

News From

AMERICAS WATCH/
NATIONAL COALITION FOR HAITIAN REFUGEES

485 Fifth Avenue, New York, NY 10017 (212) 972-8400/
16 East 42nd Street, New York, NY 10017 (212) 867-0020

September 11, 1989

HUMAN RIGHTS IN HAITI:
ONE YEAR UNDER GENERAL PROSPER AVRIL

Contents

MILITARY ATTACKS AGAINST AVRIL OPPONENTS 2

The Labadie Youth Movement 2

Jean-Rabel 4

National Popular Assembly 5

Local Popular Assembly 5

Northern Haiti 6

Earlier Military Repression 6

"INSECURITY" 7

ATTACKS ON THE PRESS 8

MILITARY INVOLVEMENT IN LAND CONFLICTS 8

PRISONERS 9

PROSECUTION OF VIOLENT OFFENDERS 9

OTHER GOVERNMENTAL ACTIONS10

ELECTORAL STALEMATE11

UNITED STATES HUMAN RIGHTS POLICY12

Renewing U.S. Aid to the Haitian Government12

New Legislation12

Administration Silence on Abuses13

RECOMMENDATIONS14

September 17, 1989 marks the first anniversary of the military coup that brought Lt. Gen. Prosper Avril to power as the president of Haiti. Gen. Avril entered office vowing to implement an "irreversible democracy." Many Haitians now fear that irreversible dictatorship is his aim. His government's deliberate suppression of popular organizations opposed to military rule, its failure to crack down forcefully on uniformed and paramilitary forces committing murder and robbery, and its slow movement on the electoral front increasingly resemble the actions of a regime intent on retaining power. The Bush Administration has facilitated this evolving authoritarianism by resuming aid to the Avril government without insisting on an end to violent abuses and a specific timetable for the emergence of a freely and fairly elected civilian government.

MILITARY ATTACKS AGAINST AVRIL OPPONENTS

Although Gen. Avril regularly professes his commitment to democracy, the actions of troops under his command bespeak more despotic intentions. The military has embarked on a series of attacks against popular organizations opposed to continuing military rule. On a number of occasions over the past year the army has crushed efforts by these organizations to meet, to rally adherents and to demonstrate publicly. Gen. Avril has sanctioned these attacks by voicing no protest when they occur, by failing publicly to order their cessation, and by refraining from prosecuting military offenders.

It is becoming increasingly clear that Gen. Avril's tolerance of repression by army troops is not related to the temporary break in the chain of command that followed the April 2-8, 1989 coup attempt against his government. Gen. Avril emerged from the coup attempt victorious but with little apparent control over the army he nominally headed. Uniformed soldiers openly roamed Port-au-Prince and the countryside, robbing, raping and killing at will. Gen. Avril reportedly faced open insubordination even among the troops who had remained loyal to him. But despite the turmoil of this period, violence directed against political opponents -- as opposed to violence against apparently random targets -- diminished in the two months immediately following the coup.

Slowly, however, Gen. Avril has reasserted control over the army, aided by a substantial influx of new recruits. By July 3, 1989, Gen. Avril was able to assert publicly that he had "reestablished the chain of command in the army." Paralleling this renewed control over the military, however, has been a

renewed crackdown by the military on those popular organizations opposed to its rule. We detail here several examples.

The Labadie Youth Movement

One of the more violent and persistent episodes of military repression is the ongoing campaign in the Artibonite Valley in central Haiti against the Labadie Youth Movement (*Mouvement des Jeunes de Labadie*)(MJL), an organization of peasant youth that has called for land reform and an end to overcharging by market-tax collectors. On August 14, 1988, in the waning days of the regime of Lt. Gen. Henri Namphy, four members of the MJL were shot dead as they were leaving a group meeting. The murderers were identified as a band of men led by the town's prefect, Baguidy Grand-Pierre, and the local section chief (a rural military officer), Esperance Charles. Despite many appeals for justice, no one has been prosecuted for the murders, and Grand-Pierre and Charles remain at large.

In late March 1989, the Avril government sent a Commission of Inquiry to Labadie to investigate the charges. But no results of the investigation have been made public and, according to the MJL, the visit had the effect of stimulating further repression. Three days after the commission left, the MJL was attacked once again. When members attempted to file a complaint in the neighboring town of Petite Riviere de l'Artibonite, they were told that nothing could be done because the MJL was a communist organization and the Interior Ministry had given orders to destroy it.

On June 15, 1989, at around 2 a.m., some 60 soldiers descended on the town of Labadie, banging on peasants' doors in search of MJL members. All managed to

flee. Two days later, the military set up a permanent post, manned by four soldiers. The post dominates the tiny town, which lacks potable water or paved roads and has no medical facilities.

