

PROFILE SERIES

HAITI

[PR/HTI/93.001]



AUGUST 1993

All the sources of information in this document are identified and are publicly available.

**PRODUCED BY:
INS RESOURCE INFORMATION CENTER
425 I STREET, N.W.
(ULLICO BUILDING, 3RD FLOOR)
WASHINGTON, D.C. 20536**

DISCLAIMER

The July 27, 1990 Regulations, "Aliens and Nationality: Asylum and Withholding of Deportation Procedures," mandated the creation of a new corps of Asylum Officers to provide an initial, nonadversarial adjudication of asylum claims. Asylum Officers use asylum law, interviews with asylum applicants, and relevant information on country conditions to determine the merits of individual claims for asylum.

The Resource Information Center was created to assist Asylum Officers domestically, and Immigration Officers determining Refugee status overseas, by collecting and disseminating credible and objective information on human rights conditions. As specified in the Regulations (8 CFR 208.12), such information may be obtained from the Department of Justice, the Department of State, and "other credible sources, such as international organizations, private voluntary organizations, or academic institutions."

Resource Information Center Profiles are one means by which information reflecting a wide range of credible sources is summarized for easy access by Asylum and Immigration Officers. The views expressed in Resource Information Center papers do not necessarily represent official U.S. government opinion, nor do they reflect U.S. foreign policy concerns. This paper was written on the basis of publicly available information, analyses, and comment. All sources are cited. This paper cannot be, and does not purport to be, either exhaustive with regard to the country surveyed, or conclusive as to the merit of any claim to refugee status or asylum. Updates to this paper may be made from time to time.

HAITI: COUNTRY PROFILE

TABLE OF CONTENTS

I.	THE ONGOING POLITICAL STRUGGLE	1
A.	Historical Background: 1492-1957	2
B.	The Duvalier Era: 1957-1986	4
C.	Years of Mobilization and Turmoil: 1986-1990	7
D.	The Election and Presidency of Jean-Bertrand Aristide: 1990-1991	11
E.	The Coup: September 1991 to the Present	14
II.	LEGAL STRUCTURE OF GOVERNMENT IN HAITI	21
A.	The 1987 Constitution and its Abrogation	21
B.	Constitutional Protections of Individual Freedoms and Liberties	23
C.	Constitutional Structure of the Civilian Government	25
III.	THE HAITIAN MILITARY	29
A.	Background -- Structure of the <i>Forces Armées d'Haïti</i> (Haitian Armed Forces, FADH)	29
B.	The Power of Rural Section Chiefs	30
C.	Military Refusal to Accept Constitutional Authority and Civilian Control	33
IV.	INSTRUMENTS OF REPRESSION AND ABUSE	35
A.	The Climate of State-Induced Terror	35
B.	Harassment, Intimidation and other Threats to Life and/or Freedom ...	37
C.	Arbitrary or Illegal Arrest	39
D.	Illegal Detention and Torture	41
	<u>Military Impunity From Legal Restrictions</u>	41
	<u>Systematic Torture or Physical Abuse of Detainees</u>	43
	<u>Repressive Conditions of Detention</u>	44
E.	Extrajudicial Execution	45
F.	Tolerance of "Targeted" Violence	47

HAITI: COUNTRY PROFILE

TABLE OF CONTENTS

(Continued)

V.	GROUPS AT RISK	52
A.	Overview	52
B.	Rural Peasant Organizations and Development Projects	54
C.	Urban Community Groups and Popular Organizations	58
	<u>Community and Popular Organizations</u>	59
	<u>Comités des Quartiers (Neighborhood Committees)</u>	60
D.	Students and Educators	62
	<u>Junior High School and High School Students</u>	63
	<u>University Students</u>	65
	<u>Teachers and Other Educators</u>	67
E.	The Catholic Church	68
F.	Literacy Groups	72
G.	Trade Unions	74
H.	The Media	77
I.	Other Social and Political Activists	80
J.	Civilian Officials in the Aristide Government	83
K.	Friends, Family or Communities of Individuals at Risk	85
VI.	HOPE FOR A POLITICAL SOLUTION	89
VII.	INDEX	94

HAITI: COUNTRY PROFILE

I. THE ONGOING POLITICAL STRUGGLE

It is perhaps a cliché of political science that in every society those who have power fight to maintain their influence in the face of challenges from those who are disenfranchised. In few parts of the world has that struggle been as longstanding or accompanied by such brutality as in Haiti.

For half a millenium, Haiti has been the battleground for this most basic kind of political struggle. It is a classic contest between diametrically opposed visions of power and governance -- between the power of the few and the rights of the many. This battle has taken many forms and included many different participants. It began with the original Spanish voyagers' conquest of the indigenous Indian peoples and persisted with the French plantation owners' control over their African slaves. It continues today with the domination by certain elements of Haiti's tiny elite minority, supported by the army, of the rural peasants and urban poor, who are generally supported by local elements of the church referred to as the *Ti Legliz*.^{1/}

Poverty has been an important instrument for maintaining political control for the elements of Haiti's elite. "The urban-based rulers and merchants developed intricate methods, particularly excessive taxation and uneven commodity exchange, to siphon off and accumulate the riches produced in the countryside. Germane to these strategies were abuse of power and

^{1/}The creole version of *Petite Eglise*, or little (i.e., grass roots) church. Payne, Douglas W., "Haiti: The Politics of the Spirit," *Freedom Review* (New York: Vol. 22, No. 3, May-June 1991), p. 6-7. Klarreich, Kathie, *Haiti: Reclaiming Democracy* (San Francisco, California: Global Exchange, February 1992), p. 1. Washington Office on Haiti, *Report on the Elections of December 16, 1990* (Washington, D.C.: Washington Office on Haiti, March 1991), p. 11.

maintenance of an uneducated, isolated producer class.^{2/} Attempts to bring about change were viewed as challenges to the status quo and were put down with ruthless violence.

The cycle of brutality and repression has never been broken. The effect of this struggle can be measured not only in lives lost or the slow evolution of political culture, but also in the poor quality of life for the average Haitian. For many years, Haiti has ranked as the poorest country in the Western Hemisphere.^{3/} Apart from the violence, perhaps the most telling consequence of the ongoing conflict is Haiti's staggeringly unequal distribution of wealth. According to Freedom House, 0.5 percent of Haiti's population enjoys 46 percent of the country's income.^{4/}

A. Historical Background: 1492-1957

Haiti occupies the western third of the island of Hispaniola, "discovered" and named by Christopher Columbus on his first voyage in 1492. Within fifty years of Columbus' arrival, Hispaniola's entire indigenous population of Arawak Indians had been wiped out by slavery and disease. In the seventeenth century when the French began sugar cane plantations in Western Hispaniola, they imported black slaves to do the fieldwork.

The French Revolution in 1789 served as a catalyst for a slave rebellion beginning in Haiti in 1791. The slaves' struggle for independence united the colony's black majority and mulatto

^{2/}Maguire, Robert E., "The Peasantry and Political Change in Haiti," *Caribbean Affairs* (Port of Spain, Trinidad: Vol. 4, No. 2, April-June 1991), p. 3.

^{3/}In 1989, according to the World Bank, Haiti's per capita income was \$400. Over the period of 1980-1989, Haiti's GNP per capita income declined, in real terms, by 0.7 percent per year. "Haiti," *The Europa World Year Book 1991* (London: Europa Publications Ltd., Vol. I, 1991), p. 1270.

^{4/}Freedom House, *Freedom in the World: Political Rights & Civil Liberties: 1991-1992* (New York: Freedom House, 1992), p. 234.

elite; it pushed on for twelve years until finally, on January 1, 1804, Haiti won its independence.

"Haiti" was the name the Arawaks were believed to have called the island before the arrival of the Europeans.^{5/}

The decades that followed set a pattern that enshrined the use of violent force to achieve political objectives, punish political opponents, and ensure economic dominance by a tiny elite based in Port-au-Prince. Consequently, Haiti has never developed a civic culture -- widespread acceptance of the rule of law and institutions strong enough to enforce laws and legal decisions -- to replace the exercise of violence as a means to political power.

Haiti's violent internal political turmoil was suspended temporarily, between 1915 and 1934, when Marines occupied the country and violently suppressed domestic resistance.^{6/} The legacy of this intervention persists in many forms in Haiti today, including the deeply ambivalent emotions Haitians feel toward the United States. Many of the territorial designations and boundaries of Haiti's regional Departments and rural Sections were developed and drawn during the Marine occupation. Similarly, the Marines made the first steps to transform the *Forces Armées d'Haiti* (Haitian Armed Forces, FADH) into a modern military force with modern

^{5/}"Haiti," *Encyclopedia Americana: International Edition* (Danbury, Connecticut: Grolier, Vol. 13, 1992), p. 702.

^{6/}In the cold light of history, there are many explanations for U.S. intervention. They range from the desire to assure stability in the strategically important Windward Passage to the need to protect American investment in a volatile environment. Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 203-204. For a more detailed description of the circumstances of the U.S. occupation see MacLean, Frances, "'They Didn't Speak Our Language; We Didn't Speak Theirs.'" *Smithsonian* (Washington, D.C.: Smithsonian Institution, January 1993), p. 44-55.

organization and hierarchy. They also established the system of rural *chefs de section* (section chiefs) as an adjunct to this military force.^{7/}

With the departure of the Marines in 1934, Haiti's confused tumultuous political life resumed with a series of weak, ineffective and corrupt governments moving neither to develop political institutions necessary for a democratic society -- the courts, schools, police, etc. -- nor to begin economic development necessary to improve the standard of living of ordinary Haitians.^{8/}

B. The Duvalier Era: 1957-1986

Haiti entered a new era in 1957, when Dr. François Duvalier, "Papa Doc," became President following a campaign in which he sought to rally the country's *noiriste* majority (descendants of the slave population) against the mulatto elite which had historically served as Haiti's governing class since independence. The campaign was marked by impassioned rhetoric, violence, and military favoritism; it ended with Duvalier's victory in an election whose results were disputed.

Upon taking power, Duvalier turned decisively away from establishing political and economic freedoms for citizens and entrenched himself firmly in power. He transformed Haiti's social and government institutions -- including those nurtured by the Marine occupation -- into instruments for supporting his personal power.

^{7/}Maingot, Anthony P., "Haiti and Aristide: The Legacy of History," *Current History* (Philadelphia: Vol. 91, No. 562, February 1992), p. 66.

^{8/}For an in-depth historical account of Haiti's complex political and economic struggle, including exploitation of the peasantry, social imbalances, the U.S. invasion and occupation, state violence, and a weak civil society see Trouillot, Michel-Rolph, *Haiti: State Against Nation: The Origins and Legacy of Duvalierism* (New York: Monthly Review Press, 1990).

The army and section chief structure were subordinated to Duvalier's personal control. Duvalier also created the *Volontaires de la Sécurité Nationale* (National Security Volunteers, VSN, commonly known as *Tontons Macoutes*), an armed militia under the titular authority of the Ministry of Interior, but which was in fact a personal secret police force accountable only to the President. By the early 1960's the *Macoutes* outnumbered uniformed soldiers and often served as section chiefs.^{9/}

At the same time, Duvalier also vested himself and the *Macoutes* with certain religious authority.^{10/}

Although 80% of Haitians are officially Roman Catholic, voodoo has always been Haiti's most important religious tradition...Throughout the country, the most influential figures at the community level were the thousands of *houngans*, voodoo priests, and *mambos*, their female equivalents. [Duvalier entrenched his control by securing the support of this local elite -- in part by offering] them the privileged power of the *Tontons Macoutes*, and by projecting himself as the top *houngan*...To personalize his spiritual mastery of Haiti, Papa Doc appeared in public in a black, long tailed suit and top hat or bowler that Haitians identify with Baron Samedi, the incarnation of the powerful *loa* [voodoo spirit] that is the guardian of the graveyard in the voodoo belief system.^{11/}

Similarly, *Macoutes* would routinely wear sunglasses -- even at night -- in order to affect a frightening, "zombie-like" demeanor.

^{9/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 2. Payne, Douglas W., "Haiti: The Politics of the Spirit," *Freedom Review* (New York: Freedom House, Vol. 22, No. 3, May-June 1991) p. 4-5. "The Haitian people would call Duvalier's henchmen the Tontons Macoutes, after the bogeymen of Haitian folklore who kidnap children and carry them off in their macoutes, the straw shoulder satchels carried by Haitian peasants." (*Freedom Review*, p. 4-5).

^{10/}This discussion is drawn primarily from Payne, Douglas W., "Haiti: The Politics of the Spirit," *Freedom Review* (New York: Vol. 22, No. 3, May-June 1991), p. 4-12.

^{11/}Payne, Douglas W., "Haiti: The Politics of the Spirit," *Freedom Review* (New York: Vol. 22, No. 3, May-June 1991), p. 5.

Duvalier also exerted his authority over the Roman Catholic Church hierarchy in Haiti. In 1960, he expelled the Archbishop of Port-au-Prince and in 1964 he expelled the entire Jesuit order. The church responded by excommunicating Duvalier. Nevertheless, two years later Duvalier entered into a new protocol with the Vatican which gave him the right "to name all vacant bishoprics...[and] to replace the bishops he had expelled with native priests loyal to him."^{12/}

As Haiti's important social institutions became subordinate to Duvalier's control, few outlets remained for traditional political activity and those that did become increasingly dangerous. Activities that would not in other societies be considered political were often viewed in Haiti as challenges to Duvalier's authority and power. Haitians lived in fear of the knock on the door at night and the soldiers or *Macoutes* who could take them from their homes and place them in Duvalier's prisons -- or worse.

When Papa Doc died in 1971, his 19-year-old son Jean-Claude, "Baby Doc," became Haiti's new President-for-Life. Jean-Claude presided over a somewhat less centralized dictatorship, in which government-ordered persecution began to be supplanted by government-supported persecution. While his father had held power tightly to himself, Jean-Claude Duvalier was willing to share control over the country with Haiti's tiny wealthy elite. The army, section chiefs, and *Tontons Macoutes* were free to develop their own relationships with local landowners or business leaders to ensure a submissive peasant and worker population. These elements of the government also began to develop their own networks of oppression and extortion to assure their positions of power and wealth.

^{12/}Payne, Douglas W., "Haiti: The Politics of the Spirit," *Freedom Review* (New York: Vol. 22, No. 3, May-June 1991), p. 5-6.

This loosening of control -- or, more properly, decentralization of power -- emboldened the Haitian masses. It permitted the first wave of desperate boat people to flee Haiti for the U.S. in the late 1970's. It also created the space for many more to come together to meet, speak out or participate in popular organizations. At the same time, it prevented the Duvalier government from responding to the popular protests and demonstrations that were the inevitable development of this new openness. In the winter of 1985-86, the Haitian population rose up to protest several particularly egregious abuses of authority; in the best known case, soldiers shot and killed four young students in Gonaïves. The old instruments of power were neither firmly in place nor sufficiently organized to respond to the public outcry. The protests snowballed and culminated, in February 1986, with Baby Doc's flight to exile, arranged by the United States government.^{13/}

C. Years of Mobilization and Turmoil: 1986-1990

The collapse of the Duvalier dictatorship encouraged the development of civil society in Haiti and created an unprecedented opportunity for independent associations which Haitians vigorously seized. Some of these had traditional political objectives and functioned like political parties, which had been banned throughout most of the Duvalier dictatorship. "But many of these political parties were no more than vehicles for the advancement of a single politician and, like the national government, made little effort to address the needs of the vast majority of Haitians who live outside Port-au-Prince and other urban areas."^{14/}

^{13/}"Haiti," *Encyclopedia Americana: International Edition* (Danbury, Connecticut: Grolier, Vol. 13, 1992), p. 704.

^{14/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 3.

In rural areas, a variety of groups sprang up to respond more directly to local needs. Known broadly as *gwoupman* (popular organizations), the members of these groups came mostly from the country's vast peasant population. Nurtured in part by foreign assistance and Church support, group members joined together in farming cooperatives, literacy programs, and rural development projects, often with support from abroad. Over time, new groups formed to pursue a more traditional political agenda -- land reform, opposition to official corruption, and respect for human rights.^{15/}

Organized activity expanded quickly in urban areas as well. "Politically active trade unions, professional student and women's organizations, and thousands of block associations and community groups were born. A vibrant press emerged, primarily in the form of the popular Creole radio, providing information about other organizational activities and a forum to denounce periodic attacks on this independent movement."^{16/}

There is no doubt that the pace and range of social mobilization in Haiti outpaced evolution of the country's political mobilization.

In contrast to many other countries emerging from dictatorial rule, where pluralism among political parties was not matched by social and ideological diversity, political parties were among the least developed parts of civil society. Rather, the strength of Haitian civil society lay in its breadth and diversity outside the narrow realm of electoral politics. This development allowed Haitians a considerable

^{15/}Maguire, Robert E., "The Peasantry and Political Change in Haiti," *Caribbean Affairs* (Port of Spain, Trinidad: Vol. 4, No. 2, April-June 1991), p. 6. Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 3.

^{16/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 3.

voice in local affairs, even as their ability to influence national politics was limited by an unrepentant army intent on preserving the spoils of power.^{17/}

As these elements of a civil society grew in power and influence, they increasingly challenged the traditional power structure, most of which remained firmly entrenched following Duvalier's departure. This challenge reinvigorated the longstanding struggle to establish democratic institutions.

On one side are the vast majority of citizens, mostly poor and poorly educated, who have traditionally been denied participation in the political, economic, and social decisions which affect their lives; they have been the primary targets of government-ordered or government-supported violence.^{18/} On the other side are the groups that participated in the Duvalier political system and benefited from its repression of the disenfranchised majority. These include land holders who have used the political system to gain control of Haiti's limited supply of fertile land; business owners who have benefited from a submissive work force and enjoyed monopoly control over various segments of the country's economy; and armed soldiers, section chiefs, militia, and *Tontons Macoutes* who wish to retain the trappings of their power and fear the accountability for past abuses that a new political order might impose on them.

Since Jean-Claude Duvalier's flight from Haiti in 1986, the struggle has been played out openly and with brutal repression of the Haitian masses. In the four and one-half years separating

^{17/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 3-4.

^{18/}This is not to suggest that all violence in Haiti is either government-ordered or government-supported. Like any other country, Haitian society is not immune to violent crime. Often, however, the distinction between government-supported violence and violent crime is hard to determine. For example, in a country where possession and distribution of firearms has been tightly controlled by government or military authorities, violent crimes involving firearms may have some connection to the government -- even if it is only the firearm.

the end of the Duvalier era and the election of Father Jean-Bertrand Aristide as President, five different regimes attempted to govern the country. These included the military-led *Conseil National de Gouvernement* (CNG), headed by General Henri Namphy (February 1986 to February 1988); the military-supported civilian government of Leslie Manigat, elected in national elections boycotted by the vast majority of Haitians (February to June 1988); the return of the CNG (June to September 1988); the military government of Lt. General Prosper Avril (September 1988 to March 1989); and the transitional government of Ertha Pascal-Trouillot, then-President of Haiti's *Cour de Cassation* (Supreme Court), (March 1990 to January 1991).^{19/}

Each time the disenfranchised majority has come close to expressing national will and establishing democratic control, the disparate elements of the "old guard" have come together to push them down. The March 1987 popular vote that overwhelmingly approved a new Constitution protecting Haitians from the worst abuses of the Duvalier dictatorship was followed in November 1987 by an election day massacre in which members of the Haitian armed forces and their Duvalierist allies participated in the slaughter of citizens standing in line to vote for a new president. Similarly, the peaceful December 1990 election of Father Jean-Bertrand Aristide was followed by the bloody coup of September 1991 after President Aristide had taken the first steps to bring the army and rural section chiefs firmly under civilian control and restructure Haiti's stagnant economy.

