture.
- ◆ Appoint a new special envoy to Haiti in order to signify a change of policy. By promoting a flawed U.S. policy that downplays human rights concerns, Ambassador Pezzullo has lost credibility. He should be replaced by an individual with a proven commitment to human rights.
- ◆ End the summary repatriation of Haitian boat people. Forcibly repatriating fleeing Haitians, without regard to their legitimate claims for asylum, violates internationally recognized principles of refugee protection. The in-country refugee processing program is chronically deficient and under no circumstances should serve as the only alternative for asylum seekers.
- ◆ Promote a multilateral, regionally-based response to the refugee crisis, including the establishment of one or more safe havens where screening can occur so that those with credible claims of persecution are not forcibly returned. Any safe haven should employ the good offices of the United Nations High Commissioner for Refugees to ensure observance of basic principles of refugee protection.
- ◆ End the current policy of downplaying the human rights crisis in Haiti by immediately and publicly denouncing serious human rights abuses as they occur and identifying the perpetrators.
- ◆ Insist on the creation of a separate police force, answerable to the Ministry of Justice, as an essential component in restoring democracy and bringing the Haitian police under the rule of law.
- ◆ Call for the return of a significantly enlarged UN/OAS International Civilian Mission to monitor human rights throughout Haiti and to collect information about abuses that could be used to purge the armed forces of abusive members and to prevent the hiring of the armed civilians now engaging in widespread human rights abuses.
- ◆ Target sanctions more carefully to exert pressure on those who have in their hands the key to change in Haiti. The list of approximately 564 Haitians whose assets will be frozen and who will be denied visas by the U.S. is not enough. Much of its impact is lost by the fact that the complete list is not public. An effort must be made to include civilians whose support for the de facto regime warrant personalized sanctions.
- ◆ Propose to the UN and OAS that all other countries join in similar targeted sanctions and make public the list of those individuals whose actions against democracy and human rights in Haiti deserve international stigmatization.

II. OVERVIEW

Terror, intimidation, and the nightmare of reborn Duvalierism have become the Haitian citizens' daily reality as military rule continues for a third year. As successive internationally-supported efforts to negotiate President Jean-Bertrand Aristide's return have failed, the army has come to believe that it can retain power indefinitely. To this end, it has reneged on successive agreements and used armed civilian thugs to drive off United Nations-backed U.S. and Canadian military instructors. Although the Armed Forces of Haiti (*Forces Armées d'Haïti*, FAD'H) remain nominally steady at some 7,000 men, their strength and sway has grown since the coup with the addition of tens of thousands of civilian *attachés*.¹ In the second half of 1993, these bands of thugs were fashioned into the quasi-political organization known as the Front for the Advancement and Progress of Haiti (*Front pour l'Avancement et le Progrès d'Haïti*, FRAPH). FRAPH, which sounds like the French word for "hit," has been nurtured by the military since its emergence in September 1993.

The Clinton administration, while more active than the previous administration in pushing for the restoration of democracy to Haiti, has failed to make respect for human rights a central component in its policy toward Haiti. Throughout the year, the administration carried out an indiscriminate and inhumane policy of forcibly repatriating Haitians fleeing well-documented persecution. And, in order to defend its refugee policy, the administration alternately ignored or downplayed human rights, despite the obvious deterioration in the human rights situation. (See Section IX)

The administration continued to ignore human rights during the Governors Island negotiations, when it refused to support proposals that would hold human rights violators accountable or guarantee respect for human rights in the future. The administration's public reaction to an alarming increase in reports of political killings in Cité Soleil in February and March, for example, was limited to a weak press statement issued only in Haiti that failed to blame the army and its supporters for the murders.²

As a political solution appeared more and more remote, political violence continued unimpeded, with seventy-one murders committed between February 1 and mid-March, in Port-au-Prince alone, under investigation by the United Nations/Organization of American States' International Civilian Mission. There has also been an increase in reports of disappearances, politically-motivated rapes, and arbitrary arrests during the first months of 1994. Residents of Port-au-Prince's Cité Soleil, who are perceived by the military and its backers as Aristide supporters, have been particularly targeted by the heightened violence, especially since the December 27, 1993 massacre there. (See Section VIII).

The recent violations are only the most recent attacks in the consistent campaign of terror against Haitians. In the first half of 1993, the military continued to restrict basic freedoms in Haiti — banning public support for Aristide, barring most meetings, and intimidating the independent media with violence and threats. Arbitrary arrest, beatings, and torture, including rape, while in detention continued to be the rule rather than the exception. The deployment of the International Civilian Mission (MICIVIH) beginning in February led to certain modifications in the repression, particularly outside the capital. Consistent intervention by observers on behalf of people illegally arrested or mistreated in detention led to releases from prison and somewhat fewer arrests. It also persuaded the military to make greater use of civilian *attachés*, making it more difficult to implicate the army in illegal acts. The presence of the mission emboldened local groups to organize pro-Aristide rallies in some cities (most of which were swiftly repressed) and communal meetings in several rural areas.

¹ *Attachés* are civilian, paramilitary troops supported and armed by the Armed Forces of Haiti.

² A March 18, 1994 press guidance prepared by the State Department could be interpreted as indirectly blaming President Aristide for the killings. The guidance states, in part: "We believe this repression is a result of the pressure put on all sectors of Haitian society by the existence of a political vacuum and the continuing crisis in the country." The State Department has frequently criticized President Aristide for not appointing a Prime Minister, and therefore creating a political vacuum.

Human rights conditions began to deteriorate immediately following the signing of the Governors Island Agreement in New York on July 3, 1993. The military, aided by its attachés or armed civilians, began a deliberate campaign of heightened terror and violence. Killings, forced disappearances, illegal arrests, beatings, and torture increased sharply in July and August. Conditions deteriorated further after the inauguration of the short-lived constitutional government of Robert Malval and the lifting of the international oil and arms embargo. In the two months before President Aristide's scheduled return on October 30, the army increasingly collaborated with gangs of armed civilians who kidnapped, tortured, and killed Aristide supporters. Armed civilians made nightly visits to many neighborhoods of Port-au-Prince, firing their guns in the air, threatening and arresting residents. Similar bands prevented the Malval government from functioning and blocked the implementation of measures approved at Governors Island that would have led to a restoration of President Aristide's government.

The parameters of the crisis are graphically demonstrated by the rising death toll following the Governors Island agreement. Using figures for political killings or suspicious murders from the International Civilian Mission for the months of May through September 1993, and February 1994, and from Haitian human rights groups in the intervening period, the pattern of violence in relation to political developments is clear.

Political Killings and Suspicious Murders, May 1993-February 1994³

| | |
|-----------|-----|
| May | 9 |
| June | 5 |
| July | 34 |
| August | 33 |
| September | 60+ |
| October | 80+ |
| November | 70+ |
| December | 55+ |
| January | 30+ |
| February | 50+ |

Many of the victims were community leaders or members of groups favoring Aristide's return. Others, such as the people killed in the December 27 arson attack in Cité Soleil⁴, died because they lived in the shantytowns where there existed considerable support for Aristide.

³ The presence of the International Civilian Mission around the country made it possible for the first time to obtain relatively comprehensive figures on the numbers of victims of human rights violations. Figures from May through September 1993 and February 1994 come from the Mission.

⁴ The Justice and Peace Commission reported the identities of 36 people killed during the incident, as well as 25 people disappeared or unaccounted for, and four injured. Investigations into the massacre are continuing, and another credible estimate has put the number of people dead as high as 102. (See Section VIII)

Throughout 1993, civil society continued to fall victim to repression, as it had in the first year after the coup, as HRW/Americas reported in *Silencing a People*.⁵ Restrictions on the rights of free speech and free assembly and the virtual ban on meetings by popular organizations, even nonpolitical ones, led to fragmentation and increased demoralization that had a negative impact on grassroots development and self-help projects. The fledgling efforts to organize demonstrations in support of Aristide's return, strengthened by the arrival of the International Civilian Mission, collapsed with the renewed terror that began in September. The only public demonstrations tolerated by those in power since then have been organized by FRAPH and other like-minded groups.

The repression since the Governors Island Accord has created increasing numbers of internally displaced people, described as "in hiding" or *marronage*. The forced displacement of tens, if not hundreds of thousands of Haitians is part of the military's strategy to destroy all forms of organization or opposition. The high level of internal displacement has resulted in severe economic hardship as families are separated and lose their already limited sources of income.

Pressures on the independent media, in the form of threats, intimidation, arrests, and violence, have forced provincial radio stations to shut down and caused radio and television stations in Port-au-Prince to practice increased self-censorship. Journalists have been forced into hiding, further impeding the flow of information both locally and internationally.

International Efforts Intensify

The international community actively engaged in efforts to resolve the Haitian crisis in 1993. Dante Caputo, the former Argentine foreign minister named as mediator by the United Nations (UN) and the Organization of American States (OAS), shuttled back and forth from Port-au-Prince to Washington and New York throughout the year. His first success came on February 9, when *de facto* Prime Minister Marc Bazin agreed to President Aristide's request for the deployment of a civilian human rights monitoring team. When in June the military failed to abide by its commitment to seek a resolution to the crisis, the hitherto feeble OAS trade embargo was transformed into a worldwide oil and weapons embargo enforced by a cordon of international ships (primarily from the U.S.) and a worldwide freeze of Haitian government assets and those of a small number of wealthy coup supporters. With gasoline growing scarce, and its elite supporters anxious over the actions taken against them, the military indicated its willingness to meet with Aristide and negotiate a settlement. At Governors Island, Caputo and Lawrence Pezzullo, the U.S. Special Advisor on Haiti, crafted an agreement that called for Aristide's return on October 30, after the confirmation of a new prime minister, the "early retirement" of General Raoul Cédras, the appointment of a new commander-in-chief, who would appoint the members of the army general staff, an amnesty granted by Aristide within the terms of the Haitian Constitution, and the adoption of a law establishing a new police force, separate from the armed forces, with a commander appointed by the president.

There were troubling elements of the agreement, however, including the pledge to lift the embargo before Aristide's actual return to Haiti, the option for the Haitian parliament to institute a broader amnesty that would encompass serious human rights violations, and the lack of any direct reference to human rights concerns. Aristide, unhappy with the concessions he was forced to make and threatened with the loss of international support, signed the accord under strong pressure from the U.S. and the UN.

Several days of meetings in New York between parliamentarians and representatives of political parties followed, during which the so-called New York Pact, signed on July 16, was hammered out. The Pact called for: a six month "political truce" to facilitate the work of the new government of "national concord;" the swift adoption of legislation by Parliament on nine key points, including the establishment of the new police force; an amnesty; a compensation fund

⁵ Americas Watch (AMW) and the National Coalition for Haitian Refugees (NCHR), *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch (HRW), 1993). See also: AMW/NCHR, *No Port in a Storm: The Misguided Use of In-country Refugee Processing in Haiti* (New York: HRW, 1993); AMW/NCHR, *Half the Story: The Skewed U.S. Monitoring of Repatriated Refugees* (New York: HRW, 1992); AMW/NCHR, *Return to the Darkest Days: Human Rights in Haiti since the Coup* (New York: HRW, 1991); and AMW/NCHR, *The Aristide Government's Human Rights Record* (New York: HRW, 1991).

for victims of the coup; the abolition of all paramilitary forces; and the establishment of a Conciliation Commission to resolve outstanding disputes, such as the status of members of parliament elected in the disputed elections of January 19, 1993.

President Aristide announced his choice of Robert Malval as prime minister on July 27. Malval, a businessman and scion of an elite family who helped Aristide organize a successful conference in July of Haitian businesspeople in Miami, was ratified without difficulty by the two houses of Parliament and on August 27 the embargo was suspended. Malval's cabinet, including representatives of five political parties and two members of the original Aristide cabinet, was sworn in on September 2.

Implementation of Governors Island Accord Collapses

Throughout September and October, members of the Malval government were prevented, sometimes violently, from assuming office. Groups of armed civilians assembled around and within government buildings, deterring government officials from approaching their own offices. Even Prime Minister Malval was forced to work at home for his entire tenure because the state-owned building where he proposed to establish his offices remained occupied by attachés.

The most violent attack by armed civilian attachés attempting to block officials from assuming their posts took place on September 8, 1993 during the ceremony to reinstate Evans Paul as mayor of Port-au-Prince. (See Section VII) The attachés killed at least three people and seriously wounded many others as the police stood by and did nothing. The preliminary account of the incident prepared by the public prosecutor identified some of the armed men as active members of the armed forces.⁶

Although serious human rights violations had increased following the signing of the Governors Island Accord on July 3, the attack at city hall was the first significant indication that the military would betray its Governors Island commitment. Confirmation of their intentions quickly followed:

- ◆ On September 11, prominent Aristide supporter and businessman Antoine Izméry was assassinated by men in civilian clothes who received assistance from the military to carry out the murder. (See Section V)
- ◆ Armed attachés and FRAPH members staged a loud demonstration at the Port-au-Prince dock — in the presence of a large number of police who did not intervene — leading to the withdrawal of the USS *Harlan County* on October 11. (See Section VII)
- ◆ Guy Malaré, minister of justice in the Malval government, was gunned down in his car as he left work in the early afternoon of October 14, just after he had presented to parliament a proposed law creating the new civilian police force. (See Section V)

While these prominent cases were the clearest demonstrations of the human rights crisis in Haiti, this report describes a relentless campaign of terror throughout the past year against Haitians citizens. The report also graphically illustrates the disastrous consequences of the international community's insistence on pursuing a solution to Haiti's crisis without due regard for human rights concerns. In one positive development, the international community supported the creation of the UN/OAS International Civilian Mission to monitor human rights, yet it too fell victim to the generally flawed policy toward Haiti.

III. THE INTERNATIONAL CIVILIAN MISSION

After months of urging non-governmental human rights groups to make frequent visits to Haiti, President Aristide in mid-1992 began to prod international organizations to dispatch a team of observers. Many Haitians hoped that

⁶ The prosecutor resigned and the final report was never issued.

civilian monitors would have the same effect that hundreds of UN and OAS observers had during the December 1990 elections, when they helped to deter violence, allowing Haitians to express themselves without fear of military retaliation. The OAS obtained the *de facto* government's approval for a group of eighteen monitors in September 1992, but the army restricted their freedom of movement and limited their effectiveness.

These eighteen monitors were incorporated into the new mission, forty members of which arrived in Haiti on February 14, 1993. The International Civilian Mission in Haiti (MICIVIH) opened its first provincial office in Jérémie, in the Grand Anse province, on March 5; by the end of March, the Mission had offices in all nine departmental capitals. At the time of its evacuation from Haiti, the mission comprised over 160 observers in thirteen regional team offices, thirty human rights and media personnel in the central office, in addition to the administrative staff. It was the largest deployment of human rights observers in any international operation to date. Colin Granderson, the Trinidadian diplomat who supervised the earlier, smaller OAS mission, led the international team. Ian Martin, the former secretary-general of Amnesty International, served as the Director for Human Rights, and brought the perspective and experience of a nongovernmental human rights organization to the operation.

The Mission's terms of reference defined its role as "help[ing] to guarantee the respect in Haiti for the human rights mentioned in the Haitian Constitution and in particular the international instruments to which Haiti is party, in particular the International Convention on Civil and Political Rights and the American Convention on Human Rights." It was to "obtain information on the human rights situation in Haiti and make appropriate recommendations to promote and protect human rights," paying "special attention to respect for the right to life, personal safety and security, freedom of expression and freedom of association."

The observers had the right to go "immediately...to any place or establishment where possible human rights violations may have occurred" (*ou seraient signalées d'éventuelles violations des droits de l'homme*). The Mission was forbidden "to participate or join in political demonstrations" but could observe them. For their part, the Haitian authorities promised to "see to...the security of persons who have communicated information, brought testimony or furnished evidence of any kind" to the Mission, and to take measures to ensure the safety of Mission members.

The military often violated the Mission's terms of reference, by arbitrarily denying observers access to many prisons and lockups, by failing to protect people who communicated with the Mission, and by allowing soldiers to threaten and harass observers.⁷

The Mission sought to have a "correct dialogue" with the army at national, regional and local levels, and contacts were made with most commanders. The Mission reported in late October, however, that "attempts since July to meet with the Chief of Police of the metropolitan area [Joseph Michel François] have been unsuccessful."

In a July interview, François leveled bizarre charges against the Mission.

If everything were quiet in the country, they would have no reason to stay here. So they encourage people to have demonstrations so that they can have the police beat them, they make the police nervous so they do bad things.⁸

⁷ In Petite Rivière de Bayonnais in the Artibonite, for instance, immediately after a human rights education meeting organized by the Mission on October 13, "the only two people who spoke during the meeting were arrested in full view of mission observers and others by a corporal and an attaché and taken to the military post." One of them was seen by observers in the folded *djak* position, where a stick is placed behind a person's knees while his wrists and ankles are tied together. He is then either pushed to the ground or suspended from a bar and beaten. (United Nations Secretary-General, *The Situation of Democracy and Human Rights in Haiti*, A/48/532/Add.1 (New York: UNIPUB, November 18, 1993).