At a public meeting that same day, the soldiers informed the population that all MJL meetings were forbidden without express military approval. They explained that authorization would depend on the subject of the meeting and on the consent of the organizers that the military be in attendance. The soldiers also warned that all peasants participating in "communist" activities would receive a beating of 150 blows.

On July 10, 1989, five MJL members -- Maurice Derisier, Cedieu Derisier, Luxine Derisier, Louisine Eltine and Prudent Juste -- were arrested in the Labaret section of Petite Riviere de l'Artibonite by Commander Maxi Maxime and Section Chief Charles. Accused of being "communists," the MJL members were savagely beaten by soldiers at the military post in Petite Riviere de l'Artibonite. The five were freed on August 2 after intervention by Haitian human rights groups.

On August 20, 1989, three MJL members who were part of a musical group called *Kenbe Fèm* (Hold Together) were arrested in the same area by a group of five individuals that included Sergeant Alexis Augustin and civilian attaché Myrtil St.-Julien. The musicians -- St. Juste Cadet, Lamarre Jean and Yvio Jean -- were arrested following a rehearsal for a parish festival. Shots were fired into the air to frighten off the crowd that had gathered to watch the rehearsal. The band's instruments, microphones and speakers were confiscated. One band member, Jocius Charles, managed to escape arrest, but his house was ransacked and robbed, and his son was beaten.

A witness told Radio Haïti-Inter on August 22: "As soon as they arrived, they did nothing else but arrest people, shoot, and force everyone to flee. They seized the instruments of the group that was playing.... They took the animals of the peasants who were passing through transporting rice. They scattered the peasants' rice on the ground, took their horses and placed the instruments in their sacks."

The League of Former Political Prisoners (*Ligue des Anciens Prisonniers Politiques Haïtiens*)(LAPPH) sent a delegation to investigate the *Kenbe Fèm* arrests. The local Justice of the Peace told the delegation that he had had no contact with the three musicians and that the military was handling the case. On August 22, in the presence of Commander Maxi Maxime, the delegation was able to meet the three prisoners in the prison that is part of the military garrison at Petite Riviere de l'Artibonite. They showed clear signs of torture. The delegation was able to persuade Maxime to release the prisoners, who were freed on August 24.

On August 22, Suzette Acceus, a leader of the MJL and a group called *Kay Fanm* (Women's House), was also arrested in Labaret. She was badly beaten before being freed on August 24.

According to an August 24 MJL statement, three other members of the organization -- Ducange Bernard, Loubert Rosil and Odner Batravil -- were arrested August 23 in Ale, the third rural section of the town of Verrettes. The statement said arrest warrants had been issued for three other members -- Oslin Normil, Jocius Charles and Fleurius Demeus.

Jean-Rabel

In late July and early August 1989, members of the peasant organization *Tèt Kole Pou Yon Mouvman Ti Peyizan Ayisyen* (Working Together for a Movement of Small Haitian Peasants) were arrested in connection with their effort to commemorate the July 23, 1987 massacre of some 140 peasants at Jean-Rabel in northwestern Haiti. *Tèt Kole* is a group active mainly in northwestern Haiti that is organizing peasants with little or no land of their own.

Tèt Kole and other peasant groups organized some 20 ceremonies around Haiti on July 23, 1989. At the main ceremony in the southern town of Pascal, international visitors witnessed an exuberant rally including singing, chanting, political theater and defiant speeches. In Jean-Rabel itself, no public event was held, although a mass was said and activists gathered together for a private meeting.

There were no reported arrests in connection with the 20 ceremonies, but in Jean-Rabel four *Tèt Kole* members were arrested on July 24 by Section Chief Anovil Sainvil for wearing t-shirts that recalled the massacre and for putting up posters. The four were quickly released after an announcement by *Tèt Kole* spokeswoman Inalia Anelion led to protests by various Port-au-Prince organizations. On August 2, however, another eight *Tèt Kole* members, including Anelion, were arrested in the Lacoma, Raymond and Dubois rural sections of Jean-Rabel. The arrests were carried out by Sainvil and Jean-Rabel Military Commander Adrien Derlien. Anelion was badly beaten by Sainvil shortly after her arrest.

Four of the prisoners -- Dieuniquet Joseph, Lamartine Joseph, Mystere Cineus and one known simply as Serious -- were held in Jean-Rabel. The other four -- Anelion;

Celifaite Dumesle; Richardson Eltine, a catechism teacher; and Majeste Tanis, an assistant to the section chief -- were forced by their captors on August 4 to walk the 23 miles to a different jail at Mole St. Nicolas. Several days later they were again moved by foot to a prison in Port-de-Paix, some 50 miles away.