D. The Election and Presidency of Jean-Bertrand Aristide: 1990-1991

^{19/}Washington Office on Haiti, *Report on the Elections of December 16, 1990* (Washington, D.C.: Washington Office on Haiti, March 1991), p. 10-15.

The 1990 national elections were unprecedented in Haitian history. As a result of international pressure, the government of Haiti then in power was forced to call for national elections in December 1990. Both the Organization of American States (OAS) and the United Nations (UN) assisted Haitians in guaranteeing the security and integrity of the election process.^{20/} Voters flocked to the polls, with almost 70% of eligible voters casting their ballots. In a crowded field of candidates, Father Jean-Bertrand Aristide won more than 67% of the popular vote.^{21/}

Aristide's overwhelming victory represented the greatest threat to the continued power of Haiti's ruling elite since the end of the Duvalier dictatorship. As an individual, Aristide personified the aspirations of Haiti's disenfranchised. The son of poor Haitians, Aristide was a prominent and charismatic member of Haiti's grass roots church community, the *Ti Legliz*, and deeply dedicated to Haiti's poor. He was widely recognized as an outspoken critic of the succession of military-controlled governments that followed the aborted 1987 elections. Aristide's stature and prominence increased following an armed attack in September 1988 on his St. Jean Bosco church in one of the poorest areas of Port-au-Prince. Thirteen parishioners were killed and 70 others were reported injured when armed men stormed the church under the watchful eye of soldiers at a military barracks across the street. Aristide was not injured in the attack and refused to stop his criticisms of the government.^{22/}

^{20/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 2.

^{21/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 2. Human Rights Watch, "Haiti," *Human Rights Watch World Report 1993* (New York: Human Rights Watch, December 1992), p. 119.

^{22/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 169-170. Wilentz, Amy, *The Rainy Season* (New York: Simon & Schuster, Inc., November 1990), p. 126-127.

More generally, the circumstances of Aristide's election revealed the power of the numerous grass roots "popular" organizations which had developed in Haiti. Aristide announced his candidacy with almost no time left to obtain the necessary nominating signatures. Yet "the day following his announcement, which was disseminated immediately on dozens of [radio] stations, officials from voter registration sites throughout the country began contacting Port-au-Prince to report they had run out of forms and needed new supplies urgently, as waves of people clamored to register. Voter registration surged by at least another million."^{23/}

Aristide's success in satisfying the ballot requirements was no small feat in a country with such a poor transportation and communication infrastructure. The grass roots community rallied around Aristide's candidacy and provided the organization necessary to satisfy the nominating requirements and generate a massive popular vote. The name given to this popular political movement was *Lavalas*, a Creole word that suggests a tidal wave or deluge, encompassing both the rising power of the Haitian masses and the need for Haitian institutions to be washed clean of corruption and injustice.^{24/} Aristide supporters are often referred to as *Lavalasien(ne)s*.

^{23/}Maguire, Robert E., "The Peasantry and Political Change in Haiti," *Caribbean Affairs* (Port of Spain, Trinidad: Vol. 4, No. 2, April-June 1991), p. 2. UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 20.

^{24/}This "theme was derived from a peasant song, '*Nous Se Lavalas*.' We are the Flood. As Aristide toured the country thousands of people turned out for his rallies, singing with him in Creole, 'This is the flood, we are the torrent,' that will wash away the corruption and the terror of the dirty past." Payne, Douglas W., "Haiti: The Politics of the Spirit," *Freedom Review* (New York: Vol. 22, No. 3, May-June 1991), p. 9-10.

Technically, Aristide joined the slate of candidates from the *Front Nationale pour le Changement et la Démocratie* (National Front for Change and Democracy, in Creole *Fwont Nasyonal pou Chanjman ak Demokrasi*) after Victor Benoit agreed to step aside as the coalition's presidential candidate. This was primarily a marriage of political convenience, for though most FNCD members strongly supported Aristide, not all the candidates running on the FNCD slate were equally sympathetic to his candidacy or program.

At his inauguration on February 7, 1991 -- exactly five years after the fall of Baby Doc -- Aristide moved quickly to assert control over the military and replace the rule of violence with the rule of law. At the inauguration ceremony itself, he announced the retirement of senior military officials who had been implicated in past abuses or who had failed to punish those responsible. In addition, he announced the creation of a human rights commission to investigate past human rights violations. Later, he ordered the dissolution of the system of rural section chiefs. The section chiefs were being replaced with rural police, under the Ministry of Justice, as was required under Haiti's 1987 Constitution. The government introduced legislation to separate the police force from the army as required by the nation's Constitution and remove prisons from army control.^{25/}

In the short time he was in office, Aristide was surprisingly successful in terms of the large-scale reforms he wished to make, not only in the political arena but also in the direction of a modern market economy. According to Freedom House, "political rights and civil liberties were respected more during his tenure than in any other period in Haitian history."^{26/} Freedom House further states:

^{25/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 22. Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 3-4. Immigration and Refugee Board Documentation Centre, *Haiti: Impact of the September 1991 Coup* (Ottawa: Immigration and Refugee Board Documentation Centre, June 1992), p. 6. For a discussion of the role in Haitian society of the army in general and section chiefs in particular, see Section III, particularly III.B.

^{26/}Freedom House, "Haiti," *Freedom in the World: Political Rights & Civil Liberties: 1991-1992* (New York: Freedom House, 1992), p. 235.

[Aristide]...forged ahead with a program to strengthen the judicial system, establish civilian authority over the military, and end pervasive official corruption. One result was a dramatic decrease in political violence.^{27/}

E. The Coup: September 1991 to the Present

On September 30, 1991, less than eight months after taking office, President Aristide was ousted by the military in a bloody coup. Supporters of Aristide and other international observers believe that Aristide was ousted because his political agenda jeopardized the entrenched interests of the old Duvalier coalition of military, landowner, and business elite.^{28/}

Military authorities claimed that Aristide's rhetoric had inflamed the masses to take to the streets to murder opponents of his government and that army intervention was the only way to protect human rights.^{29/} Despite the conclusion by most international observers that human rights

^{27/}Freedom House, "Haiti," *Freedom in the World: Political Rights & Civil Liberties: 1991-1992* (New York: Freedom House, 1992), p. 234.

^{28/}"At the root of the army's coup, these observers say, was self interest and the inability to accept any civilian control. The army, which for years has been a bastion of corruption and profiteering, considers itself virtually a fourth branch of government in Haiti. Many officers are known to regard the president as commander-in-chief in name only, with no real authority over the military." Hockstader, Lee, "Haiti's Army Chiefs Defend Overthrow," *Washington Post* (Washington, D.C.: 6 October 1991), p. A29. "Haitian Soldiers Seize President; 26 Reported Killed in Uprising," *New York Times* (New York: 1 October 1991), p. A1. "Among the rebels' complaints was that Mr. Aristide was meddling in internal army affairs." Bohning, Don and Marquis, Christopher, "Family's Ties to Peace Process Criticized," *Miami Herald* (Miami: 2 March 1993), p. A1. "Many of th[e families who rose to great wealth under the Duvalier years] were believed to have backed the September 1991 coup."

^{29/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 6-7.

abuses had actually decreased under the Aristide government,^{30/} General Raoul Cédras, the army commander, described the coup as a "correction of the democratic process."^{31/}

Since the September 1991 coup, Haiti has been ruled by two extra-constitutional governments. From October 1991 until June 1992, a military-backed provisional government ruled Haiti with Joseph Nerette as President and Jean-Jacques Honorat as Prime Minister. In June 1992, both Nerette and Honorat resigned, and Marc Bazin was "approved" by the remnants of Haiti's National Assembly as Prime Minister to head a new "consensus" Government.^{32/} He remained in power until June 1993, when he resigned and was not replaced.^{33/}

The international community moved to condemn the army action and press for Aristide's return. In October 1992, the member nations of the OAS voted to impose sanctions on Haiti,

^{30/}Freedom House, "Haiti," *Freedom in the World: Political Rights & Civil Liberties: 1991-1992* (New York: Freedom House, 1992), p. 234. Americas Watch / National Coalition for Haitian Refugees / Caribbean Rights, *The Aristide Government's Human Rights Record* (New York: Americas Watch, 1 November 1991), p. 1-5.

^{31/}Hockstader, Lee, "Haiti's Army Chiefs Defend Overthrow," *Washington Post* (Washington, D.C.: 6 October 1991), p. A29.

^{32/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 421. Events immediately following the coup raise serious doubts over the legitimacy of the National Assembly to represent the interests of the Haitian people. Hockstader, Lee, "Haitian Lawmakers, Under Threat, Back Coup," *Washington Post* (Washington, D.C.: 8 October 1991), p. A1. "The Haitian legislature, under the threat of violence by rank-and-file soldiers who surrounded the National Assembly building and refused to let lawmakers leave, tonight approved the coup that ousted President Jean-Bertrand Aristide and named a provisional president." French, Howard, "Haitian Legislature Declares the Presidency Vacant," *New York Times* (New York: 8 October 1991), p. A10. "Under pressure from belligerent soldiers, Haiti's legislature tonight voted to apply a constitutional article that would declare the presidency vacant and clear the way for the naming of a provisional leader..." Hockstader, Lee, "Premier Nominated in Haiti; Police Break Up Funeral" *Washington Post* (Washington, D.C.: 3 June 1992) p. A23. Such doubts are reinforced by the manifest unpopularity of Bazin, who garnered only 13% of the popular vote in the December 1990 elections, compared with 67% for Aristide.

For additional information on the constitutional power and responsibilities of the National Assembly, see Section II.C.

^{33/}Klarreich, Kathie, "Haitians Jockey for Power as a Blockade Is Proposed," *Christian Science Monitor* (Boston: 11 June 1993), p. 7.

barring all but humanitarian shipments to the country.^{34/} Countries not members of the OAS were not, however, required to abide by these sanctions until June 1993, when the UN Security Council adopted similar measures.^{35/}

Moreover, in February 1993, the *de facto* authorities agreed to the deployment of a joint mission of civilian human rights observers representing the OAS and the UN. First deployed in the provinces in March 1993, the presence of the International Civilian Mission has given the international community a window on the repression that has occurred in Haiti since Aristide's ouster.^{36/}

The reporting of the International Civilian Mission and the Security Council vote on sanctions helped fuel serious negotiations to resolve the Haitian crisis. On July 3, the OAS and the UN helped broker an agreement between the *de facto* authorities and President Aristide designed to return Aristide as Haiti's President on October 30, 1993. Despite these positive signs, all parties agree that the crisis has not been resolved and that the return of President Aristide will not immediately lead to the end of Haiti's broader political crisis.^{37/}

The ouster of Aristide and, subsequently, the prospect of his return to Haiti have intensified the struggle between the country's powerful forces and its disenfranchised majority.

^{34/}OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 3-4.

^{35/}French, Howard W., "U.N. Approves Ban on Shipments of Oil to Haitian Military," *New York Times* (New York: 17 June 1993), p. A1.

^{36/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 2.

^{37/}Preston, Julia, "2 Haitians Conclude Agreement," *Washington Post* (Washington, D.C.: 4 July 1993), p. A1, A28. For a more detailed discussion on current developments, see Section VI.

Haiti's "old guard" appears to have united behind the *de facto* government to brutally punish not only those who work to return Aristide to power but also anyone engaging in even the most basic kinds of political activity, such as mobilizing public opinion or bringing people together in any kind of grass roots organization.^{38/}

The *de facto* governments moved quickly to reverse Aristide's attempts to remove military authority from everyday life. No separate police force has been created. Prisons remain under army control. The human rights commission announced by President Aristide was abandoned. Perhaps most importantly, in rural areas, individual section chiefs removed by the Aristide government have been restored to their former positions, and the system of section chiefs which Aristide tried to dismantle has been erected once again.^{39/}

The U.S. Department of State, the UN Special Rapporteur on Haiti, the Inter-American Commission on Human Rights of the OAS and international human rights organizations agree that the Haitian armed forces and the two *de facto* governments have engaged in an active strategy to repress the remnants of civil society -- individuals who promote the rule of law and institutions strong enough to enforce legal decisions -- as well as to punish those who persist in trying to mobilize the citizenry in any form. The Department of State confirmed:

^{38/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 20.

^{39/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 7-8. Immigration and Refugee Board Documentation Centre, *Haiti: Impact of the September 1991 Coup* (Ottawa: Immigration and Refugee Board Documentation Centre, June 1992), p. 6. Human Rights Watch, "Haiti," *Human Rights Watch World Report 1993* (New York: Human Rights Watch, December 1992), p. 119. For a discussion of the role in Haitian society of the army in general and section chiefs in particular, see Section III, particularly III.B.

credible reports from all parts of Haiti that the *de facto* Government engaged in a systematic effort to inhibit any type of association. Soldiers fired into the air to disperse gatherings. Some members of community groups, even of nonpolitical organizations, were arrested and sometimes beaten, harassed or intimidated into fleeing their own communities. Most civic education, community health, and literacy organizations were prevented from operating normally.^{40/}

In Haiti, civic education -- indeed any type of social organization -- is inevitably a political act. Teaching Haitians about their rights (let alone actually attempting to exercise such rights) at a time when Constitutional protections are systematically violated is seen as a direct challenge to the military's authority.

The undisputed goal of this widespread repression is to strengthen the military's control over the country.

Seeking to avoid the kind of popular unrest that brought down past military regimes, the army has attempted to deny the Haitian population an organized platform for its discontent by systematically repressing virtually all forms of independent association. The aim is to return Haiti to the fragmented and fearful society of the Duvalier era so that even if international pressure secures the return of President Aristide, he would have difficulty transforming his personal popularity into the organized support needed to exert civilian authority over a violent and recalcitrant army.^{41/}

Few organizations have escaped the army's campaign of repression.

Since hostility to military dictatorship is widespread among Haitians, the army views virtually any popular association as a potential conduit for organized

^{40/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 424. Maguire, Robert E., *The Current Political Crisis in Haiti as It is Affecting Grassroots Groups Including Those of the Inter-American Foundation* (Unpublished document: December 13, 1991) p. 2. "As a result of the military's denunciation of grassroots groups, a pattern and practice of violence, terror and psychological intimidation against the organized poor, their leaders, and those working with them has been renewed -- not only by military forces, but also by para-military forces that the Aristide government had been trying to dismantle." See also Immigration and Refugee Board Documentation Centre, *Haiti: Impact of the September 1991 Coup* (Ottawa: Immigration and Refugee Board Documentation Centre, June 1992), p. 3-6.

^{41/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 1.

opposition. As a result, all gatherings not controlled by pro-military forces are suspect. Any sign of public protest or dissent is swiftly and violently repressed. The tools of this repression have been intimidation, arrests, beatings and murder.^{42/}

^{42/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 1.

All Aristide supporters have been subject to varying forms of repression. Journalists, students, priests and nuns, leaders and members of grass roots organizations, elected or appointed government officials and even parishioners of churches known for supporting Aristide have been particular targets.^{43/}

^{43/}Amnesty International, *Amnesty International - Report 1993* (London: Amnesty International, 1993), p. 147.

II. LEGAL STRUCTURE OF GOVERNMENT IN HAITI

A. The 1987 Constitution and its Abrogation

The legal framework for post-Duvalier Haiti is set forth in the Constitution approved overwhelmingly by Haitian voters on March 29, 1987. The vote followed a constitutional convention which included members representing every major sector of Haitian society. According to the official government newspaper, *Le Moniteur*, 45.4% of the 2.8 million eligible voters participated in the referendum to approve the document. Over 98% of those voting, 1,268,980 citizens, voted in favor of the Constitution.^{44/}

In theory, the Constitution sets the rules for the political struggle between Haiti's competing interests. It establishes a blueprint of basic freedoms and liberties that all citizens have by right, regardless of their wealth, social position or other status. These freedoms and liberties are intended not only to protect Haitians from abuses by their fellow citizens, but also -- more importantly -- to shield them from repression by their government.

The Aristide Government's record of implementing the Constitution received sharply contrasting reviews. Most international human rights groups applauded the steps the Aristide government began to firmly establish civilian control over the military by eliminating the section chief system and placing police and prisons under the control of the Ministry of Justice. Such groups noted with approval significant reductions in violence by the military and related forces. Similarly, they acknowledged that Aristide had gone farther in implementing the provisions of the Constitution than any of his predecessors.

^{44/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 21.

At the same time, the international human rights community criticized the failure to improve the "sluggish pace of justice" and, in particular, President Aristide's occasional rhetoric which implied "tolerance" and even support for "mob" justice.^{45/} Others, including military authorities, claimed that Aristide's rhetoric had inflamed the masses to take to the streets to murder opponents of his government and that army intervention was the only way to protect human rights.^{46/}

Any momentum toward respect for the rule of law came to an abrupt end with the September 1991 coup. The structures and institutions defined by the Constitution exist only on paper and are powerless in the face of armed opposition by the "old guard." Behind a facade of democratic government and democratic institutions, real power continues to be wielded by the threat -- and the use -- of violence.^{47/} As the UN Special Rapporteur concluded in his February 1993 report, "[w]hen the rule of law ceased to exist with the overthrow of President Aristide, the provisions of the 1987 Constitution automatically became null and void."^{48/} The Department of

^{45/}Americas Watch / National Coalition for Haitian Refugees / Caribbean Rights, *The Aristide Government's Human Rights Record* (New York: Americas Watch / National Coalition for Haitian Refugees / Caribbean Rights, 1 November 1991), p. 3-5. Freedom House, "Haiti," *Freedom in the World: Political Rights & Civil Liberties: 1991-1992* (New York: Freedom House, 1992), p. 234.

^{46/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 6-7.

^{47/}For example, though the institution of the National Assembly continues to exist, army pressure has robbed it of independence and legitimacy. Hockstader, Lee, "Haitian Lawmakers, Under Threat, Back Coup," *Washington Post* (Washington, D.C.: 8 October 1991), p. A1. "The Haitian legislature, under the threat of violence by rank-and-file soldiers who surrounded the National Assembly building and refused to let lawmakers leave, tonight approved the coup that ousted President Jean-Bertrand Aristide and named a provisional president." See also French, Howard W., "Haitian Legislature Declares the Presidency Vacant," *New York Times* (New York: 8 October 1991), p. A10. "Under pressure from belligerent soldiers, Haiti's legislature tonight voted to apply a constitutional article that would declare the presidency vacant and clear the way for the naming of a provisional leader..."

^{48/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN,

State concurred: "Neither postcoup Government forcefully denounced or seriously attempted to restrain abuses by elements of the armed forces, or to prevent the military from stifling any organized pro-Aristide sentiment following the 1991 coup."^{49/} There has been only one prosecution for any of the thousands of human rights violations since the coup, effectively guaranteeing the military impunity for its extra-judicial acts.^{50/}

B. Constitutional Protections of Individual Freedoms and Liberties

Haiti's 1987 Constitution defined a new relationship between Haitians and their government. It was designed to protect citizens from the kinds of abuses they suffered under the Duvaliers. The following protections are included in the Constitution:

- * The right to life (Article 19)
- * The right to free expression and freedom of the press (Article 28)
- * The right to worship freely (Article 30)
- * The right to organize together for economic, political, or social purposes (Article 31)
- * Protection from arrest without a warrant, except if caught in the act of committing a crime (Article 24-2)
- * Protection from arrest even with a warrant, between the hours of 6 p.m. to 6 a.m. (Article 24-3d)
- * Protection from prosecution, arrest or detention unless pursuant to law (Article 24-1)

E/CN.4/1993/47, 4 February 1993), p. 21.

