

Statement by Amnesty International USA

In July 1978, the U.S. federal authorities instituted a large scale program of deportation and exclusion hearings for some 8,000 Haitians in the state of Florida who have not been legally admitted to the United States. A number of these 'illegal aliens' have applied for asylum, and AIUSA is concerned that none should be refused asylum and deported to Haiti unless it is clear beyond all reasonable doubt that individuals will not face imprisonment or persecution on their return.

Since July, AIUSA has made enquiries to establish whether Haitian citizens who return to Haiti after leaving illegally have been arrested or subjected to persecution or harrassment. On the basis of information now in AIUSA's possession, we would make the following observations.

1) Information presently available to AIUSA contradicts assurances given by the Haitian Government that "citizens returning to Haiti will not be prosecuted or detained for illegal departure." While monitoring of returnees is difficult, a significant number of cases of arrest, imprisonment, and/or harrassment of returnees or of those attempting to leave Haiti have been reported to AIUSA. Persons who have visited Haiti since August have reported conversations with Haitians who were imprisoned for periods ranging from a few weeks up to more than five months. The fears expressed in Miami by those seeking asylum are therefore, in our view, given substantive support by these reports from within Haiti that a number of those individuals who have been caught while trying to leave the country have been imprisoned. AIUSA has also received allegations that relatives of those who have left Haiti illegally have been harrassed by Haitian police, members of the V.S.N., and/or "macoutes". The lives of those who left have been threatened, and it is the sincerely-held belief of many Haitian nationals presently in the U.S. that their lives will be in danger if they return.

2) Instances of ill-treatment of these arrested either while attempting to leave or upon return have been reported, although it is not possible to determine from the information presently available whether ill-treatment is widespread. One person who returned voluntarily to Haiti after a 10-year absence was allegedly arrested at the airport, imprisoned for five days without food, severely beaten by guards, and released only upon the payment of \$900 to his jailers.

3) The experiences of large groups such as those returned from Guantanamo in September 1977 cannot be taken as typical of the treatment given returnees. Both the size of the group and the interest expressed by American Embassy or other diplomatic personnel of course encourages the Haitian Government to utilize them as examples for public -- and American Government -- consumption. Such diplomatic interest is clearly helpful. If the American Embassy in Port-au-Prince is unable or unwilling to monitor the treatment of other returnees, the release of the names of those returned from the U.S. to interested and responsible organizations would enable better non-governmental monitoring of individual cases.

4) AIUSA's findings are consistent with the observations of Haitian emigrants, journalists, and others in recent months that the apparatus of repression established under Francois Duvalier remains in place under Jean-Claude Duvalier. While some easing of the more visible forms of repression may have occurred, the potential utilization of existing structures continues to exercise a chilling effect on dissident political activity in Haiti. In addition, widespread repressive and presumably illegal activities by local authorities in Haiti, which often take the form of extortion, are apparently either beyond the control of or knowingly tolerated by the Duvalier government in Port-au-Prince.

In summary, while AIUSA is not able to conclude on the basis of information presently available that returnees or those caught trying to flee Haiti are systematically imprisoned or harrassed by Haitian authorities, it does appear clear that representations by the Haitian Government that no one is arrested or detained are not accurate. Repeated assurances by the Government of Haiti that no retaliation will be taken are not persuasive in light of the evidence which AIUSA has obtained, and we are concerned that many Haitians returnees and their relatives may be liable to arrest, detention, and persecution in Haiti.

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AIUSA  
Washington Office  
413 East Capitol Street, S.E.  
Washington, D.C. 20003  
(202) 544 0200

AIUSA  
National Section Office  
2112 Broadway, Rm. 405  
New York, New York 10023  
(212) 787 8906