

Report to Congress

ONE YEAR AFTER DUVALIER

GOVERNMENT OF HAITI'S
NONCOMPLIANCE
WITH THE CONDITIONS
FOR FOREIGN ASSISTANCE

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INTRODUCTION

On February 7, 1986 dictator Jean-Claude Duvalier was forced to flee Haiti following massive street protests and international pressure. His departure brought to an end twenty-nine years of a brutal dictatorship, which began under Francois Duvalier in 1957. The Duvalier family dictatorship was characterized by terror, mismanagement and corruption. Its legacy is an impoverished and largely illiterate population and a complete lack of democratic tradition and institutions.

Duvalier was replaced by the National Council of Government (CNG), an interim government presided over by Lt. Gen. Henri Namphy. Within days of Duvalier's departure Namphy declared his government's "absolute respect for human rights, press freedom... free labor unions and the functioning of structured political parties."

In light of the political change in Haiti and Gen. Namphy's early statements, the U.S. Congress committed its support to the CNG. The Reagan administration wholeheartedly endorsed the new government. In its February 25, 1986 report to Congress, the Department of State declared that "The National Governing Council's most radical break with the Duvalier past has come in the areas of human rights and democracy....The CNG has moved quickly to clean up Haiti's severely tarnished human rights record."

In its second report to Congress following Duvalier's departure, the Department of State on October 14, 1986 claimed that "the National Governing Council has continued to implement its early commitments to protect human rights and to promote civil democracy."

These favorable Department of State assessments shroud the truth. Blatant human rights violations continue at an alarming frequency and advocates for a democratic transition and respect for human rights have had to maintain vigilant lobbying efforts and grassroots pressure following Duvalier's departure.

In October, 1986 the U.S. Congress passed the "Special Foreign Assistance Act of 1986" (PL 99-529) (hereinafter 'the Act of 1986') which further amends the Foreign Assistance Act of 1961. It includes a number of very specific conditions which are prerequisites for additional economic and military assistance to Haiti and also requires the President to report to Congress every three months whether or not those conditions have been satisfied.

On December 29, 1986, the Department of State (under the authority of the President) transmitted to the Congress its report pursuant to the Act of 1986, Section 201, for economic assistance. The report asserts:

"The human rights situation in Haiti has improved significantly under the National Governing Council (CNG)...Haitians can now demonstrate peacefully on any political issue without fear of government reprisal and can organize political parties; the press, radio and television have expanded their operations and criticize the government without restraint; trade unions have begun to operate; the rule of law has begun to apply through a reinvigorated judicial system."

The Department of State did acknowledge that "there is room for further human rights improvements", yet concluded that the CNG has "categorically committed itself to the protection of human rights and has put that commitment into practice throughout its tenure."

Washington Office on Haiti was encouraged by the passage of detailed conditions in the Act of 1986. However, we are deeply discouraged by the favorable findings in the Department of State's report. We remain unconvinced by the reports' evidence and conclusions.

In the year tenure of the CNG a tragic and expanding gap has been created between the publicly stated goals of the CNG in the area of human rights and the implementation of these goals. The CNG has come to be regarded by numerous organizations and individuals in Haiti and the world as "Duvalierism without Duvalier", that is, a military-civilian structure which has remained intact after Duvalier's departure and which controls the political process through continued abuses and corruption.

The Department of State, nevertheless, continues to support the CNG politically, economically, and militarily, as evidenced by its three highly favorable reports and its economic and military assistance since Duvalier's departure. Such support causes skepticism among various human rights groups as to whether or not the U.S. Embassy in Haiti and the Department of State in Washington have the motivation to monitor and can accurately report on instances of abuse and attacks on human and political freedoms.

Washington Office on Haiti has compiled the following report as an assessment of the CNG's human rights record during its year tenure. The cases herein documented reveal that the CNG has not "categorically committed itself to the protection of human rights." The frequent and flagrant cases of abuse, extensive military violence, and infractions of the right to life, personal integrity, freedom of association, freedom of speech, and judicial guarantees clearly demonstrate that the CNG is not in compliance with the Special Foreign Assistance Act of 1986.

II. CONDITIONS ON ECONOMIC SUPPORT AND DEVELOPMENT ASSISTANCE

SPECIAL FOREIGN ASSISTANCE ACT OF 1986 (Section 201(d))

The Special Foreign Assistance Act of 1986 states that funds may be obligated for assistance for Haiti (under Chapter 4 of the Foreign Assistance Act of 1961) only if the President, in a report to Congress, determines that the interim Government of Haiti-

- (1) is improving the human rights situation in Haiti;
- (2) is implementing its timetable for completion of a new constitution that promotes genuine democratic reforms and guarantees the fundamental principles of democracy;
- (3) is establishing a framework for free and open elections leading to a democratically-elected civilian government, which would include free and functioning political parties and associations, free labor unions, and freedom of the press;
- (4) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);
- (5) is maintaining a system of fiscal accountability to ensure that all resources allocated to the development of Haiti are used in the most effective and efficient manner;
- (6) is continuing its investigation of alleged human rights abuses and corruption by the Duvalier government and is prosecuting, in accordance with due process, those responsible for human rights abuses and corruption;
- (7) is maintaining a free and independent judiciary system; and
- (8) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti.

**EVALUATION OF THE GOVERNMENT OF HAITI'S COMPLIANCE
WITH THE SPECIAL FOREIGN ASSISTANCE ACT FOR ECONOMIC
AND DEVELOPMENT ASSISTANCE**

LAW

Funds may be obligated for assistance for Haiti only if the President determines that the interim Government of Haiti is

- (1) improving the human rights situation in Haiti:

FACTS

In the year tenure of the CNG there has not been a significant improvement in respect for human rights. Various human rights organizations, both in Haiti and the world, as well as public statements by civic organizations and the Church in Haiti, regularly express concern and outrage over a lack of substantial human rights improvements since Duvalier's departure.

Fundamental structural and personnel changes are required to establish a framework for a sincere respect for human rights. The government's commitment to democracy and to improving Haiti's human rights record remains an open question until it begins implementing these structural changes.

The following chronology details numerous human rights violations committed by security forces in Haiti since February 7, 1986. There are many other incidents that never get reported. Our examples merely reflect a percentage of abuses that altogether indicate a deeply systematic problem in controlling the security forces in Haiti.

February 1986

Following Duvalier's departure, Edner Day, prefect of Port-au-Prince and the city's *depute* (congressman) at the time of Duvalier's flight, was targeted by Belair residents for "dechoukage" (uprooting) due to his brutal atrocities under the dictatorship. He recruited and received protection from the ranks of the still-armed Tonton Macoutes. To prevent any violence against him, Day ordered the Macoutes to kill a number of residents of Belair.

March 1986

Herby Widmaier, the director of Radio Metropole, was arrested on March 18 and accused of violating the curfew. As a journalist, however, he had obtained a "permit to pass". He was, nonetheless, held overnight, then released without formal charges.

Radio Cacique reporter Edouard L. Ernest (aka Konpe Moloskot) reported in March that he had received death threats and physical abuse from security force personnel for his aggressive and outspoken reporting. According to Moloskot, these threats occurred on February 8, 9, and 25. On March 21, the military arrested and detained an individual, believing him to be Moloskot.

Another Radio Cacique reporter, Jean-Robert Laforet, was harassed by security forces on the night of March 21. He was stopped by soldiers on his way home and after acknowledging that he was a journalist, the soldiers fired wildly into the air above his head in an intimidating manner. He reported that he felt he was only able to escape through the helpful intervention of one of the soldiers.

On March 19th, five persons were killed in the Port-au-Prince neighborhood of Martissant following an altercation between an army officer and a bus driver. The victims were killed by the 'Leopards', a counter-insurgency battalion trained by the United States, who shot indiscriminately into an unarmed crowd of protestors. Dozens of people were also beaten or clubbed with nightsticks. The CNG has not conducted a serious investigation into these murders.

Two members of the National Federation of Haitian Students (FENEH) and students at the School of Ethnology, University of Haiti, were beaten by security forces during a peaceful vigil to protest recent government actions.

April, 1986

Pastor Paul, the vicar of the Baptist Church of Carrefour, was arrested without a warrant, beaten, and detained for eight days at the Service des Recherches Criminelles. He was later released without charge or explanation.

On the 18th, soldiers killed at least five people who were accused by the government of ransacking a warehouse in Cour Theard. No investigation was ever undertaken nor an explanation given to the families.

A group of striking workers gathered for a picket on April 24 in front of a factory owned by the industrialist Fritz Mews. The police arrived at the request of Mews and without provocation, began pushing people around and firing into the air. An electric cable was dislodged by the shooting, resulting in the death of three by electrocution.