^{49/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 421.

^{50/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422.

- * The right to be presented before a judge to determine the validity of an arrest within 48 hours of arrest (Article 26)
- * The right to have an attorney or friend present during interrogations while in custody (Article 25-1)^{51/}

Since the coup, these rights have been routinely ignored throughout Haiti. The *de facto* governments that followed the coup moved quickly to reverse Aristide's attempts to remove military authority from everyday life. At the same time, rural section chiefs have returned to their former positions, and the system of section chiefs which Aristide tried to eliminate has been restored.^{52/}

Indeed, the willful disregard of legal rights is one element of the political struggle consuming Haiti. It reinforces the authority of the existing power structure and the domination of force over law. As The Department of State reported, "[a]t year's end [1992], widespread [human rights] abuses continued, and there was no evidence either that the military was willing to stop such practices or that the civilian government was able to bring the military under control."^{53/}

Denial of these rights is the basis of the ongoing repression in Haiti. Haitian radio stations have been silenced when they criticized the *de facto* government.^{54/} Organizations -- of almost

^{51/}*Constitution de la République d'Haïti: 29 Mars 1987/Konstitisyon Repiblik Ayiti: 29 Mas 1987/Constitution of the Haitian Republic : 29 March 1987* (Port-au-Prince: Deschamps, 1991), p. 20-24.

^{52/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 7. Immigration and Refugee Board Documentation Centre, *Haiti: Impact of the September 1991 Coup* (Ottawa: Immigration and Refugee Board Documentation Centre, June 1992), p. 6. Human Rights Watch, "Haiti," *Human Rights Watch World Report 1993* (New York: Human Rights Watch, December 1992) p. 119. For a discussion of the role in Haitian society of the army in general and section chiefs in particular, see Section III, particularly III.B.

^{53/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 421.

^{54/}See Section V.

any sort -- are not permitted to hold meetings.^{55/} Church services are broken up, and active church members face harassment and other abuses.^{56/} Without such activities, political mobilization at the most basic level is impossible.

Inevitably, those who persistently seek to engage in such activities are more likely to face more serious reprisals. They are routinely harassed or intimidated by agents of the government for trying to exercise their constitutionally protected rights. Frequently they are threatened with detention if they do not pay a bribe. They often are arrested or detained without legal basis -- sometimes charged, for example, with engaging in activities that are expressly protected by law. If detained, they are subject to severe beating and are held in terrible conditions. They may be denied food, medical attention, or access to an attorney or a required judicial hearing unless they pay a bribe to reward the jailer.^{57/}

C. Constitutional Structure of the Civilian Government

The 1987 Constitution defines the institutions intended for Haiti's post-Duvalier civilian government and clearly calls for placing Haiti's armed forces under civilian control. Articles 58, 59 and 60 provide that sovereignty is vested in all citizens and that all citizens delegate the exercise of that sovereignty to the three branches of government: the executive, legislative and judicial. Military authorities have refused to respect the Constitution or cooperate with the institutions it envisions.

^{55/}See Section V.

^{56/}See Section V.

^{57/}See Section IV.

The Constitution provides that the President and the Government exercise executive power. The President serves as Head of State, is nominal head of the Armed Forces, and is elected by direct, universal suffrage by an absolute majority of votes. The term of office lasts for five years, and an individual may serve no more than two nonconsecutive terms. The President selects the Prime Minister from the majority party in the National Assembly, and his choice must be ratified by the National Assembly.

The Prime Minister serves as head of the Government and selects the members of the Cabinet, subject to the approval of the President and the vote of confidence of both houses of the National Assembly. The Cabinet includes a number of ministries. The Ministry of Justice oversees the court system, public prosecutors and, in a dramatic departure from historic practice in Haiti, the police and prisons. The Ministry of Defense supervises Haiti's armed forces. The Constitution specifies that the Minister of Defense cannot be a uniformed soldier.

The Constitution also provides for a bicameral Legislature comprising a *Chambre des Députés* (House of Deputies) and a *Sénat* (Senate). Deputies are elected for four year terms, Senators for six year terms and both may be reelected. The *Chambre des Députés* and the *Sénat*, meeting together, comprise the *Assemblée Nationale* (National Assembly).

The judicial power under the Constitution is vested in a supreme court, known as the *Cour de Cassation*, Courts of Appeal, Courts of First Instances (with jurisdiction over either Civil or Criminal cases), Justice of the Peace Courts, and Special Courts. In addition, the Constitution contemplates a High Court of Justice, which is the Senate sitting as a tribunal to consider political cases such as the impeachment of the President.

At the same time that it established these national institutions, the Constitution also created a parallel structure of official councils to institutionalize grass roots involvement at every level of government. Each *commune rurale* (corresponding roughly to the old rural sections) would elect a three member *Conseil d'Administration de la Section Communale* (CASEC), responsible for monitoring activity at the local level. Each medium sized (or larger) town would have an elected *Conseil Municipal* (City Council), which would select members to a *Conseil Departmental* (Departmental Council), representing the interests of the citizens of each of Haiti's nine geographic Departments. Each of these various councils would work with the representative of the national government responsible for the corresponding territory.^{58/}

None of these councils play any role -- or even exist -- in post-coup Haiti, and none of the institutions established by the Constitution have been permitted to operate unimpeded by the military. Many of the individuals who held official positions in the Aristide government have been arrested, tortured, detained, forced into hiding, or have left the country with Aristide.^{59/} Those who remain are often afraid to perform their official functions. As the Department of State noted, "[t]he constitution also mandates an elaborate system of local administration...Under the Aristide presidency efforts were made to put local administration in place. Following the September 1991

^{58/}*Constitution de la République d'Haïti: 29 Mars 1987/Konstitisyon Repiblik Ayiti: 29 Mas 1987/Constitution of the Haitian Republic: 29 March 1987* (Port-au-Prince: Deschamps, 1991), p. 78, 68, 102, 104, 106, 108, 114, 120.

^{59/}"The term 'in hiding,' commonly used in post-coup Haiti, refers to a range of survival measures taken by individuals who have been persecuted or fear persecution. Being 'in hiding' often involves constant movement, prolonged displacement and inability to work or be united with family members. Its many manifestations include not sleeping at home at night, leaving town entirely, frequent moving from place to place or remaining confined indoors at a location deemed safe by friends or other helpers. It is often a progressive or fluid state and the resulting fear and insecurity are compounded by economic hardship and personal isolation." Siebentritt, Gretta Tovar, Americas Watch, Telephone Interview, 3 August 1993.

coup, these nascent structures were widely dismantled, and local police and army officials stepped into the power vacuum in Haiti's rural areas.⁶⁰

⁶⁰/U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 423.

III. THE HAITIAN MILITARY

A. Background -- Structure of the *Forces Armées d'Haïti* (Haitian Armed Forces, FADH)

The United States helped create the modern Haitian military during their occupation from 1915-1934. The military's High Command is directed by the Commander-in-Chief, who holds ultimate authority over all officers and soldiers in the FADH. Under the High Command are 14 military corps, one for each of the nine geographic Departments plus the Port-au-Prince police, the Navy, the Air Force, the Presidential Guard and the Armed Infantry. Each of these military corps is supervised by a colonel. The military corps are further divided into districts which are overseen by FADH captains. The districts are divided into sub-districts which are commanded by lieutenants or sub-lieutenants. The sub-districts, in turn, are divided into over 500 communal sections, the smallest administrative units in Haiti. Each section is supervised by a rural section chief appointed by the commander of the sub-districts.^{61/} It is variously estimated that between 6-8,000 Haitians serve as uniformed soldiers or officers in the FADH. This figure does not include section chiefs and their subordinates.^{62/}

Nothing in a Haitian soldier's background prepares him to respect the rule of law. Basic training does not distinguish between military activity and police work -- for example, situations where violent force is or is not appropriate. Nor does it teach respect for the rights of civilians while performing police duties. Like the vast majority of civilians, most Haitian soldiers come

^{61/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 34.

^{62/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 33. "Estimates of the FADH's size range from 7,000 to 14,000 depending on whether or not rural assistants are included."

from poor families and are largely illiterate. The average education level is low, and recruits receive no formal schooling after entering the army.^{63/}

B. The Power of Rural Section Chiefs

Understanding the role of the rural section chiefs is critical to fully appreciating the power of the FADH in rural Haiti. The struggle over control of rural areas appeared to play an important role in the ouster of President Aristide. As indicated in Section I.B., the Aristide government ordered the elimination of the section chief system, which was under military control, and its replacement by a rural police accountable to the Ministry of Interior. Following the coup, this reform was quickly reversed. As a result, for the approximately seventy-five percent of the Haitian population who live in rural areas, the section chief *is* the government.^{64/}

According to official FADH regulations, section chiefs have a duty to protect people and property, guard fields and farm animals and maintain order and public peace in their communities. When acting in a police function, they are required to take any person arrested to the nearest army post within 24-hours of arrest and file a detailed report, and they must also have a warrant from the proper judicial authorities for those persons they arrest, unless it is a case of "hot pursuit." Section chiefs are prohibited from the following activities: acting as a judge or imposing or receiving fines, imposing entry or exit taxes on peasants taking farm animals through their

^{63/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 36-37.

^{64/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 7. Immigration and Refugee Board Documentation Centre, *Haiti: Impact of the September 1991 Coup* (Ottawa: Immigration and Refugee Board Documentation Centre, June 1992), p. 6. Human Rights Watch, "Haiti," *Human Rights Watch World Report 1993* (New York: Human Rights Watch, December 1992), p. 119.

jurisdiction, forcing residents to pay for their freedom or rights, accepting bribes, and mistreating residents of the section.^{65/}

In practice, section chiefs have unlimited authority over the residents in their communities. The section chief often serves as *de facto* executive, legislature, and judiciary for his section. Section chiefs occupy the lowest official rung of the historic power structure in Haiti and consequently are the most visible -- and notorious -- instruments of repression and violence against the rural population.

This lack of accountability to the rule of law largely results from the manner in which the section chiefs are selected. Section chiefs appointments are normally given to friends and associates of the military commanders.

Such patronage extends to the staff of the section chiefs as well. "Section chiefs commonly obtain their positions by bribing the military commanders who appoint them, recouping their `investment' in turn by accepting money from numerous `deputies' who extort money from the peasant population."^{66/}

Though the law restricts each section chief to two assistants (generally called *attachés* or *députés*), the limitation is regularly ignored. In fact, each section in rural Haiti contains a private militia under the control of the local chief.

These rural militia have no legally recognized status, but their hierarchy rivals that of the FADH. Each section chief generally appoints at least one, and up to five, *secretary-maréchals*, who serve as first deputies. They supervise the approximately 30 "*adjoints*" who in turn direct an average

^{65/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 34-35.

^{66/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 423.

of 50 "police." The "Souket-Larouzé" serve at the bottom rank of the rural militia.^{67/} Up to one hundred *Souket-Larouzé* may serve in each section.^{68/}

Superficially, the activities of the rural section chiefs appear to be just another manifestation of the corruption and greed that is rampant in Haiti. Yet it would be incomplete to understand the section chief system as simply a vehicle for corruption and extortion. Although the spoils are clearly financial, the motives behind who is targeted are just as clearly political. The corruption is systematic and institutionalized and is used as an instrument of repression and punishment. Labelling it "continual extortion," the UN Special Rapporteur concluded that "[t]he situation has reached the point where these people [rural and urban poor] must pay the security forces in order to avoid persecution or ill-treatment or, in the case of arbitrary detentions, to make their imprisonment more bearable or simply to obtain their release."^{69/}

Section chiefs are appointed in exchange for payments or promises of sharing in the money and goods which they will receive from the peasants in their jurisdictions.^{70/} The section chiefs, in turn, extract similar payments or promises from the members of their rural militia. The unrestrained power of the section chiefs as agents of the State combined with their need to make money creates a system that runs on extortion and corruption. As the UN

^{67/}Literally, *Souket-Larouzé* (sometimes spelled *Chouket-Larouzé*) is Creole for "those who collect the dew;" the derivation suggests that these officials collect information on their neighbors.

^{68/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 38-39.

^{69/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 20.

^{70/}UN General Assembly, *Situation of Human Rights in Haiti: Note by the Secretary General* (New York: UN, A/47/621, 6 November 1992), p. 20.

Special Rapporteur noted in his February 1993 report, a common form of repression is the extortion of money from peasants to avoid arrest or torture, to improve prison conditions (such as being allowed to receive food or medicine or visits by family members), or to obtain release from detention.^{71/}

The identities of the victims of this corruption and extortion are clear. Those who act in opposition to the military, or in ways that can be viewed as threatening to its continued control, are most vulnerable. Since the September 1991 coup, all those engaged in the development of Haiti's civil society have been placed at risk. They have no connection to the military and have no link to the existing institutions of power. They are not friends or family of soldiers or members of the illegal rural militia.^{72/}

C. Military Refusal to Accept Constitutional Authority and Civilian Control

Haiti's 1987 Constitution seeks fundamentally to change the responsibilities of Haiti's armed forces and place them firmly under civilian control. First and foremost, it requires the establishment of a police force independent of the army. It charges the FADH with protecting the nation from foreign threats, and entrusts the police with keeping domestic peace. To reinforce this separation, Article 263 divides authority for the two forces, placing the FADH under the Ministry of Defense and the police under the Ministry of Justice. Second, it grants civilian courts jurisdiction over cases involving alleged violations committed by military personnel against

^{71/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 9.

^{72/}See Section V. O'Neill, William P., Legal Counsel, UN/OAS International Civilian Mission, Personal Interview, Port-au-Prince, 14 June 1993.

civilians. Third, it requires that the Minister of Defense be a civilian, not an active member of the military. Finally, by creating the system of elected CASEC's, the Constitution eliminates the authority of the section chiefs system.^{73/}

In the eyes of many foreign and domestic observers, President Aristide's efforts to implement both the letter and spirit of these constitutional directives fuelled efforts to force him from power.^{74/} President Aristide ordered that the army and the police be separated and that the police report to the Ministry of Justice. He also tried to place authority for prisons within the Justice Ministry and created a human rights commission to investigate past human rights violations, including abuses where military complicity was suspected. Most significantly, he eliminated the rural section chiefs who were the instrument of repression against the peasant communities.

With the coup, each of these attempts at reform has been reversed. No separate police force has been created. Prisons remain under army control. Section chiefs have been returned to their posts, and the human rights commission announced by President Aristide has been abandoned.^{75/}

^{73/}*Constitution de la République d'Haïti: 29 Mars 1987/Konstitisyon Repiblik Ayiti: 29 Mas 1987/Constitution of the Haitian Republic : 29 March 1987* (Port-au-Prince: Deschamps, 1991), p. 170.

^{74/}Hockstader, Lee, "Haiti's Army Chiefs Defend Overthrow," *Washington Post* (Washington, D.C.: 6 October 1991), p. A29. "At the root of the army's coup, these observers say, was self interest and the inability to accept any civilian control. The army, which for years has been a bastion of corruption and profiteering, considers itself virtually a fourth branch of government in Haiti. Many officers are known to regard the president as commander-in-chief in name only, with no real authority over the military." See also "Haitian Soldiers Seize President; 26 Reported Killed in Uprising," *New York Times* (New York: 1 October 1991), p. A1. "Among the rebels' complaints was that Mr. Aristide was meddling in internal army affairs." See also Bohning, Don and Marquis, Christopher, "Family's Ties to Haiti Talks Criticized," *Miami Herald* (Miami: 2 March 1993), p. A1. "Many of th[e families who rose to great wealth during the Duvalier years] are believed to have backed the September 1991 coup."

^{75/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN,

IV. INSTRUMENTS OF REPRESSION AND ABUSE

A. The Climate of State-Induced Terror

To secure its grip on the population, the Haitian armed forces have relied on many of the "classic" or "traditional" techniques of repression that the Duvaliers employed to silence opposition during their 30 year rule. As the joint UN/OAS International Civilian Mission to Haiti reported in June 1993, "violations of the right to life and integrity and security of person are intended primarily to restrict or prohibit the exercise of the freedoms of opinion and expression, assembly and peaceful association."^{76/}

Throughout the country, the Haitian military and the section chiefs under their control punish citizens who were active in the development of civil society in Haiti before the coup and those who have engaged in such activity since the coup.^{77/} This repression takes many forms. At one end of the spectrum is the systematic harassment and extortion -- under color of law -- of anyone known to have supported President Aristide's election or who participated in the broad-based grass roots coalition that brought him to power. This can include beatings; imposition of illegal taxes; arrests without legal cause; illegal detentions, often accompanied by torture; and, in extreme cases, extrajudicial executions. As the UN Special Rapporteur concluded:

In Haiti, there is virtually no rule of law. Life, integrity of the person and individual freedom are at the mercy of the security units making up the armed

E/CN.4/1993/47, 4 February 1993), p. 21-22.

^{76/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 3.

^{77/}For a discussion of the role in Haitian society of the army in general and section chiefs in particular, see Section III, particularly III.B.

forces, the police, the `Tontons Macoutes^{78/} and the section chiefs. The Constitution is not in force, while criminal and civil laws are outdated and their provisions are not enforced. Citizens are defenseless in the face of arbitrary action by State agents.^{79/}

The violent repression which followed the coup has devastated civil life in Haiti. "So widespread is the fear of persecution in Haiti that many Haitians have gone into hiding.

According to reports received by the [UN] Special Rapporteur, it is believed that at least 300,000 Haitians have left their homes since September 1991.^{80/}

Sadly, the overall situation remains serious and dangerous. The Department of State reported:

Haitians suffered frequent human right abuses throughout 1992 including extrajudicial killings by security forces, disappearances, beatings and other mistreatment of detainees and prisoners, arbitrary arrest and detention, and executive interference with the judicial process. While the worst of these abuses occurred under the Nerette-Honorat Government, they continued under the Bazin government. Neither postcoup government forcefully denounced or seriously attempted to restrain abuses by elements of the armed forces, or to prevent the military from stifling any organized pro-Aristide sentiment following the 1991 coup...At year's end, widespread abuses continued, and there was no evidence that the military was willing to stop such practices or that the civilian Government was able to bring the military under control.^{81/}

^{78/}These are the remnants of the *Volontaires de la Sécurité Nationale* (VSN), François Duvalier's personal secret police force which, though formally abolished, was never disarmed and remains a powerful force in Haiti. Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 2.

^{79/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 38.

^{80/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 8-9.

^{81/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 421.

The UN Special Rapporteur concluded that the respect for human rights in Haiti "deteriorated appreciably during 1992," noting in particular the increase in abuses following public protests in May 1992.^{82/} The UN/OAS International Civilian Mission to Haiti concluded in June 1993 that abuses remained "widespread and systematic."^{83/} International human rights organizations and other foreign observers agree, comparing repression in Haiti today with the darkest days of the Duvaliers' dictatorship.^{84/}

B. Harassment, Intimidation and other Threats to Life and/or Freedom

Harassment and intimidation are the mildest forms of abuses administered by the security forces in Haiti and take many forms. For individuals, this can consist of soldiers, section chiefs, or their representatives stopping them on the street, preventing them from traveling freely, or invading their homes to frighten their families and steal their possessions. In rural areas, such officials may threaten a peasant's livelihood; they may kill or steal livestock, damage crops, or impose "taxes" that require peasants to pay to bring goods to market. Physical beating with batons or rifles is not uncommon.^{85/}

The Department of State confirmed:

^{82/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 37.

^{83/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 3.

^{84/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 1. Farah, Douglas, "Haitian Armed Forces Repressing Aid Groups," *Washington Post* (Washington, D.C.: 10 October 1992), p. A17, A23. "Residents in this central Haitian river valley [Petite Rivière de l'Artibonite]...said the human rights situation is the most repressive in memory, including the years under Duvalier."