⁸ Kathie Klarreich, "Haitian Military Puts Positive Spin on Its Rule," *San Francisco Chronicle*, July 23, 1993.

In each report it issued, the Mission noted the military's failure to launch investigations and take action against abusive officers and enlisted men when presented with information of particularly egregious human rights violations. "In a very small number of cases the Mission has been informed orally that the alleged perpetrator of a human rights violation has been placed under arrest. It has never been informed of any subsequent action and is certainly not aware of any member of the FAD'H being brought before the civilian courts, which under the Constitution have jurisdiction over such matters."⁹

The Mission urged the army high command to stress publicly the importance of all FAD'H members to respect the rights of personal safety and security and to assure those who had gone into hiding that they safely could return home. No such statements were ever made.

When members of the Mission first began to work in the provinces, the army was wary and somewhat cautious. In some areas, soldiers warned the population not to make contact with the Mission. Nevertheless, thousands of people did report human rights violations to the Mission, often jeopardizing their own safety.

Ricardo Chery, a founder of the Union of National Democratic Youth, who lived in the Raboteau neighborhood of Gonaïves, frequently exchanged information about human rights violations with the local office of the Mission. On April 21, soldiers arrested him and took him to the Raboteau police post, where they beat him violently on his left side and the head. They told him to lie on the ground and they began pulling him in opposite directions. Then a soldier known as Karetane began whipping him. After a while the soldiers took him to the Toussaint L'Ouverture army base. At the base, he said,

the jailer of the prison, Corporal Manno, searched my pockets and found the telephone number of the civilian mission. Sergeant Fanor then hit me. Corporal Manno ordered me to be tortured with the *djak*. I was beaten 100 times with a club. The next day I was hit with a club ten more times.

On Thursday April 22, Chery was brought before Justice of the Peace Pierre-Antoine Cherilus. The judge said he had no time to deal with the case, and Chery was sent back to prison, where he continued to be beaten until his release on April 29.¹⁰

In another case, André Elie, a member of the Papaye Peasant Movement (*Mouvement Paysan de Papaye*, MPP) with a small shop in Hinche, became friendly with observers of the Mission. One night in early May, men in civilian clothing broke into Elie's house and took him away. His frantic wife ran to the office of the Mission at 4:00 A.M. The Mission found Elie on the side of the road an hour later, where he had been left for dead. "His body was covered with at least a half-inch of coagulated blood in the areas where he had been beaten," the local coordinator for the Mission, Jean René Marcoux, reported. Elie said that he had been beaten 750 times: 250 for his membership in MPP, 250 for the contacts with Mission observers, and 250 for allegedly being pro-*Lavalas*,¹¹ according to his assailants.

The Mission was evacuated from Haiti in the middle of October, ostensibly out of concern for the security of its personnel. The decision to leave, however, was precipitated by the USS *Harlan County's* retreat and was more political than practical. Interim measures, such as keeping the observers on suspended duty in Port-au-Prince, might have satisfied security concerns. Within two days of the United States' loss of will, the French cancelled their training

⁹ UN Secretary-General, *The Situation of Democracy and Human Rights in Haiti, A/48/1993* (New York: UNIPUB, October 25, 1993).

¹⁰ Interview, Port-au-Prince, May 1993.

¹¹ *Lavalas* is the Creole word meaning "flood" or "landslide"; as used colloquially, it refers to the broad-based popular movement that elected President Aristide.

mission, the Canadians withdrew police personnel already in the country, and the Mission was sent to Santo Domingo, sending the clear message that the international community was retreating from Haiti.¹²

The Mission's absence was keenly felt in provincial towns, where their presence had reassured ordinary Haitians of the international community's concern and kept the military, if not on good behavior, at least wary of exposing themselves to criticism. In towns like Gonaïves, the Mission's presence helped make it possible for Haitians to demonstrate their support for President Aristide. In Port-au-Prince, its presence was less effective, and indeed the observers felt helpless in the face of the increasing violence in September and October. Instances of deliberate violence in front of the mission led many Haitians to question the value of a mission that had no mandate to intervene to prevent human rights violations.

IV. FRONT FOR THE ADVANCEMENT AND PROGRESS OF HAITI (FRAPH)

Many of the worst abuses of the post-Governors Island period have been carried out by the neo-Duvalierist group Front for the Advancement and Progress of Haiti (*Front pour l'Avancement et le Progrès d'Haïti*, FRAPH), which has cultivated anti-foreigner nationalism and called for an end to UN and OAS involvement in Haiti.

FRAPH, while ostensibly an independent political organization, functions as a surrogate for the military. Its activities, including public demonstrations, violent thuggery, and assassinations, are tolerated, and even encouraged, by the army. FRAPH openly identifies with the late François Duvalier (Papa Doc), who ruled Haiti through terror from 1957 to 1971. Its leaders and spokesmen are Emmanuel Constant, 37, son of an army commander under Duvalier and nephew of Bishop Emmanuel Constant of Gonaïves, and Jodel Chamblain, a former soldier said to have taken part in the November 1987 election massacre and a participant in the January 1991 attempted coup d'etat led by Roger Lafontant.¹³ Chamblain is also a former Tonton Macoute who claims his pregnant wife was murdered by a pro-Aristide mob in 1991.¹⁴

The group has attracted the support of Duvalierist political movements disenfranchised since 1986 and conservative anti-Aristide politicians not previously identified as Duvalierists. It makes use of its virtual monopoly on public discourse by building local chapters around the country, during a time when the democratic, popular organizations that emerged since 1986 have been rooted out or forced underground by violent persecution. FRAPH leaders claim the organization has 300,000 members. (This figure is probably optimistic but FRAPH is recruiting throughout the country and from all accounts its membership is growing rapidly.) By January 1994, the group had a presence in virtually every town and communal section. Although many members are attachés, thugs or former Tontons Macoutes, some men (and women) join defensively, seeking a FRAPH card as protection for themselves and their families. The decision has also been described as a desperate reaction to poverty and despair of political change, as FRAPH membership carries with it economic benefits.

In one town in the Central Plateau, for instance, a lay Catholic Church leader who was arrested and badly beaten in September 1993 joined FRAPH in early 1994 in order to remain in his home town. An elderly man, whose son is the town's deputy mayor and has been in hiding for months, had to leave the area himself after he refused to join FRAPH.

FRAPH's national network owes a great deal to the old Tontons Macoutes organization. Unlike the Macoutes, however, which were created to serve as a counterweight to the army, FRAPH and the army work hand in hand. In Port-au-Prince, FRAPH is organizing in such slums as Cité Soleil, where it is campaigning to return the neighborhood to its

¹² At the beginning of February 1994, a small group of observers returned to Haiti.

¹³ OAS/UN International Civilian Mission in Haiti, *Report on the Assassination of Antoine Izméry*, November 1993.

¹⁴ Bella Stumbo, "A Place Called Fear," *Vanity Fair*, February 1994.

old name of Cité Simone, honoring François Duvalier's wife.¹⁵ In this area, as in others, FRAPH campaigns through intimidation and threats of violence. Its members are forcing bus drivers, under threat of violence, to replace direction signs reading Cité Soleil with Cité Simone.

On September 22, the anniversary of François Duvalier's 1957 election, several hundred people supporting FRAPH held a rowdy march through central Port-au-Prince. Carrying the pre-1986 black and red flag and chanting, "Long live Duvalier, Aristide is finished," they entered the Museum of the National Pantheon for the unveiling of a new exhibit honoring Duvalier. The museum exhibit, displaying Papa Doc's pistol, black homburg and medical bag — items that are horrifying to many Haitians — was an ideological coup for the neo-Duvalierist movement.

V. POLITICAL ASSASSINATIONS¹⁶

Assassination of Antoine Izméry

On September 11, 1993, Antoine Izméry was dragged from a church during mass and shot point blank in the head as he knelt on the street. The shocking murder of this militantly pro-Aristide businessman was carried out by men in civilian clothes, with active support from the military.

Izméry was a founding member of the Helping Hands Committee to Spread the Truth (*Komite Mete Men pou Verite Blayi*, KOMEVEB), which organized the September 11 event — a mass in memory of the victims of the St. Jean Bosco massacre of September 11, 1988, a display of pictures of victims of the coup d'etat, and the posting of leaflets in the nearby Place Jérémie.¹⁷ The mass began at 9:00 A.M., an hour later than planned. Approximately sixty people attended the event, many of them journalists and foreign observers. According to Father Antoine Adrien, one of President Aristide's close advisors, just before the service, an unidentified man entered and said, "Bunch of communists watch out! The blood that will flow outside will be on your hands!" The priests and organizers met and discussed whether they should proceed with the mass. Izméry, Adrien said, told them "Listen, we won't do the march outside, but we came to do a mass, there's no reason not to do it. Because the people who have been waiting for an hour for us, we should respect them. They came for that, let's do a short mass."¹⁸

The service went forward, with eight priests participating. At 9:30 a tall man carrying a gun (and by some accounts, a walkie-talkie), entered through the main door of the church. Father Antoine Adrien had just finished his sermon, calling for an end to the spilling of blood. Shots were heard outside the church and the people inside ran toward the altar or out the doors. A group of men entered and ordered Izméry to leave the church with them. On the street outside the church, they forced him to his knees, struck him, put a gun to his head, and shot him. A second man, Jean-Claude Maturin, who probably witnessed the attack, was also shot to death. His body was left just across the avenue from the church.

The International Civilian Mission conducted a thorough investigation into the killings. They interviewed twenty-seven eyewitnesses, located photographic and documentary evidence, and took testimony from the Mission team

¹⁵ An Aristide stronghold, Cité Soleil, or Sun City, took its name from the Catholic Radio Soleil, which played a key role in overturning the Duvalier dictatorship.

¹⁶ This section contains political assassinations that took place between the July 3, 1993 signing of the Governors Island Accord and the October 30, 1993, scheduled return of President Aristide. More recent political assassinations are included in the section entitled, *Terror Continues*.

¹⁷ The group, which was formed in May 1993 by several church, trade union, and popular organizations to spur resistance to the coup d'etat, had previously issued several press releases and sponsored a day of pasting posters and raising banners in Petionville on August 17, calling for the return of Aristide. On that occasion, police arrested Father Yvon Massac, Jonathan Vergile, and Victorin Andre. They were transferred to the National Penitentiary and freed on August 19.

¹⁸ Interview with Adrien, "Yo touye Antwàn Izmeri an piblik," *Libète*, September 15-21, 1993.

members present. The Mission's *Report on the Assassination of Antoine Izméry* concluded that "the elaborate plan to assassinate Antoine Izméry could not have been carried out without the complicity, if not the direct participation, of highly placed members of the Haitian armed forces."¹⁹

This conclusion is based on the identification of a "sophisticated two-phase control operation." The first phase consisted of "systematic and intensive patrol of the zone" by police and attachés. "One group who participated in [the] operation was deployed from a police office and a military office situated only 100 meters from the church." The preliminary phase had three objectives: to intimidate and deter KOMEVEB, which organized the march and memorial mass; to contain and repress those who participated in the planned activities; and to support the group responsible for executing Izméry. Another group, the Mission report concluded, was responsible for the second phase of the operation.

The group charged with carrying out the assassination included at least 15 people. Witnesses identified some of them, in particular one officer of the FAD'H, one man who had been recognized as a torturer in a clandestine detention center a short time before, and several attachés. The group was equipped with automatic handguns and hand-held and mobile radio equipment. The attack itself was well-coordinated and aimed solely at Antoine Izméry. The church grounds and the adjacent street were placed under the control of armed men, who violently dispersed passersby. Other armed men, some carrying machine guns, blocked traffic in order to create an outer controlled zone for the execution.

The killers benefitted from the complicity and support of members of the security forces (some of them in uniform) present at the scene. For instance, the assassination team arrived and departed the scene protected and escorted by police vehicles.

The report names the following participants in the operation: Lamour, an officer from the Cafeteria (the major downtown Port-au-Prince police station); Simon, the former director of the National Office of Life Insurance (ONAV); Claudette Godet, a minister in the Jean-Jacques Honorat government of 1991-1992; Ti Lamarre, an employee of the immigration service; and attachés Elysée Jean-François,²⁰ Franklin Ronald, Zimbabwe, Ti Nono, Ti Blan, Eddy le Tueur, and Rigal. The attaché reported to have killed Izméry is identified as Gros Fanfan,²¹ while officer Lamour was said to have been inside the church directing the operation. Spotted in a car with Gros Fanfan were three prominent opponents of Aristide: Louis Jodel Chamblain, leader of FRAPH; Mirabeau, former bodyguard for murdered Duvalierist leader Roger Lafontant; and Fritz-Pierre, a leader of attachés in Port-au-Prince.

Assassination of Justice Minister Guy Malary

Guy Malary, minister of justice in the Malval government, was gunned down in his car as he left work in the early afternoon of October 14. His driver and a bodyguard were also killed, and a fourth man, possibly another bodyguard, was wounded.

The minister was ambushed leaving his private law office on Avenue Jean Paul II, reportedly after learning that armed men were in the area. People in the neighborhood heard a barrage of gunfire lasting several minutes. Malary's driver lost control of the car, which slammed into a wall and flipped over on Rue Jose Marti. The evidence suggests that Malary and his companions were shot at close range after the accident.

¹⁹ OAS/UN International Civilian Mission in Haiti, *Report on the Assassination of Antoine Izméry*. November 1993.

²⁰ Jean-François is believed to have participated in the November 29, 1987 election day massacre and was sentenced to seven years in prison for his part in the September 11, 1988 massacre at the church of St. Jean Bosco. He was released, however, following the 1991 coup d'état. Since his liberation, he has been identified as a torturer in a clandestine detention center and as an accomplice in the February 25, 1993, attack on Bishop Willy Romelus at the Port-au-Prince cathedral.

²¹ The Mission report describes Gros Fanfan as a former *Tonton Macoute* from the National Palace, and "according to one source, he is one of Lieutenant Colonel Michel François's confidantes."

The International Civilian Mission was prevented from approaching the scene of the crime for more than an hour. When finally granted permission, they saw the commander of the Investigation and Anti-gang Service of the Police (*Service d'investigation et de recherches Anti-gang*) ordering the round-up of frightened witnesses. They also noted that Malary's vehicle "bore the marks of a large number of small-calibre bullets and several holes of large diameter indicating the use of heavy assault weapons."²²

The fifty-year-old Malary was an established Port-au-Prince attorney, a graduate of Howard University in Washington, D.C., and a political moderate, counting the U.S. embassy among his clients. Before accepting his first government post, Malary represented several victims of military violence in their efforts to seek justice, was a consultant to the International Civilian Mission and assisted in the training of its observers. Just before his assassination, he presented parliament with a proposed law creating the new civilian police force.

Other Assassinations

Most of those killed since the signing of the Governors Island Agreement were not known beyond their communities; in many cases we do not even know their names. The International Civilian Mission reported on activists killed in September and October.

The victims were members of popular organizations considered pro-*Lavalas*...in particular leaders who continued to be active in their localities. The perpetrators were armed men mostly operating in civilian clothing, usually at nightfall, without covering their faces. They were armed with automatic weapons (Uzis and M16s) and operated in red or white pick-up vehicles, sometimes with government plates. In several cases there was information regarding a direct link between the perpetrators and the FAD'H, and the impunity and logistical support of their operation is strongly indicative of FAD'H involvement. Their activities appear to be supported by a major intelligence operation..."²³

Here, in brief, are the stories of some of their deaths.

- ◆ Martial Milord Auréus, an active member of the *Organization Populaire de Bolosse* (OPB) in Carrefour, was seized on September 26, 1993, by armed men in a white pick-up truck without plates. His body was found several hours later on the Route de Pharnal, with his hands tied behind his back and a bullethole in the left temple. During his funeral on October 4, four other members of the OPB were abducted by armed men in a white pick-up without plates. Their fate is unknown.²⁴
- ◆ Two armed men in civilian clothes seized Orilia Joseph, 41, at her house in Cité Soleil at 10:00 A.M. on October 10. In the presence of her two teenage daughters, they tied her up with electric cable and took her away on their motorcycle. Neighborhood residents said that the men, believed to be attachés associated with the military hospital, tortured Joseph in a house in Drouillard 2 and then tried to hand her over to the Cité Soleil police post, which refused custody because of her condition. Her mutilated body was found by her daughter the following day on the road near Drouillard. Joseph had worked as a nanny for Rolande Dorancy, director of the Miami Haitian Refugee Center, and had been associated with the Salesian Brothers center in Cité Soleil and the popular organization *SAJ-Veye Yo*.
- ◆ Andrel Fortuné was shot dead by an army corporal in Lascachobas in the Central Plateau on August 16. A political activist and member of the Papaye Peasant Movement (*Mouvement Paysan de Papaye*, MPP), Fortuné had been

²² UN Secretary-General, *The Situation of Democracy and Human Rights in Haiti A/48/532/Add.1* (New York: UNIPUB, November 18, 1993).