Responding to an appeal from *Tèt Kole*, several Port-au-Prince-based human rights groups sent an investigative mission to the northwest. In an August 8 meeting with the delegation, the sub-commander of the Jean-Rabel military district, Second Lieutenant Adrien Saint-Julien, explained that the peasants were arrested "for having worn t-shirts printed with slogans relating to the massacre of two years ago." "Fearing an eventual retaliation," he said, "the army proceeded to make the arrests ... as a preventive punishment." On August 9, in response to pressure from the delegation, the commander conceded that there was no legitimate basis for the arrests and freed the four men still detained in Jean-Rabel.

The delegation had less success with regard to the four who had been transferred to Port-de-Paix. They were not freed until late August, when the local public prosecutor, Nestor Calixte, announced that he did not have the evidence necessary to press charges.

Despite the national attention focused on the *Tèt Kole* arrests, Father Rénald Clérisme, a national spokesman for the organization, reported at the beginning of September that harassment and intimidation of peasant activists was continuing in Jean-Rabel. *Tèt Kole* has asked the Haitian Red Cross to provide emergency economic aid to the families of peasants who fled the area following the arrests.

Organizing peasants in Jean-Rabel remains a dangerous undertaking more than

two years after the massacre because the instigators of the 1987 killings, who are well known, have never been brought to justice.

National Popular Assembly

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

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

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

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

Lalanne was released on August 2 and had to be hospitalized. Previously, during the

early months of the Avril regime, Major Justafort headed the Anti-Gang Investigations Unit of the Port-au-Prince Police Department (*Service d'Investigations Anti-Gangs*)(formerly *Recherches Criminelles*), where he was responsible for overseeing regular acts of torture against inmates.

The APN was formed in 1987 at a national conference of democratic activists. It is one of the more radical groups that opposes the Avril regime, which it believes is doing the United States' bidding in Haiti. The APN has taken part in several anti-government strikes and demonstrations over the past year. It has a number of local affiliates throughout Haiti, each of which is known as a Local Popular Assembly (*Assemblée Populaire Locale*)(APL).

Local Popular Assembly

Fourteen members of the APL of Le Borgne in northern Haiti were arrested on the night of August 16-17, 1989 by a detachment of some 40 soldiers under the command of Lieutenant Jadis St. Pierre. The soldiers proceeded to burn the peasants' produce and to destroy their homes. The APL members were tied up and brought to the prison in Le Borgne, where they were beaten.

The fourteen arrested were: Micheline Moncher, Mrs. Michel Edouarcin, Mrs. Mercius Charles, Mrs. Tiyen Jean Noel, Presilien Paulcilien, Droicius Paul, Jean Paul, Moliere Lamour, Depafet Orduis, Vilandieu Davilmar, Tata Noelsaint, Lisane Ordeus, Rasanne Moncher and Cetoute Alouisar. The beating of Moliere Lamour was particularly severe.

Nine other APL sympathizers in the Le Borgne area were also arrested on August 17 by Section Chief Liverdieu Andresi. They

were: Dunaaurand Dorrely, Fleurimond Lausier, Slandis Valdonis, Innocent Vandonis, Petit Negre Donacien, Melifet Britilieu, Rachel Alouisar, Mrs. Ocean Vius and Olianise Jean-Baptiste.

All 23 were freed on August 25 without having been charged with an offense.

Northern Haiti

Military authorities in Cap Haïtien refused to allow a June 8, 1989 rally planned by the city's Association of Neighborhood Committees. Captain Lener Renauld said in a communiqué that the decision was based on the right of the government to stop "all meetings that tend to endanger public order."

On June 17, in the Ravine-Desroches rural section of the town of Limbé near Cap Haïtien, the section chief known as Claudin arrested four peasants who were members of the Popular Literacy Movement (*Mouvement d'Alphabetisation Populaire*), accusing them of "communist" activities. Captain Louis-Jacques Baudoin and Lieutenant Julio Cham beat the four men severely. One of the men, known as Henriot, had his left arm broken, and one known as Pierre had his right eye badly damaged. Literacy workers in Haiti have come under frequent attack by the military because of apparent fears that literate peasants will be more politicized.

On the same day in the Pilate section of Limbe, military authorities arrested Thomas Odena, a leader of the local chapter of CONACOM (the National Congress of Democratic Movements), during a meeting called to organize a peasant cooperative. Odena was charged with leading communist activities and was detained for nine days. He was released by court order following protests by CONACOM leaders.