^{85/}For a discussion of the role in Haitian society of the army in general and section chiefs in particular, see Section III, particularly III.B.

During and after the September 1991 coup and throughout 1992, there were many credible reports of soldiers and other armed persons entering private homes for illegal purposes. Soldiers and their plainclothes `deputies' violently raided poor quarters of Port-au-Prince at least a dozen times during 1992 to silence support for President Aristide, to search for illegal weapons, and according to credible sources, to loot private homes with impunity.^{86/}

Harassment of organizations takes a slightly different form. Military authorities routinely confiscate -- and do not return -- documents and equipment (computers, radios, tape recorders, typewriters, files, etc.) necessary for organizations to function or expand. Meetings are prohibited by local military authorities, though there is no constitutional basis for such orders. When meetings are permitted, military authorities often render them either ineffective or even dangerous for the participants by insisting that a soldier attend. Soldiers or section chiefs also attempt to disrupt meetings by firing their weapons in the air to demonstrate their power.

Few human rights organizations maintain statistics on these type of activities. In part, this is a result of the fact that they occur so frequently as to defy accounting. But also, unquestionably, this type of repression is documented less extensively because of the gravity and frequency of other, more violent forms of abuse. The few attempts to monitor various types of harassment illustrate the scope of the problem. For example, according to information credited by the UN Special Rapporteur, "2,030 cases of illegal raids on houses

^{86/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 423.

and homes, violent searches and the destruction of personal property were registered between October 1991 and December 1992.^{87/}

C. Arbitrary or Illegal Arrest

Other serious forms of repression include arbitrary arrest, in which individuals are arrested for actions which are in fact protected by law, and illegal arrest, in which the legal procedures that guarantee protection of suspects are not followed. This problem is widespread and is often accompanied by illegal detention, beating, or worse. The UN Special Rapporteur noted:

[W]ide-scale arbitrary or illegal arrests, reportedly almost always accompanied by torture or other ill-treatment, have continued to be carried out in Haiti, increasing after the protests in May 1992...The Special Rapporteur has received extensive information on a number of other cases, including more than 1,432 cases of illegal arrest said to have taken place between October 1991 and April 1992. According to one source, between October 1991 and December 1992, some 4,500 cases of persons [who were] victims of military arrest and detention have been documented.^{88/}

The 1987 Constitution specifies the manner in which arrests are to be effected in Haiti. In most cases, a warrant is required from a judicial authority, and execution of warrants may occur only between 6 a.m. and 6 p.m. The Penal Code specifies the crimes for which warrants, and arrests, are appropriate.^{89/}

^{87/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 8-9.

^{88/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 11, 13.

^{89/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1992), p. 422. Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, November 1990), p. 21.

In practice, these legal protections are ignored. Individuals are routinely charged with activities which violate no law and are in fact explicitly protected by Haiti's Constitution. In particular, those who exercise their rights of free expression or free assembly are systematically punished by arrest. Refusing to acknowledge illegal military authority also invites arrest. For example, those who refuse to pay illegally imposed taxes or succumb to other extortionate schemes created by soldiers or section chiefs are often accused of being Aristide supporters or subversives; such accusations are, in turn, used to justify their "arrest."^{90/}

Not surprisingly, the procedural safeguards introduced by the 1987 Constitution are also routinely ignored. Despite Constitutional restrictions, arrests with warrants are the exception, not the rule. Judicial authorities virtually never ask to examine a crime scene or issue a warrant in order to rule on the validity of the arrest. Similarly, arrests regularly occur between the hours of 6 p.m. and 6 a.m., despite the Constitutional prohibition.^{91/}

The refusal of military authorities to cooperate with judicial officials when making arrests illustrates a conscious decision to exercise power by force rather than through the rule of law, a message vividly understood by the Haitian populace. It cannot be characterized as the behavior of a few renegade soldiers or the lack of knowledge by military authorities of proper procedures.

^{90/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 20.

^{91/}Amnesty International, *Haiti: Human Rights Held to Ransom* (London: Amnesty International, AMR 36/41/92, August 1992), p. 4.

Even if a particular victim of illegal arrest is able to purchase his freedom through a bribe, the power of the military over civilian institutions remains unchallenged.^{92/}

D. Illegal Detention and Torture

Unless a victim of illegal or arbitrary arrest is able to buy his or her freedom, he or she will almost certainly be detained illegally by the arresting authorities. "Arbitrary arrest and detention remain among the most persistent human rights abuses in Haiti."^{93/} As indicated earlier, the UN Special Rapporteur has received information on 4,500 cases of illegal arrest and detention.

Detention in Haiti is fraught with danger. Judicial oversight is non-existent. Torture and brutal treatment of detainees is widespread and systematic. Moreover, detainees are deprived of minimum necessities such as food, shelter, and medical care.^{94/}

Military Impunity From Legal Restrictions

Constitutional protections of detainees are routinely ignored. The Haitian Constitution requires that, within 48 hours of detention, a detainee be presented before a judge who will review the legality of the arrest and determine whether continued detention pending trial is warranted. Technically, a detainee only becomes a prisoner when the courts have tried and

^{92/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 9, 13, 21.

^{93/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422.

^{94/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 13, 22.

sentenced an accused. By this definition, Haitian prisons are filled with detainees and contain very few prisoners.

Like other judicial constraints on military action, the military ignores civilian oversight with impunity. Many detainees remain in unofficial local detention centers until they are released. Others are transferred to larger facilities before they gain their freedom. The only consistent pattern regarding the duration of detention is that freedom is obtained when a detainee or the detainee's family can pay prison officials to free him or her. As with systematic extortion by the military in other circumstances, the debt due is not only financial -- it includes the detainee's recognition of the superiority of the military over civilian institutions and the continued domination of armed force over the rule of law.^{95/}

The Haitian Constitution also stipulates that the Minister of Justice shall have jurisdiction over all of Haiti's prisons, but in fact all detention facilities are under the control of the military. The location of some of these facilities is well known. Virtually every military barracks includes a detention area, with the barracks in major cities serving as collection points for detainees from outlying areas. In many cases, however, Haitians are detained in makeshift facilities in rural areas, often the courtyard areas or huts of section chiefs.^{96/}

The military has also denied judicial officials their constitutional authority over the detainees. Army officials who control the prisons treat detainees with little regard to their rights. At the same time, they deny judicial authorities access to the prison facilities, refuse to obey

^{95/}See Section III.B and IV.A.

^{96/}For a discussion of the role in Haitian society of the army in general and section chiefs in particular, see Section III, particularly III.B.

judicial orders to present detainees before the courts and, in some cases, refuse to reveal the identity of detainees to civilian authorities.^{97/}

Systematic Torture or Physical Abuse of Detainees

Torture and physical mistreatment are commonplace in Haitian detention facilities. Beatings are the most common form of torture, with beatings on the head, arms, back, buttocks and bottom of the feet often resulting in debilitating permanent injuries. Batons, rifles or soldiers' helmets are the usual instruments of such abuse. "Brutal beatings, with fists and clubs, torture, and other cruel treatment of detainees are common," according to the Department of State. "Ill-treatment remains widespread, particularly the threat of ill-treatment used by police and soldiers to extort money from detainees and their families."^{98/} In June 1993, The UN/OAS International Civilian Mission to Haiti concluded:

[T]he most serious and numerous human rights violations observed by the Mission since its deployment involved arbitrary detentions, systematic beatings and torture perpetrated by members of the armed forces or persons operating at their instigation or with their tolerance...[T]hese violations...are intended primarily to restrict or prohibit the exercise of the freedoms of opinion and expression, assembly and peaceful association.^{99/}

^{97/}OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 19 March 1993), p. 23-27. U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 423.

^{98/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422.

^{99/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 3.

- The *Kalot Marasa* (or *Calotte Marasso*) is one common form of torture. "A soldier approaches a detainee, usually from behind, and with his [palms or] fists slaps both of the detainee's ears simultaneously."^{100/}
- The *Djack* is another method of torture used by the FADH to interrogate detainees. A detainee's wrists are tied to his ankles, a baton is wedged under his knees and over his arms and he is then lifted and "suspended helplessly in the air."^{101/} Interrogators then beat the detainee on the back, head, and bottom of the feet.^{102/}
- The *Picquet* is another type of torture reported. Detainees are forced "to stand on their toes and lean against a wall with only two fingers to support their weight; the soldiers beat them if they move at all."^{103/}

Repressive Conditions of Detention

Even detainees not singled out for beatings or torture are endangered by their detention. "Prison conditions are abysmal," according to the Department of State. "Detainees regularly have

^{100/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 124. Amnesty International, *Haiti: Human Rights Held to Ransom* (London: Amnesty International, AMR 36/41/92, August 1992), p. 5.

^{101/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 125.

^{102/}Amnesty International, *Haiti: Human Rights Held to Ransom* (London: Amnesty International, AMR 36/41/92, August 1992), p. 8.

^{103/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 124.

no access to legal counsel and continue to suffer from a lack of the most basic hygienic facilities as well as inadequate food and health care."^{104/} The Lawyers Committee for Human Rights reported that the conditions "constitute severe and systematic violations of both Haitian law and international standards relating to the treatment of prisoners and detainees."^{105/}

The military detention center in St. Marc is representative of Haitian detention facilities. Prisoners there are crowded together in group cells; between 75 and 100 detainees are kept in a room measuring 75 by 15 feet. Toilet facilities are frequently not available and inmates are obliged to relieve themselves in the cell. Indeed, water for drinking or washing is often not available. The smell is unbearable.^{106/}

E. Extrajudicial Execution

In many cases, military authorities abandon all pretense of law or legal authority and exert their power in the rawest form. Both during the coup and after, soldiers and section chiefs have engaged in extrajudicial executions to silence supporters of Aristide and individuals active in or suspected of mobilizing a civil society in Haiti.^{107/} This practices continues today.

In one of the most egregious cases, armed men, some in uniform, stormed a political meeting on January 25, 1992, and killed the bodyguard of René Théodore, Aristide's Prime

^{104/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422.

^{105/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 17, 134-143.

^{106/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 136.

^{107/}For a discussion of the role in Haitian society of the army in general and section chiefs in particular, see Section III, particularly III.B.

Minister-designate. Théodore and other political leaders attending the meeting were severely beaten. The Department of State, acknowledging the political nature of the attack, indicated that "reliable evidence points to the complicity of former national intelligence chief Leopold Clerjeune..."^{108/}

In some cases, such as the one just described, the executions are well planned and organized. In others, the assassinations result more from circumstance and opportunity. For example, the UN/OAS International Civilian Mission reported on the execution of Abel Sarasin on May 17, 1993.

At about 1 a.m. at Pétion-Ville, four men in police uniform burst into the home of Mr. Frédéric Dabon who, together with...Sarasin, was considered to be a supporter of President Aristide. [The soldiers] demanded to see Mr. Dabon. Since he was not at home, they turned on Mr. Sarasin...who had stopped by, and killed him. They then demanded 750 Haitian dollars from Mrs. Afia Dabon before fleeing.^{109/}

The message underlying all such deaths is indisputable: the military runs Haiti and will ruthlessly eliminate every obstacle to its continued control. In the face of military domination, civilian authorities have been powerless to react. According to the Department of State:

Levels of violence remained high and were exacerbated by the manifest unwillingness of the two postcoup governments to pursue criminal justice, particularly in cases of politically motivated murder. Dozens of murders,

^{108/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422. UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 27.

^{109/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 9.

presumed to be political, were carried out [in 1992] by individuals in authority acting without apparent fear of punishment.^{110/}

The number of victims of extrajudicial executions at the hands of Haiti's armed forces is difficult to estimate. Military authorities prohibited journalists, medical professionals, and international human rights organizations from performing serious inquiries into the number of fatalities which took place during the coup and its aftermath. The Department of State estimate -- dozens -- is by far the lowest. Other estimates range from between 1,000 to 3,000 between September 1991 and August 1992.^{111/}

Though the most concentrated period of extra-judicial executions to date occurred during the coup and the weeks immediately following it, the practice has continued throughout 1992 and 1993. "According to information received by the [UN] Special Rapporteur, during the period since February 1992, summary executions have continued to occur in Haiti, rising sharply in mid-May 1992, following popular protests which brought increased repression, particularly of students and residents of poor districts."^{112/}

^{110/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 421.

^{111/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 421. Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 9. Human Rights Watch, "Haiti," *Human Rights Watch World Report 1993* (New York: Human Rights Watch, December 1992), p. 119. Norton, Michael, "Rights Group Documents 1,867 Killings since Coup" (Associated Press: 10 December 1992). "A coalition of Haitian human rights groups said Thursday that it had documented 1,867 political killings in Haiti since the September 1991 military coup. And the Platform of Haitian Human Rights Organizations said that taking into account undocumented killings, the real figure was probably closer to 3,000."

^{112/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 10.

F. Tolerance of "Targeted" Violence

At the same time that the army has pursued a direct strategy of targeting "traditional" abuse toward certain groups in Haitian society, it has also pursued an indirect strategy of what the UN Special Rapporteur has labelled "preventive repression" and what others have incorrectly described as "lawlessness."

The strategy consists of several elements. First, the army has tolerated the creation and growth of armed groups with varying degrees of official connection to the military hierarchy. These range from the illegal rural militia appointed by section chiefs to other gangs or paramilitary groups, referred to by various names, including *Zenglendos*,^{113/} the *Sans Mamans* (those without mothers), or former *Macoutes* (vestiges of the Duvalier era's private police, the *Tontons Macoutes*).^{114/} According to the UN/OAS International Civilian Mission to Haiti, "[t]he term zenglendos denotes criminals who are recruited from groups ranging from the marginal social strata found in working class districts to police officers themselves, usually acting at night, in civilian clothes and with official weapons."^{115/}

Second, the army has permitted these groups to engage in a campaign of crime that has contributed to what has come to be known as Haiti's "general lawlessness" or "random violence." The UN/OAS Mission expressed particular concern "about the increase during May [1993], as

^{113/}Petty, Roy, Member of Chicago Religious Task Force Delegation to Haiti, *Affidavit* (Chicago: 6 November 1992), p. 4-5. Maguire, Robert E., "The Peasantry and Political Change in Haiti," *Caribbean Affairs* (Port of Spain, Trinidad: Vol. 4, No. 2, April-June 1991), p. 14-15.

^{114/}For a discussion of the historic role in Haitian society of the *Macoutes*, see Section I.B.; the current role in Haiti of the army and section chiefs in particular are examined in Section III, particularly III.B.

^{115/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 8.

compared with the previous two months, in acts of violence carried out by the *Zenglendos* or other criminal groups acting with impunity and apparently under the cover,

or with the express or tacit consent, of the *de facto* authorities."^{116/} Economic gain is a major motivation for these criminal groups, but military tolerance of their illegal activities serves a much different purpose. It emphasizes the power of the military and the helplessness of Haiti's disenfranchised.^{117/}

In fact, "general lawlessness" and "random violence" are misnomers for such activities. The lawlessness cannot be described as "general" and the violence is not "random;" the criminal gangs carefully direct their attacks against selected elements of the population. Friends of the military or its allies among Haiti's landowning and business elite are not victims of crime, though the tremendous wealth of these segments of Haitian society would appear to make them natural targets for common criminals.^{118/} As the UN/OAS International Civilian Mission concluded in June 1993, "[t]his phenomenon, which is particularly evident in Port-au-Prince, is aimed, in some cases at least, at intimidating sections of the democratic opposition, and goes hand in hand with the upsurge in arbitrary executions for political reasons."^{119/}

One example cited by the UN/OAS mission is the May 5, 1993 attack on the Dessien family:

On 5 May, the Dessien family residence, in the Cité Soleil district, Port-au-Prince, was surrounded by armed men in the middle of the night. Accusing Mr. Jules Dessien of having been active in candidate Aristide's presidential campaign, the

^{116/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 8.

^{117/}O'Neill, William G., Deputy Director, Lawyers Committee for Human Rights, Telephone Interview, 15 April 1993.

^{118/}One reason why such groups are not targeted may be that they can afford private guards to protect their security.

^{119/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 8.

men beat the inhabitants, including a three-year-old child, with the butts of their revolvers. According to testimony given by neighbours, several of the assailants were wearing olive green uniform [sic]. The men then fled, taking some household goods and 800 Haitian dollars.^{120/}

The final element of the authorities' strategy of "preventive repression" is the military's manipulation of the civilian judiciary. "Today more than ever," the UN Special Rapporteur concluded, "the judiciary is totally subordinate to the armed forces and fraught with corruption."^{121/} Judicial officials refuse to investigate crimes in which the military is implicated. Moreover, the army has historically refused to obey judicial orders and has brutally punished prosecutors and judges who have attempted to exert legal or judicial control over members of the military.^{122/} Such officials, if they still remain in office, refuse to perform their official functions for fear of reprisals.

The failure of the justice system to respond to crimes only reinforces the helplessness of the populace. The collaboration of judicial officials with the military and the consequent breakdown of the justice system starkly reveals that the only security from criminal acts rests not with the rule of law, but with submission to military control. "[C]ivil justice is virtually non-

^{120/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 10.

^{121/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 22.

^{122/}Lawyers Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: Lawyers Committee for Human Rights, December 1990), p. 89-99, 148-157. The State Department reported army cooperation with civilian authorities' prosecution of one political murder case in 1992. Recognizing the exceptional circumstances of this prosecution, the Department noted, "[n]o serious investigations of [other] killings has been undertaken by judicial or military authorities, nor is any anticipated." U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422.

existent. Those who wield the actual power -- the armed forces, the police, the section chiefs and the 'Tontons Macoutes' -- render the judiciary powerless.^{123/}

^{123/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 22.

V. GROUPS AT RISK

A. Overview

The nature of the political conflict in Haiti since the end of the Duvalier era has significantly expanded the number and nature of groups at risk of mistreatment or abuse. Traditional political opponents of the army have always been -- and remain -- at serious risk, but the targeting in Haiti since the coup by the military and section chiefs extends far beyond traditional political activity to include individuals associated with those activities that are the necessary precursors to vibrant political life.^{124/} The Department of State reported:

There were credible reports from all parts of Haiti that the de facto Government engaged in a systematic effort to inhibit any type of association. Soldiers fired into the air to disperse gatherings. Some community groups, even of nonpolitical organizations, were arrested and sometimes beaten, harassed or intimidated into fleeing their own communities. Most civic education, community health, and literacy organizations were prevented from operating normally.^{125/}

International non-governmental organizations suggest the motivation for such activities.

Seeking to avoid the kind of popular unrest that brought down past military regimes, the army has attempted to deny the Haitian population an organized platform for its discontent by systematically repressing virtually all forms of independent association. The aim is to return Haiti to the atomized and fearful society of the Duvalier era so that even if international pressure secures the return of President Aristide, he would have difficulty transforming his personal popularity

^{124/}For a discussion of the role in Haitian society of the army in general and section chiefs in particular, see Section III, particularly III.B.

