

NATIONAL COALITION FOR HAITIAN REFUGEES

275 Seventh Ave, 11th Floor, New York, N.Y. 10001, (212) 741-6152, 6153; FAX (212) 691-6171

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EXECUTIVE DIRECTOR
Jocelyn Mc Calla

Testimony of
Jocelyn Mc Calla
Executive Director
National Coalition for Haitian Refugees

before the
Subcommittee on Immigration, Refugees and International Law
Committee on the Judiciary
House of Representatives

Rep. Bruce Morrison
Chair

June 8, 1989

COUNSEL

Ira Kurzban, Esq.

Bayard Rustin
Vice-Chair
1982-1987

Michael S. Hooper
Executive Director
1982-1988

Thank you, Mr Chairman for inviting us to testify. My name is Jocelyn Mc Calla, I am the Executive Director of the National Coalition for Haitian Refugees, an organization composed of 47 religious, trade union, civil and human rights organizations, and Haitian community groups which works to promote the rights of Haitian refugees in the United States and respect for human rights in Haiti.

The Coalition is best known for its work with the Cuban-Haitian Adjustment program of the Immigration Reform and Control Act of 1986 (IRCA) which allowed more than 40,000 Haitian refugees, who had made their way to America by boat, to adjust their status to that of permanent resident. Since 1982 the Coalition has been monitoring the human rights situation in Haiti and reporting its findings regularly to Congress. Our most recent report, co-authored with Americas Watch, **"The More Things Change: Human Rights in Haiti,"** was published in February 1989 and covers the period from November 1987, when Haiti's first national democratic elections in 30 years were brutally crushed by the military government under Lieut. Gen. Henri Namphy, through January 1989. I personally lived through that period in Haiti as an election observer and human rights monitor, and I have since returned regularly to Haiti to conduct investigations of specific human rights abuses as well as to report on the general situation.

My testimony today will focus on the Haitian Interdiction program. My colleagues on this panel, who are more familiar with the situation of Haitian refugees in detention will certainly provide the committee with information about the unfair treatment of Haitian refugees in the INS' processing facilities.

Last year, 1988, witnessed the largest number of Haitians ever intercepted at sea by the U.S. Coast Guard and returned to Haiti: 4,712. In the first four months of this year, there

was an even more marked rise in the number of Haitians risking their lives in flimsy wooden boats to reach freedom and democracy in the United States. Some 2,430 Haitian refugees were apprehended by the Coast Guard and returned to Haiti after brief on-board interviews with an Immigration and Naturalization Service officer. This occurred during a period of great upheaval and gross violation of human rights by Haitian military governments. Yet throughout this period, not one of these Haitian Boat People was judged to have sufficient grounds to apply for political asylum in the United States.

The National Coalition for Haitian Refugees contends that the Haitian Interdiction Program, by its nature, violates the Protocol Relating to the Status of Refugees, to which the U.S. government adhered in November 1968. It goes against our nation's tradition of offering refuge to the victims of oppression and it calls into question whether US policy with regard to refugees is truly color blind. Why are black Haitian refugees, fleeing what is unquestionably a brutal dictatorship, uniformly denied the right to political asylum? Why are Haitians singled out for such harsh treatment?

During 1988, coup d'etats and fraudulent elections gave Haitians four different military-based governments. In 1989, an attempt by disgruntled military officers to replace the current military government--whose President is Lieutenant General Prosper Avril, a long-time associate of the Duvalier dictatorship who wielded significant influence within all the previous military regimes--was foiled at the last minute when loyal troops who make up the Presidential Guard unit, the largest in Haiti, refused to go along with their colleagues from the Casernes Dessalines battalion and the Leopards Corps.

The Coalition has actively investigated the situation of Haitians returned to Haiti. Twice this year, we have sent monitors to interview refugees returned by the Coast Guard and

report on their overall well-being. I personally spent the early part of May interviewing some of them. In the process of this research, we have learned that many Haitians who objective observers would call political refugees with a well-founded fear of persecution were denied the right to apply for asylum in the United States. Indeed, some were never even asked by the INS officers on board the Coast Guard cutters why they had fled Haiti and whether they feared being returned to their country. In my testimony I present affidavits from a few of these refugees. The members of the Subcommittee may judge for themselves whether these Haitians were only "economic migrants" as the INS claims, or whether they deserved to find a refuge in the United States.

