

# Rainbow Lobby, INC.

p407

236 MASSACHUSETTS AVENUE N.E. • SUITE 409 • WASHINGTON, D.C. 20002 • (202) 543-8324

NANCY ROSS  
EXECUTIVE DIRECTOR

December 8, 1987

Honorable William Lehman  
2347 Rayburn HOB  
Washington, D.C.

Dear Representative Lehman,

Once again we are seeking your support in the case of Eddy Moise, the internationally known artist, teacher and political activist who has spoken out against the Duvalier regime and who has languished in prison for 10 months without trial and without having charges brought against him for having criticized the military government of the CNG. Events in Haiti during the last two weeks, including the reported murder of close to 50 political prisoners after the cancellation of the elections, makes plain that the possibility of Eddy Moise ever being tried fairly, or for that matter being tried at all, is remoter than ever. Moise has been transferred from the prison where he was held to the army barracks across the street from the Presidential Palace.

Also of great concern to us now is the safety of Gerard Georges, Moise's attorney. Georges is perhaps the only attorney in Haiti representing political prisoners and defending their human rights. He has reported numerous threats on his life and was told that there was a "contract" out on him. After his home was strafed by machine gun fire, Georges was forced to go into hiding and cannot presently carry out his legal activities.

To safeguard the lives of Moise, Georges and of the many other political prisoners in Haiti, the International Defense Team for Eddy Moise has petitioned the Inter-American Commission on Human Rights of the Organization of American States to take whatever steps are necessary and within its power to assure and protect the physical security, safety and human and legal rights of Moise and the safe conduct of Moise and Georges out of that country where their lives are in great danger.

Your support can take the form of sending a letter to Edmundo Vargas Carreno, the Executive Secretary of the Inter-American Commission on Human Rights, in support of the petition. I have enclosed a copy of the petition and of a sample letter you may wish to use. Whatever letter you do send we would appreciate a copy for our records if that is possible. Thank you in advance for your help in this matter.

Sincerely,

*Nancy Ross*  
Nancy Ross  
Rainbow Lobby

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ORGANIZATION OF AMERICAN STATES  
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

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In the Matter of EDDY MOISE and :  
GERARD GEORGES :

X

I

THE PETITIONERS

The petitioners are four attorneys practicing law and residing in the United States of America. Alvaader Frazier is a member of the Bar of the State of California and is a member of the firm of Frazier & Schorr, 2032 Fifth Avenue, New York, NY 10027. Arthur R. Block and Harry Kresky are members of the firm of Block & Kresky, 475 Fifth Avenue, New York, NY 10017. William M. Kunstler is a member of the Bar of the State of New York with offices at 13 Gay Street, New York, NY 10014. Petitioner Frazier is of African-American nationality. Petitioners Block and Kresky are of Jewish-American nationality. Petitioner Kunstler is American.

In October, 1987 petitioners formed an international defense team to assist Haitian attorney Gerard Georges in the defense of Haitian citizen Eddy Moise. The team was formed at the request of supporters of Eddy Moise and the Lenora B. Fulani Committee for Fair Elections.

Petitioners request that all communications and documents in this matter be directed to: Harry Kresky, at Block & Kresky, 475 Fifth Avenue, New York, NY 10017. Telephone number: (212) 685-8360.

ACCOUNT OF SITUATION

The facts set forth herein are based on conversations with Gerard Georges concerning himself and his client, Eddy Moise. In addition petitioners have spoken with other Haitian citizens in recent days, but prefer to not disclose their names in light of the current situation in that country. As the Commission is no doubt aware from newspaper and television accounts, the situation in Haiti is one of extreme violence and terror. The judicial system has been suspended and military and paramilitary coercion has replaced the rule of law. The lives of Gerard Georges and Eddy Moise are in imminent danger. Mr. Georges has gone into hiding after being informed that there is a "contract" on his life, his home has been riddled with sub-machine gun fire. Mr. Moise remains incarcerated and carried out a three week hunger strike which ended on November 29, 1987 when the elections were cancelled.

Mr. Moise is an internationally known artist, teacher and political activist who has spoken out against the Duvalier regime and the military government which succeeded it in Haiti. He was a founder of Alpha Mission, which taught literacy to peasants and the urban poor throughout Haiti. His attorney, Gerard Georges, is likewise well-known for his outspoken advocacy on behalf of human rights and political prisoners and against the repression by the Duvalier regime and its successor government. Mr. Georges is also a well respected journalist.