Earlier Military Repression

These recent attacks by the military on opponents of the Avril regime continue a pattern established in the first five months of Gen. Avril's rule. Those attacks, which we detailed in our February 1989 report, *The More Things Change...: Human Rights in Haiti* (published together with Caribbean Rights), included:

- the arrests during the weekend of October 15-16, 1988 of 15 soldiers of the Presidential Guard in Port-au-Prince who had been instrumental in the coup of September 17, 1988 which brought Gen. Avril to power and who reportedly were pushing for more rapid reform, particularly the disarming of paramilitary forces. They were detained for two months without charge or trial;
- the killing of two members of the *Vérité* community organization in Cité Soleil during the night of November 26-27, 1988, and the imprisonment of a third, after they had publicly identified participants in a massacre of parishioners that occurred in the days before Gen. Avril came to power;
- the arrest and beating on January 16 and 19, 1989 of five members of the National Assembly of Popular Organizations (*Assemblée Nationale des Organisations Populaires*), two for having written anti-government slogans on walls and distributing anti-government pamphlets in Cité Soleil -- they were taken to the National Palace and beaten -- and three for having protested the arrest of the other two; and
- the arrest on February 6, 1989 and the detention for ten days of Rockefeller Guerre, head of the Union of Patriotic Democrats (*Union des Démocrates*

Patriotiques), and Dr. Sylvain Jolibois, both outspoken critics of the Avril government, during a time when a public forum was being held in Port-au-Prince to discuss terms for holding elections.

Our February 1989 report also detailed several occasions when the military under Gen. Avril had broken up or prohibited peaceful demonstrations, often with violence. These included:

- On October 6, 1988, in Desdunes in the Artibonite Valley, a sergeant identified as Dutroit Valcourt opened fire on demonstrators, killing one, Evarold Racine, and wounding many. The demonstrators were protesting the inclusion in the Avril government of several figures associated with the policy of terror adopted by prior governments;
- On October 24, 1988, in Port-au-Prince, police used tear gas to break up a demonstration organized by the Joint Committee of Democratic Forces (*Comité de Liaison des Forces Démocratiques*) to demand, among other things, that Gen. Avril step down;
- On November 29, 1988, in Cap-Haïtien, the military deployed tear gas to disperse a peaceful march of approximately 3,000 to commemorate the victims of the election day massacre the previous year;
- On December 5 and 6, 1988, in Les Cayes in southern Haiti, the police and army blocked efforts to commemorate a massacre by U.S. troops of peasants in nearby Marchaterre on December 6, 1929. The military prohibited a scheduled gathering; arrested two organizers, Father Rénaud Clérisme and agronomist Harry Abel; and fired shots in the air while encircling a church where a mass was being performed; and

- On February 15, 1989, in Port-au-Prince, troops attacked a peaceful demonstration organized by the National Organization for the Defense of Youth (*Organisation Nationale de la Defense de la Jeunesse*) to demand, among other things, freedom for jailed opponents of the Avril regime.

"INSECURITY"

In addition to attacks on political opponents of the Avril government, Haiti has been plagued by persistent violence against seemingly random victims as part of an apparent campaign to maintain an atmosphere of fear and instability. Throughout the year, and especially since April, there have been scores of beatings, robberies, rapes and killings. With appalling regularity, Port-au-Prince residents awake to the sight of bodies littering their streets. The phenomenon has also spread to the provinces. At times uniformed troops have been identified behind the violence, but often the authors of the killings cannot be determined.

While this violence -- referred to by Haitians as "insecurity" -- cannot be directly attributed to the government, the regime's failure to address it openly and aggressively leaves an impression of acquiescence. While an occasional arrest of alleged perpetrators has been made, the Avril government has not issued the sort of public and unequivocal denunciations that would clearly evidence its opposition to this violence. The widespread violence, similar to that which preceded the aborted 1987 elections, also heightens Haitians' fears that free and fair elections are impossible under prevailing conditions.

Our February 1989 report noted several victims of this "insecurity," and numerous others could be cited. One recent example

that provoked particular outrage was the assassination of 28-year-old student activist Grégory Delpé. On July 5, 1989, armed men broke into his family home in Port-au-Prince, stole \$4,000 and killed the young man, who was the brother of a well-known political leader, Turneb Delpé of the National Progressive and Democratic Party (*Parti National Démocrate Progressiste Haïtien*)(PNDPH). Gregory Delpé's July 12 funeral was attended by thousands of mourners who chanted slogans and carried banners and posters calling for the establishment of self-defense brigades (*brigades de vigilance*) to protect against the persistent violence. Such brigades became the target of government repression in April 1989, when the police arrested 23 members of a brigade organized by the Federation of Associations of Cité Soleil and held them for a month without charge or trial.