²³ Ibid.

²⁴ Ibid.

arrested in May 1992 and lived in hiding most of the time. He was turned down twice for refugee status in the United States.

- ◆ Ronald Jean-François was shot dead on September 16 by a police corporal after he was taken from his home in Cité Soleil by three armed men in civilian clothes. Eyewitnesses said attachés with machine guns started beating him as they interrogated him about pasting up leaflets with pictures of Aristide a few days earlier. They took him to the Soleil 17 area, where he was shot several times by a corporal assigned to the port police.²⁵
- ◆ The body of Délice Jackie was found on July 13 in Source Puantes on the main road north out of Port-au-Prince. The young man shared a house with his cousin, press photographer Claudy Vilmé, who had been arrested on July 2 while taking pictures of soldiers at a gas station. After Vilmé was released, he said publicly that he had been held at the old Fort Dimanche, an infamous police station and prison supposedly closed several years ago. Délice Jackie is believed to have been shot to death because of his connection to Vilmé.²⁶
- ◆ Jean-Marc Dessources was killed in the Canapé Vert neighborhood of Port-au-Prince on July 14. Witnesses said two men wearing military uniforms burst into his house at 2:00 A.M. and shouted "You are always talking about the return of Aristide, but you won't live to see it." They shot him in the back and head.²⁷
- ◆ Christiane Saron, 24, was shot dead on August 13, outside her home in Quartier Morin, near Cap Haïtien. A group of six men in military uniforms forced their way into her house, demanding all the family's money. Survivors said two of the men carried .38-caliber revolvers and addressed each other as "sergeant" and "corporal." They shot Saron at about 2:00 A.M., when she surprised them in the living room.²⁸
- ◆ The bullet-riddled bodies of two men were discovered near the Port-au-Prince airport on July 27. Eyewitnesses told the International Civilian Mission that they recognized two of the assassins as policemen who lived in the area and worked for the Anti-gang Service.²⁹
- ◆ In an attempted assassination, a political activist who was a member of several community organizations in Carrefour was stopped on the street late in the evening of September 23 by a patrol of some twenty soldiers in olive-green uniform. They ordered the man to walk in front of them and then shot him several times. Although left for dead, the man was found and brought for medical treatment.³⁰

VI. BEFORE THE GOVERNORS ISLAND AGREEMENT OF JULY 3

Although human rights conditions dramatically worsened following the Governors Island Agreement, abuses were common in the first six months of 1993 as well. The repression that characterized military rule since the coup — silencing dissenting voices and the destruction of popular democratic organizations — continued to prevail. Throughout most of the country, meetings by groups not supportive of army rule were, in effect, banned. Following the arrival in Haiti of the International Civilian Mission, attempts were made on a number of occasions by Aristide supporters to

²⁵ UN Secretary-General, *Situation*, October 25, 1993.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ UN Secretary-General, *Situation*, November 18, 1993.

organize demonstrations, most of which were repressed by the military. People caught carrying pro-democracy leaflets faced arrest and torture. Journalists reporting human rights abuses or viewed as favoring Aristide were frequently arrested or forced into hiding.

Trade Unionists Arrested and Tortured

On April 23, police arrested three trade unionists from the General Worker's Union (*Centrale General des Travailleurs*, CGT). Cajuste Lexius, Fabonor St. Vil, and Sauver Aurelus were arrested in front of Radio Caraïbes in Port-au-Prince where they had gone to distribute a press release announcing a national strike.

The soldiers took the three men to the Anti-gang Service, where they placed Lexius in a small room and tortured him in the *djak* position, beating him with a club. "There were about 50 soldiers," Lexius described in a June 1993 interview with NCHR.

They got on top of me one after the other. One of them took a club and began to beat me on the buttocks. When he was tired he passed the club to another, and on and on until I lost consciousness. When I regained consciousness [the following afternoon] I was in a nasty smelling cell with about 25 other prisoners. I was really suffering and my buttocks were bleeding. Saturday evening members of my family brought food, but I was not allowed to see them. Before the visit of my family, I had received neither food nor drink. I was in very bad health—I was not able to do anything by myself; I was not even able to eat until Monday April 26.

On the morning of the 26th, the police fed and cleaned up Lexius in preparation for a visit from members of the International Civilian Mission, who had been trying to visit him since April 24. The Haitian doctor who accompanied the mission recommended that Lexius be hospitalized immediately. He was sent to the military hospital, where he was guarded by four men in civilian clothes who Police Chief Michel François described as there for "his protection." On April 28, military doctors operated on his buttocks. On May 21, he was freed without a hearing. "After I was released I went into hiding. I am worried about my health. I have never seen the results of my X-ray and I still have pain where they operated. Currently I am seeing a private doctor." Lexius continues to suffer from severe kidney problems.

Sauver Aurelus described a similar beating by the Anti-Gang Service police.

They kicked me, beat me and used the *djak*. Two military held my head and beat it against the ground. There were about 25 soldiers in my room and they took turns beating me while I was lying on the ground. I received about 150 blows from a club. I received one which crushed my finger and I lost consciousness.³¹

Aristide Supporters Arrested and Tortured

Members of the Lavalas Political Organization (*Organization Politique Lavalas*, OPL)³² in the northwest town of Mole St. Nicolas were targeted after leaflets were distributed announcing the March 29 commemoration of the ratification of the 1987 Haitian Constitution.

In an illegal search on March 30, soldiers discovered pictures of Aristide and OPL documents in Manistin Capricien's house. They arrested and later tortured him and sought other members of the group, all of whom fled to Port-au-Prince.

Describing his treatment at the army post where he was held, Capricien told NCHR that

³¹ Interview, Port-au-Prince, June 1993.

³² The OPL is a loose national network founded since the coup by prominent Aristide supporters.

they began beating me on my back, my buttocks, my midsection and my eyes....I lost consciousness. Later I was forced to cut up pictures of Aristide and eat them while drinking a glass of water. They continued to hit me on my stomach, my eyes and my waist....The next morning they stuck a rock in my mouth and shaved my head. They forced me to eat my hair with bread. Later the Captain [Gérard Pierre Charles, no relation to the OPL leader] came into my cell with other soldiers armed with a heavy stick. They forced me to read names taken from the papers found at my house, hitting me after each one I read.³³

Later that day, March 31, Capricien was brought before the Justice of the Peace, where he was given permission to receive medical treatment at the local hospital. Although he was then told that he was free, police continued to guard his hospital room. Capricien remained at the hospital until April 19, when he felt that he was no longer safe there.

Chantal Bien-Aimé, 28, mother of two and a member of the Popular Assembly of Saint Martin in Port-au-Prince, was arrested on May 11 near the Tête Boeuf market, blindfolded, and taken to the downtown police station known as the Cafeteria. She was accused of distributing leaflets in favor of President Aristide, and beaten on the head and stomach. She was released May 12, complaining of stomach pains; she died from her injuries on May 16. On June 2, at 1:00 A.M., four armed men broke in and searched Bien-Aimé's home, while six others stood guard outside. After searching her home, they beat the occupants.³⁴

Louis Gregoire Lauture, who had been employed since April 1991 as the doorkeeper at Lafanmi Selavi, the haven for street boys founded by Father Aristide, was seized on a street in the Pacot neighborhood of Port-au-Prince on August 16. He was blindfolded by men in civilian clothes who took him in a blue pick-up truck to an unknown building where they beat him. The men, whose identity he never learned, also shaved Lauture's head and took all his clothes. They questioned him about Lafanmi Selavi and Aristide and told him they would kill him. Very early on August 18, however, he was driven, while still blindfolded and naked, to a spot on the Boulevard Harry Truman, where he was pushed out onto the street.³⁵

Attacks on Congregations and Religious Leaders

As in the early months after the coup, Haiti's churches have proved no sanctuary from military violence. Soldiers and armed civilians have not hesitated to enter churches to beat and arrest congregants when a priest's sermons touched on politics or when they chanted pro-Aristide slogans.

On February 25 at Port-au-Prince's cathedral, a memorial mass was said for the hundreds of victims of the Neptune ferryboat disaster. Bishop Willy Romelus of Jérémie, and a known Aristide supporter, led the mass. His announcement that the authorities had refused to release the victims' corpses for burial caused the congregation to erupt in anger.

Shortly after, armed men in civilian clothes threatened people outside the church, and later surrounded it. The leaders of the International Civilian Mission, Colin Granderson and Michael Moeller, escorted several hundred people out of the cathedral in small groups and drove them to safety. The attachés, nevertheless, beat and arrested dozens of people.

Bishop Romelus, one of the last to leave the cathedral, had been speaking with several foreign diplomats when a crowd of approximately twenty men surrounded him and Paul Dejean of the Karl Leveque Center. They pushed the bishop to the ground, and proceeded to beat and kick him.

³³ Interview, Port-au-Prince, May 4, 1993.

³⁴ UN Secretary General, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February - 31 May, 1993*, A/47/960 (New York: UNIPUB, June 3, 1993).

³⁵ Interview, Port-au-Prince, August 26, 1993.

Michelet Gelin, 29, among the group providing security for Romelus, was assaulted by attachés outside the cathedral but avoided further injury due to the timely appearance of members of the Mission. In the days and weeks that followed, men in civilian clothes searched his home in Fermathe and threatened his family.

A car carrying Father Joseph Simoly, reporter Arlette Joseph of the Voice of America, and eight seminarians was surrounded by trucks just after the mass. Father Simoly later told NCHR,

A policeman forced one person out of my pick-up and took his place, then forced me at gunpoint to drive to the Anti-gang Service. Three or four policemen beat Arlette Joseph, causing her mouth to bleed. They hit me and seminarian Marc Antoine Casimir, who fell to the ground. We were harassed and humiliated. They released us several hours later, telling us that next time we would not be leaving.

Father Simoly also reported previous incidents with the police in Hinche, where he lives. Almost two months before the disturbance at the mass, on January 8, soldiers at the small police post in Hinche had stopped Father Simoly, searched his bag and found a photo of him, which they claimed was of Aristide. They arrested him on charges of distributing leaflets and photos of Aristide.

I drove my truck to the army base with Sergeant Rosalvo Bastien holding his gun and following me in his car. The sergeant called the major and they both proceeded to humiliate me. They accused me of looking like Aristide and preaching liberation theology. They said I was leading Christians into politics and that next time they would beat and kill me.

A week later two soldiers sat in their vehicle in front of the church, waiting for him to begin preaching. "When I saw them," Simoly said, "I decided not to preach, but just to read from the Bible so they wouldn't have any reason to come into the church and harass the people. When the military and section chief saw that I was not going to preach, they left."³⁶

In another incident, uniformed soldiers and men in civilian clothes interrupted the Sunday mass at the Church of Notre Dame de Perpetuel Secours in the Bel Air neighborhood of Port-au-Prince on June 27, after young people began shouting "Aristide or death." The mass was televised live on government-run television, allowing viewers nationwide to watch the beatings.

The soldiers released tear gas inside the church and arrested and beat seven people, including Nickson Desrosiers and Enif Pierre, members of the *Plateforme Fond Sant Clair*. The detainees were transferred to police headquarters where they were severely beaten during their interrogation before their release later that day.

Protestant pastors, too, have increasingly been victims. On June 20, Pastor Joseph Ronald of the Evangelical Church of Jesus Christ on Delmas 2 in Port-au-Prince, was kidnapped and tortured after preaching at the former luxury hotel, Habitation LeClerc, in the Martissant neighborhood south of Port-au-Prince.

Pastor Ronald, his wife, and one other person were waiting for a bus in Martissant around 11:00 P.M. when four armed and masked civilians got out of a pick-up truck, grabbed Ronald by the neck and started to beat him.

My wife started to cry and begged them to release me. They hit her on the head, then forced me into the pick-up. They blind-folded me. The truck stopped and I was led out, still unable to see. They grabbed my tie and used it to tie me in the *djak* position. I fell on a cement floor. I was beaten severely and could not lift my left arm because of the extreme pain.

³⁶ Interview, Hinche, June 25, 1993.

Pastor Ronald's captors accused him of taking money from Aristide and preaching politics. Later, two men beat him again, tying each of his hands to a fixture above his head. Then they tortured him in the *djak* position. On July 6, over two weeks after his capture, Pastor Ronald was left on the road near Gressier, approximately 20 kilometers south of Port-au-Prince.³⁷

Attacks on Popular Organizations

On April 3, Corporal Charles arrested Ronial Noregène, a member of the Agricultural Workers Union of Savanette (*Syndicat des Travailleurs Agricoles de Savanette, STAS*), in the Central Plateau, and took him to the Savanette police station, accusing him of distributing pamphlets. He attempted to escape but was apprehended, severely beaten on his head and back, and held in prison for two days before he was released.

Members of the Papaye Peasant Movement (*Mouvement Paysan de Papaye, MPP*), based in the Central Plateau, were arrested and beaten for allegedly having leaflets and photos of Aristide. Leonel Paul, president of the Marecage chapter of the MPP, was arrested and severely beaten on May 9 on trumped up charges of possessing propaganda. "It was about 8:00 A.M. when about thirty deputies [of the section chief] came to my house. They tied me up and one of them hit me three times with a club, forcing me to take two tracts [leaflets] that said 'Long Live Aristide's Return.'"

The deputies took Paul to Thomonde, where he spent four days in prison and was beaten sporadically. Members of the International Civilian Mission came to visit him on the fourth day, but they weren't allowed to speak with him. On the fifth day he was transferred to the prison in Hinche, and taken before Major Charles Josel, known as Commander Z. "He ordered me to lie down," Paul said, "and he walked on me. Afterwards, he ordered a soldier to hit me 250 times with a club." Two days later Commander Z ordered soldiers to beat Paul 250 more times. After his wife paid US\$40 (500 gourdes), Paul was freed and subsequently warned not to speak to the Mission. He was told if he ever returned to Hinche he would be killed.³⁸

Three section chief deputies arrested Previlus Elvian on June 5 at his home in Perodin, the fifth section of Petite Rivière de l'Artibonite. Section Chief Edner Odeide beat Elvian, a member of the Assembly of Perodin Peasants (*Rassemblement Paysan de Perodin, RPP*), for several hours each day, repeating that he did not like the work Elvian was doing with RPP. Elvian's family had to pay US\$60 (750 gourdes) for his June 9 release after which he went into hiding.³⁹

On June 9, police and deputies of the local section chief of Savanette in the Central Plateau arrested MPP member Sylvestre Pedanois, 36. They searched his bag and discovered MPP documents. Pedanois was taken to the home of the section chief, where he was beaten fifty times with a club. The following day he was transferred to the army post where they continued to torture him with the *djak* and *kalot marasa*.⁴⁰ He was taken before the justice of the peace on June 11 and released by the prosecutor on the 14th. He later escaped an attempted arrest on the 22nd, following which, he went into hiding.⁴¹

On June 29, in Zabricot in the Central Plateau, the section chief arrested Odette Fausten and twelve others and brought them to Juanaria, the first communal section of Hinche. He accused them of having a relationship with the section chief under Aristide. They were beaten with clubs and rifle butts and received the *kalot marasa*. On July 2 they

³⁷ Interview, Port-au-Prince, July 9, 1993.

³⁸ Interview, Port-au-Prince, May 1993.

³⁹ Interview, Port-au-Prince, July 8, 1993.

⁴⁰ The *kalot marasa* is a common form of torture in which the assailant simultaneously claps his hands as hard as possible on the victim's ears.

⁴¹ Interview, Hinche, July 25, 1993.

were brought before the justice of the peace in Hinche, where they were charged with illegally meeting to disturb the peace. They were later released on July 5 or 6.⁴²

Attempts by Displaced Persons to Return Home

Tens of thousands fled their homes in the immediate aftermath of the coup and though many later returned, waves of renewed repression forced them to take flight once again.

With the establishment of offices of the International Civilian Mission in provincial towns, some popular organizations thought it possible for their members to return home from hiding. At least thirteen people belonging to the Papaye Peasant Movement (MPP) returned to the Central Plateau in March and April. By the end of July, however, all had fled once again having encountered a variety of reprisals.

One of those who tried to return to his home was Hilton Etienne, an active MPP member who had been in hiding for eleven months. Having lived at home for about one month, he told us that "On April 29, about 2:00 A.M., three military and a number of civilians armed with machetes and clubs came to my house. They broke in and arrested me. They tied me up with a cord and began to beat me. Some of the men in civilian dress hit my wife's head against the wall."

They took Etienne to the police post where they tortured him in the *djak*, beating him 200 times with a club. In the car on the way to the Hinche army base, they forced him to lie flat and beat him 150 more times with a club. Once they arrived, he said "they forced me to lie on the ground and I received another 100 blows of the club. I was not able to get up. They dragged me, kicked me and forced me to run."