On April 26, seven people were killed by the security forces at a rally in front of Fort Dimanche, a notorious detention center under the Duvalier dictatorship. The security forces fired directly on the crowd, also wounding approximately fifty-three people. There has not been any investigation into this bloody incident.

June, 1986

On June 4 a peaceful demonstration was held in Carrefour in Port-au-Prince. Security forces and police once again opened fire on the crowd. Junie Depestre, 20-year-old student, was killed. Litane Mesidor was wounded. An unknown number of demonstrators were beaten.

While trying to rush Litane Mesidor to the hospital, her 28-year-old son Dutemps Melse was arrested and taken to Casernes Dessalines, beaten, then transferred to Service des Recherches Criminelles where he was detained for two days. He was released without charge.

Six officers from the Service des Recherches Criminelles arrested journalist Didier Dominique at Max Beauvoir's home on June 6. Mr. Dominique, who is also a professor at the University of Haiti School of Sciences, asked for the arrest warrant, at which point one of the six officers pulled out a pistol and shot Dominique in the thigh, seriously wounding him.

Louis Felix Paul, 34, was arrested without a warrant on June 18 in Thomassin and accused of being a "communist". Paul had been exiled by dictator Jean-Claude Duvalier in 1980 and was living in the Dominican Republic until returning to Haiti shortly before his arrest. He was released without charge.

On June 22, Rodrigue Montval was killed by Sgt. Edzer Dorismon of the Tactique Batallion, a brutal rapid deployment unit created by Francois 'Papa Doc' Duvalier. According to witnesses, Montval had made a remark to Sgt. Dorismon which irritated the officer, who then shot the unarmed Montval. No investigation was ever conducted.

July, 1986

On July 26, police entered and searched the homes of several people without warrants, among them Pastor Sylvio Claude, President of Christian Democratic Party of Haiti. Claude was one of the most visible and popular critics of the Duvalier regime. Despite inquiries and protests by the family and Mr. Claude's party, the CNG has refused to give an explanation.

Twelve youth were taken into custody on July 27 following an incident in Carrefour. They reported that they were beaten, then transferred to Fort Dimanche, without warrant or explanation. After fifteen days in detention, three of them, including Frantz St. Jean, were taken to the Service des Recherches Criminelles where they were informally accused of possession and use of marijuana. They were ordered to pay \$1000 for their liberty. Only St. Jean's father was able to pay and the next day obtained his son's release.

August, 1986

On the 1st, Jean-Claude Erie, a student, was arrested without warrant in Petit Goave by soldiers. His arrest occurred only days after he gave a speech critical of the CNG's official visit to Petit Goave. Mr. Erie was beaten and later released without charge.

Lys Pierre-Louis and Clifford H. Larose, representing Agence France Presse and Haiti Progres, respectively, were arrested while photographing an arrest in Port-au-Prince. They were taken to the police station where they were treated harshly and threatened. They were later released without charge.

September, 1986

Early in the month, peaceful demonstrations held to protest the release of Cols. Jean Valme and Franck Romain resulted in an estimated two dozen injuries by beatings or soldiers' gunshots in Cap-Haitien and Gonaives when the armed forces charged the crowds.

On the 8th, Himler Laguerre, a member of the Association of Youth of Aquin (AJA) was arrested by Captain Beaubrun Mondesir without a warrant or explanation. He was released without charge on October 10.

Charlot Jacquelin, an active lay worker and member of the local Church literacy commission, was taken from his home on September 19. Eye witnesses, including family members, have testified that two men, one in a green uniform, the other individual in civilian clothes, came to the house and took him to the Cite Soleil police precinct where he was handed over to a group of men in light blue and dark blue uniforms, the color of Haiti's police uniforms. He was never seen again.

On the same day, Ernst Cadet and Jacques Gibson Narcisse were arrested in Cite Soleil and accused of participating in the murder of an army officer. The CNG refused to allow their attorney to see them and never responded to inquiries about their well-being or the status of their cases. On February 12, 1987, following a visit to Haiti by the Organization of American States Inter-American Commission on Human Rights, their attorney Gerard Georges was finally allowed to see them. He reported that they had been beaten virtually beyond recognition. According to Georges, Narcisse is crippled from beatings to his legs and his words are barely audible due to severe blows to his throat.

According to Cadet's mother, he was originally apprehended by about a dozen military persons who forced their way into his home. He was brutally beaten with rifle butts, then, covered with blood, led to Casernes Dessalines. According to Georges, Cadet was beaten regularly for a period of five weeks.

The armed forces on September 29 dispersed a crowd in Cap-Haitien protesting the disappearance of Charlot Jacquelin by shooting in the air and lobbing tear gas. An undetermined number of injuries occurred.

October, 1986

On the 2nd, a number of groups and individuals in Jeremie announced plans for a demonstration to protest Jacquelin's disappearance and the increase in military violence. Security forces threatened the protesters with violence; consequently the march was cancelled.

The following day, in other demonstrations in Torbec and Gonaives protesting the disappearance of Jacquelin, security forces charged the crowd and clubbed a number of the protesters.

On October 6, Jean Mardichon, an active critic of the CNG from the town of Les Cayes, was shot and severely beaten by soldiers, who then took him away to the military barracks. Under intense pressure from the community he was arraigned on October 8 and released without formal charge.

On October 7, Premeus Jasmin, a teacher in the literacy campaign, was detained by security force personnel in Cap-Haitien. He was beaten so severely that the Commissaire du Gouvernement had to refer him to the hospital. Jasmin was released on November 13th.

Jasmin's arrest and beating came amidst a general sweep in early October by security forces in Cap-Haitien under the direction of Colonel Webert Jodesty. Among those picked up were Jean-Claude Almonor, Wisney Titus, Elie Gustave, Delima Bien-Aimie, Noise Pierre, Emmanuel Montero, and Huforest Occelus. Almonor, Bien-Aime, and Titus were brought before the Commissaire du Gouvernement on October 10. The others were released on November 14, without charge.

On October 10, a demonstration was held in front of the Port-au-Prince Cathedral but was soon disbanded by police. The demonstrators regrouped in front of St. Jean Bosco Church. Police, who had followed the demonstrators, brutally intervened again to disband the group. They lobbed tear gas, some of which wound up in residents homes, and as a result three infants had to be taken to the hospital. One of them died of asphyxiation.

On October 17, Jose Sinai and Jean-Paul Duperval, two members of KID (Committee United for Democracy), a political and social organization, and Jean-Robert Laforet, a journalist, were arrested by soldiers from the Casernes Dessalines. Duperval and Sinai were about to begin a hunger strike to protest the October 19 elections when soldiers took them into custody. Laforet, who

was photographing the event, was released the same afternoon. The others were released without formal charge on October 20.

The next day a crowd of approximately 1000 people gathered in front of the National Cathedral to protest Jacquelin's disappearance and demand an investigation. The security forces violently broke up the rally, lobbing tear gas and clubbing people with rubber batons. Marie Paul Jean, a member of Racine, a grassroots organization, was severely beaten and arrested. She was taken without medical attention to Casernes Dessalines and not released until October 20.

On October 27, Jules Louis, a truck driver, was arrested under suspicion of stealing lumber. He was brought to the police station where Warrant Officer Robes Metellus shot him dead for no apparent reason. In a rare display of judicial action, Metellus was brought to trial and convicted of murder. He was sentenced to eight years of hard labor.

Pastor Jean Renellus was arrested by soldiers on October 31, following a large demonstration in front of the National Palace. Renellus had just addressed the crowd when he was arrested. He was brought before a magistrate on November 3, and released without formal charge.

Port-au-Prince professor and political activist Leon Landais was assassinated in October by unknown assailants. A staunch anti-Duvalierist, his killing is believed to have been politically motivated.

Also in October, Barbara Guillaume, a well-known singer, was apprehended and imprisoned at Casernes Dessalines under the authority of Col. Jean-Claude Paul, where she was abused by soldiers.

November, 1986

The homes of Sylvio Claude, President of the Haitian Christian Democratic Party and Evans Paul (Konpe Plim), writer and founder of KID, the Committee United for Democracy, were ransacked and machinegunned.

Following these incidents the home of Robert Duval, founder and president of the League of Former Haitian Political Prisoners was broken into and ransacked by soldiers.

More than 100,000 people took to the streets in Port-au-Prince for a demonstration and outdoor mass on November 7, to

call for an end to the escalating oppression. It was the largest crowd of protesters since the final days of Duvalier. There was concurrently a large protest in Gonaives. In Port-au-Prince, soldiers fired for several hours with Uzis on the crowd and at the building where Radio Soleil is located. Three people were killed. In Gonaives, nineteen people were seriously wounded by club-wielding police who charged the unarmed crowd.