ATTACKS ON THE PRESS

The bearers of news deemed damaging to the government continue to be targets for retaliation by the military:

- On February 15, 1989, five journalists, including one American, were attacked, and some of their equipment was seized, by soldiers in the Bel Air section of Port-au-Prince. The journalists had gone to cover an anti-government demonstration organized in opposition to the arrests of Rockefeller Guerre and Dr. Sylvain Jolibois;
- On March 8, 1989, four Haitian reporters who had gone to cover a women's congress held by the Papaye Peasant Movement (*Mouvement Paysan de Papaye*) in Hinche in the Central Plateau were detained and threatened by soldiers for more than an hour;

- During the April 1989 coup attempt, troops from the Presidential Guard that were loyal to Gen. Avril smashed and fire-bombed the transmitters of four Port-au-Prince radio stations, Radio Liberté, the voice of the Duvalierist opposition; Radio Haïti-Inter, the crusading popular station the reporters of which were exiled under Jean-Claude Duvalier; and Radio Metropole and Radio Antilles, both independent local stations; and
- On May 17, 1989, in Gonaïves in central Haiti, a nine-year-old child named Luben Moïse was killed when he was run over by a car driven by the commander of the army's tactical battalion in the city, Elie Jean. The officer kept driving, but after a crowd, including local journalists, collected around the child's grief-stricken relatives, Jean returned to the scene to disperse the crowd forcibly. He beat several people, including relatives of the dead child and a reporter for Radio Trans-Artibonite, Ediles Exil Noel. The incident led to a week-long protest strike by the Journalists Association of Gonaïves.

MILITARY INVOLVEMENT IN LAND CONFLICTS

The military also continues to intervene, often violently, in conflicts over land, particularly in the Artibonite Valley. Our February 1989 report documented earlier examples of this practice. The following incidents have occurred more recently in the Artibonite:

- On May 12, 1989, a peasant named Joanis Malvoisin was killed by Section Chief

Jean-Lacoste Edouard and his deputy, known as Alvarez, in rural Petite Riviere de l'Artibonite during a land dispute;

- Between May 20 and 21, 1989, during a dispute over land rights in Marchand Dessalines, military authorities burned down the houses of nine peasants;
- On June 4, 1989, Section Chief Archange raided a peasant encampment in Latapie near Grande Saline, killing two people and wounding five. Archange's men also set fire to 28 of the peasants' houses; and
- On June 8, 1989, 20-year-old Wisly Laurius was killed during a land dispute between one of his relatives and the section chief of Basse-Terre, Chrisner Adrien.

PRISONERS

Gen. Avril has also made little progress in establishing a functioning judicial system. Many continue to languish in filthy, crowded jails without ever having been charged with a crime.

On August 2, 1989, LAPPH President Robert Duval and Moise Senatus, Director of the Haitian Lawyers Committee, were able to enter the prison at St. Marc, a town 60 miles north of Port-au-Prince. The jail appeared to house 75-100 prisoners. Most were nearly naked, malnourished and sickly. In brief interviews Duval and Senatus established that most had never been charged with a crime, indeed had no idea why they were being held. Prisoners reported that only those with relatives outside agitating on their behalf were likely to be freed. The only source of food appeared to be donations from relatives.

The LAPPH's legal counsel, Gerard Toussaint, was also able to visit the prison at Jean-Rabel in August 1989. He reported that similar conditions prevailed. According to his count, 53 of the prisoners there had never been charged with a crime.

Haiti has 19 such jails in provincial cities and larger towns. Most are contained within the local casernes or military barracks since, contrary to Articles 263-74 of the 1987 Constitution, the Haitian police continue to form part of the military command. If the conditions in St. Marc and Jean-Rabel are typical of the country's prisons, most of which have never been entered by human rights monitors, more than 1,000 prisoners are probably being held in appalling conditions in violation of constitutional guarantees against imprisonment without charge.

PROSECUTION OF VIOLENT OFFENDERS

We know of only one case in which the Avril government has convicted anyone for violence against political opponents of the current or past regimes. That is the case of Augustin Majeure, a former Tonton Macoute, who on August 31, 1989 was found guilty by the Criminal Court in Gonaïves and condemned to life at hard labor for the November 28, 1985 murder of high school student Mackenson Michel. The killings of Michel and two other students during a protest outside the Immaculate Conception school in Gonaïves were the spark that set off the growing rebellion that led to the ouster of "President-for-Life" Jean-Claude Duvalier. The main witness against Majeure was Cereste Saint-Phard, the former Macoute commander who was acquitted of murder charges on September 13, 1988 after the key prosecution witness failed to appear

to testify, apparently as a result of intimidation.