^{125/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 424. See also Inter-American Foundation, *The Current Political Crisis in Haiti as It Is Affecting Grassroots Groups Including Those of the Inter-American Foundation* (Washington, D.C.: Inter-American Foundation, 13 December 1991), p. 2. "As a result of the military's denunciation of grassroots groups, a pattern and practice of violence, terror and psychological intimidation against the organized poor, their leaders, and those working with them has been renewed -- not only by military forces, but also by para-military forces that the Aristide government had been trying to dismantle." See also Immigration and Refugee Board Documentation Centre, *Haiti: Impact of the September 1991 Coup* (Ottawa: Immigration and Refugee Board Documentation Centre, June 1992), p. 5-6.

into the organized support needed to exert civilian authority over a violent and recalcitrant army.^{126/}

The range of organizations targeted by the army's campaign of repression is exceedingly broad, though it does not include groups which have openly supported the *de facto* governments or opposed President Aristide's return to power. In a report dated February 1993, Americas Watch and the National Coalition for Haitian Refugees identify dozens of groups which have been victimized since the coup.^{127/} The INS Resource Information Center prepared a list of organizations mentioned in the April and May 1992 issues of *Haiti: Résistance & Démocratie*,^{128/} which advocated strikes and demonstrations against the current military regimes and/or whose members had their human rights violated. This list has fifty entries. But as the accompanying text notes, "[the] list is not comprehensive. There are hundreds of student, youth, peasant, women's, development, literacy, etc. groups in Haiti. The members of any group that opposes the *de facto* government could be at risk."^{129/}

Such at-risk groups also include all kinds of self-help organizations, organizations of professors and academic administrators, unions, political parties and partisans -- especially

^{126/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 1.

^{127/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993).

^{128/}A regular bulletin prepared in Port-au-Prince by local human rights activists.

^{129/}U.S. Immigration and Naturalization Service, Resource Information Center, *Groups Calling for Strikes and Demonstrations Against the De Facto Government and/or Groups Whose Members Have Been Harassed, Arrested, Beaten, and/or Killed*, compiled May 1992 - as reported in *Haiti: Résistance & Démocratie* (Port-au-Prince: April-May 1992).

anyone who has ever been actively pro-Aristide -- radio stations, and religious groups. It would be impossible to list every such organization and to catalog the mistreatment suffered by members. Rather, it would seem useful to provide examples of the kinds of organizations and populations at risk, and of the types of repression that some have suffered.

B. Rural Peasant Organizations and Development Projects

Rural areas, hotbeds of political activity, have long been the site of some of the most serious repression in Haiti. With few telephones and rocky, unpaved roads, much of what occurs outside the country's few large cities escapes public notice or international attention. Longstanding conflicts between absentee landlords and peasant farmers undoubtedly contributed to the political consciousness of rural residents.

After Jean-Claude Duvalier fled the country in 1986, peasants banded together to form new organizations, in many cases with an educational and agricultural focus. In virtually every community, these groups identified common problems, usually beginning with agricultural issues but often extending to more politically sensitive topics, such as civic organization for development or land reform. "By the end of the eighties, the peasantry had become organized to the extent that Haiti was identified as one of only a handful of countries in the world, where the scale of grassroots organizing ha[d] assumed an increasingly national political importance."^{130/}

Military authorities consider peasant organizations a threat to their continued control of the rural population and used the coup as an opportunity to crack down on rural organizations and their members. "The military viewed these grass-roots organizations," observed the UN Special Rapporteur, "...as the main obstacle to the consolidation of its power and thus as its main

^{130/}Maguire, Robert E., "The Peasantry and Political Change in Haiti," *Caribbean Affairs* (Port of Spain, Trinidad: Vol. 4, No. 2, April-June 1991), p. 5.

enemy. These organizations and, naturally, their actual members and potential supporters have been subjected to indiscriminate repression.^{131/} The following are only a few examples of the organizations which have been targeted for repression. A comprehensive listing of every such group and the repression it faces is beyond the scope of this report; in fact it would be impossible, since many of the groups in question do not even have names.

- *Tèt Kole Pou Yon Mouvman Ti Peyizan Ayisyen* (Heads Together for a Movement of Haitian Peasants) is a decentralized national peasant movement that is particularly strong in Haiti's northwest. Its work includes peasant empowerment, civic training, agricultural and popular education, and promoting cooperative farming. Members of *Tèt Kole* have been targeted with varying types of attacks since the coup.^{132/}

For example, Amnesty International reported that "[t]he house of Fadine Jeanty, a member of *Tèt Kole* [sic],...was ransacked on 10 November 1992. She, as well as other members of *Tèt Kole* [sic], have reportedly gone into hiding."^{133/} *Haiti: Résistance & Démocratie* reported that "on Sunday August 30 1992 at La Montagne, 4th Communal Section of Jean Rabel [site of a 1987 peasant massacre], the section chief named Erilien Délien arrested many members of the organization *Tèt Kole* and beat them severely. Five of them were able to run away and took refuge in Port-au-Prince. Since he could not

^{131/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 20.

^{132/}U.S. Immigration and Naturalization Service, Resource Information Center, *Groups Calling for Strikes and Demonstrations Against the De Facto Government and/or Groups Whose Members Have Been Harassed, Arrested, Beaten, and/or Killed*, compiled May 1992 - as reported in *Haiti: Résistance & Démocratie* (Port-au-Prince: April-May 1992), p. 7.

^{133/}Amnesty International, *Haiti: The Human Rights Tragedy: Human Rights Violations Since the Coup* (London: Amnesty International, AMR 36/03/92, January 1992), p. 23.

locate the escapees, Délien arrested Mrs. Sidolien, the wife of one of those who was badly beaten."^{134/}

- The *Mouvement Paysan de Papaye* (Papaye Peasant Movement, MPP) has been an important voice for peasants in Haiti's Central Plateau and an agent for cooperative farming. Before the coup, individual MPP groups met regularly and farmed collectively. "MPP distributed piglets to peasant groups, built community grain silos...built a manioc (cassava) press...and established community water taps in many small settlements in the area."^{135/} After the coup, the army looted the MPP headquarters. Meetings were prohibited, and members were harassed and forced into hiding. As a priest in the region told an Americas Watch delegation, "[t]he army uses 'MPP' and 'Lavalas'...like Duvalier used to use 'kamoken' [communist] -- once they call you that, they can do anything to you."^{136/} The arrests of MPP members have continued. On November 15 and 16, 1992, soldiers illegally arrested four MPP members in Colades, 4th communal section of Hinche.^{137/}

More recently, soldiers punished MPP for its anniversary celebration on April 28, 1993. According to the UN/OAS International Civilian Mission to Haiti:

^{134/}*Haiti: Résistance & Démocratie* (Port-au-Prince: No. 140, 4 September 1992), p. 4.

^{135/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 20.

^{136/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 20.

^{137/}*Haiti: Résistance & Démocratie* (Port-au-Prince: No. 163, 23 November 1992), p. 5.

members of that organization put up posters in support of President Aristide on the town walls [in Hinche. That night]...one of the members of the organization, Mr. Hilton Etienne, was arrested at home, without a warrant, by a gang led by soldiers. At least three other alleged members of the MPP were arrested during the same night. All were accused...of...associating with criminals in order to disturb public order. Brutally struck during his arrest and detention,...Etienne's left wrist was fractured and he suffered multiple contusions.^{138/}

For many of the same reasons, foreign-supported rural development projects -- whether to improve agricultural practices, replenish livestock, promote reforestation or dig wells -- have also experienced repression by the military. Often with foreign funds and foreign technicians, these projects introduce new organization, new ideas, new cooperation, and new power to rural peasants. For all these reasons, such projects threaten the authority of the FADH in rural areas.

- The Mennonite Central Committee (MCC) has experienced continuous repression since the coup. Following the coup, all of the MCC staff in Bois Laurence, a small community in the Central Plateau, were arrested briefly. On February 7, 1992, a Swiss worker at MCC was illegally arrested and detained overnight. Leres Sidor, an MCC organizer was arrested on November 12, 1992 by the section chief of Desarmes, accused of circulating a leaflet critical of a local military official, beaten and tortured by the *djack*.^{139/} Upon his release, Sidor went into hiding.^{140/}

^{138/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 5.

^{139/}See Section IV.D.

^{140/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 14. Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 27-28.

- CARITAS, the Catholic Church-supported development assistance organization, has experienced attacks on its members throughout the country. On June 1, 1992, military authorities arrested and detained Father Denis Verdier, director of CARITAS and member of the Catholic Commission on Justice and Peace in Les Cayes on Haiti's southern coast. According to news reports, armed civilians first searched the bishopric under the pretext that heavily armed priests were hiding inside. They then arrested Verdier and his driver as the two travelled to his office. Both were beaten and detained -- Verdier was detained for one week.^{141/} In the Central Plateau, the National Coalition for Haitian Refugees and Americas Watch reported that in early July 1992, at least 100 people associated with CARITAS projects were still afraid to return to their homes for fear of army reprisals.^{142/}

C. Urban Community Groups and Popular Organizations

At the same time that section chiefs punish those who exercise their rights of assembly and association in rural Haiti, the FADH has stifled community and "popular"

^{141/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 12. National Coalition for Haitian Refugees, *Haiti Insight* (New York: Vol. 4, No. 2, July/August 1992), p. 10. Amnesty International, *Haiti: Human Rights Held Hostage* (London: Amnesty International, AMR 36/41/92, August 1992), p. 37. Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 18-19.

^{142/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 32.

organizations in urban areas. Such groups blossomed following the overthrow of Jean- Claude Duvalier and constituted the grass roots base of support for Aristide's candidacy and election. These groups vary tremendously in size, organization, and function. They range from tiny groups of neighbors acting independently, to local chapters working together in nationwide associations. Moreover, the membership of many organizations overlaps.^{143/}

Whether or not by choice, all of these organizations have become enmeshed in Haiti's ongoing political struggle. For some, this is the natural result of their explicitly political orientation. For others, political involvement has been the inevitable product of civic education or related activities; for example, teaching Haitians about their constitutional rights at a time when those rights are systematically repressed directly challenges the military's authority. The following are representative examples of the variety of such organizations and the type of official repression they have experienced; the nascent state of civic organization in urban areas precludes any comprehensive listing.

Community and Popular Organizations

- The *Oganizasyon Gwoupman Kominote Pawas Sakrèkè* (Organization of Community Groups of the Sacre Coeur Parish, OGKPS) is a popular organization of small merchants, youth, farmers and members of the *Ti Legliz* in Cap-Haïtien. OGKPS leaders told an Americas Watch delegation that many members had been beaten or arrested since the coup. In February 1992, soldiers arrested and beat one

^{143/}O'Neill, William G., Deputy Director, Lawyers Committee for Human Rights, Telephone Interview, 15 April 1993.

member, Evno Presimé, after he participated in a small demonstration. Five other OGKPS members were also illegally arrested and detained for three days.^{144/}

- *Solidarité Femmes Haïtiennes* (Haitian Women's Solidarity, SOFA) is a national women's organization devoted to "opposing violence against women through education and training."^{145/} On May 22, 1992, soldiers attacked Marie Ange Noël, SOFA's national representative to the Southeast as she passed peaceful pro-Aristide demonstrations at Jacmel's high schools. She and two other women were taken to the Jacmel prison, where the local commander accused her of organizing the demonstrations and read to her from a file describing her work in the region. She was illegally detained overnight and released "provisionally" the following day. Other SOFA organizers have been similarly victimized in Port-au-Prince and the Artibonite.^{146/}

Comités des Quartiers (Neighborhood Committees)

During the instability that followed the fall of Duvalier, many urban communities, particularly in poor neighborhoods, established Neighborhood Committees (in Creole *Komite Katye*) to act as a mix of block association and early warning system to alert residents of trouble. These organizations were the subject of brutal attack by military authorities during

^{144/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 43.

^{145/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 47.

^{146/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 47-49.

the coup, and most no longer function. For example, before the coup Jacmel had over 100 neighborhood committees, each with 20 to 30 members; as of July 1992, "these committees [have] not been able to meet and... many of the most active community leaders remain in hiding."^{147/}

- The UN/OAS reported that on June 26, 1993, soldiers entered the Polcos and Lèt Bò Kanal neighborhoods of Gonaïves and began searching homes, apparently looking for members of popular organizations. At least 9 individuals were severely beaten during the searches and the homes of Amio Métayer and Paul O'Donnell, two leaders of popular organizations, were sacked that evening.^{148/}
- At dawn on May 25, soldiers killed a member of a neighborhood "vigilance brigade" created to respond to *Zenglando* attacks in the Carrefour neighborhood of Port-au-Prince. Janvier Lavaud, driver of a "tap-tap" minibus was shot as he left his home and prepared to join his neighbors. At the same time, soldiers also shot and killed Jean-Patrick Pierre-Louis, a 23-year-old baker, as he approached Lavaud's body. According to the UN/OAS Mission, "an officer...admitted that the two individuals had been killed by military police officers from the Lamentin barracks," and claimed that the two were "'associates' who took part in the activities of the *Zenglendos*."^{149/}

D. Students and Educators

^{147/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 37, 45.

^{148/}International Civilian Mission to Haiti, "Communiqué de Presse" (Port-au-Prince: 30 June 1993).

^{149/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 9.

Haitian youth have been an important catalyst for change in Haiti since the fall of Duvalier. Among the factors that make them particularly active is the "extraordinary politicization of elementary and secondary school students...[and the emergence of junior high schools and high schools as] virtually the only possible places, in many areas, to assemble for expressing political dissent..."^{150/}

Not surprisingly, the military has targeted student leaders and student organizations for particularly fierce treatment. "Evidence and testimony categorically confirm that massive political violence has been deployed against children and young adolescents in retribution for participation in social movements."^{151/} Teachers or educators have been similarly targeted.

The army and police have usually reacted quickly and violently to student marches or meetings. Repression was particularly intense following a nationwide general strike held by students in May 1992.^{152/} Soldiers have prohibited student meetings, arrested and detained student leaders and brutally beaten and in some cases tortured suspected student activists; in other cases, student activists have been victims of arbitrary execution. Meetings have been disrupted and schools forced to close for extended periods.^{153/}

^{150/}Lutheran Immigration and Refugee Service / United States Catholic Conference, Migration and Refugee Service, *At Special Risk: The Impact of Political Violence on Minors in Haiti* (New York: Lutheran Immigration and Refugee Service, September 1992), p. i. Other factors cited include the unprecedented involvement of President Aristide in children's issues.

^{151/}Lutheran Immigration and Refugee Service / United States Catholic Conference, Migration and Refugee Service, *At Special Risk: The Impact of Political Violence on Minors in Haiti* (New York: Lutheran Immigration and Refugee Service, September 1992), p. i.

^{152/}Petty, Roy, Member of Chicago Religious Task Force Delegation to Haiti, *Affidavit* (Chicago: 6 November 1992), p. 4.

^{153/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 61-77.

Junior High School and High School Students

Many student organizations represent Haitian junior high and high school students. These organizations almost always began by focusing on "traditional" educational concerns but have inevitably been drawn into the national political drama. In general, these organizations represent students in a given school or community, but a few, such as *Zafè Elèv Lekol* (Students Concerns, ZEL) are national organizations that consist of students from both public and private schools around the country.^{154/}

In a lengthy and detailed report, the Lutheran Immigration and Refugee Service and the United States Catholic Conference, Migration and Refugee Service highlighted the particular repression targeted at Haiti's youth.^{155/} The groups concluded that:

Secondary and elementary classrooms in Haiti may be more politicized than in any other country in the world. Reports document an unprecedented degree of political activity on the part of school-children, and an extremely consistent pattern of military and paramilitary aggression against schools where political opinion has been voiced.^{156/}

The following are representative examples of a widespread phenomenon in Haiti; a complete cataloging of military attacks on junior high school or high school students or their student organizations is beyond the scope of this report.

^{154/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 72.

^{155/}Lutheran Immigration and Refugee Service / United States Catholic Conference, Migration and Refugee Service, *At Special Risk: The Impact of Political Violence on Minors in Haiti* (New York: Lutheran Immigration and Refugee Service, September 1992).

^{156/}Lutheran Immigration and Refugee Service / United States Catholic Conference, Migration and Refugee Service, *At Special Risk: The Impact of Political Violence on Minors in Haiti* (New York: Lutheran Immigration and Refugee Service, September 1992), p. 17.

- The Lutheran Immigration and Refugee Service and United States Catholic Conference, Migration and Refugee Service report cites numerous cases of reprisals against student protests.

On May 25, 1992, at Cap-Haïtien, school children at the Lycée Philippe Guerrier, answering a call to solidarity issued by high school students in Port-au-Prince, began banging pots and pans to express protest.^{157/} During the demonstration, a grenade was thrown into the courtyard, though the pin had not been pulled.^{158/}

In another case, "[o]n June 3 the military occupied the Lycée Firmin and the Lycée Pétion in Port-au-Prince. Panicked elementary and secondary students were seen racing through the streets, as gunfire was heard within the schools."^{159/}

- Other organizations confirm these reports. The Lawyers Committee for Human Rights reported that in March 1992, Haitian soldiers broke up a march by high school students in Gonaïves and illegally arrested 40 demonstrators. It also

^{157/}This Haitian custom is called *bat teneb*.

^{158/}Lutheran Immigration and Refugee Service / United States Catholic Conference, Migration and Refugee Service, *At Special Risk: The Impact of Political Violence on Minors in Haiti* (New York: Lutheran Immigration and Refugee Service, August 1992), p. 24.

^{159/}Lutheran Immigration and Refugee Service / United States Catholic Conference, Migration and Refugee Service, *At Special Risk: The Impact of Political Violence on Minors in Haiti* (New York: Lutheran Immigration and Refugee Service, September 1992), p. 25.

noted that other students from the city were arrested and beaten in April 1992 for "spreading tracts."^{160/}

- According to the Americas Watch and the National Coalition for Haitian Refugees, on May 22, 1992, troops surrounded two high schools in the southeast town of Jacmel after students held peaceful demonstrations in the schools' courtyards. The students publicly criticized the army and called for the return of President Aristide. The troops threatened and beat bystanders and would not permit students to leave for several hours.^{161/}

University Students

The politicization that begins in childhood extends to university students, perhaps with even greater force. University students have been among the most politically active Haitians since the coup and, not surprisingly, have been among the groups most targeted by Haitian military authorities.

The *Fédération Nationale des Etudiants Haïtiens* (National Federation of Haitian Students, FENEH) has been the most active student group since the coup. Its experience offers a representative illustration of the military's attempts to punish protest by university students.

^{160/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 26.

^{161/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 52. Lutheran Immigration and Refugee Service / United States Catholic Conference, Migration and Refugee Service, *At Special Risk: The Impact of Political Violence on Minors in Haiti* (New York: Lutheran Immigration and Refugee Service, September 1992), p. 17-26.

"FENEH brings together students from all the major private and public colleges. It is composed of sixteen student associations, each representing one public or private university faculty."^{162/}

- On July 15, 1992, FENEH organized a peaceful march of at least 200 students and supporters through the streets surrounding the Medical School in Port-au-Prince. The group chanted slogans and carried placards calling for the return of President Aristide. When the group subsequently convened at the medical school, between 50-60 armed men, many in military uniform, stormed their meeting. Protesters and bystanders were beaten, and several attackers opened fire. Many students and supporters were injured and at least 20 were arrested. Some were charged with "subversive activities."^{163/}
- On Thursday November 12, 1992, approximately 200 students rallied at the University Science Building in Port-au-Prince to call for the return of President Aristide. In response, "scores of police surrounded [the rally], arresting at least four university students and briefly detaining some journalists covering the event."^{164/}

^{162/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 45.

^{163/}OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 39. Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 21. National Coalition for Haitian Refugees, *Haiti Insight* (New York: Vol. 4, No. 2, July-August 1992), p. 1. "Police Disperse Students in Haiti," *Washington Post* (Washington, D.C.: 16 July 1992), p. A18. Amnesty International, *Mass Arrest/Ill-treatment* (Nederland, Colorado: Amnesty International, UA 236/92, 17 July 1992). For a detailed description of the incident see Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 67-70.