The next day he was taken to the office of the army commander where he met with International Civilian Mission monitors, who demanded that he be brought before the justice of the peace. At about 11:00 A.M. he was taken there, accompanied by the monitors. The justice of the peace accused Etienne of associating with criminals in order to disturb public order. He was released, however, about 10:00 P.M. that evening.⁴³

Junior Esta, an MPP member living in Grand Rivière du Nord, had been in hiding since January 1993, following a November 1992 arrest. He returned to Grand Rivière June 17 to see his sister who was ill. On June 20, accused him of being pro-Lavalas and threatened to kill him. His bag was searched, his belongings taken, and he was beaten by policeman in the street. He spent three days in prison where he was severely beaten. Esta's brother-in-law paid US\$35 (450 gourdes) for his release.⁴⁴

André Pierre, a member of the Assembly of Perodin Peasants (*Rassemblement Paysan de Perodin*, RPP) who had been in hiding since September 1992, returned to Perodin (in the fifth section of Petite Rivière de l'Artibonite, a town five hours walk from any road) on June 10, 1993, after he learned that his father had died.

I was walking in the streets and the section chief, Edner Odeïde, who had arrested me last year, arrested me again with the same accusations, that I was *Lavalas*. He beat me with a club, and told my mother and sister if they did not pay US\$60 (750 gourdes) they would kill me. I spent three days in prison until my family paid the money and I was released.

⁴² UN Secretary-General, *Situation*, October 25, 1993.

⁴³ Etienne was a member of the *Ti Komite Legliz*, the Justice and Peace Commission of the Catholic Church in Hinche, and was employed in the December 1990 elections as a messenger for the Departmental Electoral Office. He was also responsible for a literacy program that started under Aristide in 1991.

⁴⁴ Interview, Port-au-Prince, July 12, 1993.

Following his liberation, Pierre went back into hiding.⁴⁵

Silon Drystal, Elianse Excilan, and Jerome Pierre of Perodin had been in hiding since January 1992. They also returned home for the first time in June 1993. Drystal explained to NCHR, "We were walking on the road home when we crossed paths with the section chief, Edner Odeïde, who was with three attachés: Anatas, Estoroge and Dufel. They immediately recognized us as people who left the area, and they began to beat us with clubs."

Drystal escaped, but attachés beat Excilan and Pierre with their hands and batons and led them to the Perodin military post. They were accused of being pro-Lavalas and were forced to lie down while men in the barracks took turns beating, kicking, and walking on them. They were released the following morning, after their families paid US\$120 (1,600 gourdes).

On July 6, when the interview was conducted, Excilan's arm was broken and his body was badly bruised. He had trouble walking and holding his head up, as did Pierre, who received most of the blows to his face. His jaw was still grossly swollen and he had trouble speaking.⁴⁶

Lormil Rodrigue had been in hiding since his January 1992 arrest in Grand Goave, a town about fifty kilometers west of Port-au-Prince, and returned home on June 4, 1993. As he approached his house, three men in civilian clothing demanded he turn over his weapons to them.

I said I didn't carry arms. They took my International Organization for Migration⁴⁷ card which had the date of my interview and said they would take that card to [Police Chief] Michel François to show him that I was leaving the country. They threw me in a pick-up that was headed in the direction of Port-au-Prince. They blindfolded me, and after a little while the truck stopped and they threw me on the ground. I received two *kalot marasa*.

Rodrigue was held blindfolded in a room by himself, without food, until the next day. He was then taken to another place where he spent eight days blindfolded and received almost nothing to eat or drink. He was released without explanation.⁴⁸

Violations of Press Freedom

While there is no formal censorship of the media, reporters and media outlets know that they are constantly at risk. Many reporters for Radio Tropic-FM, a station that has continued to broadcast news reports throughout the post-coup period, have been arrested, mistreated or threatened in recent months. The best known case is that of Colson Dormé. Dormé, a reporter and archivist for Tropic-FM was kidnapped on February 1, 1993, while covering the arrival of mediator Dante Caputo at the Maïs Gaté Airport. Hundreds of rowdy anti-Caputo demonstrators had gathered there. "I was one of the first journalists to arrive and I felt threatened," he told NCHR.

After filing a brief, live report, Dormé took shelter from the hostile crowd in an outdoor waiting area. "I received a blow to the head from behind. I fell down and felt someone lift me up. They threw me into the back of a pick-up."

Dormé was held blindfolded for a week in a clandestine detention center. His captors shaved his head, made him sleep on a bare floor and fed him only three times. For several days they played Radio Tropic-FM, and whenever the half-hourly news bulletin aired, they kicked and beat him.

⁴⁵ Interview, Port-au-Prince, July 12, 1993.

⁴⁶ Interview, Port-au-Prince, July 6, 1993.

⁴⁷ The IOM, under contract with the U.S. in-country refugee processing program, conducts preliminary interviews with asylum applicants.

⁴⁸ Interview, Port-au-Prince, June 22, 1993.

During his interrogation, his captors insisted that his radio station was financed by the Lavalas movement and tried to persuade Dormé to become an informant. At 10:45 P.M. on February 8, he was dumped, still blindfolded, in front of Tropic-FM on Rue Pavée, Port-au-Prince, wearing only his undershorts and a T-shirt.⁴⁹

On Friday, January 22, Jean-Emile Estimable, a correspondent for Radio Cacique, which has been closed since the coup, was arrested by Section Chief Geles of Ogé, the third section of Marchand Dessalines. Geles took Estimable to Geles's house, where Estimable watched the section chief place leaflets in the correspondent's briefcase. Geles notified the military sub-district at Marchand Dessalines and five soldiers arrived in a pick-up. They tied Estimable up with a rope, put him in the truck and began to beat him.

The section chief's son and about twenty other men in civilian clothes traveled with the soldiers and joined in beating Estimable. They hit him with their rifle butts, hands, and fists and kicked him. Drinking rum, they struck Estimable on the chest with the bottle. Sergeant Amos, identified as the leader of the group, and Corporal Charlemagne were also present.

"They treated me like a football," he said, describing how they beat him the next day at the police station at Dessalines before transporting him to the St. Marc army base. There a Lieutenant Placide and four soldiers continued to torture him. "They pulled on both my ears and folded them. They kicked me many times in the chest. Lt. Placide grabbed my head and banged it several times against the wall. I lost consciousness."

Estimable was not permitted to see a lawyer until February 1. He was sent to the Correctional Court and granted provisional freedom on February 2, 1993.⁵⁰

Reporters for the popular Creole language weekly newspaper, *Libète*, outspoken in its support of President Aristide's return and denunciation of corruption and human rights violations, have received many threats. For security reasons they all write under pseudonyms. The office has received phone threats and street vendors who carry the newspaper have been threatened, beaten, and arrested.⁵¹

On February 4, 1993, armed men in civilian clothes roughed up three *Libète* vendors, Wilfrid Jean, 30, Jean-Robert Guillaume, and another unidentified man, and destroyed 300 copies of the paper. The incident occurred in front of the government immigration service offices on Avenue John Brown in downtown Port-au-Prince. On the same day, Duval Azolin, 25, was beaten while selling copies of *Libète* near the Marché Salomon.

On February 25, *Libète* reporter Emmanuel Eugene narrowly escaped arrest or kidnapping, while reporting at the Port-au-Prince cathedral on the mass for victims of the shipwrecked Neptune. Eugene was approached outside the cathedral by a man in civilian clothes, who asked Eugene to follow him. When he refused and attempted to enter the building, the man grabbed him by the collar. Eugene was able to escape into the cathedral, but later, another man in civilian clothes blocked his car when Eugene tried to leave, and ordered him to get into his vehicle. Eugene, luckily, was able to escape this abduction attempt.

The following are brief descriptions of additional press-related harassments and attacks.

- ◆ On June 24, uniformed police officers arrested six *Libète* vendors by the Champ de Mars in Port-au-Prince. Among them were Melorm Compère, Luckner Mandena, Jean Azolin, and Justin. The police burned their papers and took

⁴⁹ Interview, Port-au-Prince, March 9, 1993.

⁵⁰ Interview, Port-au-Prince, February 9, 1993.

⁵¹ Due to intensified repression against its staff, *Libète* suspended publication in October 1993.

their money. Five were taken to an Anti-gang Service office, where they were badly beaten. They were all freed several hours later.⁵²

- ◆ On July 3 in Mirebalais in the Central Plateau soldiers arrested a peasant in possession of *Libète*. He was taken to the Mirebalais barracks, and released several hours later.⁵³
- ◆ On June 29, then *de facto* Minister of Information, André Calixte, summoned Associated Press reporters and the local Agence Haïtienne de Presse. He reprimanded them for anti-military bias in their reporting of a June 27 event, where churchgoers were beaten by soldiers and men in civilian clothes.⁵⁴
- ◆ Clarens Renois, news director for the independent Radio Metropole, was summoned to army headquarters on July 29. He was forced to wait for five hours and then told to return the next day. After waiting four hours the next day, he was seen by a low ranking officer who reprimanded him for reading an Agence France Presse story that mentioned the possibility of the resignation of Police Chief Michel François. Renois was initially told to return the next day, but his summons was later dismissed.
- ◆ On July 2, Claudy Vilmé, reporter and photographer for the French-language daily, the *Nouvelliste*, was arrested in Port-au-Prince while taking a photo of soldiers taking money at a gas pump during the period of rationing. Vilmé was seized by five civilians driving in a pick-up with military license plates. "The men beat me and forced me to lie down in their pick-up truck with their feet on me. They brought me to Fort Dimanche where they tortured me." The men placed Vilmé in a tiny three-sided cell in which they beat him from behind. "I lost consciousness twice so they threw cold water on my face to revive me. They accused me of giving false information and kicked me, saying 'Lavalas journalist.' Finally...they released me."⁵⁵

VII. VIOLENCE LEADING UP TO ARISTIDE'S SCHEDULED RETURN, OCTOBER 30, 1993

In the weeks leading up to October 30, 1993 — the deadline set by the Governors Island agreement for Aristide's return to Haiti — paramilitary groups, such as FRAPH, increasingly claimed the streets of Port-au-Prince, acting with the blessing and cooperation of the army. Although the greatest violence occurred in the capital, towns and villages throughout the country experienced a striking rise in repression. In addition to the shocking assassinations of Aristide supporter Antoine Izméry (on September 11) and Justice Minister Guy Malary (October 14), as described in Section V, many other serious human rights violations were committed by the army and its supporters during this period.

Three Killed at the Reinstatement of Mayor Evans Paul

Armed civilians killed at least three people and badly wounded many others during the September 8, 1993 ceremony to reinstate Evans Paul as mayor of Port-au-Prince. The event was a turning point in the Haitian crisis, revealing the lengths to which the military would go to prevent a popularly elected leader from resuming office, and providing an inkling of what would later become only too clear — that the army had no intention of allowing Aristide to return and would not respect the Governors Island agreement.

⁵² Agence Haïtienne de Presse, "182 Resume de Nouvelles Nationales, 21-27 June, 1993."

⁵³ UN Secretary-General, *Situation*, October 25, 1993.

⁵⁴ Interview with Venel Remarais, Director of the Haitian Press Agency (*Agence Haïtienne de Presse*), June 29, 1993.

⁵⁵ Vilmé's report of being jailed at Fort Dimanche is one of several recent testimonies indicating that the infamous torture center, closed in 1990, is once more being used by the military. Interview, Port-au-Prince, July 16, 1993.

When Mayor Paul announced on September 2 his intentions to resume office, gun toting strongmen seized and occupied city hall. Attachés brazenly told local Radio Metropole that they did not recognize Malval as prime minister or Evans Paul as mayor. If the two tried to enter city hall, one man told a reporter, "they will be corpses."

Until half an hour before the scheduled ceremony over 200 armed civilian attachés continued to occupy city hall. Finally, at 11:40 A.M., about thirty uniformed police escorted the occupiers from the building allowing Paul, Prime Minister Robert Malval, members of his government, and foreign diplomats to enter.

During the brief ceremony inside city hall, violence began outside. Armed men began beating Paul supporters, as well as journalists, street vendors, and other bystanders. The crowd was violently dispersed by civilians wielding large sticks, knives, and guns. At least three people — Cléber Rivage, Edris Bayard, and Lévius Brunis — were killed and eighteen wounded, while uniformed police stood by and did nothing.

Among the wounded was thirty-three-year-old Bellony Jeannot, who was slashed across the stomach by a knife-wielding man approximately fifty-years-old. Jeannot described the scene:

When the attachés took the building hostage, I was standing outside, across the street. They were watching us. I was with a whole crowd of people. At about noon, when the mayor appeared, we all began to applaud. That's when the shooting started. I saw people who appeared to be shot fall to the ground....Someone near me hit me on my right temple with his fist. Then a guy standing right behind me on my right side pulled out a knife and slit my stomach. My whole insides seemed to fall out. I had on a shirt which I used to keep everything from spilling over.⁵⁶

Police, who remained on the scene as Mayor Paul and the other dignitaries left city hall in their cars, would not protect journalists inside the building. Radio Tropic-FM reporter Emmanuel Laurent was beaten by armed men, who yelled curses at the journalists, blaming them for selling out the country.

The police also proved helpless in guaranteeing the safety of government personnel leaving the scene. Armed men assaulted many of the cars, and the new Minister of Information, Hervé Denis, was wounded in the head by glass shards when rioters attacked his car, shattering the windshield. One of his bodyguards was also wounded.

Not long after Paul left city hall, armed civilians retook the building. The mayor has asked Police Chief Michel François to rid the premises of the attachés and provide police security, but as of the publication of this report, they remain entrenched.⁵⁷

The International Civilian Mission described the preliminary report prepared by the public prosecutor (*commissaire de gouvernement*) as identifying some of the armed men as active members of the armed forces. The prosecutor resigned, however, and the final report was never issued.

Army-supported Attachés Thwart Malval Government

Throughout September and October, members of the Malval government were similarly, if less dramatically, prevented from assuming office. In most cases, groups of aggressive, armed civilians would gather outside and often inside government buildings. Prime Minister Malval himself was forced to work at home for his entire tenure because the state-owned Villa D'Accueil where he proposed to establish his offices remained occupied by attachés. The newly

⁵⁶ Interview, Port-au-Prince, September 21, 1993.

⁵⁷ In a September 22, 1993, letter to Police Chief Michel François, Mayor Paul asked the police to oust the group of violent individuals occupying his office and "place at the service of the mayor's office, as in the past, a detachment of police, in view toward assisting in reestablishing order and guaranteeing security ..." He also noted in this letter that the city hall annex had been taken over without his permission by FRAPH, which turned it into their headquarters.

appointed directors of state-owned television and radio were delayed for days from assuming their posts. After briefly exercising control in late September, they were ousted by armed supporters of a Duvalierist organization who took over the station's facilities on October 11.

On September 14 and 15, Finance Minister Marie Michelle Rey was forced to call on diplomats to escort her from her office because of crowds of armed men threatening her ministry. On September 16, demonstrators inside the Ministry of Foreign Affairs disrupted the installation of Malval's foreign minister, Claudette Werleigh, yelling "Down with Caputo" and noisily occupying rooms on the building's second floor. They chased reporters from the building with threats.

A band of men surged into the offices of the Superior Court of Audits and Administrative Disputes (*Cour Supérieure des Comptes et du Contentieux Administratif*) on October 4, pushed around and threatened newly-chosen court president, Duti Mackenzie, and forced him into a private jeep. They also threatened the court's vice president before letting both men go. On the same day, the Supreme Court chief appointed after the coup d'etat, Emile Jonassaint, defied Justice Minister Guy Malary's order that he retire and, instead, held ceremonies marking the reopening of the judicial calendar. The ceremonies were attended by General Raoul Cédras and other members of the high command and were protected by a strong police presence.

Mirebalais September Repression

In Mirebalais, in the Central Plateau, soldiers beat up eight people and tried to arrest the town's deputy mayor after they found pro-Aristide leaflets in the town on September 13, 1993. According to Jean Elvé Tironé, 39, a coordinator of the Agricultural Workers Union of Savanette (*Syndicat des Travailleurs Agricoles de Savanette*, STAS), there was intermittent shooting throughout the day and night of September 16 in Mirebalais. Tironé said the military seized Mondesir Duplessy, Paulas Aceus, Camelo Ocessite, Roger Ocessite, Michelaire Mertilus, Mme. Porcelly Casseus, and a man known as Dieuseul. They beat them and forced them to wipe pro-Aristide graffiti from the town walls. Tironé himself escaped an attempted arrest by a group of soldiers led by Section Chief Kebreau Tezan of the Gascogne section, after which he went into hiding in the nearby fields and mountains. On September 18, he was walking to Carrefour Peligre to catch a bus to Port-au-Prince when he encountered two soldiers from the Mirebalais army post who recognized him and began to hit him on the head with the butts of their rifles. They continued to beat him all over his body with a baton, telling him with each blow that they would kill him before October 30. The soldiers stole US\$160 (2,000 gourdes) and most of his clothes, leaving him in his undershorts.⁵⁸

Deputy Mayor Jean Clotaire Cénoble, 37, elected under the banner of the National Front for Change and Democracy (*Front National pour le Changement et la Démocratie*, FNCD) barely escaped arrest by a squad of soldiers led by the local commander, Lieutenant Placide Jolicoeur, on the morning of September 15. Cénoble stopped by a neighbor's house as soldiers surrounded his home, seeking to arrest him. He fled into the bush and the next day managed to escape to Port-au-Prince. Two days earlier, Section Chief Kebreau Tezan had fired his gun into the air in front of Cénoble's house.⁵⁹

Assault on Jean-Claude Bajoux's House

Jean-Claude Bajoux and the Ecumenical Center for Human Rights, which he directs, received threatening phone calls after he publicly denounced the National Museum for its exhibit honoring François Duvalier. (Bajoux lost many members of his immediate family to the Duvalier terror.)