The Avril government has also obtained a conviction in one case of a non-politically motivated abuse. Lieutenant Antoine Clarel Metellus was tried by a general court martial at Port-au-Prince police headquarters and found guilty of homicide for the killing of Schubert Baptiste, a former employee of the Haitian National Television, on August 20, 1988. After arresting Baptiste because of a debt owed and transporting him to the Casernes Dessalines, Metellus beat the victim to death. Metellus was sentenced to three years in prison. His rank was also reduced to that of a simple soldier, with loss of all pay and benefits, as a prelude to his dismissal from the army after he serves his sentence.

The Avril government has also announced arrests in three cases involving high-profile victims, though the evidence supporting the charges has not been disclosed:

- Celidon Watson, a soldier, is reported to have been charged with committing the April 29, 1989 murder of Gérard Laforest, the head of the National Lottery. Watson was remanded from the military to the civilian justice system pursuant to a constitutional requirement that troops accused of violating the common law be tried in civilian courts;
- Gérard Larochelle is reported to have been charged with murdering Grégory Delpé, the 28-year-old activist and the brother of PNDPH leader Turneb Delpé; and
- Silvera St. Surin, a slum-dweller, is reported to have been charged with murdering Larry Beida, the brother-in-law of the industrialist Gilbert Bigio.

OTHER GOVERNMENTAL ACTIONS

Other encouraging steps taken under Gen. Avril include:

- In December 1988, on the eve of a visit to Haiti by a representative of the United Nations Commission on Human Rights, Haiti endorsed several international human rights treaties.
- In March 1989, the day before the Bush Administration asked Congress to begin funding the Avril government, Gen. Avril reinstated portions of the popularly enacted 1987 constitution, which had been suspended by the predecessor military regime of Gen. Namphy.
- The partial reinstatement of the constitution paved the way for the establishment in early April 1989 of the constitutionally prescribed Provisional Electoral Council --later renamed by Gen. Avril the Permanent Electoral Council (CEP) -- to organize and run elections.
- In the aftermath of the dissolution of the Dessalines Battalion (Casernes Dessalines) following the unsuccessful coup attempt of early April 1989, the government issued an order calling on civilian attachés of the battalion to surrender their weapons and identity cards, saying that those who did not comply would have their names made public. The government has issued no statement about the results of that order but has published eight lists of names said to be former attachés. Attachés are believed to have been responsible for much violence in the past, but the government has not illuminated their past or current activities.

ELECTORAL STALEMATE

For a government pledged from the outset to bring democracy to Haiti, Gen. Avril has made disturbingly little progress toward holding elections. One year after his rise to power, elections have not been scheduled and no timetable has been established for the emergence of civilian rule. Since April 1989, responsibility for this electoral stalemate has rested technically with the CEP, the electoral council established that month by the military with representatives of nine sectors of Haitian society. Nonetheless, Gen. Avril must accept a major share of the blame for the lack of electoral progress.

Unlike the members of the Provisional Electoral Council that courageously organized the November 1987 elections amid violent attacks on their homes and offices, the members of the current CEP have proceeded with extreme caution. They have been quite active in touring the country and consulting with political leaders but, as of early September 1989, had refused to set an electoral timetable.

Some observers in Haiti have charged that the CEP's snail's pace is due to its members' interest in collecting their monthly salaries of \$4,000, a not immodest sum by Haitian standards. We believe it is more likely that their timidity stems from simple fear, an understandable desire to avoid facing the bombing, arson and shooting aimed at their predecessors.

Gen. Avril has done little to alleviate this fear and the electoral paralysis that it has bred. Rather than helping to take the heat off the CEP by publicly endorsing prompt elections -- so that violent forces opposed to elections would be compelled to blame the

army high command rather than a defenseless group of nine civilians -- Gen. Avril has made it clear that he is in no hurry to see elections held. While purporting to maintain a hands-off posture, he has listed several "indispensable" conditions which must be met before elections can be held, including the renewal of international aid and an improvement in the living conditions of Haitian soldiers and the Haitian people. Since most international donors, including the United States, are awaiting an elected civilian government before renewing large-scale aid, and since the Haitian people are the poorest in the hemisphere, it will be a long time before these conditions are met.

The result is that the CEP is left high and dry. To set a prompt election date it must act alone in seeming opposition to the desires of the powerful head of the Haitian army. Predictably under these circumstances, the CEP has adopted a wait-and-see policy rather than risking exposure to the frightening violence that plagued the 1987 electoral council.

In contrast to the seemingly limitless patience of Gen. Avril, a consensus is emerging among broad segments of the democratic opposition in Haiti that presidential and legislative elections, at the very least, should be held within the next six months, that is, within 18 months of Gen. Avril's pledge to usher in an "irreversible democracy." (There is some difference of opinion among various political parties about whether municipal elections and elections for communal sections (CASECs) should also be held within this time frame and, if so, whether they should precede by a short period the presidential and legislative elections.)