It is our view that:

- A. The Haitian Interdiction policy is a wholesale denial of asylum and refugee protection. The Department of State and INS has ignored the single most important reason for recent Haitian refugee flight: serious human rights abuses perpetrated by the ruling military regime and paramilitary gangs. They have provided instead the self-serving and simplistic explanation that economic factors are what push thousands of Haitians to risk their lives in makeshift vessels unfit for coastal navigation, let alone the high seas. The recent upsurge in numbers of Boat People was linked by the U.S. embassy to nothing more than a rumor of liberalized US immigration policies.
- B. A discriminatory double standard is applied to Haitian refugees because they are mostly poor and black and because they are fleeing a country that has supported U.S. foreign policy objectives.

- C. Haitian Interdiction has failed in its objectives of deterring Haitians from attempting the dangerous flight on the high seas. This is evidenced by the large number stopped on the high seas--20,530 since 1981. Because the underlying causes for refugee flight are not addressed by the policy, we can continue to expect large influxes of Haitian refugees in the near future.
- D. Congress has failed to use its oversight powers to monitor Coast Guard and INS Interdiction operations, allowing so much freedom of action that abuses are significant and remain unchecked.

A. OVERVIEW OF THE HAITIAN INTERDICTION PROGRAM

The Haitian Migrant Interdiction Program (HMIO) was launched by the Reagan administration in September 1981. All it took to establish the program was an exchange of letters with the Haitian government of Jean-Claude (Baby Doc) Duvalier. For the past eight years, U.S. Coast Guard cutters have been patrolling the Caribbean in search of wooden sailboats crowded with Haitians attempting to flee the abuses in their country and reach the United States. Intended to complement the internment of Haitian refugees at several detention sites around the country, Interdiction was designed to deter Haitians from fleeing to the U.S. and to signal to other refugees from other third world countries, mainly Central America, that the United States would deal harshly with an influx of third world refugees. As of June 1, 1989, 20,530 Haitians on some 300 boats had been stopped by the U.S. Coast Guard, most of them in international waters, and returned to Haiti as illegal "economic migrants."

Fewer than 150 have been permitted in the United States, and most of these only for urgent medical attention required by their suffering from dehydration and sunstroke after an

arduous voyage. Only five have been deemed by INS officials on the Coast Guard cutters to have sufficient basis to pursue an asylum claim in the U.S.

Because of their poverty the Haitians have been dismissed by U.S. authorities as mere economic migrants, as if poverty precluded suffering from political repression. Many of the passengers on those few boats that do reach the U.S. safely, when informed of their rights and given adequate private interviews, ask for political asylum. This is the case, for instance, of many of the 94 Haitians whose wooden sailboat ran aground in Grassy Key, Florida, on January 6, 1989. The Boat People intercepted on the high seas, ignorant of their rights and fearful of repercussions should they testify to political repression, are denied this opportunity.

B. CONTINUING HUMAN RIGHTS ABUSES IN HAITI

It is widely acknowledged that the Duvalier dictatorship used a policy of terror to suppress widespread opposition to its rule. Informed observers of the human rights and political situation in Haiti say that, despite some superficial liberalization that permits the press and political parties to function more freely than under Duvalier, government sponsored political violence has in fact increased under Haiti's post-Duvalier military governments. Today in Haiti, we see army officers and soldiers acting with impunity to kill, extort and otherwise repress popular initiatives. During the past year and a half:

- o Violence is regularly used by the army and its paramilitary allies to discourage and at times prevent collective political activity. The most common targets have been members of popular organizations of the sort that precipitated the ouster of the Duvalier dictatorship and have since led the opposition to various military-dominated governments: peasant organizations, trade unions and the progressive church. Anti-government demonstrations are also routinely dispersed, particularly outside Port-au-Prince. Among the more deadly examples of this practice have been the September 1988 attack on St Jean Bosco, a church in Port-au-Prince, where during mass a dozen parishioners were killed and more than 70 wounded, and the August 1988 attack on a youth group in Labadie, which left four dead.