⁵⁸ They told Tironé that they weren't arresting him because they knew that the International Civilian Mission would set him free. According to Tironé and Cénoble, the Mission's practice of undertaking efforts to free people illegally arrested had led to a change in the military authorities' tactics: more frequent beatings without detention. Interview, Port-au-Prince, September 20, 1993.

⁵⁹ Interview, Port-au-Prince, September 20, 1993.

Three gun and machete toting assailants, one of whom appeared to be a teenager, jumped the gate to Bajoux's house in the Desprez neighborhood of Port-au-Prince on the night of October 4. Forcing their way into the house around 9:00 P.M., they demanded to know where Bajoux was. When the two household staff members refused to disclose his whereabouts, the intruders assaulted them. They kicked the watchman Farol down the stairs and beat the cook Jacqueline with the butts of their guns. The thugs tied their wrists and ankles with telephone cord and covered their faces with adhesive tape. When a neighbor passing by heard the noise and yelled, "What's going on in there?" the attackers shot him in the stomach. Before leaving, they stole a suitcase, filling it with Bajoux's personal effects. A French couple who lived upstairs in the house at the time were unharmed.

FRAPH Assault at Hotel Christopher

In October, FRAPH called for demonstrations and general strikes to protest both the presence of the International Civilian Mission in Haiti and the mediation of Dante Caputo. On October 5, armed civilians arriving at a FRAPH press conference attacked a group of people leaving a meeting with Mayor Evans Paul and ransacked the parliamentary liaison office of the prime minister. The assault, witnessed by foreign reporters and members of the Mission, occurred on the grounds of the Hotel Christopher in Port-au-Prince, where FRAPH had gathered to announce a general strike.

More than 100 FRAPH supporters surrounded the liaison office where Paul had just concluded a meeting with local school principals. The armed civilians, some firing automatic weapons, broke into the building, ransacked it and illegally arrested forty-one people. Uniformed police who were present, the Mission reported, "made no attempt to control the conduct of the armed civilians and they themselves participated in the illegal arrests."⁶⁰ The forty-one detainees, including former Senator Wesner Emmanuel and his son, were forced from the building with their hands over their heads and taken to the Anti-gang Service police station in the same vehicles that had been used to transport supporters to the FRAPH press conference. Police accused the detainees of assault but released them without filing formal charges.

FRAPH General Strikes

FRAPH leaders, in the October 5 press conference, called for a general strike to begin on October 7, stating they would use "any means whatsoever" to grind the country to a halt if the Malval government did not admit Duvalierists into the cabinet. They warned merchants and public transport drivers, in particular, to stay home.

By paralyzing the country with fear, the strike succeeded. A few courageous trade union and popular organization leaders spoke out on the radio in opposition to the strike, yet very few people dared to leave their homes. Many of those who did were met with intimidation and violence.

"On many occasions," the International Civilian Mission reported, "armed men assaulted shopkeepers, stallholders and passersby, and fired shots to spread panic among the population." In Carrefour, Mission observers were forced to withdraw from a site where armed men were inflicting beatings after they were threatened with automatic weapons. In Port-au-Prince, "throughout the day, police patrols were often observed escorting the armed civilians enforcing the strike and sometimes acting in concert with them from the same vehicles." In Jacmel and Gonaïves, "soldiers were seen assisting civilians in enforcing the strike."⁶¹

At the Petionville market, armed men fired their guns into the air and exploded tear gas to clear the market before noon. In other city markets, such as Poste Marchande, Carrefour Pean, Delmas 32, and Tete Boeuf, there were reports of intimidation. Local Radio Tropic-FM reported that twelve people were brought to the State University of Haiti Hospital with bullet wounds during the day of the strike.

⁶⁰ UN Secretary-General, *Situation*, November 18, 1993.

⁶¹ *Ibid.*

During a later strike on November 4-5, again initiated by FRAPH and another Duvalierist group, *Capois la Mort*, soldiers and armed civilians patrolled the streets of Port-au-Prince, enforcing the strike call. At the Marché Vallieres, vendors were beaten and their produce stalls overturned. In nearby Kenskoff, soldiers and armed civilians forced schools to close and dispersed merchants from the market, beating some of them. In Petionville, soldiers and attachés arrived at the market and ordered shoppers and vendors to leave.

On November 5, the driver of a motorcycle taxi was shot to death by an armed civilian who objected to his working that day. The man had been discussing the price of a fare on Ruelle Nazon when the attaché approached, asking whether he knew about the FRAPH strike. When the driver declared his need to work, the attaché shot him.⁶²

USS Harlan County

FRAPH also organized the "demonstration" at the port in Port-au-Prince on October 11, the day the *USS Harlan County* was scheduled to unload its contingent of U.S. and Canadian military trainers. In a radio broadcast, FRAPH leader Emmanuel Constant urged all "patriotic Haitians" to go down to the waterfront to protest the military mission's arrival. The events at the port that day were reported throughout the world.

The gates to the wharf were kept closed by Port Security, and the *Harlan County* was prevented from docking by the presence of a freighter in the deep water berth. Gun-toting FRAPH demonstrators and attachés yelled insults at the scores of foreign journalists, and then violently assaulted them and the car of the U.S. chargé d'affaires. All this took place, according to International Civilian Mission monitors, "in the presence of a large number of uniformed police who did not intervene."⁶³

Wave of Arrests in Belle Anse

The military increased attacks against pro-Aristide activists in October in and around Belle Anse, a rural town on the southern coast near the border with the Dominican Republic. On the evening of October 21, 1993, Section Chief Oxilus Remy of Bodary, a section of Grand Gosier, fired his gun at the house of the Grand Gosier Deputy Mayor Leon Calixte, who fled.

The following night in Bodary, Remy and Corporal Dilrick arrested Ramil Joseph, a member of the Bodary section council (*Conseil d'Administration de la Section*, CASEC), accusing him of being pro-*Lavalas*. Joseph was badly beaten while in custody. Two other men, Benoit Belizaire, a member of the Peasant and Workers Organization of Terre Rouge (*Organisation des Paysans et Travailleurs de Terre Rouge*, OPTT) and Antonio Jocelyn, director of the chapel of Terre Rouge, were also arrested on the same night and taken to the Bodary military post. All of the men were beaten while in custody and forced to pay a bribe for their freedom.

An activist named Simon Medé fled his home when soldiers fired shots in front of his house and then forcibly entered. Soldiers and armed civilians fired on the residence of Gaston Tanis, justice of the peace, during the night of October 22. He and Robert Cassagnol, the substitute justice of the peace, who was accused of being close to President Aristide, fled Thiotte on October 27.⁶⁴ Several hundred people are reported to have fled the Belle Anse areas for the Dominican Republic in the wake of the crackdown.⁶⁵

Attacks in Desarmes, Verrettes

⁶² *Resistance et Democratie*, Volume 2, Number 20. *Resistance et Democratie* is an anonymously published bulletin, distributed by facsimile, containing information collected from Haitian human rights groups.

⁶³ UN Secretary-General, *Situation*, November 18, 1993.

⁶⁴ *Resistance et Democratie*, Volume 2, Number 20.

⁶⁵ Agence Haïtienne de Presse, 201 *Resumé de Nouvelles Nationales*, 1-7 Nov, 1993.

On October 30 in Verrettes in the Artibonite, Section Chief Nevers Jean-Baptiste, together with the section chief of Desarmes, the fourth communal section, and several deputies, organized a demonstration. During the march, the group killed one man, wounded several and damaged and looted six houses, including two houses of members of Women in Action of Desarmes (*Femmes en action de Desarmes*). The man killed, Barthélemy Albert, 47, was the husband of a member of Women in Action of Desarmes. They left a message for the woman stating that Aristide could take the place of her husband when he returns. Maxo, the brother of another member of the group, was blinded in one eye by the assailants. Members of Women in Action were forced to flee the area.⁶⁶

Terror in Saut d'Eau

Two section chiefs led a campaign of terror and intimidation in Saut d'Eau, near Mirebalais. On the morning of October 30, Section Chiefs Floran Thelice and Emile Exumé gathered eighty armed deputies and other followers, to demonstrate in the Coupe Mardigras hamlet of Saut d'Eau against Aristide and UN mediator Dante Caputo and in favor of FRAPH. The crowd looted and wrecked ten houses belonging to members of the Saut d'Eau Clear View Cooperative Peasant Group Federation (*Federasyon Gwoupman Peyizan Kombit Laveje Sodo*, FGPKLS) and beat and arrested as many as thirty people, according to diverse reports.

Among those assaulted and whose homes were destroyed by the military-directed thugs were Antoine Charles, 60, a health monitor and FGPKLS leader who was badly beaten on the head and midsection; Marie Jeune Cineus, who was beaten and given the *kalot marasa*; and Francine Poleston, 72, an FNCD member of the elected administrative council of the communal section.

Yvette Virgile was arrested, beaten and forced to pay US\$40 (500 gourdes) for her freedom. Luckner Pauleston was tied to a horse, which his assailants ordered to gallop, pulling him for a distance of several meters. Tertulien Georges was tied up and jailed for three days in Section Chief Thelice's house. Others arrested and mistreated included Bote Brunie, Denis Charles, Origène Dorilus, and Crisil Aurèle.⁶⁷

Other October 30 Violence

In Port-au-Prince, there was intermittent shooting throughout the days and nights as October 30 drew near. Armed civilians terrorized the residents of poor and working class neighborhoods, and bodies were left in the streets every morning. The remains of four young men were found on Boulevard Harry Truman in downtown Port-au-Prince on October 26. Two young men were assassinated in the St. Thèrese section of Petionville during the last week of October.⁶⁸

On October 30, 1993, the mutilated corpse of Toto Gabriel was found near his home on the Hermann Pape block of 5th Avenue Bolosse, in Port-au-Prince. Gabriel's head and feet had been cut off and scattered. The leader of the local watch committee, Gros Marin, who is also Gabriel's cousin, was shot and wounded around 5:00 P.M. the previous evening when a squad of armed civilians entered the area firing their guns and seeking a man name Roosevelt, who they claimed to be pro-*Lavalas*. Gros Marin organized watch committee members to throw stones at the men, who left, only to return later that night, seizing Gabriel.⁶⁹

⁶⁶ *Resistance et Democratie*, Volume 2, Number 16.

⁶⁷ Interview, Port-au-Prince, November 1993; Agence Haïtienne de Presse, "201 Résumé de Nouvelles Nationales, 1-7 Novembre, 1993."

⁶⁸ *Resistance et Democratie*, Volume 2, Number 16.

⁶⁹ *Resistance et Democratie*, Volume 2, Numbers 15 and 16.

Two people were reportedly killed in Saint Marc on October 30 — a bread seller and the husband of a woman sought by the military because of her community activism.⁷⁰

The homes of two parliamentarians sympathetic to Aristide were attacked on October 30. The home of Deputy Samuel Madistin of the Haitian Christian Democratic Party (*Parti Démocrate Chrétien Haïtien*, PDCH) was attacked in Estère, in the Artibonite, on October 30. Madistin's mother was injured by broken glass from a window shattered by bullets.⁷¹ A group of armed civilians led by the section chief fired several rounds at Deputy Jean Mandenave's home in Plaisance in the north.⁷²

Reporter Luc François's home in Jacmel was machine gunned on the evening of October 30 by armed civilians. François had worked as Jacmel correspondent for Radio Haïti-Inter until it shut down after the coup; the attack was said to be in retaliation for an article François wrote for the New York-based *Haïti Progrès*.⁷³

⁷⁰ *Resistance et Démocratie*, Volume 2, Number 16.

⁷¹ *Resistance et Démocratie*, Volume 2, Number 21.

⁷² *Resistance et Démocratie*, Volume 2, Numbers 23-24.

⁷³ Agence Haïtienne de Presse, 201 Résumé de Nouvelles Nationales, 1-7 Novembre, 1993.

VIII. TERROR CONTINUES

The campaign of terror did not end on October 30. During the first two weeks of November, Port-au-Prince was the scene of almost constant gunfire. Much of this was celebratory by FRAPH and other armed civilian groups rejoicing in the failure of the plan to restore President Aristide, but was nonetheless terrifying to the general populace. A large number of assassinations, some clearly political and others with combined criminal and political motives, continued to occur in November and December.⁷⁴ The two dozen International Civilian Mission monitors who returned to Port-au-Prince in late January reported an alarming number of killings, disappearances and arbitrary arrests during the first months of 1994.

Persecution Intensifies in the Artibonite

In early November in Perodin, the local section chief tortured and arrested several members of the Assembly of Perodin Peasants (RPP). Members of the RPP have been under severe pressure from Section Chief Edner Odeïde since the 1991 coup.

Four members of the RPP, Celor Josaphat, Previlus Eluina, Licalixte Jean Louinat, and Derilus Cleartune, were arrested by Odeïde and two armed men in civilian clothes on November 7 as they were walking toward Petite Rivière. They were tied back-to-back in pairs with rope and taken to the section chief's house, where some ten uniformed soldiers disparaged them for being pro-*Lavalas*, saying "You think your papa [Aristide] will come back, but he won't."

Some of the men's relatives followed them to the house where a soldier told them they'd have to pay US\$160 (2,000 gourdes) for their freedom. When they collected the money and handed it over to Odeïde, the section chief told them that only the military post in Petite Rivière had the authority to free the men. The four prisoners spent the day tied up on the floor of the section chief's house. Late in the evening, four soldiers got them up and ordered them to walk to Petite Rivière with them. Upon their arrival the next morning, Cleartune was able to escape as the soldiers stopped in the marketplace for a drink. At the army post in Petite Rivière, a corporal ordered the three remaining prisoners to lie down on their stomachs on the floor. Several soldiers kicked the men and beat them with their batons, relieving one another when they became tired. Several hours later, the three men were carried out and dumped on the ground behind the post. Celor Josaphat was left with a broken left arm, badly swollen buttocks, blurred vision and many bruises.

Rape in the St. Marc Prison

Carmene Dormilus Benjamin was arrested by four men in civilian clothes driving a Peugeot pick-up on November 13, 1993, as she left the Cabaret office of Teleco, the state telephone company, north of Port-au-Prince. They took her to the army post at Arcahaie, then sent her to the prison in the army base in the larger town of St. Marc. At the St. Marc prison, she was placed in a cell holding both women and men, including a pregnant woman who had been badly beaten and an elderly man who appeared on the verge of death. She asked to be moved to another cell, and on November 14, a soldier granted her request, but then threatened to beat her or kill her if she did not submit to his sexual advances. After raping her, he returned her to her former cell in the morning. During her interrogation by the captain in charge of the base, soldiers slapped her three times and kicked her in the stomach, demanding that she reveal the whereabouts of her husband, René Sylveus Benjamin, a church worker. Her family was denied permission to visit her at the prison until she was freed on November 16, after paying US\$120 (1500 gourdes).⁷⁵

Soldiers Sweep Gonaïves Shantytown

Soldiers seeking Amio "Cubain" Metayer, a leader of the Raboteau community in Gonaïves, arrested the following youths from Raboteau in Port-au-Prince on November 20, 1993: Balaguer Metayer ("Chatte"), 17; Joseph Cius

⁷⁴ Radio stations reported the killings of at least twenty-two people on November 12 and 13 in Port-au-Prince, including five money changers on the Rue Pavée on November 13, twelve people in the Poste Marchand section, and five in Cité Soleil.

⁷⁵ *Resistance et Democratie*, Volume 2, Numbers 23-24.

("Djobit"); Bertrand Dorismond; Pierre-Paul Dorismond; Dieujuste; "Abdale;" "Fritó;" "Ti Claude." The following day, Jean Claude Teophin, also of Gonaïves, was arrested right after leaving the U.S. refugee processing locale. Three others, including "Cubain," escaped capture. The detained youths had traveled to Port-au-Prince intending to apply for political asylum. All were taken to Gonaïves and jailed.