The ongoing "insecurity," however, threatens to leave many Haitian voters too fearful to cast their ballots, particularly in the aftermath of the violently aborted elections of November 29, 1987. Expressing this fear,

CONACOM has stated: "The Haitian people want democratic elections to be held but they refuse to have themselves massacred by armed gangs as in November 1987." Similarly, Jean-Claude Bajeux, director of the Port-au-Prince-based Ecumenical Center for Human Rights, believes that "elections [can]not take place unless the gangs that spread violence during the electoral process of November 1987 are neutralized."

Here, again, Gen. Avril has only contributed to the problem. By failing to take a firm and public stand in favor of prompt elections, Gen. Avril reinforces the parallels seen to November 1987, when army opposition opened the way to the violent crushing of the elections.

UNITED STATES HUMAN RIGHTS POLICY

Renewing U.S. Aid to the Haitian Government

The Bush Administration has openly supported the Avril government, despite Gen. Avril's electoral lethargy and his unwillingness to halt military attacks on popular organizations or to take a firm stand against the "insecurity." In March 1989, in testimony before Congress by Deputy Assistant Secretary of State for Inter-American Affairs Richard H. Melton -- the State Department official with principal responsibility for Caribbean policy -- the Administration announced that "there is little if any evidence to link these abuses to policy levels within the Avril Government" -- a position wholly at odds with the evidence of high-level involvement in these abuses documented, among other places, in our February 1989 report. A case in point was the January 1989 beating of two Avril opponents in the National Palace

itself, the site of Gen. Avril's presidential office.

Having whitewashed the Avril government, the Administration then took the position that sufficient progress had been made toward halting abuses and holding free and fair elections that the ban on direct aid to the Haitian government imposed after the November 1987 election day massacre should be lifted. Congress ultimately agreed that \$10 million in food aid (\$12 million including transportation costs) could be sent to the Avril government. Although the release of this aid was delayed by the April coup attempt, it was finally approved in an agreement signed in Port-au-Prince on August 3, 1989. The agreement provided for the donation to the Haitian government of 45,000 metric tons of U.S. wheat, which the government will use to generate revenues by selling it on the local market. According to a statement issued at the time of the accord by the U.S. Embassy, the award was justified by the Avril government's progress in imposing respect for human rights, advancing the electoral process and combatting the drug trade.

New Legislation

As this report goes to press, the U.S. Senate is considering foreign aid legislation for Haiti. The House of Representatives passed a foreign aid authorization bill on June 29, 1989. (It has also passed an appropriations bill which tracks the authorization bill in most respects.) According to the House bill, most forms of U.S. aid to the Haitian government should be withheld "[u]nless a credible transition to democracy is underway in Haiti." Moreover, the bill requires that "United States assistance should be provided on a step-by-step basis, in response to specific actions by the Government of Haiti to implement the transition and to foster a free and democratic society in

which the Haitian people can prosper." Among the specific actions required for aid to be released are steps to:

- "implement the transition to democracy";
- "disarm and restrain the remnants of Duvalier's private army, the Tonton Macoutes";
- "reform the Haitian armed forces, especially with regard to the system of rural section chiefs"; and
- "improve the observance of internationally recognized human rights, and institute a judicial process whereby human rights violations will be vigorously prosecuted and violators brought to justice."

The bill also provides that "[r]egularized and sustained assistance to the Government of Haiti should not be resumed, as part of a normalization of relations, until a civilian government, elected in free, fair, and open elections in accordance with the 1987 Constitution and under international observation, is in power in Haiti; and the armed forces have demonstrated a willingness to submit to legally constituted civilian authority and to abide by the Constitution."

Pursuant to these principles, the bill prohibits most direct aid to the Haitian government beginning in fiscal year 1990 unless the government has:

- restored the 1987 Constitution;
- appointed a "genuinely independent electoral commission to conduct free, fair and open elections as soon as possible at all levels";
- provided "adequate support" to that commission; and

- taken "adequate steps to provide electoral security."

The bill also ensures a minimum of \$20 million of aid to the Haitian government in fiscal year 1990 and \$40 million in fiscal year 1991 if, among other things, "a civilian government is in power in Haiti, and that government was elected in free, fair, and open elections that were consistent with the 1987 Constitution and that were [organized by an independent electoral council and] held under international supervision" and "the armed forces have demonstrated a willingness to submit to legally constituted civilian authority and to abide by the Constitution."