During this demonstration, Vladimir David, a 17-year old student of Ecole Canado and Port-au-Prince resident, was arrested. He has not been seen since. David's mother has gone to the CNG, the police headquarters, the hospitals and the morgue but has always been told nobody fitting his description has been seen. The CNG has refused to conduct an investigation into the matter.

In the midst of a general strike called by transport drivers, a group of 200 people gathered on the afternoon of November 17 in Cite Soleil for a demonstration. Police arrived and intervened, opening fire on the crowd without provocation. Three people were killed, including Clerius Levoisier, who merely went out to buy cassava bread for his children.

On the last day of December Army Major Sovan shot Marie Antoinette Chery after she had protested his actions: he was ruthlessly beating a young man. Chery was shot three times, and was eventually taken to the hospital in critical condition. The government stated it would investigate the matter but as of this writing has not done so. Sovan was never arrested nor disciplined, but remains on active duty.

January, 1987

On the 22nd, soldiers opened fire on a crowd of people who had erected a barricade outside the town of l'Estere to prevent truckloads of "contraband" rice from passing. One woman was killed, and an undetermined number of people were injured.

A crowd gathered in front of the Port-au-Prince police headquarters on the 30th to view a hooligan who had been arrested by police after disturbing the peace. Police tossed tear gas at the crowd and opened fire, fatally shooting a 15-year-old girl.

February, 1987

On February 4 the CNG released a communique stating it would now arrest persons and search homes and other properties without a warrant.

On the same day twelve soldiers broke into and searched the Port-au-Prince homes of Manno Charlemagne and Victor Benoit, in a thwarted attempt to arrest them. Charlemagne is a well-known singer, and Benoit is Director of the Institute for Mobile Democratic Education. Benoit's wife and small children were present at the time and intimidated. Soldiers also established a surveillance of the downtown office of Robert Duval, President of the League of Former Haitian Political Prisoners. Not finding Duval, the military threatened his employees.

When questioned by a reporter about warrantless searches and harassing individuals, Gen. Namphy replied, "there certainly will be others."

On the 6th the military surrounded one of faculty buildings at the University of Haiti where the Comite de Liaison des Forces Democratiques were sponsoring a film showing. They entered the building and, without arrest warrant, arrested five Comite members: Francois Pierre-Louis, journalist with Haiti Progres and member of the Committee against Repression; Lina McNally, President of the Committee for the Defense of the Rights of Rural Women; Daniel Narcisse; Max Dubois; and Kennedy Blain. The five were accused of "inciting to riot" but were not formally charged. They were released on February 9.

On the 16th, a crowd gathered in Carrefour to demonstrate against the government for allowing a body to remain outside on the ground for seven hours. The armed forces intervened and shot into the crowd, wounding St. Germain Jean Roler and Valesco Fradel, a soldier dressed in civilian clothes at the time. The order to shoot was given by Commander Hilaire.

Further evidence is provided in the Organization of American States Inter-American Commission on Human Rights January, 1987 statement that "...fundamental rights continue to be violated in Haiti." Regarding the status of prisoners, they said, "We have come to the conclusion that the conditions in Ft. Dimanche are as terrible as under the Duvaliers, father and son".

The above stated incidents, which are not a complete account of abuses, show an alarming lack of respect for human rights by the CNG. They are indicative of the continued attack on individuals and political freedoms. This evidence reveals that the CNG is not in compliance with the Special Foreign Assistance Act of 1986.

LAW

(2) Implementing its timetable for completion of a new constitution that promotes genuine democratic reforms and guarantees the fundamental principles of democracy;

FACTS:

On June 7, 1986, the CNG released its timetable for the political process that is to lead to a democratically elected civilian government.

The implementation of the timetable for the constitutional process has not been done in a manner promoting the principles of democracy. Many observers believe that the process adopted by the CNG reflects its desire to manipulate and control the outcome.

First, well before taking steps to create an atmosphere for popular participation in the election of a constituent assembly to draft a constitution, the CNG declared its intention to hand-pick 20 of the 61 assembly members, thus trying to gain direct control over one-third of the body.

Prior to this, the CNG had appointed a commission of nine experts to write the preliminary "model" for the constituent assembly to debate. Two weeks after the experts had turned over their version, the Ministry of the Interior sent the Constituent Assembly a draft that was quite different from what had been given them by the nine-member body.

Furthermore, the assembly was given only two months to work on a constitution composed of more than 250 articles. Because of this, the CNG has been forced to abandon its timetable, so that the document's ratification and proclamation will not take place in February, as had been stipulated. Rather, the plebiscite will not be held until March 29.

The national elections of October 19 to elect the constituent assembly were conducted in such a manner that most political and social actors did not participate. Consequently, only 2-5% of those eligible voted. Some areas had no voting ballots, while other precincts had no candidates.

The voting procedures were inadequately prepared, and done in such a hasty manner as to preclude sufficient organizing. The lack of clearly defined regulations for such things as how to register to become a candidate prevented widespread popular

participation.

The low turnout can also be attributed to an almost complete lack of education on the part of the government about the election. The vast majority of the population was not informed as to when, where, or how to vote. Even among those citizens who were aware that an election was taking place, many did not know what it was for. Clearly the government failed to perform a civic education campaign necessary to ensure an election with widespread popular participation -- one of the rudiments of the democratic process.

The lack of participation and interest by the people reflects their lack of faith in the government. Election observers reported that people interviewed widely expressed the opinion that this election would make no difference, given their past experience with the CNG's controlling the political process.

Law

(3) Establishing a framework for free and open elections leading to a democratically-elected civilian government, which could include free and functioning political parties and association, free labor unions, and freedom of the press;

Facts:

The CNG failed badly at its first opportunity to hold fair and democratic elections on October 19. The government did not encourage people to participate, or even to inform people of the vote itself. According to some observers there were no voting booths in some areas. The CNG made no attempt to assure privacy through secret ballot. Ballot boxes were placed on the table, with three election officials seated directly behind the box and a soldier on each side of the table. The ballots were color coded due to high illiteracy rate, which --given the lack of privacy in voting-- also made it quite easy to see the voter's choice for assembly representative.

The CNG has not set into motion a framework for future free and honest elections. It has completely ignored the call by many sectors of the population --including the Catholic Church, numerous civic organizations, and political parties-- for an independent electoral committee, whose responsibility would be to establish proper voting procedures and to ensure a free and fair election. The October 19 election was held under the direction of the Ministry of the Interior, where those in charge are the same people who organized elections under the Duvalier regime.

No efforts have been made to register voters. No voter list has been prepared since 1957. It is up to the precinct supervisors to decide who may or may not vote. Furthermore, no voting procedures --such as assignment of voters to specific locations-- which would ensure a fair election have been organized.

The same voting procedures used by the Duvaliers are still in effect. The CNG has declared that in the March 29 referendum on the constitution, voters will be given a yellow ballot to indicate a "No" vote, and a white ballot for "Yes." This, in conjunction with the open atmosphere in which one must vote, prevents any secrecy. For a population used to Duvalier referendums, in which one could be killed for voting the 'wrong' way, such openness is not a sound first step to enlist the trust

of the people or to encourage their participation.

The State Department claims that the CNG has made "the transition to a constitutional democracy its number one priority, and it is now encouraging the kind of institution-building which will, over the next several months, contribute to an atmosphere favorable to democracy." However, developments in Haiti since February 7, 1986 indicate the contrary. A restrictive decree on the formation and operation of political parties was issued in August. Another decree issued in August, on the functioning of the press, effectively imposes self-censorship, and journalists have been harassed and arrested on numerous occasions. Trade unions and labor organizers, so abused by management throughout the past year, have received no support or protection from the government.

Free and functioning political parties, which the Act of 1986 stipulates as a condition for economic aid, were curtailed by a government decree of August 3. According to the decree, a political party must meet dozens of conditions before it can be legally recognized. Some of the information the applying party must submit is, "a declaration of principle carrying an expose of the doctrine of the program; the goals, objectives, and ideological tendencies which inspire the foundation and the activities of the party;" the means of action; the procedure for recruiting and firing members; the procedure for designating leaders and party candidates; the categories of party members and their rights and responsibilities; and the frequency of meetings. Added to this long list is the catch-all phrase "all other disclosures judged necessary," which grants the government sweeping discretion.

A party must have a minimum of 5,000 members, and "the Ministry of Justice reserves the right to control the authenticity of the declaration of 5,000 members." Implicit in this statement is that the Ministry may demand that the names of party members be submitted, a flagrant violation to a party's right to independence and privacy. The minimum number itself is a crippling criteria for a country just beginning a renaissance toward democratic participation, with the absence of many resources to conduct public education or to reach citizens in outlying areas. Surely these restrictive criteria do not encourage either the independent quality or the quantity of political parties, which could contribute to building for a democratically-elected civilian government.