- o Violence has also been used against outspoken opponents of the government. Lafontant Joseph, a leading human rights attorney, was killed in July 1988 in circumstances suggesting military involvement. The year before two presidential candidates who had returned from exile, Louis Eugene Athis and Yves Volel were killed in cold blood respectively in August and October 1987. Volel was gunned down right in front of the Port-au-Prince police headquarters by three plainclothes policemen, while Athis was set upon during a campaign tour by a mob led by the rural section chief--an armed member of the Haitian military charged with policing his section (district), of which there are 555 in Haiti. Athis was attacked with machetes and his body set afire. Two other members of his party were killed in similar fashion in that incident. More recently, in October 1988, Luc B. Innocent, another politician with presidential hopes was killed by an army patrol. Michelet Dubréus and Jean Félix, who issued a public letter identifying participants in the St Jean Bosco massacre, were promptly murdered by armed men led by a uniformed soldier in November 1988.
- o Torture and killing in police custody continues, particularly in the Criminal Investigations Unit of the Port-au-Prince Police Department, renamed the Anti-Gang Investigations Bureau by the Avril government.
- o Troops continue to use deadly force against the population-at-large with seeming impunity. The problem is most pronounced among rural section chiefs, particularly in the Artibonite region in central Haiti. Even within Port-au-Prince, killings and robberies increasingly are committed by uniformed soldiers.
- o This disregard for the rule of law has encouraged a resurgence of what Haitians call "insecurity", the killing of seemingly random citizens by unidentified gunmen. Reflecting an apparent attempt to terrorize the population, bodies continue to appear periodically on the streets of Port-au-Prince.
- o Neither the Avril government nor its predecessors have made any headway in bringing to justice the perpetrators of the many political killings and other abuses that have continued to plague Haiti since the fall of Duvalier. No prosecutions have been brought and no convictions have been obtained for a single act of political violence. On the contrary, at the end of December 1988, the Avril government issued a safe conduct out of the country to former Col. Franck Romain, a close associate of the ousted General Namphy, who is widely believed to have engineered the St Jean Bosco massacre.

C. EXCERPTS FROM REFUGEES' AFFIDAVITS

Many of the refugees apprehended by the Coast Guard and returned to Haiti by decision of the INS were political activists in Haiti who suffered because of their beliefs or their actions. Others have told us they had family members killed by members of the

country's paramilitary squads and that they feared for their lives. Yet these people were denied refuge in the United States, many of them after a cursory interview lasting less than a minute.

We are providing the Subcommittee today with excerpts from signed affidavits we have obtained from a few of these refugees. Because they fear for their lives since having been returned to Haiti, for their own protection I withhold their names from the public record.

Two of these refugees, who I shall call Jean L. and Michel S., were actively involved in the 1986 "dechoukaj", or uprooting, of the Duvalier dictatorship. Residents of the city of Gonaives, they were leaders of the rebellion that spread throughout the country in the fall of 1985 and ended in Duvalier's ouster on February 7, 1986. They have been actively involved in opposing naked military rule ever since and suffered numerous persecutions.

Jean L., 31, spent almost the entire past year in hiding, running from the military which had vowed to kill him. He was stopped by the Coast Guard in September 1988 and returned promptly to Haiti.

This is Jean L.'s story:

During the month of May 1984, I along with other youths in Raboteau, Jubilé, Descahos, Nandat, Anbapwent and Lèt Bò Kanal [ghettos in the town of Gonaives located approximately 80 miles north of Port-au-Prince], organized a demonstration against hunger and poverty. However, the real message was clear: we wanted the end of the Duvalier government. We took to the streets with posters on which were written "Down with Poverty", "Down with Injustice." The Duvalier government had imposed a dictatorship on the country which did not allow anyone to live as they should, that is, it did not allow freedom to meet and associate, freedom of speech and it destroyed any possibility for one to live in security and help in the country's development. The Macoutes [the militia created by Duvalier] and the military were the only roosters that crowed. Immediately, the army reacted [to our demonstration]. They fired in the air and at the demonstrators. Then they came for us to arrest us. We went into hiding.