^{164/}"Police Surround Haitian Students at Rally," *Miami Herald* (Miami: 13 November 1992). *Haiti: Résistance & Démocratie* (Port-au-Prince: No. 160, 12 November 1992), p. 3. For additional examples of reprisals against university students see Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 61-71. Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 20-25. Amnesty International, *Haiti: The Human Rights Tragedy: Human Rights Violations Since the Coup* (London: Amnesty International, AMR 36/03/92, January 1992), p.

Teachers and Other Educators

Teachers have also been targeted for abuse. Military authorities target teachers to send a message to both their students and colleagues not to challenge army rule. The following two cases are offered as examples of the problem; an exhaustive examination of repression of teachers and educators is beyond the scope of this paper.

- On April 10, 1993, Bélizaire Wasmy, a teacher at Champaign in the North-East Department, was accused by an attaché of supporting the *Lavalas* movement (led by President Aristide). Though Wasmy ignored these provocations, the attaché and two civilians chased and beat him before taking him to the military barracks at Cap-Haïtien. Wasmy was released without charge after his family paid the jailers 500 Haitian dollars. The local doctor who examined Wasmy reported numerous fractures.^{165/}
- On April 25, 1992, soldiers in Gros Morne illegally arrested Sulfrid Jeunes Eximé, a local high school teacher, for "passing out tracts." He was detained illegally for 12 days before being presented before a judge, who ordered him released.^{166/}
- A delegation from Americas Watch interviewed a private high school teacher from Les Cayes who had been arrested and tortured in May 1992. The teacher also supervised literacy work and acted as coordinator in the *Lavalas* movement. On February 6, 1992,

24.

^{165/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 9.

^{166/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 26. Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 74.

armed soldiers searched his house for pictures of Aristide or other "incriminating" documents, but found nothing and did not arrest him. Fearing additional harassment and beating, the teacher went into hiding, sleeping in a different place each night. He was arrested May 30, charged with writing a tract and creating disorder in Les Cayes. He was detained for 9 days, and was severely beaten during his interrogation. He was never presented before a judge to review the circumstances of his arrest and detention, as required by the Constitution.^{167/}

E. The Catholic Church

The Catholic Church is one of the Haiti's most powerful institutions, and while much of its leadership has maintained close links to Haiti's ruling elite, the parish priesthood has worked hard to help Haiti's disenfranchised articulate their hopes and dreams. Other religious orders have also played a critical role in fostering the development of civil society in Haiti.

Attacks on churches, priests and lay activists have continued steadily since the coup. "The victims are usually church workers who assist popular organizations, work with the church's Justice and Peace Commission, support the *Ti Legliz*, or favor the return of President Aristide."^{168/} According to the Department of State, "[p]olitically active clergy were frequently victims of arbitrary arrest and harassment by the military, as part of a more general intimidation campaign against Aristide sympathizers, particularly in the countryside."^{169/} Cases against priests and other

^{167/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 75-76.

^{168/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 79.

^{169/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 423.

church officials have generally been well documented; the following examples are offered for illustration only.

- On February 25, 1993, Mgr. Willy Romélus, Bishop of Jérémie, celebrated a mass for the victims of the Neptune shipwreck -- in which hundreds of Haitians drowned -- at the cathedral of Port-au-Prince. According to the UN/OAS International Civilian Mission, "[i]ncidents took place throughout the ceremony and some of those present had to be evacuated..."^{170/} Several celebrants were arrested, including Jean Edride and Charles Julienne, lay members of *Ti Kominote Legliz* (Little Church Community, TKL -- discussed below) and Jan Pharnes, who required medical attention following his beating by authorities.^{171/} Romélus himself "was attacked and struck by thugs...as soon as police left the scene."^{172/}
- On June 6, 1992, soldiers burst into a catechism class led by Father Gilles Danroc in La Chapelle, a small town in Haiti's Artibonite valley. Though Danroc had informed local government officials of the meeting, he and his students were arrested, handcuffed and taken to the local barracks. All of those arrested were detained and many were

^{170/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 4.

^{171/}OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 32.

^{172/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 4. OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 32.

beaten. All were accused of being "subversives" but none were presented before a court. Upon his release the following day, Danroc left Haiti. His students were soon released.^{173/}

- On November 9, 1991, soldiers followed and fired at the car of Father Marcel Bousset as he travelled to Cap-Haïtien. Some hours later, FADH members went to the convent in Bousset's parish of Ballan looking for Bousset, who had gone into hiding and remained there for several months. On June 2, 1992, nine uniformed soldiers attacked Bousset's quarters and arrested the priest. They smashed a mimeograph machine, typewriters, radios and a tape recorder and confiscated documents. Bousset remained in detention for three days until he was released following the intervention of the Bishop of Cap-Haïtien.^{174/}

^{173/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 16-17. Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 85-86. Amnesty International, *Haiti: Human Rights Held to Ransom* (London: Amnesty International, AMR 36/41/92, August 1992), p. 38.

^{174/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 60. Amnesty International, *Haiti: The Human Rights Tragedy: Human Rights Violations Since the Coup* (London: Amnesty International, AMR 36/03/92, January 1992), p. 14-15. Pax Christi USA, "Pax Christi USA Says No to the Repression Against the Religious in Haiti" (Erie, Pennsylvania: Pax Christi USA, 15 September 1992), p. 1-2.

- Another case of military repression of religious activists, that of Father Denis Verdier, is discussed in Section V.B.

While repression of priests is quickly publicized, repression of church members is so widespread that it receives less attention. *Ti Kominote Legliz* (TKL) groups form the lay base of the grass roots, community church movement known as the *Ti Legliz*. These groups "hold regular bible and prayer meetings which are led by laypersons and encourage broad democratic participation in church activities."^{175/} Typically, TKL group meetings include a discussion of the week's events, review of a Bible passage, and a talk about how the lesson could be applied to improve the participants' lives and limit their suffering. The TKL movement was closely linked to Aristide's campaign for the presidency; consequently, its members have been subject to harassment and abuse by the military.

- The UN/OAS International Civilian Mission reported the extrajudicial execution in May 1993 of Mrs. Souffran, a 65-year-old resident of Sainte Souzanne "and an active member of a grass roots church belonging to the *Ti Legliz* movement."^{176/} On May 14, Mrs. Souffran was seen alive for the last time, returning home from the Gosse Roche market. Her basket, containing her personal belongings, was discovered May 16; her body, "hideously mutilated," was discovered on May 17. In previous months, "an armed

^{175/}This description and the subsequent examples are taken from Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 86-91.

^{176/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May* (New York: UN, A/47/960, 3 June 1993), p. 8.

group calling itself *Zantray*" had recruited local attachés to terrorize peasants in the region.^{177/}

- In Thomonde, a TKL leader told the National Coalition for Haitian Refugees and Americas Watch that:

[N]one of the TKL groups in the region had been able to meet. He estimated that over 250 people from the [local] parish went into hiding after the coup...[By] July 1992, at least 100 people were still "displaced," meaning that they were unable to live at home.^{178/}

As of early 1992, virtually none of the TKL groups in the Pandiassou and Dos Palais areas of central Haiti had been able to meet. Twenty-five of the organizers remained in hiding.

At the same time, church leaders in the Los Palis district of Hinche, in central Haiti, told Americas Watch representatives that TKL groups stopped meeting after a local military official declared "there will be no more TKL in the Central Plateau," and numerous arrests and beatings of TKL members followed.^{179/}

F. Literacy Groups

Literacy campaigns have long been controversial in Haiti. In a country where between 65% and 80% of citizens cannot read or write, literacy is a tool of civic empowerment.^{180/}

^{177/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 8.

^{178/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 87.

^{179/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 87-88.

^{180/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 57. Husarska, Anna, "Letter from Haiti: The First Casualty," *New Yorker* (New York: 19 April 1993), p. 58.

President Aristide strongly believed in the importance of literacy and announced a national literacy campaign.^{181/} The FADH and their allies view with suspicion any efforts to strengthen or empower traditionally powerless sectors of the population. Just as they opposed the development of popular organizations, they have systematically repressed leaders, instructors, and participants in literacy programs. The cases which follow are offered as examples and not as a complete listing of the military's activities.

- The Diocesan Literary Committee supervised literacy programs in Catholic parishes throughout the Southern Department before the coup. A member of the Committee told a delegation from the National Coalition for Haitian Refugees that since the coup "all literacy work has been suspended. All leaders of the literacy movement like myself are facing arrest and harassment. It has become impossible for literacy groups to meet or continue their work."^{182/} This individual was illegally arrested on May 30, 1992, illegally detained, and tortured after soldiers accused him of "stirring up disorder." He was released after eight days.^{183/}
- The experience of members of the *Mouvman Organizasyon Alfabetizasyon Popile* (Movement of National Organizations for Popular Literacy, MONAP) is similar. Jean-Claude Mondésir, a MONAP Vice-Coordinator in Jacmel was arrested in November 1991

^{181/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 57.

^{182/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 57.

^{183/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 57-58.

and tortured by the *kalot marasa*.^{184/} He told the National Coalition for Haitian Refugees and Americas Watch delegation in July 1992 that "[m]any of MONAP's activists are still in hiding out of fear of such abuses. The group has not been able to have meetings since the coup."^{185/}

G. Trade Unions

Haitians active in the trade union movement have also been targets of repression. Haiti has never had a strong labor movement. Laws protecting workers' rights have never been strongly enforced, and the military has frequently cooperated with local factory owners and business leaders to suppress union organizing or strikes. Haiti's poor economic condition has created a vast pool of workers eager to replace fired union members.^{186/}

Nevertheless, trade unions have not been spared from the violent repression following the coup. The Department of State reported on the extent of repression against labor leaders and union members by the Haitian military throughout 1992.

There is widespread repression and violence against trade union activities by the military authorities. Many union leaders have gone into hiding and closed their offices. Unions, as well as all other citizen groups or assemblies, may

^{184/}See Section IV.D.

^{185/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 58.

^{186/}Compa, Lance, *Labor Rights in Haiti* (Washington, D.C.: International Labor Rights Education and Research Fund, May 1989).

only meet with the express written permission of the military. Established unions of telephone, electrical, and journalism workers have either had leadership changes forced upon them by the military or have been completely replaced. There are also allegations of intimidation of agricultural union leaders by arrests, beatings, and banning of meetings.^{187/}

The UN/OAS International Civilian Mission to Haiti reports that official repression of union activities continues.

- On April 23, 1993, soldiers from Port-au-Prince 30th police company arrested three trade union members of the *Centrale Générale des Travailleurs* (General Workers' Federation, CGT) after they went on radio to call for a general strike on April 26. Military authorities state that the trade unionists had used firearms before being arrested, which was refuted by eyewitnesses. After their arrest, the trade unionists were taken to the company barracks and were severely beaten. One of them, Cajuste Lexius had to be hospitalized with multiple contusions and kidney damage. Though the other two were released on April 29 (never having received the constitutional protections against unlawful arrest or detention), Lexius was transferred to a military hospital and denied access to his lawyers. He was not freed until May 21.^{188/}
- The *Centrale Autonome des Travailleurs Haïtiens* (Autonomous Federation of Haitian Workers, CATH) is perhaps the best known labor federation working to organize workers throughout the country. Since the coup, however, most of the local unions

^{187/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 426.

^{188/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 5.

organized by CATH have not been functioning, partly because the OAS-backed embargo led to massive layoffs and partly because of direct interference by the military.

- The National Coalition for Haitian Refugees and Americas Watch report several examples of such intervention. "After the coup, soldiers were stationed throughout [Haiti's national utility company, *Electricité d'Haiti* (EDH)]...Union leaders were told that they would be shot. Most active union members fled.^{189/} At least two were arrested and approximately 15 went into hiding. Those who remained were unable to hold public meetings, let alone demonstrations or strikes. In March 1992, the army reportedly arrested four men in the CATH office and accused them of organizing a meeting; they were released the same day.^{190/}

- On December 13, 1991, a group of 25 men led by a local section chief went to the home of a member of the *Union des Techniciens Agricoles de Limbé* (Limbé Union of Progressive Agricultural Technicians, ITAPL) to beat him up. Since he was not home, the men beat his wife and others in the house.

In May 1992, a government official saw seven ITAPL members working together wearing the yellow hats that signify group membership. The government official told them "you don't have the right to wear the same hats without getting permission from the army

^{189/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 54.

^{190/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 53-56. Amnesty International, *Haiti: The Human Rights Tragedy: Human Rights Violations Since the Coup* (London: Amnesty International, AMR 36/03/92, January 1992), p. 25.

post." Military authorities later told them that they could work together if they did not wear hats to identify themselves as an organization.^{191/}

H. The Media

Control of the media is a critical element of the army's campaign to prevent coordinated civilian opposition to the coup. The Department of State reported that "arrests and harassment of journalists are frequent and form part of an overall postcoup crackdown against the media."^{192/} In June 1993, the UN/OAS International Civilian Mission to Haiti concluded:

Twenty months after the coup d'état and three months after the installation of the International Civilian Mission, no real improvement is evident in terms of freedom of expression in this sector. Many radio stations which had to interrupt their programming after the coup d'état are still closed down, while others have stopped or have restricted the broadcasting of news. A large number of journalists have had to stop working, and several have been forced to live in hiding. Vendors of *Libète*, the pro-Aristide creole newspaper, are regularly subjected to harassment, especially in the provinces.^{193/}

The combination of the country's low rate of literacy and the government's great control over television has placed great power in the hand of radio journalists. Since most Haitians rely on radio broadcasts for their news and information, radio stations and radio journalists have been particularly targeted. Self-censorship is so extreme that observers compare press restrictions in Haiti today to its state under the Duvalier dictatorship.^{194/} The accounts that follow are just a few

^{191/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 55-56.

^{192/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 423.

^{193/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 6.

^{194/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 107-108.

examples of a widespread phenomenon; a more comprehensive listing covering the period until September 1992 has been produced by the Committee to Protect Journalists.^{195/} For that period, CPJ has documented the extrajudicial execution of four Haitian journalists since the coup, the disappearance (and presumed death) of another and the arrest and beating by soldiers of at least 30 more.^{196/}

The repression of Haiti's media continues. The International Civilian Mission to Haiti reported in June 1993 that "authorities are pursuing a strategy aimed at silencing the provincial media."^{197/} They detail the cases of four provincial correspondents for Radio Tropicque FM whose work led to such serious harassment that they were forced to leave their posts; two are summarized below.

- On March 24, 1993, soldiers appeared at the home of Johnson Legrand, the Gonaïves correspondent of Radio Tropicque FM, with the intention of arresting him.

^{195/}Committee to Protect Journalists, *Bouch Pe: The Crackdown on Haiti's Media Since the Overthrow of Aristide* (New York: Committee to Protect Journalists, September 1992).

^{196/}Committee to Protect Journalists, *Bouch Pe: The Crackdown on Haiti's Media Since the Overthrow of Aristide* (New York: Committee to Protect Journalists, September 1992), p. 26-30 (deaths of Jacques Gary Simeon, Guy Laraque, Monlouis Lherisse, Robinson Joseph; disappearance of Felix Lamy).

^{197/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 6.

When they discovered that he was not present they departed and returned the next day.

Legrand has since gone into hiding.^{198/}

- On April 10, 1993, soldiers in Saint-Marc, arrested Ernst Occéant, correspondent for the region. They accused him of distributing pamphlets supporting President Aristide. The soldiers beat Occéant severely before releasing him.^{199/}

- On May 22, 1992, Guy Delva, correspondent for Voice of America, was arrested as he covered a demonstration at the Lycée de Jeunes Filles (a girls school) in Port-au-Prince. As he left his car, a soldier struck him in the stomach with a rifle. Other soldiers accused him of advocating Aristide's return. All his equipment including his tape recorder, cassettes, short-wave radio and notebook, was confiscated. When Delva filed an official complaint with the government, the response was published in the government operated newspaper, *l'Union*; the Minister of Information accused Delva of being "an American government agent," an "enemy collaborator," and a "propagandist for the enemy."^{200/}

The authority's campaign against Radio Tropic FM is not new. On April 12, 1992, Radio Tropic FM reporter Sony Estéus was arrested while he was covering a

^{198/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 6.

^{199/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 6.

^{200/}OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 34-35. Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 109. Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 28-29. Amnesty International, *Death Threats: Guy Telve [sic], (Radio Journalist)* (Nederland, Colorado: Amnesty International, EXTRA 34/92, 25 March 1992).

religious ceremony. He was taken to the Investigations and Anti-Gang Service of the Port-au-Prince police and accused of working for a radio station that "mobilizes the people, fights for the return of Aristide and tells lies."^{201/} Police beat him brutally, attempting to coerce a confession that he had distributed pro-Aristide tracts. He suffered multiple fractures and was illegally detained for six hours before being released.^{202/}

I. Other Social and Political Activists

Public dissent -- whether in the form of support for the return of President Aristide or opposition to continued military rule -- exposes the dissenter to serious danger. Such dissent can take many forms. Some Aristide supporters have been targeted because of their past support of Aristide. Others are punished because they have attempted to exercise their rights in the most minimal way. The UN/OAS International Civilian Mission in Haiti reported in June 1993 that "[i]n many other cases throughout the country, persons have been harassed and often beaten simply for having written or uttered slogans, for having in their possession photographs of President Aristide, or for listening to foreign radio broadcasts."^{203/} Lawyers who take cases

^{201/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 111.

^{202/}OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 35. Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 110-111. Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 29-30. Committee to Protect Journalists, *Bouch Pe: The Crackdown on Haiti's Media Since the Overthrow of Aristide* (New York: Committee to Protect Journalists, September 1992), p. 34-35.

^{203/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 5.

against the military have faced reprisals.^{204/} Such efforts are designed to silence any voice which might spark resistance to military rule. The following examples are representative of the more widespread phenomenon.

- Beginning on March 29, 1993, residents of the Môle Saint Nicolas and Bombardopolis communities, including members of the *Organisation Politique Lavalas* (Lavalas Political Organization, OPL), came under attack.

[They] were threatened, arrested, and assaulted by soldiers and attachés...who accused them of having distributed leaflets or possessing photographs of...President [Aristide]. One of them, Mr. Manistin Capricien, had to be hospitalized as a result of the [assault]. Many people, including the Titular [sic] mayor, his deputy and several schoolteachers, had to flee the area. Members of the [International Civilian] Mission went to the scene and protested to the commander of the [local] military district. [He] took responsibility for the violence, citing the ineffectiveness of the judicial machinery and the need to resort to force in order to obtain information from members of the opposition.^{205/}

- On January 22, 1993, soldiers arrested Jean-Emile Estimable, a member of the *Front Nationale pour le Changement et la Démocratie* (*Fwont Nasyonal pou Chanjman ak Demokrasi* / National Front for Change and Democracy, FNCD) -- which supported Aristide's candidacy for President, and a former correspondent for Radio Cacique. The arrest occurred at Pont Jo, in the Artibonite region. They took him to the local section chief for the region, where he was severely beaten and tortured. Tracts supporting the return of Aristide were "found" in his pockets and he

^{204/}See, for example, the army's persecution of attorney Paul Yves Joseph in Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 54-56.