Many reports and testimonies give evidence to continuing attacks on the right to organize unions under the CNG. According

to a former employee of Fabnac Company in Port-au-Prince, the union members at the plant were fired after delivering a letter to the Ministry of Social Affairs and management, protesting atrocious working conditions and low wages. The same day, March 11, all workers of the department were shut out when the section was ordered closed. The following day, three heavily armed truckloads of Leopards (a special military unit) and soldiers from Casernes Dessalines were dispatched to the plant. The Ministry of Labor never responded to the complaint.

Reports of labor organizers being fired or entire factories being shut down following the organizing of a union are too numerous to mention. In June Gen. Namphy announced that 12,000 of Haiti's 50,000 light industry workers had been laid off. This is due to plant closures, most in response to union activity. In the first five months of the CNG's tenure, over 2,500 workers were fired specifically as a result of their union affiliation.

Despite Gen. Namphy's February 10 and 25 calls for the promotion and encouragement of free trade unions and associations, the government has remained silent in the face of abuse and firings of labor organizers and the closure of plants due to union activities. Shortly after its installation, the CNG announced the establishment of a three-part Commission to seek resolution to the labor situation. Yet the Commission has never met. Furthermore, the Ministry of Labor has resolved only one of the countless complaints presented to it by workers. Most petitions for assistance presented to the Ministry have gone unanswered.

There have been other attacks on the right to free association. A recent example is that of government persecution following the First National Congress of the Democratic Movements. The Congress, held from January 28 to February 1 1987 and attended by over 1000 people, was an effort by many sectors of the popular movement to develop closer association and a common strategy. On February 4, soldiers were dispatched to the Port-au-Prince home and office of two of the key organizers, Victor Benoit and Robert Duval, in an effort to arrest them.

That same day, the government released three communiques, all informing the public that the Armed Forces and the Police have been ordered to step up their activities. The communiques from the CNG, the Ministry of the Interior, and the Ministry of Information aim this directive at the "authors and accomplices of the appeals to disorder and sedition," and "hidden subversives and provocateurs," in a clear act of retribution against the Congress.

On February 6, 1987, Armed Forces vehicles surrounded a building where the Comite de Liaison des Forces Democratiques (a coalition group of popular organizations) was meeting, and arrested five of its members.

While the State Department's December 1986 report stated that "Haitians can now demonstrate peacefully on any political issue without fear of government reprisals," there are numerous instances where military and police have broken up demonstrations by shooting into the crowds, resulting in countless injuries, numerous arrests, and at least 22 deaths of unarmed citizens. (See Chapter III, page 46, for details.)

The State Department, in its December report, cites that the press "criticize[s] the government without restraint." While the blossoming of radio and newspapers and the expansion of critical coverage of national events is one of the most substantial victories of February 7, 1986, there exist numerous cases of government harassment and persecution of journalists. (See Chapter III, page 45, for details.)

Furthermore, a press decree issued July 30 restricts the ability of the press to freely pursue its work. It obliges journalists to reveal their sources in their articles and broadcasts, which has a severely chilling effect on the ability to gather news. It also requires journalists to receive cards of accreditation from the Ministry of Information and Coordination. Among the five conditions for obtaining this card is a university diploma or its equivalent, which excludes most journalists and broadcasters in Haiti.

The decree further imposes measures which, to be upheld, force journalists to censor themselves. The press is forbidden to publish or broadcast any material which "affront moral good and public order." This is never defined, however, leaving open potential banning of a wealth of material. And it forbids book stores from selling literature which violates the conditions of the decree, thereby potentially limiting the quality and quantity of publications the stores distribute.

Failure to abide by the new decree can result in the "suspension of the press organ or the banning of its circulation." The decree gives no indication whether this sanction would be for a limited or permanent period, nor does it provide for any appeal process.

The fundamental principles of democracy, needed to provide the framework for free and open elections, is not in place in Haiti. This has been demonstrated repeatedly throughout the past year by government attacks on free association, free labor unions, and freedom of the press. Democracy and political freedoms cannot prevail while the structures necessary for their realization continue to be severely controlled. As long as this environment of repression endures, there can be no free and open elections.

LAW

(4) is cooperating fully in implementing U.S. development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years)

FACTS:

The Duvaliers' dictatorship extracted as much wealth from the country, particularly the rural sector, as possible. During their twenty-nine year rule the families of Francois and Jean-Claude Duvalier siphoned some \$800 million from the Haitian national treasury. The Duvaliers turned Haiti from a food exporting into a food importing country. Along with their industrialist friends they drove peasants off their land and into an already overcrowded Port-au-Prince. Other peasants who were dispossessed of their land climbed aboard small crafts for the United States. Haiti became the poorest country in the hemisphere, the fourth poorest in the world.

The huge sums of money that were withdrawn from the national treasury by the Duvaliers and their associates and taken out of the country bankrupted public services and economic development programs. Lack of health care, adequate food programs, and a sharp increase in deforestation, soil erosion, and malnutrition became the foremost legacies of the Duvaliers.

In a country where four million men and women draw their revenue almost exclusively from agriculture, agrarian reform needs to be a priority. There are vast amounts of land still owned by the State or which have been conceded to the Duvaliers' friends and associates. This land is either not being used or could be more effectively used to improve the country's domestic food production capabilities.

Under the Duvaliers, the Tonton Macoutes often expropriated the small plots of land or entire harvests. The CNG has not set in motion a plan to redistribute this land. In the "Charter of the Church for Human Promotion", the Catholic Church charged the CNG with a mission "to protect the peasant from expropriation, assure them of their land titles, regulate the condition of farming and share-cropping and make fallow land productive by distributing it to the poorest." (Cf. Art. 37, paras. a, b, & d)

But in keeping with the Duvalier tradition, the CNG has made no effort toward improved production and small farmer survival,

nor has it publicized its economic development programs.

The bulk of Haiti's economic development and food programs are very much integrated with U.S. economic development and food policies. The response in Haiti to this has been one of outrage and frustration. In late May 1986, for instance, an internal USAID memo, leaked to the press, described a meeting in which Finance Minister Leslie Delatour discussed his economic programs with USAID, including selling several parastatal industries in order to privatize production. The overwhelming reaction was that Delatour was pursuing U.S. economic policy at the expense of Haitian independence, and people demanded his immediate resignation. He is still under pressure but the CNG has chosen to ignore the demands of the people.

One of the Finance Minister's first major decisions was to shut down a number of parastatal enterprises for being 'nonproductive.' It is well known in Haiti that these enterprises were used by the Duvalier family to enrich itself through corruption. However, the closure of the parastatals has been questioned on the basis that the government has no mandate to undertake such action, given the magnitude of its impact on Haiti's economy and its work force. The continued operation of the state-owned La Minoterie d'Haiti (a flour mill) and Ciment d'Haiti are under review, while the vegetable oil mill ENAOL and two sugar mills have already been closed. This has sent more than 1,200 people into unemployment, adding to the already catastrophically high unemployment rate.

Further, many small farmers have come to realize that their sugar cane production is a waste of time, labor, and investment since the market for their product, the state sugar mills, are no longer operative. Many small producers had expected a comprehensive study to precede this major initiative.

In addition, given that some of these enterprises (ENAOL, Ciment d'Haiti, La Minoterie d'Haiti) are the only ones of their kind in Haiti, people are concerned that their closure will further weaken the national economy, producing more dependency on imported goods. This will drive the balance of payments even farther beyond Haiti's capabilities and cause Haiti to spend precious capital importing goods that could be produced locally.

Another phenomenon which has further crippled the Haitian rural economy is smuggling. Under the Duvalier government, the importation of contraband was controlled and operated by only a few people, with the blessing of the President. Under the CNG it

has been conducted openly, involving a large number of people protected by the military, as evidenced by soldiers regularly escorting the truckloads of contraband across the country and surveying the goods being openly unloaded at the docks. (Following the dramatic rise in the illegal importation of goods of all sorts, the CNG reduced tariffs and quotas on numerous foreign items.)

Because of the smuggling many businesses have already been forced to close down, unable to compete with the parallel market. For instance, a pack of U.S. made cigarettes sells more cheaply in Haiti than anywhere in the U.S. As a consequence, the Haitian Tobacco Company has reduced its production, to the financial loss of local tobacco farmers, while the state treasury has lost a substantial income.