This is why on May 23, 1984, I and 18 others fled on a boat. Fifteen of the passengers were youths who, like me, had participated in the demonstration. The three others were related to some of them. We landed in Nassau [Bahamas], where the authorities threw us in jail. This is where I found Michel S. who had left on another boat on May 11. A few

days later, they returned us to Haiti. I did not reveal my real name to Haitian Immigration authorities or the Haitian Red Cross.

After explaining at some length the steps that he and others took to galvanize popular opposition to the Duvalier regime and force its ouster, Jean L. stated, with respect to the military government which succeeded Duvalier, that:

We thought that freedom had come to Haiti. Unfortunately we did not realize that we were facing a Duvalierist government which was ashamed to declare itself openly. After a few months, we found ourselves fighting the same people who refuse to allow the people to enjoy democracy, economic progress and freedom. This is why we continued to struggle against the National Government Council [known by its french acronym as CNG].

Throughout 1986, a series of demonstrations were organized in Haiti against CNG policy, including the killings of five innocent bystanders in March 1986 during the military's repression of street demonstrations, and the killing of eight peaceful marchers in April 1986 in front of Haiti's most infamous prisons, Fort Dimanche. Demonstrations were frequent in Gonaives. Jean L. explains the situation that faced both himself and Michel S. at this time, leading up to his decision to flee in a boat to the United States:

Even though we [himself and Michel S.] did not organize many of these demonstrations, we took part in them. Thinking that we were the leaders, the government often tried to bribe us, and regularly sent military envoys to threaten us and our children with death.

But we did not capitulate. On October 10 and 11, 1986, we organized a demonstration in Raboteau against the government. The military used a lot of violence to put down the demonstration.

But the government had not lost hope that it could shut us up. On December 1, 1986, because of the political activities that we continued to lead in Gonaives, the government ordered the military to arrest us wherever we could be found. Such orders meant that troops can murder us without being afraid of any punitive measures being taken against them. We each individually went into hiding.

On December 8, 1986, the army arrested me in the town of Anse-Rouge located approximately 40 kilometers from Gonaives. Fortunately, they did not kill me. I spent two days in jail before they released me. The people in Anse-Rouge had demonstrated against my imprisonment and this is why I was released. But the troops would not let me live in peace.

On July 2, 1987, troops went into Raboteau and started firing with little care for the lives of children, women and the elderly. At least two youths were wounded during the incident. They raided my house, and ransacked it. In addition, they raped my [common-law] wife.

On September 9, 1987, the government again sent its troops to arrest us. We went into hiding and the population refused to cooperate with the troops. Instead, on September 15, 1987, they organized a large demonstration to protest against government persecution and the threats that were hanging over our heads. Afterwards, they organized a strike. The strike lasted five days... On September 16, troops were sent from Port-au-Prince to break the strike by force... One hundred and five (105) were arrested in Raboteau and Jubilé. Upon inquiries by the Provisional Electoral Council (CEP), 70 were released. The army's actions were designed to cow the people of Raboteau into submission so that they would not oppose the army's efforts to destroy the [scheduled] elections. The army used all its might to destroy all the protest movements, together with leaders like us. They also unleashed the "San Manman" [literally the motherless ones—a paramilitary group known for attacks on foreign observers and peasant groups] to spread terror in the Gonaives region as well as St Marc and Montrouis. Meanwhile, I left looking for a safe house elsewhere. I went to Anse-Rouge. From there I travelled on foot to Port-de-Paix, in the Northwest of Haiti. From Port-de-Paix I travelled to Jean-Rabel, again on foot, where I stayed 6 months in hiding. I then went to live on the island of Tortuga for another 6 months.

Finally, after all our struggle to change the country and the prospect that the authorities could murder us at any time, we decided to risk our lives at sea. I and many others organized a voyage on September 12, 1988, one day after the massacre perpetrated by the Namphy regime and paramilitary death squads in St Jean Bosco church, in Port-au-Prince... Ten days later, the U.S. Coast Guard intercepted us at sea. This is when I learned that the Namphy government had been overthrown by a group of soldiers who expelled him to the Dominican Republic where he was granted political asylum. However the [U.S.] Immigration inspector who interviewed me declared that since there was a new government, they will return me to Haiti. They refused to admit that I had a good reasons to leave Haiti and that death threats were still hanging on my head.