Administration Silence on Abuses

Unfortunately, the Bush Administration has not used the pendency of this bill to encourage the Avril government to abide by its commitments to respect human rights and to usher in an elected civilian government. During a visit to Haiti on August 17 and 18, 1989, Ambassador Melton acted as if all were appropriately on track in Haiti. His statement to the press at the end of his visit made no mention of the military's attacks on popular organizations, the "insecurity" killings, or the Avril government's failure to halt these abuses. Rather, having absolved the Avril government of responsibility for these abuses in his March 1989 testimony, Melton contented himself in August with broad statements on the importance of democracy and expressed the "hope that elections can be scheduled in the not-too-distant future."

The U.S. Embassy in Port-au-Prince, under the stewardship of Ambassador Brunson McKinley, has fared no better in condemning ongoing military abuses. Despite boasting that his embassy is the "biggest human rights organization in Haiti," Amba-

sador McKinley has not issued a single public protest over human rights abuses since Gen. Avril assumed power. Instead, apparently embittered by his failure to foresee the electoral debacle of 1987, he has ridded himself of the problem by articulating the view that "[h]uman rights violations are endemic to the Haitian tradition." The Embassy was responsible for the annual report on human rights in Haiti, issued by the State Department in February 1989, in which the failure to report abuses committed under the Avril government suggested that it had made a clean break with the abusive regimes that preceded it. Ambassador McKinley is reported soon to be leaving his post, but no successor has been publicly named.

RECOMMENDATIONS

Americas Watch and the National Coalition for Haitian Refugees call on the Avril government to abide promptly by its commitment to usher in democracy. We urge it to announce its support for the holding of presidential and legislative elections at the earliest possible date, and to call on the CEP to set such an electoral calendar. We urge Gen. Avril to issue a public order to all troops to respect the right of peaceful dissent. We urge the Avril government to free or to charge with a legally recognized crime all prisoners currently being held without charge, and to ensure that conditions in Haiti's jails meet minimally acceptable international standards. And we urge the Avril government to take immediate steps to halt the random violence and killings that have plagued Haiti during its tenure, including by publicly condemning this "insecurity," by aggressively seeking out and confiscating all unauthorized firearms, and by vigorously prosecuting those identified as perpetrators of this violence.

Americas Watch and the National Coalition for Haitian Refugees also call on the U.S. government to use aid as a lever to press for an end to violent abuses and a swift transition to a freely and fairly elected civilian government. It is not sufficient for aid to be given with conditions attached, because so long as the Bush Administration acts as an apologist for ongoing abuses in Haiti, the Avril government will be left with the impression that the conditions have been met. Rather, the Administration must speak out firmly against violent abuses whenever they occur and it must insist publicly on a speedy transition to a freely and fairly elected civilian government.

* * *

For further information contact:

Kenneth Roth
(212) 972-8400 (o)
(212) 678-7044 (h)

Jocelyn McCalla
(212) 627-0020 (o)

Anne Fuller
(212) 627-0020 (o)
(718) 693-3765 (h)

Americas Watch was established in 1981 to monitor and promote observance of internationally recognized human rights in Central and South America and the Caribbean. The Chairman is Adrian W. DeWind, the Vice Chairmen are Peter Bell and Stephen Kass, the Executive Director is Juan Mendez and the Deputy Director is Cynthia Brown.

Americas Watch is part of Human Rights Watch, which also includes Africa Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L. Bernstein, its Vice Chairman is Adrian W. Dewind, its Executive

Director is Aryeh Neier and its Deputy Director is Kenneth Roth.

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

* * *

News from Americas Watch is a frequent newsletter designed to provide up-to-the-minute information on human rights events in Latin America and the Caribbean.

News from Americas Watch is available at \$20 a year.

.....
ORDER FORM
.....

**YES, I WISH TO SUBSCRIBE TO
NEWS FROM AMERICAS WATCH**

NAME _____

AFFILIATION _____

ADDRESS _____

**I ENCLOSE PAYMENT IN THE
AMOUNT OF: \$** _____

_____ **I AM INTERESTED IN RECEIVING A COPY OF ALL AMERICAS WATCH REPORTS AS THEY ARE PUBLISHED. PLEASE SEND FURTHER DETAILS.**

Mail to: Americas Watch, 485 Fifth Avenue, New York, NY 10017.

The National Coalition for Haitian Refugees also publishes a monthly newsletter, *HAITIInsight*, in cooperation with Haiti Solidarité Internationale.

HAITIInsight is sent free of charge upon request to interested groups and individuals. If you wish to subscribe, please fill out the form below.

.....
ORDER FORM
.....

_____ **Please enter my subscription to
HAITIInsight.**

Name _____

Address _____

Mail to: *HAITIInsight*, National Coalition for Haitian Refugees, 16 East 42nd Street, 3rd Floor, New York, NY 10017.