In July 1985, the Ministers of Finance, Commerce, and Agriculture signed a joint communique announcing to the public that rice production in Haiti was sufficient to meet the demands of the market and therefore revoking authorization for the importation of rice. Since that time, the illegal importation of rice has multiplied, completely undercutting local production. Haitian rice producers, with no assistance and with their non-industrialized means of production, stand no chance in competing with the rice coming in from the U.S. In the Artibonite Valley, peasants whose local economy is being destroyed have set up road blocks to stop the passage of trucks carrying smuggled rice to Port-au-Prince. On several occasions these people have been fired upon by military personnel escorting the convoys, and several protesters have died as a result.

In 1979, USDA recommended that Haiti eradicate its swine in order to combat an outbreak of African Swine Fever in the country. By 1982 the entire pig population was killed under the auspices of PEPPADEP, an organization financed by the U.S., Canada, Mexico, and the Inter-American Development Bank. Along with extermination came promises to peasants that their pigs would be returned to them. In conjunction with the Haitian government, USAID and IICA have managed the swine repopulation project, which has been a source of great controversy. The pigs used in this project are from Iowa, which Haitian farmers are neither technically, environmentally, nor financially equipped to handle. Given the role of the pigs in the Haitian peasant economy, their absence has completely disturbed the economic balance in the rural area and has ruined countless peasant families.

The CNG has failed to put forth any economic development plan which shows a commitment to improving the lives of the poorest Haitians and an equal commitment to maintaining a balance of import and export production and technological development which is appropriate for Haiti's level of development.

LAW

(5) Maintaining a system of fiscal accountability to ensure that all resources allocated to the development of Haiti are used in the most effective and efficient manner;

FACTS

According to the State Department's December 29, 1986 report, the CNG has "improved the management of public funds." Blatant misappropriation and patterns of corruption are not as pervasive as they were during the reign of Duvalier. However, there remain several instances of government corruption and of misuse of public funds which suggest that some Duvalierist nonaccountability practices continue under the CNG.

On November 28, 1985, Tonton Macoutes and soldiers killed three youth in Gonaives: Jean-Robert Cius, Mackenson Michel, and Daniel Israel. Their deaths generated widespread protests which eventually led to the downfall of Duvalier. However, the boys' killers have neither been arrested nor tried, and the CNG has conducted no investigation into the affair. In June 1986, Finance Minister Leslie Delatour made a trip to Gonaives and gave money to the three families. This was disclosed when Cius's father returned the money and publicly denounced the maneuver.

In September it was announced that Lt. Gen. Namphy, as President of the CNG, would begin drawing a salary of \$120,000 a year and Col. Regala and Jacques Francois, as members of the CNG, \$90,000. Under Haitian law, a public official cannot draw two salaries. However, the government has never made public whether Namphy and Regala are still receiving their incomes as members of the armed forces.

In December of 1986, it was discovered that the governor of the Central Bank opened an account called "Special Police Account," under orders from the Ministry of Finance for the Ministry of the Interior. According to the letter sent to the governor, Onile Millet, Secretary of State for Finance Fritz Viala ordered an account, #42-AC, to open with an initial line of credit of \$750,000. The letter further stated that the account was to be financed by the proceeds of the state lottery, although the proceeds are intended to finance social programs. Among the first people to be issued a check was Col. Williams Regala; it was in the amount of \$12,425. A second account, #941-C, was also

opened, in the name of the Ministry of the Interior. Most of the checks were issued to the order of Col. Jean-Claude Paul, the military commander of the Casernes Dessalines.

While these disclosures have created anger and confusion among Haitians, there has been no explanation from the CNG or the Ministry of Finance. These arbitrary transfers and diversions of funds exemplify the failure of the CNG to maintain a proper financial system. Fiscal accountability in the administration of the government of Haiti remains far less than adequate and below the standard set in the Act of 1986.

Law

(6) Is continuing its [Government of Haiti's] investigation of alleged human rights abuses and corruption by the Duvalier government and prosecuting, in accordance with due process, those responsible for human rights abuses and corruption;

FACTS

Haiti under the Duvaliers had one of the worst human rights records in the Western hemisphere. In its 1979 Report on the Situation of Human Rights in Haiti, the Organization of American States Inter-American Commission on Human Rights pointed out serious violations of the rights to life, personal integrity, personal liberty, judicial guarantees, nationality and political expression, and the freedoms of investigation, opinion, expression and dissemination of thought, association, and residence and movement.

A reported 175,000-250,000 individuals were murdered by government security forces during the twenty-nine years of the Duvalier dictatorship. Another estimated 300,000 were tortured, disappeared, mistreated or exiled. Almost one million people fled their country out of fear of persecution or economic deprivation.

Despite this virtual carnage, since February 7, 1986, only five individuals have been prosecuted and convicted for their human rights abuses, and no prosecutions whatsoever have been initiated against those allegedly involved in corruption under the Duvalier regime. The five prosecutions for human rights abuses have been brought only after intensive public pressure. Those convicted have received relatively light sentences. The CNG has demonstrated that it does not have the political will to initiate and maintain serious investigations and prosecutions of crimes committed under the Duvaliers. The lack of political will stems from people loyal to Duvalier and who were involved in serious human rights abuses themselves. They maintain positions of authority within the interim government and could be criminally implicated during a thorough investigation and prosecution. Through their offices they can circumvent or stop any prosecutions and protect themselves.

Those Haitian officials who remain in high-ranking positions and can shield themselves from prosecution have the additional protection of the Haitian judicial branch, which has two parallel systems. There is a civilian and military court system, as in other countries. In Haiti, however, a military person cannot be

tried in a civilian court even if the crime was committed while he was out of uniform or was retired. Military personnel in Haiti must be tried in a military court martial, no matter what the crime is, which helps insure a prejudicial treatment by military colleagues in favor of the defendant.

Immediately following Jean-Claude Duvalier's departure, the most notorious human rights abusers were rounded up by the military, not to stand trial, but for their own protection. When the exuberance and violence following Duvalier's departure finally settled, and individuals came forward with complaints of murder and torture, suspects such as Albert Pierre, Edner Day, Rosalie Adolphe, and others were no longer available. Most of them had been already spirited out of the country with the assistance of the CNG. The few who remained in detention were released following the dismissal of the Minister of Justice Francois Latortue, who was committed to "de-Duvalierization".

The three cases of human rights abuse convictions of military personnel are:

-- On April 4, 1986, a court martial sentenced Warrant Officer Jean Franco Valdemar to one year hard labor for the brutal beating death of Gonaives school principal, Fritz Bernard in November, 1985.

--On May 30, 1986, Col. Samuel Jeremie, whom witnesses claimed killed dozens of people in the final days of the Duvalier dictatorship, was sentenced to fifteen years in prison for a 1984 murder.

-- On November 28, 1986, Warrant Officer Robes Mettellus was convicted and sentenced to eight years of hard labor for the unprovoked assassination of a young man.

The conviction of two civilians for human rights abuses before a civil jury are:

-- On July 16 a civil court convicted former secret police Chief Luc Desyr of the murder by torture of Jean-Jacques Dessalines Ambroise and his wife in 1965. Testimony presented to human rights organizations by relatives and friends of victims also accused Desyr of more than a dozen brutal slayings. The prosecutor never used these witnesses' testimony, nor did the court call them to testify. Desyr was sentenced to death but his case was appealed and is still pending.

-- Edouard C. Paul was convicted on July 22 for the disappearance and death of Pierre Denis in 1969. Paul was sentenced to 30 years' imprisonment.

In February, 1986, the CNG assisted in the departure of the former Chief of Secret Police Col. Albert Pierre. Pierre had been charged with numerous counts of murder and human rights abuses during the Duvalier dictatorship. He was flown to Brazil. Despite an extradition treaty with that country he was never returned to Haiti to stand trial.

In mid-September, 1986, the CNG released Cols. Jean Valme and Franck Romain, despite a military committee's findings that there was sufficient evidence against them to prosecute. This military committee, convened by the CNG for the purpose of initiating cases against Duvalier accomplices for alleged human rights abuses and corruption, came to the following conclusions:

(1) That subpoenas should be issued for Col. Jean B. Valme, Lt. Col. Raymond Cabrol, and Major Iderique Leger, to be witnesses in the trial of Luc Desyr.

(2) That Col. Jean B. Valme be tried in a civilian court pursuant to the June 18, 1986 decree [ordering civilian trials for some military personnel].

(3) That an inventory be made of all of Mr. Lyonel Wooley's assets and that the Department of Justice appoint an administrator to oversee Wooley's two main firms, FABRICOSA and FANACO, in order to compensate the Rameau Estime family. [Lyonel Wooley, a Tonton Macoute, was implicated in the death by torture of Mr. Estime.]

(4) That the afore-mentioned Lyonel Wooley be extradited.