The U.S. Coast Guard returned me and the others to Haiti. Since my return, I have been forced to move from house to house, never sleeping in the same place, in order to ensure that the army never learns of my whereabouts and arrests me... Despite all the promises made by General Avril with respect to democracy, freedom and elections in Haiti, it is clear to all who are struggling for a better life in Haiti that nothing has changed.

Michel S. was arrested in January 1988 after being shot four times in both legs by the military. He spent almost 10 months in prison before being released following the September 1988 coup which brought General Avril to power. He most recently attempted the perilous voyage to freedom in March 1989, and he too was promptly returned to Haitian shores.

The story of Michel S., 29, is similar to that of Jean L., since they had both lived in the same neighborhood and together led the same struggles to force the military government to establish democracy in Haiti.

Here is Michel S.'s story:

Before the military was finally able to arrest me in January 1989, they shot me three times in one leg and once in the other. Before they brought me into military headquarters in Gonaives, the commanding officer communicated with Col. Gambetta Hyppolite to ask whether he should finish me off right there as I lay bleeding against a wall. He was told to bring me in. They then took me to the General Hospital in Port-au-Prince where I was treated for my wounds. Immediately afterwards, they took me to the Services des Recherches Criminelles (Criminal Investigations Bureau) where I spent a month. They then brought me back to the military barracks in Gonaives and put me in a cell. I was not allowed visitors, and was allowed to bath only every fifteen days or so. Finally I was released approximately a month after the September 17, 1988 coup, when the military commander of the Gonaives military barracks, Col. Gambetta Hyppolite, was dismissed under pressure from the troops...

I got on a boat on March 1, 1989 with 166 other people. Twenty-three passengers drowned off the coast of eastern Cuba when our 40-foot sailboat capsized in heavy seas... We were given some assistance by Cuban authorities and sailed off again. We were then intercepted by the U.S. Coast Guard approximately five kilometers off the Florida coast. When they interviewed me, I told them of my circumstances and specifically said that I preferred to kill myself instead of returning to Haiti. They returned me anyway.

Another Haitian refugee whom we interviewed in Port-au-Prince, David I., 21, was intercepted and returned to Port-au-Prince on February 9, 1989. David I. had been a campaign worker on the island of La Gonave for the MIDH (Movement to Install Democracy in Haiti), during the 1987 electoral campaign of Marc Bazin, a prominent and well-respected democrat.

Here is David L.'s story:

On April 14, 1987, I joined the political party called MIDH. From that time on I traveled throughout La Gonave campaigning to persuade people to vote for Marc Bazin, the MIDH candidate for president. I was also part of a group named "Committee to Rebuild La Gonave," which means the authorities and Macoutes knew me well. That's why after the cancellation of the November 29 [1987] elections, they started cracking down on us, persecuting us, and we were forced to flee in order to save our lives. I went to hide at my sister's house in Port-au-Prince, but I was forced to live in fear for my security because of the increasing number of killings perpetrated at night, attacks against people who disagreed with the military in power and the basis on which they held it. That's why, as soon as I heard that a boatlift was being organized, I, along with my 66-year-old father, decided to take our chances to try to live in security abroad...

When David L.'s boat was intercepted by the Coast Guard he was not even given a chance to ask for political asylum.

Our boat left on February 7, 1989, with 179, people aboard. Seven hours later, at 10:50 a.m. the American Coast Guard intercepted us. They forced us to board their ship. They stated that if we didn't get on board they would beat us to get us to board. They forced us to get on their boat. Then, they set fire to our boat. From the minute we boarded, they did not ask us any questions. There were no immigration inspectors who asked us any questions. We were returned to Port-au-Prince on February 9, 1989, only after another Coast Guard boat brought 77 more Haitians aboard. It was only before we arrived in Port-au-Prince that they asked each person his name and where he lived. Which means that they never asked us our reasons for trying to leave our country, what might happen if they returned us, nor if we were afraid of persecution and why we feared that...

D. INTERDICTION: A FLAWED POLICY

Why did INS fail to listen to declarations such as those related above? Why were these refugees not given a chance to have their claims heard by an immigration judge in Court with assistance from an attorney?