On November 21, several others were arrested separately in Gonaïves, including Sergot Metayer, Rosny Toussaint, "Pinikrit," (arrested at his mother's wake), Augustin Charitable, Senatus, Michel Fermilus, and Alourdes Metayer.

Some, if not all, of the detainees were beaten badly. "Chatte" was beaten on his head, back and buttocks. Augustin Charitable was reportedly beaten in the *djak* position. Alourdes Metayer was beaten so badly in the abdomen that she miscarried her baby. She was released on December 17 along with most of the others.

Jean Claude Teophin, also badly beaten, was not released until January 24, 1994. Seventeen-year-old "Chatte" remains in prison at the time of publication. His family has been unable to see him for fear of reprisal. They learned in a message he managed to smuggle out of the prison that his hands had been kept tied together for twenty-two days and that he was suffering from chronic head and stomach pains.⁷⁶

A group of uniformed soldiers and attachés made a return sweep of the Raboteau neighborhood seeking Amio Metayer on December 19. In one courtyard (a cluster of houses) fifteen adults and fourteen minors, ages four to fifteen were beaten.⁷⁷ Victims of the assault reported that they were made to lie face down on the dirt floor for hours while soldiers beat them. The soldiers then carried out a house-to-house search during which they beat and mistreated residents, mostly women and children, and demanded information regarding the whereabouts of Metayer, firing their guns randomly in the neighborhood.

People seeking to escape from the assailants fled into the sea while the soldiers and armed civilians shot at them. Evalliére Bornelus reportedly drowned trying to escape the shooting, and Louisiana Jean, an elderly woman, died of shock during the raid. Many residents immediately left the neighborhood and have not returned since. A seamstress, interviewed by HRW/Americas and NCHR, was too afraid to return and recover her sewing machine so that she could work. Residents identified one of their assailants as a former neighborhood activist who is now a FRAPH leader.

Torture and Arbitrary Arrest in Les Cayes

Christian Joseph, 25, was illegally arrested on December 1, 1993, and tortured in a house outside the southern city of Les Cayes. The Aristide supporter and member of a local organization called Open Eyes (*Lave Je*), went into hiding following the 1991 coup, returning to his home in December 1992. On February 12, 1993, Section Chief Leder Registre ordered two attachés to arrest Joseph. They beat him twenty-two times with a baton before freeing him when a family friend paid US\$12 (150 gourdes). The section chief, who accused Joseph of being responsible for distributing leaflets reading "Down with Leder Registre," told him to get out of town.

Joseph followed his advice, and did not return home until October 1993. On December 1 around 10:00 A.M., he was stopped while riding a bicycle to Les Cayes by a Toyota pickup carrying a uniformed soldier, Registre, and two men in civilian clothes. The soldier forced him into the vehicle, blindfolded him, and drove him to a house where he saw two other prisoners, both Lavalas supporters, who had been there for two days.

On the morning of December 2, one of his captors blindfolded him once more and took him out of the room. He kicked Joseph in the midsection, causing him to fall, and then stood on his back. Turning him over, the man then walked on Joseph's stomach. Joseph described the torture:

⁷⁶ Interviews, Gonaïves, February 12, 1994.

⁷⁷ HRW/Americas and NCHR were also shown photographs of the injuries sustained by residents of this courtyard. Some victims interviewed still had visible signs of the beatings at the time of the interview. Interview, Gonaïves, February 12, 1994.

The next morning, the same man came into the room. He tied on the blindfold, forced me to lie down and tied my hands together. Several people beat me, walked on my stomach, kicked me in the neck, forced me to crawl on my stomach, forced me to stand up to give me the *kalot marasa*. I received two blows to the jaw with the butt of a gun and lost a tooth.⁷⁸

Joseph was taken from the prison on the evening of December 6, blindfolded and put onto a vehicle. The blindfold was removed after they passed Les Cayes and he later managed to escape when the car broke down.

FRAPH Arson in Cité Soleil Kills at Least 36

A devastating fire swept the shantytown of Cité Soleil on December 27, 1993. The deliberate setting of fires by armed men, who later prevented many residents from leaving the burning site, appeared to be in retaliation for the violent death of leading FRAPH member Issa Paul. Paul, the local FRAPH treasurer, proprietor of a funeral parlor, and Carnival band leader, was killed in the early hours of December 27 in unclear circumstances. FRAPH leader Emmanuel Constant, blaming Aristide supporters, told reporters that a mob had hacked off Paul's arms and set him on fire. This account has been questioned by many Haitians, who believe Paul may have been killed as part of a quarrel within FRAPH.

The attack on Cité Soleil was conducted by a large number of armed men. Carrying guns, grenades, and machetes, they entered the neighborhood, looked for specific persons and shot them on sight, doused the precarious one-room shacks with gasoline, set them alight, and fired their weapons into the air as the flames spread.

Although FRAPH leaders have denied responsibility for the massacre, victims interviewed reported that FRAPH members shot and killed some residents, while others perished in the fire, prevented from escaping by the arsonists, with the tacit support of uniformed police. During the fire, known FRAPH members beat and arrested several people under the eyes of the military. Police did not intervene to stop the carnage, nor did the fire department, which is under military control, make any effort to douse the flames. The Justice and Peace Commission reported that firefighters were turned back by armed men, who said "they didn't have any need for them yet."⁷⁹

Devastated residents of this shantytown, where most houses are built of scraps of wood, corrugated metal and cardboard, lost everything in the fire. All that was left standing in some places were sections of roof and metal bed frames.⁸⁰

Initial reports coming from the Center for Development and Health (*Centre de Développement et de Santé*, CDS), a USAID-funded agency in Cité Soleil, said that no more than four people were killed and 250 families left homeless. A later health ministry report said that 860 homes were destroyed, leaving at least 5,000 without shelter. The Justice and Peace Commission reported the identities of 36 people killed during the incident, as well as 25 people disappeared or unaccounted for, and four injured. Investigations into the massacre are continuing, and another credible estimate put the number of people dead as high as 102.⁸¹

Those reported killed were: Vélius Joachim, 36, originally from Baradères; Estéve Jean, 60, from Baradères; Natasha Café, 6, from Jacmel; André Louis, 28, from Baradères; Katia Isnadère, 2; Jean-Robert Dagrín, 4; Francilia François, 43, from Jérémie; Macule Pierre, 22, from Jérémie; Lessage Trazil, 35, from Thomazeau; Yves Jean, 46, from Port-au-Prince; Léma Aley, 21, from Moron; Woodly Jean, 1, from Anse-à-Pitre; Yves Fils, 36, from Jacmel;

⁷⁸ Interview, Port-au-Prince, February 7, 1994.

⁷⁹ Commission Archidiocésane Justice et Paix de Port-au-Prince, "27 Décembre 1993 à Cité Soleil: L'Horreur Portée à son Comble! Bilan Provisoire des Cas de Disparitions, de Morts et de Blessés," January 1994. Translated by NCHR.

⁸⁰ David Beard, "Stricken Slum has been site of 'civil war' since Aristide's ouster," Associated Press, December 28, 1993.

⁸¹ Interview with residents, Port-au-Prince, February 11, 1994.

Venia Massé, 3, from Petite Rivière de l'Artibonite; Elina Joseph, 28, from Mirebalais; Darlène Jean-Baptiste, 8, from Thiotte; Manouchka Jean-Baptiste, 5, from Thiotte; Rodrigue Madichon, 41, from Lascahobas; Séjène Mardi, 72, from Foret des Pins; Apollon Alexandre, 30, from Anse d'Hainault; Jean Edmond, 40, from Anse-a-Pitre; Rosema Mondesir, 10, Adancia Constant, 80, of Jacmel; Mercini Velis, 23, from Les Cayes and his children James Velis, 1, and Mernize Velis, 3 months; Ena Raymond, 43, from Les Cayes, and her daughter, Claudie Raymond, 4; Justine Jean, 35, from Anse-a-Pitre, and her children Maniela Nelson, 4, and Barnave Neson, 2 1/2 months; Simon François, 15 months; Milianna Colon, an adult from Thiotte; Gabriel Rabel, 25, from Anse-a-Pitre and his daughter Daniela Rabel, 2 months; and Darlene Claude, 3. (Almost all of the victims lived in the Soleil 15 or Soleil 17 sections of Cité Soleil.)

Vélius Joachim was shot to death by FRAPH members during the fire. According to his wife, Joachim was taken away blindfolded and shot dead as she was helping their four children escape the fire, which destroyed their house and all their possessions. The family had moved to Cité Soleil from another Port-au-Prince neighborhood, where they had been harassed by armed men. The harassment continued in Cité Soleil. Prior to the fire, armed men had come to their home in Cité Soleil five different times looking for Joachim.⁸²

Estève Jean and his daughter Natasha Café, age 6, perished in the fire when armed men prevented them from escaping. Jean's widow told HRW/Americas-NCHR investigators that armed men in civilian dress and military uniforms encircled the area hours prior to the attack. They nailed doors shut, imprisoning people in their homes, threw gasoline and grenades to start the fire, and beat people back to prevent their escape. When asked why they did this she replied, "because they knew he was a *Lavalas*. In 1991 they shot him in the leg for having an Aristide poster. After that he couldn't work. We used to live in Bolosse, but after my husband was persecuted we moved to Cité Soleil."⁸³

Ghislaine, a mother of five children, lost her house and belongings in the fire. Her husband had been in hiding for over a year, persecuted because of his work on the 1990 presidential elections. On May 21, 1992, six men in civilian dress armed with rifles came to the house looking for him. They forced the door open and beat her in the face with their guns. (She is still partially blind in one eye.) With this latest attack, she has been left homeless, with her five children dispersed among different relatives. When asked why she thought this had happened, she responded that it was in retaliation for the killing of Issa Paul, which had been attributed to Aristide supporters. "They said that first it would be the turn of the boys and men, and the turn of the girls and women was coming soon. They said that every day someone in Cité Soleil will be killed. And it has been that way."⁸⁴

The Justice and Peace Commission also reported widespread corruption in the provision of emergency assistance to the victims, which was coordinated by the CDS, with support from USAID. Cards identifying victims eligible for assistance were being sold for US\$35-40 (400-500 gourdes). FRAPH offices in the stricken area, particularly Soleil 17, were preventing many real victims from registering with the CDS. Others, they reported, were afraid to approach the CDS for fear of being caught by FRAPH members in the area. Arson victims interviewed by HRW/Americas and the National Coalition for Haitian Refugees (NCHR) corroborated these reports.

Assassinations in Sarthe

Heavily armed soldiers assassinated a group of young men in the early hours of February 3, 1994, in Sarthe near Carrefour Vincent, just north of Port-au-Prince. Uniformed troops and armed men in civilian dress projected tear gas into the house where the young men were meeting, forcing all inside to flee. As they exited the building, the soldiers opened fire, killing them. Six bodies were found inside the house, and forensic examination suggested they had been killed after surrender, when lying on the floor. The depression crater from a grenade detonated in the attack was

⁸² Interview, Port-au-Prince, February 11, 1994.

⁸³ Ibid.

⁸⁴ Ibid.

noticeable inside the house and four pools of blood were discovered just outside. The six bodies found at the house and additional casualties of the attack encountered in neighboring streets, combined for a final death toll as high as fifteen.

The youths reportedly belonged to the Unity Organization to Combat the Misery of the Haitian People (*Oganisasyon Tet Ansamn pou Kombat Mize Pep Ayisyen*, OTAKAMPA) based in Cité Soleil. They had left Cité Soleil to escape the repression there, which intensified following the December 1993 fire.

Police from the Delmas 33 station told the International Civilian Mission, which denounced the attack, that the youths were part of a "terrorist and subversive organization" and that they had an argument among themselves over money.⁸⁵

Killings Continue in Cité Soleil

The president of a Cité Soleil political movement (*Alliance des Democratres Patriotes Revolutionnaires Haïtiens*) reported the killing of five young men around 10:00 P.M. on February 9, 1994, in Cité Soleil 17 and 19. A large number of soldiers and armed civilians he identified as local FRAPH members, came to the neighborhood in vehicles. They hacked with machetes and shot three of the young men in front of a neighboring house, then pursued the other two as they attempted to flee, killing them also. The three bodies found at the house were identified as Ti Nes Jean, Paul Daniel, and Philippe Antoine. All of the victims were members of the Lintheau Youth Group (*Kombit Jèn Linto*). After the killings, the witness helped cover the bodies, but no one removed them because the perpetrators kept circling the area. Pigs began to eat the bodies of the two that had tried to run away. The next evening, unidentified men arrived and removed the bodies.⁸⁶

By mid-March, more than seventy cases of extrajudicial killings and suspicious deaths had been reported to the UN/OAS International Civilian Mission, following the return of a small contingent of observers to Port-au-Prince on January 31. In the first two weeks of March alone, the Mission was investigating twenty-one cases of extrajudicial killings and suspicious deaths in the capital; sixteen of these occurred in Cité Soleil.

⁸⁵ Communiqué de Presse, International Civilian Mission in Haiti, OAS/UN, February, 9, 1994.

⁸⁶ Interview, Port-au-Prince, February 11, 1994.

IX. INTERNATIONAL ACTORS

U.S. Policy

"We're hemorrhaging credibility."

— Unnamed U.S. official following USS *Harlan County* withdrawal.

Instead of insisting that the protection of human rights of Haitians be a fundamental component of any political solution in Haiti, the Clinton administration deliberately ignored the issue of human rights throughout the Governors Island negotiations and after. In a demonstration of its willingness to set aside human rights in the hopes of achieving a quick political settlement, the Administration sacrificed accountability for those who committed human rights violations following the September 1991 coup, and supported an indiscriminate and inhumane policy of forcibly repatriating Haitians fleeing well-documented persecution. While the Administration took some actions against the *de facto* leaders following the collapse of the Governors Island Accord, those actions were undermined by its record of granting innumerable concessions to the human rights abusers in power in Port-au-Prince who chose to ignore the Accord's provisions. Now, with its credibility seriously undermined, the Administration is left with few options to facilitate the restoration of democracy in Haiti.

Governors Island Accord and Accountability

The ill-fated Governors Island Accord was signed on July 3. It called for the resignation of General Cédras shortly before the return of President Aristide to Haiti on October 30, the lifting of UN and OAS sanctions, and the provision of more than \$1 billion in international assistance. After the conditions of the Accord were met, Haiti was also set to receive technical and military assistance to promote development and administrative, judicial and military reform, including the separation of the police from the army.

Perhaps the most controversial requirement of the Accord called for Aristide to issue an amnesty in accordance with the Haitian Constitution, which allows the president to accord amnesty for political crimes (crimes against the state), but not for common crimes (crimes against individuals). Aristide was under consistent pressure from UN Special Envoy Dante Caputo and Ambassador Lawrence Pezzullo, Special Envoy for President Clinton, to make concessions on the Haitian army's accountability for its crimes. Aristide acquiesced, but insisted correctly that the amnesty should cover only the crimes relating to overturning the constitutional order, not murders, disappearances and torture that had taken place since the coup.

As could be predicted, the amnesty proved to be a serious point of contention between Aristide and the *de facto* leaders. But, instead of siding with Aristide in a public, unequivocal way, the Administration consistently refused to state publicly its position on which crimes should be included in the amnesty or whether an amnesty law needed to be passed by the Haitian parliament. Privately, the Administration argued that a broad amnesty was necessary to satisfy the demands of the *de facto* rulers. In fact, during August and September, U.S. officials now acknowledge that they presented the Justice Minister and Prime Minister Malval with drafts of amnesty laws similar to those passed in other countries, some of which covered not just crimes against the state, but also serious human rights abuses against Haitians.

Although U.S. officials said that Justice Minister Guy Malary was working on an amnesty law when he was killed⁸⁷, in an interview one day before his death, Malary discussed the amnesty question with NCHR and Washington Office on Latin America representatives, saying he considered Aristide's decree to be all that was necessary under the Haitian constitution. Although the parliamentary opposition might submit an amnesty law, the government had no intention of doing so.⁸⁸

⁸⁷ Interview, U.S. Embassy, Port-au-Prince, February 11, 1994.

⁸⁸ Interview with Justice Minister Malary, October 13, 1993.

After the USS *Harlan County* was turned away and General Cédras began actively pressing Parliament to vote a broader amnesty that would include human rights violations, the Administration refused to support the notion of accountability. Several Administration officials maintained that it was up to Haitians to decide whether to hold human rights violators accountable — even while those same abusive elements remained in control. By the time Haitian citizens would be in a position to support accountability, the broad amnesty under consideration would have been law and those responsible for abuses protected from prosecution. In the end, the only clear signal sent by the U.S.'s public silence and private support for a broader amnesty was that the *de facto* leaders would not be held accountable for the violations they had committed against Haitian citizens.