On February 7, 1987 Eddy Moise was arrested after a robbery was perpetrated by persons driving a car rented by Mr. Moise.

One of the alleged robbery victims was a cousin of General Namphy, ruler of the military junta responsible for the provisional government of Haiti. Government authorities described the robbery as part of a "terrorist conspiracy." No evidence has yet been produced of this alleged conspiracy or indicating Mr. Moise's participation in the robbery.

For a period of two months after his arrest, Mr. Moise was illegally detained at police headquarters where he was tortured and beaten with batons every day. During that period, his whereabouts were not disclosed to his family or his attorney. As a result of the torture and beatings, Mr. Moise suffered severe physical and emotional injury, including but not limited to the perforation of his right eardrum, creating a risk of life-threatening infection. Even after his transfer from police headquarters to the national penitentiary, Mr. Moise was held in solitary confinement, deprived of medical treatment and denied visitation by family, friends, and even his attorney, until August of this year.

Three persons were arrested with Mr. Moise. All were tortured and beaten. One died the day after his arrest when military personnel allegedly ripped open sutures which had closed a bullet wound. Confessions were forcibly extracted from the other two and used against Mr. Moise. However, even those persons stated that Mr. Moise was not involved in the alleged crimes. The Judge of Instruction has found that Mr. Moise was not present and did not participate in the events in question. Nonetheless, he continues to be held on charges of assassination, attempted assassination and

robbery. Mr. Moise has never been brought before a judge or court of law. No date has been scheduled for his trial.

Since the assassination of Yves Volel in front of police headquarters on or about October 13, 1987, Mr. Gerard Georges, Mr. Moise's attorney, is, perhaps, the only attorney in Haiti representing political prisoners and defending their human rights. As stated above, he has been forced to go into hiding by the events surrounding the cancellation of the November 29, 1987 elections. Even before, however, Mr. Georges reported numerous threats on his life and that armed thugs had fired on his home because of his actions on behalf of Mr. Moise and other political prisoners.

### III

#### STATE RESPONSIBLE FOR VIOLATION OF RIGHTS

Petitioners contend that the State of Haiti, which signed the American Convention on Human Rights on September 14, 1977, is responsible for the above situation which violates numerous provision of the American Convention on Human Rights. Indeed, recent events make clear that the military regime which now rules Haiti has virtually no respect for fundamental principles of human rights.

Both Mr. Moise and Mr. Georges have been deprived of their rights under Article 3 and Article 4, § 1. Their lives and personal safety have not been respected. Mr. Moise has not been treated as a person before the law. Likewise, the provisions of Article 5, § 1-6 regarding torture and punishment have been violated. Mr. Moise has been deprived of his liberty and subjected to cruel, inhuman and degrading punishment, despite the fact that he has not been convict-

ed of any crime. His incarceration and treatment have nothing to do with reform or social re-adaptation. He has in every respect been treated and housed as if he were a convicted criminal and, still worse, his treatment violates the principles of decent and humane treatment even of convicted criminals. The physical, mental and moral integrity of Mr. Moise and Gerard Georges have not been respected.

The personal liberty and security of both have been continuously violated. The imprisonment and arrest of Mr. Moise were entirely arbitrary. He was not promptly informed of the reasons for his detention or of the charges against him. He has not had recourse to a competent Court where the lawfulness of his detention can be ruled upon. He has not been tried within a reasonable time, yet he still continues to be incarcerated. His detention violated the laws and constitution of the State of Haiti in numerous respects. It was illegal to incarcerate him at police headquarters. On information and belief, it was and is illegal under Haitian law to hold him so long without trial and to deprive him of adequate consultation with his attorney and adequate visitation from his family and friends. On information and belief, other laws and procedures of the Haitian judicial system have been violated. The personal liberty and security of his attorney, Gerard Georges, have likewise been violated. Mr. Georges lives and works in fear of his life, and is unable to travel and carry out his activities freely. The aforesaid violates Article 7, § 1-6 of the American Convention.