Part of the answer, it seems to us, is that immigration and refugee policy has become highly politicized and serves as an extension of foreign policy objectives.

United States policy towards Haiti has long been designed to insure Haiti's short term "stability" and the government's cooperation in stopping the flow of refugees to the United States. To further these interests, the Reagan administration poured economic and military

aid into Haiti, and repeatedly certified to Congress that the Duvalier regime's human rights practices were improving. After Baby Doc Duvalier's overthrow, the Reagan Administration rushed to give the Duvalier-appointed military junta its blessings and to offer the officers in charge substantial military aid. This policy collapsed in the horrifying slaughter on election day, November 29, 1987, and an embarrassed U.S. government finally withdrew all aid to the Haitian regime.

But since the advent of the Avril regime, the State Department has been arguing for a resumption of aid and closer ties. For example, the Haiti section of State's *Country Reports on human rights practices in 1988*, released to the public on February 8, 1989, described a broad range of abuses committed under the preceding military regimes, but whitewashed the human rights record of the Avril government.

This report follows a general pattern established in administration reports, particularly since the Interdiction Program began, of minimizing human rights abuses committed by Haitian governments. These reports serve, in part, to justify the denial of refugee status to Haitian refugees.

E. ABUSES ON THE COAST GUARD CUTTERS

It is our view that such policy determinations have influenced the practice of INS officers on board Coast Guard cutters. How else can the denial of the right to even apply for asylum to all but five of 20,530 Haitians stopped by the Coast Guard be explained?

Although officials such as Commander Paul Foreman, the Coast Guard officer attached to the US Embassy in Port-au-Prince, and Michael Bajek, the Department of State Returnee Officer and Second Secretary at the US Embassy in Port-au-Prince, told us that each Haitian is interviewed individually and asked their reasons for leaving Haiti and if they feared

persecution if they were returned, it is clear from David I.'s testimony, above, that this is not always the case.

The testimony of some of the Haitians who were on board a boat called the *Dieu Devant*, (see below) also calls into question claims that shipboard interviews respect due process. These refugees said they had not been asked whether they feared persecution on return to Haiti.

Even assuming that most of the refugees are asked all the basic required questions, these interviews are clearly inadequate to determine whether they are deserving of a chance to apply for asylum.

INS Interdiction Officer in Miami Hank Chomentowski, said these interviews sometimes last only "a minute or two." They are conducted on deck, sometimes under the helicopter hangar, which also provides the only shelter the Haitians have while on board the cutter. The people are asked their name, date of birth or age, what part of Haiti they come from, why they left Haiti and if they fear being persecuted if they are returned to Haiti.

F. DOCUMENTATION OF ABUSES OF THE INTERDICTION PROGRAM

On Monday, January 30, a 40-foot sailboat, the "*Dieu Devant*" or "*God First*," carrying 143 persons, all but one of them Haitian, was interdicted by the Coast Guard at a distance the INS claimed was seven miles from Miami. Numerous persons who had been on board the boat disputed this, claiming they were in fact much closer to the Miami shore.¹

¹ Passengers on the *Dieu Devant* interviewed on arrival in Port-au-Prince said variously: "They stopped us at the dock in Miami;" "We arrived at the wharf. We could see a small boat that was approaching;" "We had almost reached Miami. There were only a few meters to go. We were looking to land when the American Coast Guard arrived."

After five adults and one infant were taken off the boat for medical and related reasons, the other passengers were returned to Haiti, first on two smaller Coast Guard boats, and later on the 270-foot cutter Northland. This occurred despite the fact that the boat was interdicted -- even if we accept the seven mile claim -- inside US territorial waters.

On December 27, 1988, Ronald Reagan, by Presidential Proclamation, officially extended the US territorial sea from three miles to 12 miles. The INS contends that the extension does not apply to immigration law, but independent legal scholars view the issue otherwise. The interdiction agreement between the US and Haiti specifically called for interdiction on the "high seas."