U.S. Military Assistance

In its eagerness to persuade the Haitian security forces to adhere to their promises under the Accord, the U.S. proposed a premature military assistance package including \$1.25 million under the International Military Education and Training Program (IMET), nearly \$1.2 million in Foreign Military Financing (FMF) for military professionalization; and \$4 million in Economic Support Funds for police professionalization through the International Criminal Investigations Training Assistance Program (ICITAP). Congress conditioned U.S. aid by prohibiting military assistance or training in which there would be participation by any member of the Haitian military involved in drug trafficking or human rights abuses. Even though U.S. Ambassador William Swing promised that trainees in the IMET program would be screened, at the time of the breakdown in the implementation of the Accord, the Administration had failed to put forward a realistic plan to ensure that this assistance would not end up in the hands of human rights abusers.

The Pentagon's commitment to screening out human rights abusers and its assurances that leaders of the coup would not receive U.S. training recently has been called into question following the release of Pentagon documents showing that at least ten Haitian army officers continued to receive IMET training in the U.S. after the overthrow of Aristide on September 30, 1991. The internal Pentagon documents contradict statements made by the Defense Department denying that training continued after the coup. According to reports, some of the trainees began their programs after the coup took place, while others were allowed to complete their training that had begun before the coup. The disclosure of the information led Rep. Joseph Kennedy (D-MA) to assert, "The United States should never condemn the abuse of democracy and human rights and then turn around and train the abusers on our own soil."⁸⁹

In September, the UN Security Council approved a U.S.-sponsored resolution to send 567 UN police monitors and 700 military personnel to Haiti, including some sixty military trainers. These forces were to include about 500 U.S. troops. After concerns were raised about the lack of adequate human rights screening procedures for trainees, Ambassador Swing announced that the U.S. would no longer be training an interim police force. Instead, UN police monitors and trainers (not including U.S. participants) would conduct the training and, with the Malval government, would be responsible for screening out human rights abusers. The training plan was scrapped once the Accord collapsed, yet as recently as mid-December, there were reports that the "four friends" (the United States, France, Canada and Venezuela) would attempt to convince the Haitian armed forces to allow American and other military personnel to establish a training mission in Haiti.⁹⁰ The four friends reportedly also were pursuing the reintroduction of police trainers from Canada, France and other French-speaking countries. In addition, U.S. personnel with the ICITAP program will soon return to Haiti for consultations with members of the Aristide government.⁹¹

Breakdown of the Governors Island Accord

From the outset, the U.S. and the international community discounted the mounting evidence that the military would not honor its obligations under the agreement. UN observers and human rights activists warned US officials that violence

⁸⁹ Paul Quinn-Judge, "Haitians Trained after Coup," *The Boston Globe*, December 6, 1993.

⁹⁰ John Goshko, "Four Countries to Press Plan for Training Mission in Haiti," *The Washington Post*, December 17, 1993.

⁹¹ Interview with U.S. officials, Port-au-Prince, February 11, 1994.

by the military had escalated dramatically, yet those voicing caution were disregarded because they had not grasped the "big picture."⁹² Instead, in order to reward the *de facto* leaders for their anticipated cooperation, the UN embargo was lifted in August, assets were unfrozen and visas reinstated.

As the Clinton administration was finalizing plans for the deployment of U.S. military trainers and observers to Haiti, a debate over U.S. involvement in humanitarian interventions was unfolding after American troops suffered fatalities in Somalia. Vocal Republicans were highly critical of the Administration's plan for protecting the U.S. trainers destined for Haiti, as was Defense Secretary Les Aspin. Despite a climate of uncertainty about the mission as planned, the White House resolved or overruled the Defense Department's objections, and the military trainers were sent to Port-au-Prince.

Implementation of the Governors Island Accord came to an abrupt end on October 11, when a gang of armed paramilitary "attachés" and FRAPH members assisted by Haitian security forces, initiated a noisy protest at the Port-au-Prince dock as the USS *Harlan County* approached, preventing the ship carrying U.S. and Canadian military trainers and observers from docking. Confronted by the loud mob, the Administration quickly ordered the withdrawal of the ship, without consulting with other nations' diplomats or heeding the advice of some observers who favored immediate pressure on the Haitian leaders to allow the *Harlan County* to dock, rather than a total retreat. The ship's withdrawal prompted the Special UN Envoy Dante Caputo to complain that, "The excuse for the pullout was that demonstration, and that is the right word, excuse....There were 200 people screaming at the port. Early this year, we were confronted with 3,000 people when we first came here, many of them armed, but we went ahead anyway."⁹³

In any case, the *Harlan County's* withdrawal precipitated a total withdrawal of international observers and resulted in an enormous victory for the Haitian military. The first to announce their departure were the Canadians, who began evacuating their troops on October 14.⁹⁴ As described elsewhere, UN/OAS International Civilian Mission (MICIVIH) personnel were recalled from rural areas to Port-au-Prince out of fear for their safety following an escalation in attacks. The day after the Canadians began their withdrawal, the UN decided to begin evacuation of the MICIVIH staff to the Dominican Republic, leaving Haitians who had cooperated with the mission in increased danger. Most importantly, the *Harlan County's* retreat emboldened the *de facto* leaders, who let deadlines agreed to in the accord pass without action and who demanded new concessions from Aristide.

In the weeks leading up to the planned arrival of the *Harlan County*, and even after the ship was turned away, U.S. officials repeatedly stated their firm belief that the Haitian military would uphold its part of the accord. During his visit to Port-au-Prince in late September, Assistant Secretary of State for Inter-American Affairs Alexander Watson had told reporters that the army leaders would carry out the requirements of the accord "to the letter" and that the military leaders "are committed to meeting those responsibilities."⁹⁵ Two days after the *Harlan County* was turned away, Col. James G. Pulley, the U.S. Army officer who was commander of the small UN military contingent already in Haiti at the time of the *Harlan County* pullback, declared, "I have confidence in the armed forces of Haiti."⁹⁶ This comment prompted an unnamed diplomat to state, "For weeks the United States wanted no mention of the violence here....Now the Haitian Army and police block an American ship from docking...and all they can come up with is a statement of confidence in

⁹² George Black and Robert O. Weiner, "A 'Process' Blind to the Cost in Blood," *Los Angeles Times*, October 19, 1993.

⁹³ Howard French, "U.S. Advisor Meets Haitian But Sees No Breakthrough," *The New York Times*, October 16, 1994.

⁹⁴ The same day, Justice Minister Guy Malary was assassinated.

⁹⁵ "U.S. Insists Plan to Restore Aristide Remains on Track," *The Miami Herald*, September 22, 1993.

⁹⁶ Howard W. French, "U.S. Move Angers Diplomats in Haiti," *The New York Times*, October 14, 1993.

Haiti's officers."⁹⁷ The U.S.' unwarranted trust in the Haitian armed forces' good intentions, and its belief that the military would serve as a guarantor of stability, resulted in predictable failure.

The Administration's response to the Haitian *de facto* leaders' refusal to live up to the Accord was again disappointing. The Administration immediately pushed for the UN to reimpose an oil and arms embargo against Haiti and it reinstated a block on the financial assets of the *de facto* authorities.⁹⁸ At the same time, the Administration began to pressure Aristide to broaden his cabinet to include conservatives and to enact a blanket amnesty, thereby repeating its failed strategy of additional concessions to the *de facto* leaders. Although the Administration strenuously denied reports that they were pushing for the inclusion of "anti-democratic" forces in the cabinet, the symbolism of the pressure on Aristide to compromise after the military's many acts of defiance was not lost on the *de facto* leaders. By December, Special Envoy Pezzullo had declared that there needed to be a national dialogue "with major forces in the political realm, the labor unions, the military, the private sector...."⁹⁹ Pezzullo also stated that officers who had not engaged in repression should be consulted on forming a new coalition government, thereby continuing the Administration's search for "moderates" within the Haitian military who could be cultivated as U.S. allies.

Refugee Policy

Even though political violence in Haiti had escalated enough to prevent U.S. and Canadian military trainers from landing at the Port-au-Prince dock and to force the withdrawal of UN/OAS human rights monitors, the U.S. continued to repatriate all refugees attempting to flee Haiti, without prior screening for asylum-seekers with legitimate claims. The Administration, which remained fearful of a surge of Haitian boat people landing in Florida, announced that it would continue to rely upon its in-country processing (ICP) program in Haiti to consider Haitians' applications for political asylum in the U.S. The ICP program has been criticized by Human Rights Watch/Americas, the National Coalition for Haitian Refugees, and others as seriously flawed and inappropriately applied in Haiti. In no other instance is ICP seen as a viable substitute for the internationally recognized right to flee one's country and seek refuge. The program is incapable of protecting applicants and securing the information supplied by them in support of their asylum claims. Numerous cases of persecution of applicants to the program have been documented.¹⁰⁰ Moreover, case adjudication is biased against applicants and the State Department's consistently inaccurate assessment of the human rights situation is infused into the program at all levels, resulting in unwarranted denials.

In addition to violating international law regarding the prohibition of *refoulement*,¹⁰¹ as well as numerous other principles of refugee protection, the U.S. policy of forcibly repatriating Haitian refugees undermines the Administration's ability to condemn human rights violations committed by the military and its supporters because it must justify its repatriation policy by contending that those fleeing are not suffering from systematic persecution. The violators, therefore, avoid forceful condemnation by the U.S. The result is a tacit agreement between the U.S. and the

⁹⁷ Ibid.

⁹⁸ The list of individuals originally targeted was limited, but has since been expanded to include approximately 564 individuals, most of them officers. The expanded list has not been made public.

⁹⁹ "Clinton Advisor Urges Sharing Power with Some in Haitian Military," *The Miami Herald*, December 8, 1993.

¹⁰⁰ For example, Pierre Michel Guillaume, an active Aristide supporter from Les Cayes, was abducted on September 27 in Port-au-Prince. He was seized by men in a white pick-up without license plates as he left the U.S. refugee processing office, according to the International Civilian Mission. Guillaume later reappeared and is currently in exile in the U.S., according to U.S. embassy officials.

¹⁰¹ Article 33 of the 1951 Convention on the Status of Refugees provides:

No Contracting State shall expel or return ("*refouler*") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

The U.S. is not a party to the 1951 Convention, but has signed and ratified its 1967 Protocol. In any event, the Convention's non-*refoulement* clause is declaratory of customary international law and therefore binding on the U.S., and for that reason it has been incorporated into U.S. domestic law, including the Refugee Act of 1980.

de facto leaders, that the refugees do not warrant attention or protection as long as each side benefits by ignoring their plight.

On February 8, President Aristide rightly ended his year-long silence on the Clinton administration's forcible repatriation policy, describing its implementation as a "floating Berlin Wall." He announced that he was reconsidering a 1981 refugee agreement between Haiti (then ruled by Jean-Claude Duvalier) and the U.S. that permits U.S. officials to board vessels from Haiti to search for illegal immigrants, but also specifically provides that the U.S. will not return individuals who might have legitimate claims of political persecution to Haiti. The U.S. reacted to Aristide's statements by criticizing Aristide for raising the issue. The State Department spokesman remarked that, "...threatening to abrogate that agreement amounts in effect to encouraging people to leave Haiti in a way that could only result in deaths at sea, which is presumably something that President Aristide would wish to avoid. So we find his remarks quite mystifying."¹⁰² The spokesman explained, incorrectly, that the U.S.'s forcible repatriation policy is not a violation of international law because of the 1981 agreement, and commented that those who believe that it is a violation of international law have a "peculiar view."¹⁰³ In fact, as stated above, with or without the bilateral agreement, the U.S.'s policy of forcibly returning refugees violates customary international law prohibiting *refoulement*.

The Administration struggled to defend its repatriation policy. At a December 8 briefing by Assistant Secretary of State for Human Rights and Humanitarian Affairs John Shattuck, he replied to a reporter's question about the refugee policy by stating, "In the future when that restoration of democracy occurs, the policy of interdiction and the grave difficulties that I think that poses for issues of asylum, will no longer be the applicable policy."¹⁰⁴ Two days later, Shattuck was asked whether the U.S. policy conformed with either the spirit or letter of the International Covenant on Civil and Political Rights, to which he responded, "The U.S. is committed to considering the asylum applications of all who make them in Haiti, and it — to the extent that that commitment is fulfilled, and I believe it is, then the United States is acting consistent with the covenant in question. But this is not an easy issue and it is not an issue that will be resolved until democracy returns to Haiti."¹⁰⁵

Just days later, following a trip to Haiti, Shattuck stated, "I'm going back with a view that a policy review is necessary."¹⁰⁶ The following day, the State Department spokesman declared there was no plan to change the policy. Shattuck himself was reportedly reprimanded by Peter Tarnoff, Under Secretary of State for Political Affairs. One State Department official stated that Shattuck's comments were, "completely wrong and outrageous....It was a completely rogue statement."¹⁰⁷ Yet Shattuck's sentiments are shared by other Administration officials who have told human rights activists that they are uncomfortable with the policy or do not support it.

In congressional testimony on February 1, Shattuck returned to the Administration's publicly stated policy by reporting that the in-country processing program had been reviewed and improved, particularly in rural areas. Shattuck concluded that "there is a significant effort of outreach that's being made by the United States to assure that all those who have a claim to refugee status in country can be — can get that claim met."¹⁰⁸

¹⁰² As transcribed by Federal News Service, February 9, 1994.

¹⁰³ *Ibid.*

¹⁰⁴ As transcribed by Federal News Service, December 8, 1993.

¹⁰⁵ As transcribed by Federal News Service, December 10, 1993.

¹⁰⁶ "U.S. Aide to Seek New Policy on Fleeing Haitians," *The New York Times*, December 15, 1993.

¹⁰⁷ Steven A. Holmes, "Rebuking Aide, U.S. Says Haiti Policy Stands," *The New York Times*, December 16, 1993.

¹⁰⁸ Assistant Secretary John Shattuck's testimony before the Subcommittee on International Security, International Organizations, and Human Rights of the House Foreign Affairs Committee, on February 1, 1994, as transcribed by Federal News Service.

During a fact-finding trip to Haiti in mid-February, however, HRW/Americas and NCHR found that the ICP program was even more restrictive and unresponsive to the severity of the refugee crisis. Moreover, forced repatriations to the Port-au-Prince pier have become increasingly dangerous. Since the *Harlan County's* October retreat, human rights monitors and journalists have been barred from the dock. In addition, repatriates identified as "high priority" for expedited asylum interviews by U.S. Embassy personnel prior to disembarkation have been arrested at the pier and detained for several days.

Role of the Central Intelligence Agency

The role of the Central Intelligence Agency (CIA) in Haiti received a great deal of attention during the last few months of 1993. A CIA analyst's congressional briefing, which was highly-critical of Aristide, and the revelation that the CIA-created Haitian National Intelligence Service (*Service d'Intelligence Nationale*, SIN), was engaged in political terrorism and drug trafficking, raised serious questions about the quality of information provided by the CIA to policy-makers, as well as the complicity of the U.S. agency in human rights abuses in Haiti.

A week after the USS *Harlan County* was turned away from the Port-au-Prince dock, Sen. Jesse Helms (R-NC) requested and received a briefing by the CIA's chief Latin American analyst Brian Latell about Aristide's background. At the briefing, which was reportedly attended by a dozen Senators, Latell stated that Aristide had been hospitalized with psychological problems, had been implicated in the murder of political opponents, and had incited mob violence.

While Human Rights Watch/Americas and NCHR have criticized Aristide for two speeches he made that seemed to justify "popular justice" or mob violence, we found no evidence that he had incited actual acts of violence. We have found allegations that Aristide ordered the murders of political opponents to be unfounded. We have also noted that during his brief tenure as president, human rights observance in Haiti improved considerably. Even though the human rights record of Aristide should be discussed, abuses that may be attributed to him pale in comparison to his successors now controlling Haiti, yet those records were not a subject of a CIA briefing during this volatile period. More than a month later, the *Miami Herald* reported that the allegations of Aristide's hospitalization were false.¹⁰⁹ Even though much of Latell's information was false or disputable, there was no official rebuke, such as the one Assistant Secretary Shattuck reportedly received for stating his opinion on the refugee issue.

When questioned about whether, in light of the CIA reports about Aristide, the Administration believed Aristide was capable of governing, the State Department spokesman replied that it was up to Haitians to make "those types of judgments." He went on to state that the U.S. evaluates foreign leaders differently at different times, "and that's stuff we keep confidential."¹¹⁰ In this case, however, the CIA's evaluation was not kept secret, and it has been argued that the Haitian military was aware of growing apprehension in the U.S. about Aristide, and that those doubts strengthened its resolve to hold on to power. At the very least, the congressional debate over Aristide's human rights record — a debate that should have taken place long before, but certainly not during, this period of rising tensions both in Port-au-Prince and Washington — and discussions about his mental health resulted in a lengthy diversion from the human rights crisis that was unfolding in Haiti.