^{205/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 4.

was charged with being an Aristide supporter. Estimable claimed that the soldiers had planted the tracts on him. The following day, Estimable was bound hand and foot and transferred to the prison at St. Marc, without receiving medical treatment for his injuries. None of the legal requirements for arrest, detention or release were followed.^{206/}

- The *Congrès National de Mouvements Démocratiques* (National Congress of Democratic Movements, KONAKOM) forms part of the FNCD, and KONAKOM members have also been frequent targets of military violence. On December 8, 1992, Maurice Damaucy, the KONAKOM regional coordinator for Bainet (in Southeastern Haiti) was arrested and beaten by soldiers immediately after he complained to them about the treatment of KONAKOM members by soldiers in the region. He was detained at the military detention facility in Bainet.^{207/}
- On August 17, 1992, Martiné Rémilien, a 31 year old mechanic, Jacquelin Gabriel, a 35 year old chauffeur and student, and Ancy Philippe, a 34 year old electrician and communications student, were pasting up pictures of Aristide in Port-au-Prince. Two pickup trucks arrived and uniformed and plain-clothed soldiers disembarked and took them away. The bodies of the three were found the following

^{206/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 15. OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 36. *Haiti: Résistance & Démocratie* (Port-au-Prince: No. 177, 25 January 1993), p. 4. Amnesty International, *Ill-treatment/Legal Concern* (Nederland, Colorado: Amnesty International, UA 18/93, 26 January 1993), p. 1. Amnesty International, *Ill-treatment/Legal Concern: Jean-Emile Estimable, Direct Jean-Baptiste* (Nederland, Colorado: Amnesty International, UA 18/93, 8 February 1993), p. 1.

^{207/}Amnesty International, *Legal Concern/Fear of Ill-treatment* (Nederland, Colorado: Amnesty International, UA 391/92, 11 December 1992). *Haiti: Résistance & Démocratie* (Port-au-Prince: No. 171), p. 3.

day at the University Hospital morgue; each was the victim of fatal gunshot wounds.^{208/}

The Department of State reported on a number of incontrovertibly political killings during 1992 targeting individuals who supported Aristide. These include the "January torture and murder of Aristide supporter Jean-Claude Museau by police in the southern town of Les Cayes; the May 26 killing of businessman Georges Izmary, brother of Aristide activist Antoine Izmary," and the January 25 "commando style raid" by uniformed men on a political meeting that resulted in the murder of the bodyguard of Prime Minister designate René Théodore and the beatings of many of the participants.^{209/}

J. Civilian Officials in the Aristide Government

Given the military's concerns over pro-Aristide opposition, it is not surprising that officials of Aristide's government have been repressed violently. Regardless of the importance of the official position they held or whether or not they were members of Aristide's original political coalition, these individuals carry the imprimatur of constitutional

^{208/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 119. Slavin, J.P., "OAS Meets with Haiti Army Chief," *Miami Herald* (Miami: 20 August 1992), p. 14A. Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 10-11.

^{209/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422. For additional information, see Amnesty International, *Haiti: Death Threats* (Nederland, Colorado: Amnesty International, UA 34/92, 25 March 1992), p. 1. Amnesty International, *Haiti: The Human Rights Tragedy: Human Rights Violations Since the Coup* (London: Amnesty International, AMR 36/03/92, January 1992), p. 9-10, (Museau). French, Howard, "16 Haitians Slain in Week of Strife," *New York Times* (New York: 28 May 1992), p. A3. Amnesty International, *Haiti: Possible Extrajudicial Execution: Georges Izmary* (Nederland, Colorado: Amnesty International, UA 175/92, 28 May 1992). National Coalition for Haitian Refugees, *Haiti Insight* (New York: July-August 1992), p. 8, (Izmary). UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 27, (Théodore).

legitimacy. Moreover, they personify the Aristide government's attempt to exert civilian control over the military. Many officials have been arrested and beaten, while others have been forced into hiding. "Despite a vow by de facto Prime Minister Marc Bazin at his June 1992 inauguration to reinstate all local elected officials, many remain out of office and fearful of resurfacing."^{210/} The following are representative examples.

- Following the coup, military authorities accused Carlo Louis, mayor of the Central Plateau village of Baptiste, of "engaging in subversive activities." Louis, who was elected on the FNCD ticket with Aristide, immediately went into hiding. He decided to come out of hiding only after learning of *de facto* Prime Minister Bazin's promise to assure the security of local officials who wished to return to their posts. Louis was promptly arrested.^{211/}
- On May 20, 1992, soldiers arrested and beat Cemoyen Anestil, President of the CASEC in Mahotièrè, a community near Port-de-Paix. The soldiers tied Anestil up and took him to the prison in Port-de-Paix, where he was illegally detained for six days.^{212/}

K. Friends, Family or Communities of Individuals at Risk

If the security forces are not able to find their intended victim or lay responsibility on a specific individual, they have targeted family members, friends, even whole communities for

^{210/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 95-105.

^{211/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 98.

^{212/}Americas Watch / National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch / National Coalition for Haitian Refugees, February 1993), p. 100.

repression. Consequently, the standard for determining whether an individual is at risk of repression is neither clear-cut nor straightforward. Moreover, whether an individual is "well-known" or "active" is not determinative of whether he/she may be targeted. According to the UN Special Rapporteur, the military, section chiefs and their agents have targeted not only leaders and activists, but also "all potential Aristide supporters."^{213/} Similarly, it is impossible in every case to separate out political motives from personal or economic ones. Indeed, they may often be inextricably linked.

[M]assive persecution and indiscriminate harassment of the urban and rural poor (because they are potential Aristide supporters) is compounded by the continual extortion to which they are liable...This doubly penalizes the country's poor, who not only see their dignity, physical integrity and liberty impugned but in the end are also forced to sell everything they own, which leaves them totally indigent.^{214/}

Given this pervasive repression and the identity of the victims, there is no doubt that the military has applied punishment by proxy and "collective punishment" in certain cases.

- Perhaps the best known case of targeting by proxy is the assassination of Georges Izméry, the brother of Antoine Izméry, a close adviser to President Aristide. On May 26, 1992, Georges Izméry was crossing Grande Rue, the main street in Port-au-Prince, near the store he co-owned with his brother, when unidentified men first shouted insults at him and subsequently shot him. The perpetrators then escaped into the police station known as the "Cafetería." When family members arrived at the scene, they found uniformed

^{213/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1992), p. 20.

^{214/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 20.

police surrounding the body and were refused permission to see the extent of his injuries. A grey pickup van eventually came, reportedly took the body to the hospital, and then transferred it to the morgue. The family doctor was allegedly never allowed to examine the corpse.^{215/}

- In another case, on June 28, 1993, soldiers in Gonaïves arrested and beat a 70 year-old man before taking him to the local military barracks. According to the UN/OAS International Civilian Mission to Haiti, the man, who had previously been beaten when soldiers searched the Polcos and Lèt Bò Kanal neighborhoods of Gonaïves on June 26, was arrested in place of his son, a leader of a popular organization in Lèt Bò Kanal. The man was released the following day.^{216/}

- Targeting is not, however, limited to relatives of prominent Aristide supporters. On January 8, 1993, armed soldiers in uniform from military facilities in Les Cayes arrived at the home of Gisèle Saint-Fermin, accompanied by a local judicial official. They were looking for her daughter Marie Josée, a student leader

^{215/}U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422. OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 21. French, Howard, "16 Haitians Slain in Week of Strife," *New York Times* (New York: 28 May 1992), p. A3. Amnesty International, *Possible Extrajudicial Execution: Georges Izméry* (Nederland, Colorado: Amnesty International, UA 175/92, 28 May 1992). National Coalition for Haitian Refugees, *Haiti Insight* (New York: July-August 1992), p. 8.

^{216/}International Civilian Mission to Haiti, "Communiqué de Presse" (Port-au-Prince: 30 June 1993). For additional information on the June 26 search, see Section C.

and member of the *Mouvman Inite Pep Okay* (Les Cayes People's Unity Movement, MUPAC) a popular organization based in Les Cayes. They searched the house thoroughly and found a poster of Jean-Claude Museau.^{217/} When she refused to reveal the location of her daughter, who had attended a memorial service for Museau, they confiscated the poster and took Mrs. Saint-Fermin away, leaving her three other small children under 6 years of age alone.^{218/}

- In a similar case, soldiers in Jérémie arrested Dilya Elyasen and her brothers on January 9, 1993. Although Ms. Elyasen was reportedly released later that same day, her brothers were reportedly tortured in her presence and detained for many days. Ms. Elyasen's husband, who has reportedly been in hiding since the coup, is a leading member of the Regional Project for Educators and Development, a grass roots development organization. The UN Special Rapporteur reported receiving information that "the military told Dilya Elyasen that they were making her pay for her husband's big mouth."^{219/}

^{217/}Museau, a schoolteacher, died in military custody in January 1992 after being tortured; he had been arrested after he was observed by security forces putting up posters calling for the return of Aristide. For more on the Museau case, see U.S. Department of State, "Haiti," *Country Reports on Human Rights Practices for 1992* (Washington, D.C.: U.S. Government Printing Office, February 1993), p. 422. Amnesty International, *Death Threats: Guy Telya [sic], (Radio Journalist)* (Nederland, Colorado: Amnesty International, EXTRA 34/92, 25 March 1992), p. 1. Amnesty International, *Haiti: The Human Rights Tragedy: Human Rights Violations Since the Coup* (London: Amnesty International, AMR 36/03/92, January 1992), p. 9.

^{218/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 12. Amnesty International, *Legal Concern/Fear of Torture* (Nederland, Colorado: Amnesty International, UA 08/93, 12 January 1993). *Haiti: Résistance & Démocratie* (Port-au-Prince: No. 174, 14 January 1993), p. 5.

^{219/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 14.

- In still other cases, the activism of individuals has led to the repression of an entire community.

[O]n May 2, 1992, [the] section chief [in the commune of Mirebalais], accompanied by about 30 armed soldiers in uniform...terrorized the community, arresting and beating residents, shooting into homes, killing animals...They targeted people who had supported President Aristide. [One resident] was killed...The soldiers told the peasants that they had been arrested because members of the community were distributing "tracts." The "tracts" reportedly asserted that Aristide ought to return to complete his term of office. The [tract] consisted of one sheet, containing a photo of Aristide and some text. Most of the prisoners escaped or were permitted to flee; many of those who were not arrested also fled the region. Many believe that if they return to the community the soldiers will come back for them.^{220/}

A similar attack took place against the community of Pouly, a community in the second section of Lascahobas in Haiti's Lower Plateau.^{221/}

^{220/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 31-33.

^{221/}Lawyers Committee for Human Rights, *Haiti: A Human Rights Nightmare* (New York: Lawyers Committee for Human Rights, 1992), p. 31-33.

VI. HOPE FOR A POLITICAL SOLUTION

The international community has played an important role in trying to resolve the political crisis in Haiti, culminating in an accord signed July 3, 1993, on Governors Island in New York by Haiti's Commander-in-Chief General Raoul Cédras and President Jean-Bertrand Aristide. Despite this positive development, all parties agree that the immediate political crisis has not yet been resolved and that the return of President Aristide will not lead to swift resolution of the fundamental political challenges facing Haitian society.

The past experience of the negotiations over the return of President Aristide suggests that caution is necessary in evaluating progress. Negotiations first began almost 2 years ago -- less than two weeks after Aristide was forced from the country. In the intervening time, both the OAS and UN have helped broker numerous agreements which were either rejected by one party or another, or signed and subsequently ignored. The Protocol of Agreement of Washington, signed in February 1992 by President Aristide and representatives of the National Assembly, called for respect for human rights and identified a new Prime Minister. It was rejected, however, by the *de facto* government. The September 1992 agreement between the OAS and the *de facto* government called for the deployment of an OAS Civilian Mission to help reduce the violence, encourage respect for human rights and cooperate in distributing humanitarian assistance. Three months later, authorities of that same government declared that the OAS delegation "had no legal basis" and that "there was no way their safety and their freedom of movement in the country's interior could be guaranteed."^{222/}

^{222/}OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti* (Washington, D.C.: OAS, OEA/Ser.L/V/II.83, 9 March 1993), p. 10-11.

Similarly, UN-brokered agreements in early 1993, calling for the deployment of an international police force in Haiti, also foundered in the face of opposition.

The Agreement of Governors Island may fall victim to this pattern. By its own terms, the Agreement constitutes "the beginning of a process of national reconciliation" and simply sets the conditions which must be satisfied before a political solution can be reached. As the headline of one Haitian paper suggested, it is an "agreement for disagreements."^{223/} For example, the Agreement specifies that the parties pledge to support the return of President Aristide -- but set a date of October 30, 1993 for his return. The parties agree to support the nomination of a Prime Minister by the President, but do not identify him or her. They agree to "an amnesty" but do not specify who would be included or excluded from its protection. They agree to the adoption of a law establishing a new police force and the appointment of a new Commander-in-Chief of this force by the President, but do not define the contours of this force or its relationship to the FADH. The army, President Aristide, or the various factions of the National Assembly opposed to Aristide's return will have plenty of opportunity to scuttle this agreement -- as they have other agreements in the past -- if it becomes in their interest to do so.

The experience of the joint UN/OAS International Civilian Mission to Haiti also reveals how time-consuming and fragile efforts to end repression have been and will remain even after President Aristide is permitted to return to power in Haiti. As indicated, the Mission began as an OAS initiative in September 1992, but members were not permitted to travel outside Port-au-Prince until the UN entered the negotiations and a new mandate was drafted in February 1993.

^{223/}"Un Accord pour des Desaccords," *Le Nouvelliste* (Port-au-Prince: 7 July 1993), p. 1. "L'Accord de Governors Island," *Haiti Observateur* (Port-au-Prince: No. 28, 7-14 July 1993), p. 7.

The first monitors were not deployed into the provinces until March, almost six months after the original agreement authorizing their presence was executed.

If gaining the Haitian authorities' permission to deploy the monitors was difficult for the leaders of the International Civilian Mission, actually monitoring human rights and trying to reduce repression has been far more challenging. Without the cooperation of military authorities, the work of the international observers will be frustrated and the incidence of repression will not decline.

Unfortunately, the experience of the UN/OAS Mission -- even during the negotiations surrounding the Agreement of Governors Island -- suggests that military authorities have not been cooperative and have in fact been hostile to efforts to reduce repression and open space for political discourse in Haiti. This suggests that even if President Aristide is able to return to Haiti at the end of October, Haitians will continue to struggle to exercise the rights necessary to develop a civil society.

In its June 3, 1993 report, the Mission described how Haitian civilians responded to its presence and how the military dealt with that response.

As [the Mission] was gradually deployed, individuals, organizations and sectors of the population regained confidence and tried to recover rights of which they had been deprived since the coup d'état. The response of the authorities to these attempts has been increased, or at least more selective, repression.^{224/}

Moreover, the experience of the Mission suggests that rather than improve their performance, when confronted by quasi-judicial authority, military officials "began to adapt

^{224/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 4.

their repressive measures to the new situation created by the deployment of observers.^{225/} Army officers increasingly justified arbitrary arrests by labeling them *in flagrante delicto* (hot pursuit) in order to circumvent the warrant requirement of the Constitution. In addition "[t]hey increasingly assigned to `attachés' and other armed civilians certain dirty tasks such as beatings.^{226/}

The military also responded to efforts to reduce repression by targeting members of the Mission. "[A]cts of intimidation, and even provocation, towards the Mission or persons in contact with it began to be more frequent, more insistent and more systematic.^{227/} Some examples include:

- Soldiers chanted hostile slogans while jogging past the Mission's premises;...
- A gang of armed civilians...threatened to beat [a female employee of the Mission] saying that their next victim would be one of the observers, whose name they announced publicly;...
- Soldiers burst into a private residence where observers were talking with the occupants;
- Graffiti hostile to the Mission.^{228/}

^{225/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 11.

^{226/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 11-12.

^{227/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 11.

^{228/}UN General Assembly, *Interim Report of the International Civilian Mission to Haiti for the Period 9 February-31 May 1993* (New York: UN, A/47/960, 3 June 1993), p. 11-12.

The current military response to the International Civilian Mission reflects both the FADH's historical refusal to cooperate with efforts to establish the rule of law and its co-option of the judiciary.

Since 1986, the military has been the chief barrier to democracy...[Under Aristide,] the army was by no means thoroughly reformed...soldiers as well as police (who remained part of the army) continued to be responsible for some abuse of civilians, including killings...Some of the old section chiefs...continued to operate in the old way.^{229/}

"Today more than ever, the judiciary is totally subordinate to the armed forces and fraught with corruption."^{230/} Whether Aristide's anticipated return and the presence of international observers will allow the establishment of a police force under civilian control, a professional military, and a strong judicial authority able to implement the rule of law and prevent repression remains to be seen.

^{229/}Americas Watch / National Coalition for Haitian Refugees / Caribbean Rights, *Haiti: The Aristide Government's Human Rights Record* (New York: Americas Watch / National Coalition for Haitian Refugees / Caribbean Rights, 1 November 1991), p. 4, 9.

^{230/}UN Commission on Human Rights, *Report on the Situation of Human Rights in Haiti Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in Accordance with Commission Resolution 1992/77* (New York: UN, E/CN.4/1993/47, 4 February 1993), p. 22.

VII. INDEX

Abduction	36
<i>Adjoints</i>	31
Administrative Council	<i>see Conseil d'Administration de la Section Communale (CASEC)</i>
AFH	<i>see Forces Armées d'Haïti (FADH)</i>
AFHW	<i>see Central Autonome des Travailleurs Haïtiens (CATH)</i>
Agreement of Governors Island	90, 91
<i>see also</i> Aristide, President Fr. Jean Bertrand, projected return of	
Americas Watch	8, 9, 15, 19, 22, 27, 53, 56, 58-61, 63, 65-74, 76-80, 83, 84, 93
Arawak Indians	<i>see</i> Indigenous peoples
Arbitrary arrest	18, 36, 39, 56, 62, 66, 68
as means of extortion	40
as means of political repression	35, 52, 66
as prohibited by 1987 Constitution	23
incidents implicating section chiefs	33
Aristide, President Fr. Jean Bertrand	4, 10-24, 27, 28, 30, 34-36
	38, 40, 45, 46, 50, 52-54, 57, 59
	60, 62, 65-69, 71, 73, 77-91, 93
election of, 1990	11
possible support for "mob justice"	22
presidency of, 1991	12, 13, 21
projected return of	89, 90
Armed Forces of Haiti	<i>see Forces Armées d'Haïti (FADH)</i>
Arrest	<i>see</i> Arbitrary arrest
Artibonite Valley	60, 70, 81
<i>Assemblée Nationale</i>	15, 16, 22, 26, 89, 90
Autonomous Federation of Haitian Workers	
	<i>see Central Autonome des Travailleurs Haïtiens (CATH)</i>
Avril, Lieutenant General Prosper	10
AW	<i>see</i> Americas Watch
"Baby Doc"	<i>see</i> Duvalier, President Jean-Claude
Bainet	82
Baptiste	82, 84
" <i>bat teneb</i> "	64
Bazin, Prime Minister Marc	15, 16, 36, 84

Beatings	25, 36, 39, 59, 60, 64, 66, 68, 84
as means of extortion	37
as means of political intimidation	18
as means of political repression	35, 52, 57
of detainees	50
of infants	7
Boat people	7
Bombardopolis	81
Cabinet	
role and duties of	26
Cap-Haïtien	59, 64, 67, 70
Captive(s), treatment of	<i>see</i> Detainee(s), treatment of
CARITAS	<i>see</i> Catholic Relief Services (CARITAS)
CASEC	<i>see</i> Conseil d'Administration de la Section Communale (CASEC)
CATH	<i>see</i> Central Autonome des Travailleurs Haïtiens (CATH)
Catholic Church	<i>see</i> Roman Catholic Church
Catholicism	<i>see</i> Roman Catholic Church; Roman Catholics
Catholics	<i>see</i> Roman Catholic Church; Roman Catholics
Catholic Relief Services (CARITAS)	58
Cédras, General Raoul	15, 89
Central Autonome des Travailleurs Haïtiens (CATH)	75, 76
Central Générale des Travailleurs (CGT)	75
Central Plateau	56-58, 72, 84
CGT	<i>see</i> Central Générale des Travailleurs (CGT)
Chambre des Députés	26
Champaign	67
Christian Church	<i>see</i> Roman Catholic Church
Christianity	<i>see</i> Roman Catholic Church; Roman Catholics
Christians	<i>see</i> Roman Catholic Church; Roman Catholics
Cité Soleil	50
Clerjeune, Leopold	46
CNG	<i>see</i> Conseil National de Gouvernement (CNG)
CNMD	<i>see</i> Congrès National de Mouvements Démocratiques (CNMD/KONAKOM)
"Collective punishment"	85
<i>see also</i> Friends, Family or Communities of Individuals at Risk	
Comités des Quartiers	60, 61
Committee to Protect Journalists (CPJ)	78
Congrès National de Mouvements Démocratique (CNMD/KONAKOM)	82
Conseil d'Administration de la Section Communale (CASEC)	27, 34, 84
Conseil National de Gouvernement (CNG)	10