On March 24, a boat carrying 101 Haitians was stopped by the Coast Guard 3.18 miles offshore, a mere 365 yards beyond the old three mile limit. A patrol boat reportedly towed the 50-foot sailboat in circles for more than two hours while a Coast Guard helicopter used radar and radio transmissions to determine the exact location. There was certainly good reason to doubt the accuracy of this measurement, but in line with the general policy on enforcement of the Haitian Interdiction program, everything was done to insure that no Haitians were allowed into the United States, and all 101 refugees were returned to Haiti.

We were able to monitor the case of the Dieu Devant closely and obtained considerable evidence of other abuses that took place during the interdiction process.

According to affidavits by some of the five adults who were taken off the boat for medical reasons, INS authorities ignored refugees' claims that they feared for their lives in Haiti.

One man, Fitzroy (Jerome) Joseph, declared:

At approximately 2 PM the next day [Jan. 31] we were asked as a group if we feared being sent back. Almost all the Haitians in the boat told the authorities they feared for their lives in Haiti because they had problems with the government and the police. Later,

most were asked one-by-one what kind of problems we had in Haiti...Everyone I spoke with had problems with the government, problems with the Tontons Macoutes.

Joseph also said Coast Guard personnel threatened the refugees with violence:

The Haitians started crying and screaming because they did not want to board the big US Coast Guard cutter which was supposed to return them to Haiti. They said that if they were returned to Haiti they could be killed. The authorities began wrestling with the Haitians and hitting their hands with their flashlights. The authorities then held up a can containing a liquid and threatened to spray everyone with it.

Joseph's wife, Marie Julie Pierre, stated:

We were all of us asked at once if we feared returning to Haiti and everyone said yes we did. We said "Down with Avril; up with Bush." We were threatened with tear gas but they didn't use it. Many people were crying because they were so afraid. Ti Jack [another refugee] was hit by the officers because he didn't want to go back to Haiti. They handcuffed him.

Refugees questioned upon their return to Haiti told us that their interviews with the INS had been conducted in public, within hearing of many other Haitians.

Nineteen-year-old Versius Gustave from Eaux-Sources, a rural section of l'Estere, told us:

When we had told them [the Coast Guard] that we didn't want to return and that we had begun a strike they beat us up, hit us. I had a t-shirt on. It was torn off. I have a bare chest now. I have lost my shoes.

Several Haitians interviewed said they were told, that President Avril had been contacted by the US authorities and that he had promised them jobs on their return to Haiti.

G. CONCLUSIONS AND RECOMMENDATIONS

Largely because of the Coast Guard's success in preventing Haitians from reaching US shores, the plight of the Boat People receives virtually no coverage outside of Miami, and the INS's justification that the Haitians are not refugees but "economic migrants" has gradually penetrated the public mind. This has left the Coast Guard and INS virtually free of

public and congressional scrutiny, even as the costs of the program have continued to increase year after year, adding up to approximately \$10,000 per Haitian refugee interdicted, or \$200 million of US taxpayer money. Hard-earned taxpayer dollars should not be used to return refugees to possible persecution in their homeland.

Secondly, since President Reagan extended US territorial waters in December 1988, two boats have been intercepted inside the new 12-mile limit. INS has stated that the new limits have no bearing on Haitian Interdiction, a far too convenient justification for turning away approximately 250 Haitians. While it remains for experts in international law to challenge this assumption, we recommend Congress look into this issue to see whether US immigration laws are not being subverted.

Finally, at the beginning of the Haitian Interdiction program, INS directed its officers to be "keenly attuned during any interdiction program to any evidence which may reflect an individual's well-founded fear of persecution by his or her country of origin for reasons of race, religion, nationality, membership within a particular social group or political opinion." The record of the past eight years demonstrates that these instructions have not been adhered to and that the program has given way to widespread abuse of discretion.

For all these reasons the National Coalition for Haitian Refugees calls specifically for an end to the Interdiction program, which has become a permanent aspect of Immigration policy, and is now being copied by Southeast Asian countries to justify their own policies toward refugees. Our position is shared by many voluntary agencies traditionally concerned with the rights of refugees as well as several prominent civil rights organizations.

HR 811, a bill originally introduced by the late Congressman Claude Pepper, calls for Haitians apprehended at sea to be brought to a US port of entry for an immigration

interview. While it falls short of ending the Interdiction Program outright, we believe this bill would provide Congress with a good opportunity to begin to exercise control over that program.