Wooley was arrested in Miami, Fla. in January, 1987. He was charged with failing to declare \$20,000 in cash which he was bringing into the country and with carrying three false passports. He was later released and was not extradited to Haiti.

The Duvalier family dictatorship was also marked by corruption and mismanagement of the administration and economy of the country. Francois and Jean-Claude Duvalier and their families siphoned between \$450 and \$800 million of Haitian funds. Meanwhile, they ran Haiti's external debt up to \$900 million.

While 45% of the population earns less than \$100 per year and the average annual income is only \$300, almost 200 families in

Haiti are millionaires. Families such as the Bennett, Cineas, Merceron and Raymond became millionaires through their relationships with the Duvaliers.

In March, 1986 the Commission d'Enquete Administrative (CEA) [Administrative Inquiry Commission], was convened by then-Minister of Justice Francois Latortue. The task of the CEA was to investigate corruption of government officials under Duvalier. A list of officials who had diverted state funds into personal accounts was compiled. Some of those on this list were Luckner Cambronne, George Derenancourt, Jean-Claude Sanon, and Alexandre Paul. These individuals, and many others, were living in Haiti during the initial stages of the CEA investigation. After their names appeared on the list they were allowed to leave the country. The CNG has not begun prosecution or extradition proceedings against any of them. Derenancourt, for example, accused of stealing nearly \$12 million from the national treasury, was recently discovered to be living quietly in California.

Others such as Gilbert Leger, Jacquelin Volel, Stanley Theard, Emile Charles and Alex Cave, were arrested pursuant to the CEA investigation but were released following Latortue's dismissal.

A number of individuals who worked for the Duvaliers and who gained a great deal of personal wealth and prestige in their posts, are returning to Haiti after fleeing the 'dechoukaj' and resuming positions in the government.

In light of the CNG's participation in getting suspects out of the country, its failure to prosecute anyone for corruption under the Duvaliers, its failure to extradite from abroad individuals facing charges in Haiti, and the light sentences being handed down, it is unequivocally clear that the CNG has not broken away from the practices of the past. Neither has the CNG shown any intention of creating a strong and independent judicial system and establishing a credible and effective rule of law. In sum, the CNG is not bringing justice to the people of Haiti who have made that a priority demand after twenty-nine years of a brutal and corrupt dictatorship.

LAW

(7) Maintaining a free and independent judiciary system.

FACTS:

Under the Duvalier dictatorship the judicial system became a powerless appendage of the executive branch. The courts were used mainly to approve actions by the Duvaliers which were blatantly illegal. In violation of Haitian Constitutions [there were five different Constitutions under father and son Duvalier] the judicial system was accountable directly to the President-for-Life. There were numerous cases reported of judges who took independent action or made decisions without consulting with the Duvaliers and who were arrested, beaten, tortured, or exiled.

Also, only a limited number of cases were brought before the courts since the Tonton Macoutes handled most disputes brutally and extra-judicially. On the other hand, not a single Tonton Macoute was ever tried for abuses while the Duvaliers were in power.

Thus, there were high expectations that one of the CNG's first priorities would be the reform and revitalization of a strong and independent judicial system.

But many Duvalierists still influence the judiciary. The Haitian judicial system continues to exclude the weak, the voiceless, and the poor from the benefits, rights, and protection of the laws, and nothing has been done to reform the tradition which created a judicial system as an expression of the oligarchical social order in the country. The practice of abuse of power will not end as long as the victims of such abuse do not have access to institutional procedures and the full application of the laws. The transition to democracy will be undermined without a judicial system accessible to all.

One of the most serious constraints of the Haitian judicial system rests with the existence of two parallel judicial proceedings, as mentioned --one civil and the other military. A military officer is never subject to a civil proceeding. This tradition has separated the army from society, a state outside a state. In Haiti this has resulted in military personnel being allowed exclusive judicial exceptions. These anomalies derive their source in the historical origins of the Haitian army and regained their strength in the now defunct Gendarmerie of Haiti, which was established as a force of coercion subject only to the

orders of the Marines of the American occupation. This tradition further explains the lack of respect of the Haitian person, the abusive response, and the love of the trigger which all too frequently characterize military interventions against society. All citizens being theoretically equal before the law, the existence of such a parallel judicial system will only impede the democratic process in Haiti.

The cases of Cols. Valme and Romain, previously cited, are pertinent examples of this type of judicial system which is unable to be independent because it is part and parcel of a military created by the Duvaliers and which has ruled with a tight fist the country since Duvalier departed. Despite evidence sufficient to prosecute them they were released and secretly flown out of the country with the assistance of the CNG.

There are numerous examples in the year tenure of the CNG where the courts have refused to establish formal rule of law and respect for due process. They merely oblige the military forces which govern Haiti. For example, dozens of people have been arrested without warrants and never charged or only verbally and informally accused of some alleged crime before the magistrate. Magistrates and higher courts refuse to throw these cases out for failure to prosecute properly. The courts have refused to ask the arresting officers for the basis for their arrests. In a number of these cases the so-called suspects have appeared before the judges visibly suffering from beatings. There has not been any investigation into such practices.

Numerous citizens continue to be held in detention for indefinite periods of time without charges being brought. The courts have taken no action on these incidents, despite complaints and inquiries by families and friends. Being held incommunicado also continues. For example, Jacques Gibson Narcisse was arrested on September 19, 1986 but was refused visits by friends, family, or attorney until the very end of January.

Several complaints and grievances filed by workers after being fired for union activity, which violates the Labor Code and decrees issued by the CNG, have never been acted upon in administrative nor judicial proceedings. Many cases of grievances filed on behalf of torture victims have not been acted upon.

LAW

(8) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti.

FACTS:

Despite the recent political changes which took place in Haiti, the problem of emigration continues to be one of the most painful issues facing the Haitian people. A State Department October 1986 report concludes that "the fundamental change in Haiti's government on February 7 has had no noticeable effect on migrant flows." A recent report by the Coast Guard states that as many Haitians were interdicted in 1986, after Duvalier fled Haiti, as in 1985.

As documented by District Judge James Lawrence King in Haitian Refugee Center v. Civiletti, the refugee phenomenon is due to a combination of social, political, and economic policies of the Haitian regime. The fact that the rate of emigration from Haiti has not decreased under the CNG demonstrates that the new government has not taken any serious steps to halt the massive exodus by confronting the root causes of the refugees' flight. To create an environment in which the Haitian people no longer take to the seas for foreign lands, the CNG must begin the process of resolving the political and economic crises.

There exists an insensitivity on the part of the present government, as demonstrated by the fact that it has not addressed the refugee question. No policy has been implemented to confront emigration in its different dimensions. Nor has the CNG shown any disposition to assist the planeloads of Haitians who have been sent back to Haiti from countries such as the Bahamas, the Dominican Republic, France, and the U.S. beginning shortly after February 1986. The government has done nothing to welcome these people, or to facilitate their readaptation. It has only been through the efforts of private groups, primarily religious institutions, that the refugees have been able to relocate.

On July 30, 1981, then Attorney General William French Smith announced that the U.S. Coast Guard would be interdicting Haitian vessels in Haiti's territorial waters and on high seas in an attempt to curtail the influx of Haitian refugees to the U.S. On September 23 of the same year, the Haitian and U.S. governments signed a treaty to this effect. Many arguments of protest have ensued, including that the treaty is in violation of the United Nations Convention on the High Seas, which outlines that such an action can only take place under limited conditions, most notably in the case of war. The strong reaction of the Haitian people to

this joint treaty has been that, given the willingness of the U.S. to accomodate refugees from other countries, the interdiction policy is intended to exclude black boat people. Haitians received their own government's participation in this act as a humiliating insult.

The Haitian refugee crisis is symptomatic of a complex socio-economic and political situation, which requires a long-term solution. The Haitian government's response, in its failure to treat the cause of the problem, demonstrates its lack of concern about the country's population and its lack of serious effort to halt emigration to the U.S.

III. CONDITIONS ON MILITARY ASSISTANCE FOR HAITI

CONDITIONS ON MILITARY ASSISTANCE SPECIAL FOREIGN ASSISTANCE ACT OF 1986 (SECTION 202)

Funds will be made available only if the President certifies to the Congress the following:

(1) The Government of Haiti has submitted a formal request to the United States specifying a comprehensive plan for the reform and reorganizations of the mission, command, and control structures of the Haitian armed forces consistent with a transition to democracy, the rule of law, constitutional government, and an elected civilian government. Such a plan should include a publicly announced commitment by the armed forces of Haiti to abide by international human rights standards and adoption of a code of conduct to assure adherence to these standards.