Constitution, March 1987	10, 13, 21-28, 33, 34, 36, 39-42, 68, 92
abrogation of	21
Coup d'etat, September 1991	11, 13-16, 18, 22-24, 27, 28, 30, 33-36, 38, 45
	47, 52-57, 59, 61, 65, 67, 68, 70
	72-78, 83, 84, 87, 91
<i>Cour de Cassation</i>	10, 26
CPJ	<i>see</i> Committee to Protect Journalists (CPJ)
Dabon, Frédéric	46
Department of State	<i>see</i> U.S. Department of State
Dessien, Jules	49, 50
Detainee(s), treatment of	36, 41-45
Disappearance	<i>see</i> Abduction
Displaced persons	<i>see</i> Boat people
Districts	29, 47, 48
Duvalier, President François ("Papa Doc")	4, 36
election of, 1957	4
Duvalier, President Jean-Claude ("Baby Doc")	6, 10, 54, 59, 74, 83, 87
flight to exile, February 1986	7, 9
Economic sanctions	<i>see</i> Sanctions
EDH	<i>see</i> <i>Electricité d'Haïti</i> (EDH)
Educators	<i>see</i> Teachers
<i>Electricité d'Haïti</i> (EDH)	76
Elite	<i>see</i> Mulatto(es)
Emigrants	<i>see</i> Boat people
Emigration	<i>see</i> Boat people
Etienne, Hilton	57
Extortion	32, 37, 38, 40, 43
as means of political repression	35
incidents implicating section chiefs	32
Extralegal execution	72, 83
as means of political repression	35, 46, 47
election day, 1987	10
in Gonaïves	7
incidents implicating the military	45-47, 61
St. Jean Bosco Church, September 1988	11

FADH	<i>see Forces Armées d'Haïti (FADH)</i>
Father Aristide	<i>see Aristide, President Fr. Jean Bertrand</i>
<i>Fédération Nationale des Etudiants Haïtiens (FENEH)</i>	65, 66
FENEH	<i>see Fédération Nationale des Etudiants Haïtiens (FENEH)</i>
FH	<i>see Freedom House</i>
FNCD	<i>see Front Nationale pour le Changement et la Démocratie (FNCD)</i>
<i>Forces Armées d'Haïti (FADH)</i>	1, 3-6, 8-19, 21-31 33-42, 43-54, 56-67 69-77, 80-87, 90-93
control of prisons	42
Freedom House	2, 5, 14, 15, 22
Freedom of assembly	
restrictions upon	18, 38, 39, 52, 62, 64, 66
Freedom of association	
as guaranteed by 1987 Constitution	23
restrictions upon	38, 52
Freedom of expression	
as guaranteed by 1987 Constitution	23
restrictions upon	39
Freedom of movement	
as guaranteed by 1987 Constitution	23
restrictions upon	37
Freedom of religion	
as guaranteed by 1987 Constitution	23
Freedom of the press	
as guaranteed by 1987 Constitution	23
restrictions upon	77, 79, 80
Friends, Family or Communities of Individuals at Risk	85-88
<i>see also "Collective punishment"</i>	
<i>Front Nationale pour le Changement et la Démocratie (FNCD)</i>	13, 81, 82, 84
<i>Fwont Nasyonal pou Chanjman ak Demokrasi</i>	
<i>see Front Nationale pour le Changement et la Démocratie (FNCD)</i>	
<i>Gaols</i>	<i>see Prison(s)</i>
General Avril	<i>see Avril, Lieutenant General Prosper</i>
General Cédras	<i>see Cédras, General Raoul</i>
General Federation of Workers	<i>see Central Générale des Travailleurs (CGT)</i>
"General lawlessness"	<i>see "Preventive repression"</i>
General Namphy	<i>see Namphy, General Henri</i>
GFW	<i>see Central Générale des Travailleurs (CGT)</i>
Gonaïves	7, 61, 64, 78, 86

"Grass roots" organizations	see <i>Gwoupman</i>
Gros Morne	67
<i>Gwoupman</i>	1, 11, 12, 17, 20, 27, 35, 59, 71, 87
<i>Habeas corpus</i>	see Principle of <i>habeas corpus</i>
Haiti Electric (Company)	see <i>Electricité d'Haïti</i> (EDH)
Haitian Army	see <i>Forces Armées d'Haïti</i> (FADH)
Haitian Women's Solidarity	see <i>Solidarité Femmes Haïtiennes</i> (SOFA)
Harassment	18, 37, 68
as means of political repression	25, 35, 52
of organizations	38
Heads Together for a Movement of Haitian Peasants	see <i>Tèt Kole Pou Yon Mouvman Ti Peyizan Ayisyen</i>
Hispaniola	2
Honorat, Prime Minister Jean-Jacques	15, 36
<i>Houngan(s)</i>	see Voodoo
House of Deputies	see <i>Chambre des Députés</i>
HRW	see Americas Watch
HTMHP	see <i>Tèt Kole Pou Yon Mouvman Ti Peyizan Ayisyen</i>
Human Rights Commission (proposed)	13, 17, 34
Human Rights Watch	see Americas Watch
HWS	see <i>Solidarité Femmes Haïtiennes</i> (SOFA)
Illegal detention	36, 39-41, 62, 67
as means of extortion	25
as means of political repression	35, 60
as prohibited by 1987 Constitution	24
incidents implicating the military	42
Imprisonment	see Arbitrary arrest; Illegal detention
Impunity	23, 38, 41, 42, 48
Incarceration	see Arbitrary arrest; Illegal detention
Independence	3, 4, 22
Indians	see Indigenous peoples
Indigenous peoples	2
Indigenous religion(s)	see Voodoo
Inter-American Commission on Human Rights	18
Internal refugees	see Internally displaced persons
Internally displaced persons	36
International Civilian Mission	see UN/OAS International Civilian Mission

Intimidation *see* Extortion

ITAPL *see* *Union des Techniciens Agricoles de Limbé* (UTAL/ITAPL)

Izméry, Antoine 83, 85, 86

Izméry, Georges 83, 85, 86

Jacmel 60, 61, 65, 74

Jailing *see* Arbitrary arrest; Illegal detention

Jails *see* Prison(s)

Jérémie 69, 87

Jesuits *see* Roman Catholic Church

Journalists 20, 47, 66, 77-80, 87
see also Freedom of the press; Press

Judiciary 31, 50, 51, 93
manipulation of by the military 50

Justice system *see* Judiciary

Killings *see* Extralegal execution

KONAKOM *see* *Congrès National de Mouvements Démocratiques* (CNMD/KONAKOM)

La Chapelle 70

Labor movement *see* Trade unions

Labor unions *see* Trade unions

Lamentin barracks 61

Lascahobas 88

Lavalas (political organization) 12, 13, 56, 67, 68, 81
see also *Organisation Politique Lavalas* (OPL)

LC *see* *Ti Legliz*

LCC *see* *Ti Kominote Legliz* (TKL)

Le Moniteur 21

Legal system *see* Judiciary

Les Cayes 58, 68, 83, 86, 87

Libète 77

Lieutenant General Avril *see* Avril, Lieutenant General Prosper

Limbe Union of Progressive Agricultural Technicians
see *Union des Techniciens Agricoles de Limbé* (UTAL/ITAPL)

Literacy Groups
human rights violations against 72

"Little Church" *see* *Ti Legliz*
 "Little Community Church" *see* *Ti Kominote Legliz* (TKL)
loa *see* *Voodoo*
 Louis, Mayor Carlo 61, 84
 Lower Plateau 88
 LPO *see* *Organisation Politique Lavalas* (OPL)
l'Union 79
 LUPAT *see* *Union des Techniciens Agricoles de Limbé* (UTAL/ITAPL)

Macoutes *see* *Paramilitary groups*
Mambo(s) *see* *Voodoo*
 Manigat, Leslie 10
 Marines *see* *U.S. Marine Corps*
 Massacre(s) *see* *Extralegal execution*
 Mayor Louis *see* *Louis, Mayor Carlo*
 MCC *see* *Mennonite Central Committee* (MCC)
 Media *see* *Journalists; Freedom of the press; Press*
 Mennonite Central Committee (MCC) 57
 Migrants *see* *Boat people*
 Migration *see* *Boat people*
 Military *see* *Forces Armées d'Haïti* (FADH)
 MNOPL *see* *Mouvman Organizasyon Alfabetizasyon Popile* (MONAP)
 Môle Saint Nicolas 81
 MONAP *see* *Mouvman Organizasyon Alfabetizasyon Popile* (MONAP)
Mouvement Paysan de Papaye (MPP) 56, 57
Mouvman Organizasyon Alfabetizasyon Popile (MONAP) 74
 Movement of National Organizations for Popular Literacy
 see *Mouvman Organizasyon Alfabetizasyon Popile* (MONAP)
 MPP *see* *Mouvement Paysan de Papaye* (MPP)
 Mulatto(es) 3, 4
 Murder *see* *Extralegal execution*

Namphy, General Henri 10
 National Assembly *see* *Assemblée Nationale*
 National Coalition for Haitian Refugees (NCHR) 8, 9, 15, 19, 22, 53, 56, 58, 60, 61
 63, 65-74, 76-80, 83, 84, 86, 93
 National Congress of Democratic Movements
 see *Congrès National de Mouvements Démocratiques* (CNMD/KONAKOM)
 National Federation of Haitian Students

	<i>see Fédération Nationale des Etudiants Haïtiens (FENEH)</i>	
National Front for Change and Democracy	<i>see Front National pour le Changement et la Démocratie (FNCD)</i>	
National Government Council	<i>see Conseil National de Gouvernement (CNG)</i>	
NCDM	<i>see Congrès National de Mouvements Démocratiques (CNMD/KONAKOM)</i>	
NCHR	<i>see National Coalition for Haitian Refugees (NCHR)</i>	
Neighborhood Committees	<i>see Comités des Quartiers</i>	
Nerette, President Joseph		15, 36
NFCD	<i>see Front Nationale pour le Changement et la Démocratie (FNCD)</i>	
NFHS	<i>see Fédération Nationale des Etudiants Haïtiens (FENEH)</i>	
NGC	<i>see Conseil National de Gouvernement (CNG)</i>	
Noiriste(s)		4
Nuns	<i>see Roman Catholic Church</i>	
OAS	<i>see Organization of American States (OAS)</i>	
OGKPS	<i>see Oganizasyon Gwoupman Kominote Pawas Sakrèkè (OGKPS)</i>	
OPL	<i>see Organisation Politique Lavalas (OPL)</i>	
Organisation Politique Lavalas (OPL)		81
Oganizasyon Gwoupman Kominote Pawas Sakrèkè (OGKPS)		59, 60
Organization of American States (OAS)		11, 16-18, 33, 35, 37, 43, 46, 48, 49, 57, 61 66, 69, 71, 75-77, 79, 80, 82, 83, 86, 89-91
"Papa Doc"	<i>see Duvalier, President François</i>	
Papaye Peasant Movement	<i>see Mouvement Paysan de Papaye (MPP)</i>	
Paramilitary groups		
<i>Sans Mamans</i>		48
<i>Tontons Macoutes</i>		5, 6, 9, 36, 48, 51
<i>Zantray</i>		72
<i>Zenglendos</i>		48, 61
Pascal-Trouillot, Ertha		4, 10
PCE	<i>see Ti Kominote Legliz (TKL)</i>	
PE	<i>see Ti Legliz</i>	
Penal Code		39
<i>Petite Comunité Eglise</i>	<i>see Ti Kominote Legliz (TKL)</i>	
<i>Petite Eglise</i>	<i>see Ti Legliz</i>	
Pierre-Louis, Jean-Patrick		61
Plantation(s)		1-2
Police		4, 5, 13, 16, 17, 21, 26, 28-30, 32-34, 36, 43, 46 48, 51, 61, 62, 66, 69, 75, 80, 83, 86, 90, 93

<i>Secrétaires-Maréchals</i>	31
<i>Souket-Larouzé</i>	32
Pont Jo	81
Port-au-Prince	3, 6, 8, 11, 12, 24, 27, 29, 33, 34, 38, 49, 50, 53 55, 56, 60, 61, 64, 66, 69, 75, 79, 80, 82, 86, 87, 90
Port-de-Paix	84
Pouly	88
PPM	<i>see Mouvement Paysan de Papaye (MPP)</i>
President	
office and duties of	26
President Aristide	<i>see Aristide, President Fr. Jean Bertrand</i>
President Duvalier	<i>see Duvalier, President François; Duvalier, President Jean-Claude</i>
President François Duvalier	<i>see Duvalier, President François</i>
President Jean-Claude Duvalier	<i>see Duvalier, President Jean-Claude</i>
President Nerette	<i>see Nerette, President Joseph</i>
Press	4, 8, 16, 23, 47, 56, 78
<i>see also Journalists; Freedom of the press</i>	
Preventive repression	48-51
misidentified as "random violence"	48, 49
Priest(s)	<i>see Roman Catholic Church</i>
Prisoner(s), treatment of	<i>see Detainee(s), treatment of</i>
Prime Minister	
office and duties of	26
Prime Minister Bazin	<i>see Bazin, Prime Minister Marc</i>
Prime Minister Honorat	<i>see Honorat, Prime Minister Jean-Jacques</i>
Prime Minister Théodore	<i>see Théodore, Prime Minister René</i>
Principle of <i>habeas corpus</i>	
as guaranteed by 1987 Constitution	24
Prison(s)	6, 13, 17, 21, 25, 26, 33, 34, 42, 44, 60, 82, 84
Radio Tropic	<i>see Radio Tropicque</i>
<i>Radio Tropicque</i>	78, 79
"Random violence"	<i>see "Preventive repression"</i>
Rapporteur	<i>see UN Special Rapporteur on Haiti</i>
Rebellion	3
Refugees	<i>see Boat people</i>
Reporters	<i>see Journalists</i>
Reprisals	
<i>see "Collective punishment"; Friends, Family, or Communities of Individuals at Risk</i>	
Right to life, infringement of	23
Right to privacy, infringement of	37

Robbery	.....	<i>see</i> Extortion
Roman Catholic Church	.....	1, 5, 6, 8, 11, 12, 25, 58, 62-65, 68, 69, 71-73
Jesuit(s)	.....	6
Nun(s)	.....	20
persecution of	.....	68, 70, 71
Priest(s)	.....	5, 6, 20, 56, 58, 68-71
role of	.....	68, 70, 71
Roman Catholics	.....	5, 6, 58, 62-65, 68, 73
Rule of law	.....	3, 5, 12, 13, 18, 21, 22, 29-32, 35, 36, 39, 40, 42, 44
<i>see also</i> Judiciary	.....	45, 50, 51, 93
Rural Peasant Organizations	.....
<i>see also</i> <i>Gwoupman</i>	.....
human rights violations against	.....	54-58
Sanctions	.....	16, 17
imposed by OAS, October 1992	.....	16
imposed by UN Security Council, June 1993	.....	16
<i>Sans Mamans</i>	.....	<i>see</i> Paramilitary groups
Sarasin, Abel	.....	46
SC	.....	<i>see</i> <i>Zafè Elèv Lekol (ZEL)</i>
<i>Secretaires-Maréchals</i>	.....	<i>see</i> Police
Section Chief(s)	.....	4-6, 9, 11, 13, 18, 21, 24, 29-32, 34-38, 40, 42 45, 48, 51, 52, 56-58, 76, 81, 85, 88, 93
Security Council	.....	<i>see</i> UN Security Council
<i>Sénat</i>	.....	26, 27
Senate	.....	<i>see</i> <i>Sénat</i>
Slavery	.....	2
SOFA	.....	<i>see</i> <i>Solidarité Femmes Haïtiennes (SOFA)</i>
<i>Solidarité Femmes Haïtiennes (SOFA)</i>	.....	60
<i>Souket-Larouzé</i>	.....	<i>see</i> Police
St. Jean Bosco Church, Port-au-Prince	.....	11
<i>see also</i> Aristide, President Fr. Jean Bertrand	.....
St. Marc, military detention center at	.....	45, 82
State Department	.....	<i>see</i> U.S. Department of State
Student(s)	.....	7, 8, 20, 47, 53, 62-67, 70, 82, 86
human rights violations against	.....	62-66
Junior High and High School	.....	63, 64
University	.....	65, 66
Students Concerns	.....	<i>see</i> <i>Zafè Elèv Lekol (ZEL)</i>
Sub-districts	.....	29

Supreme Court	see <i>Cour de Cassation</i>
"Targeted violence"	see "Preventive repression"
Teachers	62, 67, 68, 87
human rights violations against	62, 67
<i>Tèt Kole Pou Yon Mouvman Ti Peyizan Ayisyen</i>	55, 56
Théodore, Prime Minister René	45, 83
<i>Ti Kominote Legliz (TKL)</i>	69, 71, 72
links to Aristide	71
relationship to <i>Ti Legliz</i>	71
<i>Ti Legliz</i>	1, 11, 59, 68, 71
TKMPA	see <i>Tèt Kole Pou Yon Mouvman Ti Peyizan Ayisyen</i>
TL	see <i>Ti Legliz</i>
<i>Tontons Macoutes</i>	see Paramilitary groups
Torture	39-41, 43, 83
as means of political repression	35, 57
<i>Calot Marasso</i>	44
<i>Djack</i>	44, 57
incidents implicating section chiefs	33
<i>Kalot Marasa</i>	44
<i>Kalot Marasso</i>	44
<i>Picquet</i>	44
Trade unions	8, 74
human rights violations against	74-76
Traditional religion(s)	see Voodoo
Trouillot, Ertha Pascal	see Pascal-Trouillot, Ertha
UN Security Council	16, 17
UN Special Rapporteur on Haiti	12, 13, 17, 18, 22, 23, 32-41, 46-48, 50, 51 55, 58, 82, 83, 85, 87, 93
UN/OAS International Civilian Mission	16, 17, 33, 35, 37, 43, 46, 48-50, 57, 61, 67, 69 71, 72, 75, 77-81, 86, 89-93
Unions	see Trade unions
<i>Union des Techniciens Agricoles de Limbé (UTAL/ITAPL)</i>	76
Urban Community Groups	
see also <i>Gwoupman</i>	
human rights violations against	58-61
U.S. Department of State	2, 16, 18, 23, 24, 28, 31, 36-39, 41, 43-47, 50 52, 69, 74, 75, 77, 83, 86, 87

U.S. Marine Corps, occupation by	3, 4
UTAL	<i>see Union des Techniciens Agricoles de Limbé (UTAL/ITAPL)</i>
Voodoo	5
<i>houngan(s)</i>	5
<i>loa</i>	5
<i>mambo(s)</i>	5
Zafè Elèv Lekol (ZEL)	63
Zantray	<i>see Paramilitary groups</i>
ZEL	<i>see Zafè Elèv Lekol (ZEL)</i>
Zenglendos	<i>see Paramilitary groups</i>