Finally, the procedural guarantees of Article 8, § 1, 2, 3 and 5 have been violated. Although 10 months have passed since his arrest, there has been no hearing by a competent, independent and impartial tribunal with the due guarantees to which Mr. Moise is entitled. The nature of his incarceration and the treatment which he has been accorded makes a mockery of any presumption of innocence. Neither he nor his attorney have been given detailed notification of the charges against him. He has been unable to communicate freely and privately with his counsel. A trial was initially set for October 19, 1987 without proper notice or time and means for his attorney to prepare his defense. That trial date has now been indefinitely postponed as a result of the political situation in Haiti. Confessions were coerced from the persons arrested with Mr. Moise which, on information and belief, the government intends to use against Mr. Moise. All proceedings, to date, have been entirely private without any legal justification.

#### IV

##### EXHAUSTION OF REMEDIES

Petitioners contend that current situation in Haiti -- the suspension of the judicial system and the reign of terror and violence -- have completely deprived Eddy Moise and Gerard Georges of any domestic legal remedies to be exhausted. Even before the events surrounding the cancellation of the elections, the requirements of Article 37 of the Regulations of the Inter-American Commission on Human Rights had been met inasmuch as Mr. Moise and Mr. Georges were denied the remedies which exist under Haitian law and,

further, there has was unwarranted delay in bringing Mr. Moise before a competent court. In this respect, petitioners note that no date was set for a trial despite repeated demands by Gerard Georges that his client be brought before a court for trial.

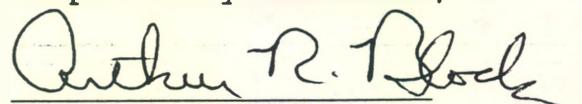
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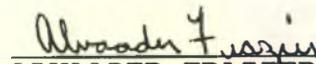
CONCLUSION

Petitioners respectfully request that the Commission take whatever steps are necessary and within its power to assure and protect the physical security, safety and human and legal rights of Eddy Moise and Gerard Georges. Petitioners believe that recent events in Haiti make it imperative that the Commission send a delegation to Haiti to further document the Human Rights abuses occurring there. Petitioners further believe it is imperative that the Commission use its good offices to obtain the immediate release of Eddy Moise and the safe conduct of Mr. Moise and Gerard Georges out of that country where their lives are in grave danger.

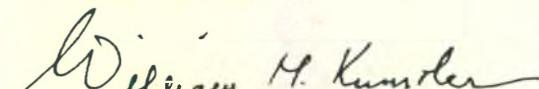
Dated: December 2, 1987

Respectfully submitted,

  
ARTHUR R. BLOCK

  
ALVAADER FRAZIER

  
HARRY KRESKY

  
WILLIAM KUNSTLER

ORGANIZATION OF AMERICAN STATES  
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

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In the Matter of EDDY MOISE and :  
GERARD GEORGES

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ADDENDUM TO PETITION OF DECEMBER 2, 1987

Since preparation of the petition, reports have been received which indicate, once again, the emergency nature of the situation in Haiti.

Rev. Gerard Jean-Juste, recently returned from Haiti, reports that on or about December 2, 1987 government troops slaughtered at least 46 persons in prison cells. Many of these persons were arrested in the days following the cancellation of the elections, when government troops moved against all opponents of the regime, particularly in poor neighborhoods.

We have also received information that Eddy Moise was moved from the national penitentiary to army barracks across the street from the presidential palace. He is being held there now.

Dated: December 7, 1987

Respectfully submitted,

ARTHUR R. BLOCK  
ALVAADER FRAZIER  
HARRY KRESKY  
WILLIAM KUNSTLER

By: \_\_\_\_\_

By: \_\_\_\_\_

Sample Letter In Matter of Eddy Moise and Gerard Georges

Edmundo Vargas Carreno  
Executive Secretary  
Inter American Commission on Human Rights  
Organization of American States  
1889 F Street, NW  
Washington, D.C. 20006

Re: In the Matter of Eddy Moise and Gerard Georges

Dear Mr. Carreno,

As a member of Congress and an American citizen, I am writing in support of the petition submitted to you by the International Legal Defense Team for Eddy Moise.

The petitioners detail in conclusive terms the extent to which the present Haitian government has violated numerous provisions of the American Convention on Human Rights, to which they are a signator. It is clear that the current situation in Haiti, specifically the suspension of the judicial system and the reign of terror and violence, have completely deprived Eddy Moise and his attorney, Gerare Georges, of any domestic legal remedies to be exhausted.

I therefore urge that you take this matter into consideration immediately and that the Inter-American Commission on Human Rights do whatever is necessary and within its power to secure the safety, human and legal rights of Eddy Moise, Gerard Georges and all the other political prisoners in Haiti.

Sincerely,