(2) The Government of Haiti is making substantial efforts--

(A) to prevent the involvement of the Haitian armed forces in human rights abuses and corruption by removing from those forces and prosecuting, in accordance with due process, those military personnel responsible for the human rights abuses and corruption;

(B) to ensure that freedom of speech and assembly are respected;

(C) to conduct investigations into the killings of unarmed civilians in Gonaives, Martissant, and Fort Dimanche, to prosecute, in accordance with due process, those responsible for those killings, and to prevent any similar occurrences in the future;

(D) to provide education and training to the Haitian armed forces with respect to internationally recognized human rights and the civil and political rights essential to democracy, in order to enable those forces to function consistent with those rights; and

(E) to take steps to implement the policy of the Government of Haiti requiring former members of the Volunteers for National Security (VSN) to turn in their weapons and to take the necessary actions to enforce this requirement.

A Problem of Institutional Oppression

Before Duvalier departed for France on the morning of February 7, 1986, he transferred power to a military-civilian junta, the National Governing Council. This junta is ostensibly an interim government, responsible only for a smooth transition to democracy.

The CNG suspended the Constitution and since then has been ruling by decree. It has also appointed Ministers for each of the various Cabinet positions.

Since February 7, 1986, the CNG has undergone two changes in its composition and the Cabinet has been reshuffled three times. Lt. Gen. Henri Namphy has presided over the CNG since the morning of Duvalier's departure. He was the Chief of Staff of the armed forces under the Duvalier dictatorship. With him since the first day has been Col. Williams Regala, a career officer and Inspector General of the security forces, who has been implicated in abuses under Duvalier. The other original members in the CNG were Col. Max Valles, commander of the fiercely loyal Presidential Palace Guard; Alix Cineas, who held multiple Cabinet posts under both Francois and Jean-Claude Duvalier; Col. Prosper Avril, personal friend and chief bodyguard of Jean-Claude Duvalier with control over family finances; and Gerard Gourgue, a lawyer, long-time anti-Duvalierist and president of the Haitian Human Rights League. Gourgue was also named the Minister of Justice.

On March 20, following an outbreak of military violence in Martissant where soldiers fired into a crowd and killed five unarmed civilians, Gourgue resigned. Prior to his resignation, he had become increasingly frustrated over actions by the CNG to block his attempts to bring to trial those accused of crimes under Duvalier. Gourgue, in his posts, represented the only clean break with Duvalierism. Of specific concern to him was that the CNG facilitated the departure of Col. Albert Pierre, former chief of the secret police and known torturer. Gourgue was reportedly also disgusted with the CNG's reluctance to arrest Madame "Max" Adolphe, head of the brutal Tonton Macoutes. Finally, he felt deceived when the CNG attempted to fly Luc Desyr out of the country. Desyr is the former Secret Police Chief who was

eventually brought to trial and convicted of killing by torture Jean-Jacques Dessaline Ambroise and Lucette Lafontant Ambroise.

With Gourgue's departure only Duvalierists remained in the CNG. The actions which precipitated his quitting graphically illustrate that the military and political system firmly built under the twenty-nine year Duvalier dictatorship is still in place and do not appear to be moving toward a change.

Following Gourgue's resignation and massive street protests reminiscent of the last days of Duvalier, Namphy accepted the resignations of Col. Max Valles, Col. Prosper Avril and Alix Cineas. Col. Avril is still an officer of the Presidential Palace Guard and the CNG's Chief of Staff.

The Haitian Armed forces, in Namphy's own words, decided to restructure the CNG, making it into a three person junta. Regala invited Jacques Francois, an elderly lawyer with little ambition or persuasion, to be the third and final member of the governing council. His presence has been ineffective and as of this writing he is very ill and not expected to return to work. The choice of Francois, a civilian, was mere window dressing in an attempt to placate growing tensions around the military dominance in the governing council.

It remains clear to many people inside and outside of Haiti that human rights abuses will continue into the foreseeable future if the present military structure and its personnel remain intact. At present, the CNG has not made an honest attempt at ridding the security forces of their deeply ingrained "macoute mentality." The practical expression of this mentality is their firing directly on peaceful demonstrations and killing unarmed civilians, which occurs on a monthly basis. Further, this mentality is expressed through the commanders' orders to subordinate soldiers to arrest individuals without notice, warrant, or other fundamental due process rights. The fact that the security forces continue to invade and ransack people's homes, arrest and beat people and detain them without their ever being charged displays a continuing hostility against human rights and individual dignity and safety. It has generated a climate of insecurity and a complete loss of confidence in the government. There can be no respect for human rights if this type of environment endures. And if the military structure is not fundamentally dismantled, this climate will indeed endure.

The continued use of terror and violence against the people of Haiti is frightening for a country supposedly on the road to real democracy. In addition to military violence, the CNG has

failed to prosecute or investigate, with rare exception, the atrocities committed by the military. Worse, on November 28, 1986, Namphy presented the Haitian Armed Forces with the Jean-Jacques Dessalines Award, the country's highest honor. In the same ceremony, he verbally attacked the Roman Catholic Church for its critical view of the government and inferred that it has been agitating the people.

Given the above factors it is clear that the CNG does not qualify to receive any military aid. Any such assistance given at this point will only serve to strengthen the armed forces, which would thus be better equipped to terrorize and repress any form of opposition. Besides the strengthening effect, the CNG Haiti has failed dismally to meet the conditions layed out by the U.S. Congress. For this reason our office strongly recommends that no military aid be given to Haiti.

**EVALUATION OF THE GOVERNMENT OF HAITI'S COMPLIANCE WITH
THE SPECIAL FOREIGN ASSISTANCE ACT OF 1986**

LAW

(1) The Government of Haiti has submitted a formal request to the United States specifying a comprehensive plan for the reform and reorganization of the mission, command, and control structures of the Haitian armed forces consistent with a transition to democracy, the rule of law, and constitutional government. Such a plan should include a publicly announced commitment by the armed forces of Haiti to abide by international human rights standards and adoption of a code of conduct to assure adherence to these standards.

FACTS

There has been no public announcement that such a plan was submitted. The CNG has not demonstrated any intention to reform the military.

The Haitian armed forces' composition reflects no break with the past at all. The armed forces are still under the command of Duvalier loyalists. Col. Jean-Claude Paul, for instance, remains the commander of the Casernes Dessalines. Under his command, Casernes soldiers have been responsible for unwarranted arrests, abuse and mistreatment of detainees, and obstruction of justice.

Under Col. Paul (brother to Alexandre Paul, former Haitian consul in Miami) Casernes Dessalines has been implicated in an incident in March 1986 when a 'tap-tap' driver was arrested after an argument with an army captain. The driver was led in handcuffs to Casernes Dessalines, where, he explained in a radio interview, he was "accused of having beaten the captain. I received hard slaps and beatings with a stick." According to him, the Casernes Dessalines soldiers asserted, "What makes you arrogant toward the military, a captain in the Army, is that you know there are human rights in Haiti."

Col. Paul is but one example of an unchanged command structure in the Haitian armed forces, which are responsible at this time for more than national defense. They also conduct duties commonly conferred on the police, such as traffic duty, crowd control, protection of government property, and civil arrests. The CNG has submitted no plan to remedy this arbitrary and potentially abusive structure.

There has been no code of conduct, as required by law, adopted to assist in adherence to international standards of human rights. The CNG has not shown it intends to provide one in the foreseeable future.

The CNG has made several vague assurances that it is "committed" to respect for human rights, but its conduct indicates otherwise. Furthermore, no public announcement detailing what international human rights standards it intends to abide by has been issued.

LAW

(2) The Government of Haiti is making substantial efforts-

A) to prevent the involvement of the Haitian armed forces in human rights abuses and corruption by removing from those forces and prosecuting, in accordance with due process, those military personnel responsible for human rights abuses and corruption;

FACTS

The CNG has failed to prevent human rights violations by the armed forces in accordance with the above law. The military continues to respond violently to demonstrators and activists in the democratic movement. Arbitrary arrests, and detention of activists and journalists, remain commonplace and are virtually never accompanied by mandate, charge, or trial. The armed forces have been involved in numerous beatings and cases of torture since February 7, 1986. Citizens have been 'disappeared' and homes and offices have been searched without warrant. (See Chapter II, page 5, for details of armed forces involvement in human rights abuses.)

The CNG decreed on February 4, 1987 that arrest and search warrants would no longer be required. This is clearly in violation of international laws and standards. It establishes a de facto state of siege, giving the military broad power to conduct warrantless arrests, searches and detentions.

As demonstrated in the previous sections, military personnel responsible for human rights abuses since February 7, 1986, continue to hold their positions. There has not been a single case of removing from the post military personnel involved in human rights abuses and violence from the armed forces. The military structure as it existed under Duvalier remains intact, and the CNG has given no indication that any change might take place in the foreseeable future.