In November, information about the activities of the CIA-created intelligence unit, SIN, which reportedly operated until just after the September 1991 coup, began to surface. The SIN reportedly spent millions of dollars provided by the U.S. for training and equipment, yet provided little narcotics intelligence, which was its intended purpose. Instead, senior members of the SIN reportedly interrogated and tortured political activists, raising serious questions about U.S. complicity in human rights violations. U.S. funding for some of the individuals committing those abuses, while Washington was ostensibly condemning violations, sent yet another mixed signal to Haitian leaders about U.S. dedication to human rights. Three SIN leaders — Col. Ernst Prudhomme, Col. Diderot Sylvain and Col. Leopold

¹⁰⁹ Christopher Marquis, "CIA Report on Aristide was False," *The Miami Herald*, December 2, 1993.

¹¹⁰ As transcribed by Federal News Service, November 3, 1993.

Clerjeune — were included on the U.S. Treasury Department's list of targeted frozen assets beginning on November 1.¹¹¹

¹¹¹ "C.I.A. Formed Haitian Unit Later Tied to Narcotics Trade," *The New York Times*, November 14, 1993.

State Department's Country Reports on Human Rights Practices

In a recent indication that the Clinton administration is unable or unwilling to grasp fully the scope of the human rights problem in Haiti, the State Department's Country Reports on Human Rights Practices, published on February 1, 1994, was characterized by serious omissions and errors. Among the report's shortcomings:¹¹²

- ◆ Political violence increased dramatically beginning in September, yet even though those statistics were available to the State Department, they chose not to include them. The report's omission of statistics describing the most violent period of the year, from September through November, resulted in an incomplete factual basis upon which to base any analysis of trends in political violence for the last four months of the year. The State Department uses the UN/OAS International Civilian Mission's (MICIVIH) figures for political killings in July and August, yet misinterprets the mission's findings by underreporting the total number of documented political killings;
- ◆ The report fails to mention the Front for the Advancement and Progress of Haiti (FRAPH) at all, even though the quasi-political organization has been nurtured by the military since its emergence in September and has been implicated in numerous serious human rights violations, including the burning/massacre in Cité Soleil;
- ◆ The report describes an incident during which pro-Aristide demonstrators threw rocks at vehicles of the mission, yet the mission has stated that this incident never occurred. They have reported that mission personnel and the Haitians who cooperated with them were regularly harassed by the security forces and their supporters, but these acts of intimidation are downplayed in the State Department's report, which labels the attacks as "perceived";
- ◆ The report fails to mention the Haitian military's failure to honor the terms of reference for the mission's access to detainees;
- ◆ The report claims that one person was killed during the attack by attachés during the September 8 ceremony at the Port-au-Prince City Hall, yet the mission verified at least three killings. Further, the State Department's report failed to mention that police were present during the attack, yet did nothing to protect the victims;
- ◆ Military section chiefs are identified as paramilitary without adequately describing their direct relationship to the Army and, therefore, the Army's responsibility for the abuses committed by the section chiefs;
- ◆ The report contains a cursory description of the murder of prominent Aristide supporter Antoine Izméry, without mentioning the mission's detailed report containing evidence of the complicity, if not direct participation, of the Haitian armed forces in the assassination;
- ◆ The report includes a similarly brief description of the murder of Justice Minister Guy Malary, one of the most important leaders of the constitutional government. The report fails to mention that when the mission investigators approached the scene of the murder, they saw the commander of the Anti-Gang Service of the police ordering witnesses to be taken away;
- ◆ The report understates frequent attacks on the media, and fails to mention even the most prominent cases, such as the torture of Radio Tropic FM reporter Colson Dormé;
- ◆ The report states that there were no credible claims of retribution against repatriated refugees not involved in organizing voyages, yet it is well-known that individuals who are arrested after being returned by the U.S. Coast Guard are charged with crimes relating to organizing "clandestine voyages" as a method of intimidation and blackmail. In fact, individuals who have been returned to Haiti by the U.S. Coast Guard and classified as "high

¹¹² The critique is based, in part, on a February 3, 1994 letter from Ian Martin, former Director of Human Rights of the International Civilian Mission to Assistant Secretary of State for Human Rights and Humanitarian Affairs John Shattuck.

priority" cases (meaning that U.S. Embassy officials believe their claims of persecution were serious enough to warrant immediate consideration) have been arrested.

As the State Department's reference book on human rights around the world, it is important that the information and analysis contained in the report accurately reflect the situation in the countries monitored. Unfortunately, the Haiti chapter of this year's report does not do justice to the abysmal human rights situation now prevailing in Haiti.

Current Impasse

At the time of this writing, the Clinton administration was reportedly reevaluating its efforts to pressure President Aristide to make further concessions to the Haitian army. After the U.S.-initiated proposal¹¹³ to re-start the Governors Island process failed to gain support by either the Haitian military or President Aristide — and was roundly criticized by Members of Congress and human rights groups, the Clinton administration announced a new plan.¹¹⁴ The new plan calls for three steps to take place on the same date: General Cédras would step down, the Parliament would confirm the new Prime Minister named by President Aristide, and a law granting amnesty to the military leaders who led the coup would be enacted. If the military fails to support the new plan, the U.S. would press the UN Security Council to approve a tougher, mandatory embargo.¹¹⁵

Although details of the plan have not yet been made public, there are several problems with the proposal, as announced. The names of the military leaders expected to step down has not been made public, nor is it clear what role they will be allowed to play in Haitian politics. The plan fails to describe the limits of the anticipated amnesty and, by including the amnesty law (drafts of which reportedly exonerate members of the armed forces accused of serious human rights violations) as one of the required steps to restore democracy, the U.S. is supporting impunity for human rights abusers.

The United Nations

The Role of UN/OAS Special Envoy Dante Caputo

With President Clinton's election as a catalyst, the OAS and the UN selected Dante Caputo as a new mediator for the Haitian crisis in late 1992. Caputo was a veteran diplomat and intellectual who served as foreign minister under President Raúl Alfonsín from 1983 to 1989, in Argentina's first civilian government after six years of military rule. The Alfonsín government prosecuted top military leaders for their role in the killing and disappearance of thousands of people in the so-called "dirty war" of the late 1970s.

Caputo's enterprise and stamina during successive visits to Haiti were evident in the first part of the year. The international community, led by the United States, had gained a new determination to wrest power from Haiti's generals. But Haiti's military and economic elite, still prospering after a year-and-a-half of the unenforced OAS embargo, was defiant. They sponsored noisy and sometimes violent protests against Caputo, blocking his movement and interfering with his negotiations. Despite the protests, Caputo obtained the de facto government's agreement to allow the International Civilian Mission to monitor human rights in early February. But further movement eluded the mediator, with the military maintaining its interest in a solution but avoiding commitment.

¹¹³ The U.S. actively promoted the plan, which was presented misleadingly as a proposal initiated by a U.S.-sponsored delegation of Haitian parliamentarians visiting Washington, D.C. The plan lacked any guarantees to ensure accountability for past human rights violations or respect for human rights in the future. The proposal also lacked an established date for President Aristide's return.

¹¹⁴ Steven Greenhouse, "U.S. Again Shifts its Policy on Haiti," *The New York Times*, March 27, 1994.

¹¹⁵ The U.S. is also reportedly urging other countries to cancel or reject requests for visas of more than 500 military officers, with visa cancellations extended to officers' families if the military refuses to yield.

A proposed settlement developed by Caputo in March and April and backed by Washington called for Cédras' resignation, the forming of a new government named by Aristide and an amnesty for the military. While news reports spoke of an amnesty, supported by Caputo, that would cover serious human rights abuses as well as political crimes, Aristide was extremely reluctant to agree to such a blanket amnesty. Caputo reportedly holds the view that such an amnesty is a requirement of any negotiated settlement.¹¹⁶

Caputo's efforts appeared to collapse in late May when Cédras rejected an accord including an amnesty and the proposed multinational police force. This end to months of negotiations finally persuaded the international community, its credibility in Haiti very low, to pressure the de facto leaders. After several weeks' of deliberation, the Security Council voted on June 16 to impose an international fuel and arms embargo on Haiti. It would be enforced by warships from the United States, France, Canada and Argentina.

Almost before the sanctions went into effect, the military did an about-face and offered to talk. The Governors Island agreement that followed saw an extremely reluctant Aristide forced to agree to terms for an amnesty that left open the possibility for broad absolution for even grave crimes in the hands of the Haitian Parliament, and which called for lifting the embargo prior to Aristide's actual return.

The UN Embargo

The Security Council-mandated embargo reimposed on Haiti after the assassination of Justice Minister Guy Malary has prevented large scale deliveries of oil by sea but has been less successful at obtaining Dominican cooperation to seal its long land border with Haiti.¹¹⁷ Although U.S. Embassy officials said that Ambassador Swing has held five meetings with Dominican President Balaguer and that they were satisfied that the Dominican Republic was cooperating with the embargo, in February 1994 gasoline and diesel fuel were easily available in Port-au-Prince to anyone able to pay \$8-10 per gallon. The cross-border trade is controlled by the Haitian military, which is profiting handsomely.

Although economic sanctions have failed so far to force the military to accept Aristide's return, they have exacted a high price from the Haitian people.¹¹⁸ Not all of Haiti's recent economic woes can be attributed to the embargo, however; they also result from the breakdown in the constitutional order, the dislocation caused by extensive and pervasive persecution, the ensuing disruption of services and spiraling corruption, and the cut-off of most foreign assistance. The mass phenomenon of internal displacement, which keeps tens of thousands of bread-winners from cultivating their crops or appearing for work, has also contributed to the precarious economic situation of Haitian workers.

X. RECOMMENDATIONS

Recommendations to the United States

- ◆ End the summary repatriation of Haitian boat people. Forcibly repatriating fleeing Haitians, without regard to their legitimate claims for asylum, violates internationally recognized principles of refugee protection. The in-country refugee processing program is chronically deficient and under no circumstances should serve as the only alternative for asylum seekers.

¹¹⁶ Howard French, "Haiti Talks Stall Over Amnesty for Coup Leaders," April 7, 1993.

¹¹⁷ The voluntary or unenforced OAS embargo, in place since October 1991, bans most trade with exemptions only for vital foodstuffs, cooking gas, and medicine. The U.S. has imposed its own unilateral embargo with the same exemptions as the OAS's. An additional exemption for U.S. manufacturing industries operating in Haiti was incorporated by the Bush administration after successful lobbying by those industries, assisted by former Assistant Secretary of State Elliott Abrams.

¹¹⁸ Reports from different parts of Haiti indicate that malnutrition is growing among some groups of children, but it has proved difficult to generalize about the country as a whole. The U.S. relief agency CARE had been feeding as many as 580,000 people a day in 1993 but was forced to cut back food deliveries by late January to 117,000 because of problems with fuel.

- ◆ End the current policy of downplaying the human rights crisis in Haiti by immediately and publicly denouncing serious human rights abuses as they occur. In order to demonstrate renewed support for human rights principles, the Clinton administration should publish a new report on the current human rights situation in Haiti, which would serve as a useful supplement to the inadequate submission in the February 1 *Department of State Country Reports on Human Rights Practices*.
- ◆ Appoint a new special envoy to Haiti in order to signify a change of policy. By promoting a flawed U.S. policy that downplays human rights concerns, Ambassador Pezzullo has lost credibility and should be replaced by an individual with a proven commitment to human rights. Review the entire U.S. strategy for restoring democracy to Haiti by starting anew with a commitment to emphasize human rights protections and accountability for abusers.
- ◆ Make clear that the restoration of democracy in Haiti necessitates the return of Rev. Jean-Bertrand Aristide to the presidency, under conditions that allow him to exercise the full powers of the office to which he was duly elected. U.S. negotiators must be mindful of the time remaining in President Aristide's term, and must not allow efforts to resolve the crisis to be delayed until his return becomes impractical.
- ◆ Call for the return of a significantly enlarged UN/OAS International Civilian Mission to monitor human rights throughout Haiti and to collect information about abuses that could be used to purge the armed forces of abusive members and to prevent the hiring of the armed civilians now engaging in widespread human rights abuses.
- ◆ Oppose publicly and explicitly any broad amnesty that would absolve members of the Haitian armed forces and their supporters for serious human rights abuses committed since the September 1991 coup. U.S. support for a blanket amnesty undermines the very goals the U.S. claims to advocate — support for human rights and the rule of law. Any quick political advantage gained by supporting a broad amnesty will be short-lived since democracy cannot be built on a foundation of impunity for murder and torture.
- ◆ Insist on the creation of a separate police force, answerable to the Ministry of Justice, as an essential component in restoring democracy and bringing the Haitian police under the rule of law.
- ◆ Target sanctions more carefully to exert pressure on those who have in their hands the key to change in Haiti. The list of approximately 564 Haitians whose assets will be frozen and who will be denied visas by the U.S. is not enough. Much of its impact is lost by the fact that the complete list is not public. Also, the great majority of those included are military officers and their immediate relatives; only a few are civilians. An effort must be made to include civilians whose support for the de facto regime warrant personalized sanctions. The Clinton administration should propose to the UN and OAS that all other countries join in similar targeted sanctions and make public the list of those individuals whose actions against democracy and human rights in Haiti deserve international stigmatization.
- ◆ Provide information on alleged CIA funding of the Haitian National Intelligence Service (SIN), which reportedly engaged in the torture of political activists and committed other abuses. Initiate a public inquiry into CIA activities in Haiti and implement effective guidelines that will prevent the CIA from funding or in any way supporting human rights abuses by agencies in Haiti. Further, the Clinton Administration should publicly disavow inaccurate and biased information provided by its analysts, which do not represent, and effectively contradict, official U.S. policy.
- ◆ Rescind Executive Order 12324 of September 1981, under which Haitian vessels found in international waters and bound for the U.S. are interdicted and returned to Haiti after on-board screening for asylum seekers. The U.S. should also rescind Executive Order 12807 of May 1992 which stipulates that all Haitian boats be interdicted and their passengers returned to Port-au-Prince with no prior screening for asylum seekers.

- ◆ Promote a multilateral, regionally-based response to the refugee crisis, including the establishment of one or more safe havens. Any safe haven should employ the good offices of the United Nations High Commissioner for Refugees to ensure observance of basic principles of refugee protection.
- ◆ Make available U.S. assistance and training for members of the armed forces only after the High Command is replaced and thorough human rights screening to exclude human rights abusers in the armed forces is completed. The U.S. must ensure that abusive members of the armed forces do not receive any U.S. training or assistance. The U.S. should also make public the list of the members of the new police or armed forces who receive U.S. assistance.

Recommendations to the UN, OAS, and their Special Envoy

- ◆ Redeploy a significantly enlarged UN/OAS International Civilian Mission to Haiti to monitor and denounce human rights abuses. The Mission's mandate should be expanded to include the systematized collection of information on abuses that could be used to purge the armed forces of abusive members and to prevent the hiring of the armed civilians now engaging in widespread human rights abuses.
- ◆ Review the entire UN/OAS strategy for restoring democracy to Haiti by starting anew with a commitment to emphasize human rights protections, accountability for abusers, and by making the return of President Aristide — by a set date — non-negotiable.
- ◆ State publicly and clearly, through the UN/OAS Special Envoy Dante Caputo, opposition to a blanket amnesty that would absolve members of the Haitian armed forces and their supporters for serious human rights abuses committed since the September 1991 coup.
- ◆ Support the creation of a Truth Commission and other mechanisms similar to those established in El Salvador to bring to light abuses committed since the coup and to begin the process of ridding the armed forces of human rights abusers.
- ◆ Impose worldwide targeted sanctions against Haitian military officers, FRAPH members, and civilians whose support for the *de facto* regime warrant personalized sanctions. The list of individuals targeted should be made public.
- ◆ Monitor the effects of the UN embargo and be prepared to counter undesired damage to the health and well-being of Haitians by increasing and expanding humanitarian relief efforts.
- ◆ Promote the creation of regional safe havens for fleeing refugees, based on the concept of burden-sharing. Any safe haven should employ the good offices of the United Nations High Commissioner for Refugees to ensure observance of basic principles of refugee protection.
- ◆ Make available UN assistance and training for members of the armed forces only after the High Command is replaced and thorough human rights screening for abusive members of the armed forces is completed. The UN must ensure that abusive members of the armed forces do not receive any UN training or assistance. The UN should also make public the list of the members of the new police or armed forces who receive UN assistance.

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Human Rights Watch/Americas (formerly Americas Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East, and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Americas division was established in 1981 to monitor human rights in Latin America and the Caribbean. Cynthia Arnson and Anne Manuel are the acting directors; Sebastian Brett, Robin Kirk, Ben Penglase and Gretta Tovar Siebentritt are research associates; Stephen Crandall and Vanessa Jiménez are associates. Peter D. Bell is the chair of the advisory committee and Stephen L. Kass and Marina Pinto Kaufman are vice chairs.

National Coalition for Haitian Refugees, established in 1982, is composed of forty-seven 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. In addition to periodic reports on human rights in Haiti, the NCHR publishes a monthly bulletin on human rights and refugee affairs which is available upon request.