Despite public knowledge and eyewitness accounts of numerous beatings, killings, and other human rights violations by the security forces since February 7, only three members of the armed forces have been brought to trial. They are Colonel Samuel Jeremie and warrant officers Fritz Valdemar and Robes Mettellus.

A basic impediment to justice being brought against those who have committed crimes is the CNG's insistence that the accused be court martialed rather than being tried in a civilian court. Given that the judges are also military officials, who may

well be associates or friends of the accused, they cannot be trusted to conduct a fair or thorough investigation or trial.

The CNG is neither dedicated to preventing abuses by the armed forces, nor to firing and prosecuting those involved in such abuses. The government consistently fails to respond to atrocities committed by armed forces with an investigation, trial, or expulsion from the post of those responsible.

While no widespread patterns of corruption have been documented in the military, some instances do demonstrate that corruption still exists, and at the highest levels.

For example, in December, two accounts were opened in the Central Bank, in the name of the Ministry of the Interior. Col. Williams Regala, Minister of the Interior, wrote out a check to himself in the amount of \$12,425. Checks from the second account were issued personally to Col. Jean-Claude Paul, commander of the Casernes Dessalines. These accounts are extra-budgetary and there is no explanation for the disbursements to these individuals. Of further concern is that there is no formal financial connection between the Ministry of the Interior and the Casernes Dessalines.

Beginning in November of last year, loads of food, clothes, rice, and other goods have been illegally shipped into Haitian ports from Miami. When the people of Gonaives begin putting up roadblocks to prevent the transportation of rice (which has undermined the local economy), they were fired upon by soldiers escorting the truckloads. This suggests that some military officials are involved in this contraband.

The Duvalier government, including the armed forces, was renowned for overt and widespread corruption. All those officers known to have been responsible for theft and misappropriation of funds either remain in key positions or have fled the country with the aid and assistance of the CNG. Not a single military personnel has been removed from rank or prosecuted for corruption.

Law

(B) to ensure that freedom of speech and assembly are respected

FACTS:

According to the State Department's December 29, 1986 report, Haitians may demonstrate peacefully and speak freely without restraint or reprisal. While the CNG has brought a welcome relaxation in the rights of speech and assembly from Duvalier's almost incomparable standards, the freedoms have repeatedly been curtailed and have on many occasions been met with the brutal force of repression.

The foundation for free speech is based in an environment in which democratic principles and the right to dissent are respected. This does not exist in Haiti today, where human rights violations are commonplace, the military regularly reacts violently against the population, and reprisals against government criticism are standard. It cannot exist when the government responds to the free speech exercised by the First National Congress of the Democratic Movements from January 28 to February 1 1987 by attempting to arrest two of the principal organizers of the Congress, Robert Duval and Victor Benoit. It cannot exist when Manno Charlemagne, a well known singer, and when five central members of the Comite de Liaison des Forces Democratiques, which has repeatedly criticized the government, were arrested in early February 1987.

Nor can it exist when the government refers to those speaking out freely and critically as "subversives and provocateurs" and "authors and accomplices to appeals to disorder and sedition," as it did in its decrees of February 4, 1987. These communiques represent unequivocal efforts by the CNG to hinder the people's ability to assemble and speak out freely. They make virtually impossible the exercise of these freedoms without fear of reprisal.

Other instances of abuse against those who have exercised their right to free speech in protesting government policy and military abuse are numerous. An example of this sort of repercussion is described in a letter of June 16, 1986 from Dutemps Melse to the Minister of Justice. Melse's mother, Mme. Litane Mesidor, was shot on June 5 by an officer during a demonstration. After delivering his mother to the hospital, "I saw a Toyota near which were standing military men. I approached them

and reproached them for this brutal act of which my mother was victim. They seized me brutally ...[and] took me to Casernes Dessalines where I was beaten up and incarcerated."

Another example can be seen in the fate of Marie Antoinette Chery. In late December, in Port-au-Prince, Chery protested Major Sovan for beating a person. In response to her outspokenness, Sovan shot her three times. At last report, she was in the hospital in critical condition. Although the government released a communique stating that it was investigating the incident, Sovan was reportedly not arrested or removed from his post.

Activists who have been outspoken on the need for an end to government repression have been targeted for harassment and arrest. One such person is Louis Felix Paul who was arrested in Thomassin on June 18 on the pretext of being a communist. Pastor Sylvio Claude, President of the Christian Democratic Party of Haiti, who became internationally known for his efforts to combat Duvalier's tyranny, became victim to government persecution once again on July 26 when police ransacked his home. On August 15, several days after Jean-Claude Erie gave a speech critical of the official visit of the CNG to Petit Goave, he was arrested and beaten. Himler Laguerre, a member of the Association of Youth of Aquin who has been active in working against oppression, was arrested in Aquin on September 8, and was severely beaten. He was imprisoned for over a month, until October 10. On October 6, Jean Mardichon, a vocal organizer of the popular movement in the town of Les Cayes, was shot at and severely beaten by military, who then arrested and held him for two days. On October 17, two members of KID (Committee for United Democracy), a group composed of political activists, were arrested in the streets of Port-au-Prince for exercising their right of free expression through a hunger strike to protest the October 19 elections. On October 31, Pastor Jean Renellus was arrested on the streets of Port-au-Prince as he was speaking to a crowd of people. He was held until November 6.

In another incident, Barbara Guillaume, a singer who has frequently spoken out against ongoing repression, was arrested under orders from Col. Jean-Claude Paul at Casernes Dessalines and was abused by soldiers. In November, Sylvio Claude's home was ransacked once again, and machine gunned. The home of Evans Paul (also known as Konpe Plim), who has served as the nominal leader of the KID and who has repeatedly protested CNG abuse of the people, received the same treatment from military. The same month, the home of Robert Duval, the President of the League of Former Haitian Political Prisoners, was invaded by soldiers.

One integral component of free speech is a free press. This freedom has been impeded, both by the aforementioned restrictive decree of July 30 and by numerous instances of harassment and arrest of journalists.

On March 18, 1986, the director of Radio Metropole, Herby Widmaier, was arrested. He had remained at the station late, and was therefore obliged to travel home after the midnight curfew. Despite the "permit to pass" which gave journalists the right to remain in the streets after curfew, Widmaier was picked up and held through the night.

Another case of persecution of journalists is the case of Edouard Laventure Ernest (known as Konpe Moloskot), a reporter at Radio Cacique. He has consistently given accounts of military brutality and has aggressively pursued stories of government abuse against people. In March of 1986 Moloskot reported to a Washington Office on Haiti delegation that he had already received threats against his life by security forces because he was considered too outspoken. These threats occurred on February 8, 9, and 25; on the 25th, as Moloskot covered the attempted departure of Luc Desyr at the airport, his tape recorder was taken from him and he was kicked by soldiers. In a subsequent incident, as Moloskot covered long exiled reporter Jean Dominique's return to the country, he was again beaten by soldiers and accused of causing trouble. On March 21, the military arrested a man, believing him to be Moloskot. When the Washington Office on Haiti delegation encountered Moloskot, he was attempting to disguise himself by wearing a hat pulled low over his face. He had not been home in several days because of fear of being apprehended, and stayed inside the station where at least one radio staff person was assigned to remain with him at all times.

Moloskot was harassed by the armed forces again in mid-January 1987. He was in the halls of the courthouse interviewing some people about a trial he was covering there, when soldiers accosted him and forced him to sit on the bench of the accused. After some time, the judge allowed him to leave.

Another Radio Cacique journalist, Jean-Robert Laforet, has suffered similar persecution because of his profession. On March 21, 1986, Laforet found himself outside after the 8:00 p.m. curfew because he had finished his work at the station late. Walking home through the streets, two soldiers approached him and asked what he was doing out. He told them he was leaving work, and was asked where he works. He responded that he is a

journalist, at which point the soldiers took out their machine guns and fired into the air. Laforet told a Washington Office on Haiti interviewer that he was only able to escape through the intervention of another soldier.

Laforet was subsequently arrested on October 17 as he covered the story of a hunger strike held by two KID members. He was released later that day.

In May, 1986 the CNG tried to force, through intimidation, the national television station Television National d'Haiti to hire a friend of Jean-Claude Duvalier as the sports announcer for the world soccer match. His salary was to be \$10,000 for the one-month job. The station manager refused to be intimidated but was later forced to resign. Tele National staff then walked off their jobs in support of the station manager and the CNG sent the armed forces to "maintain order". The CNG eventually backed down and withdrew their attempt to impose a Duvalierist in the station. This left the station, nonetheless, highly concerned with its status and the prospects of a free press under the CNG.

Other cases of military brutality and arrest of journalists have been documented throughout the year. On July 28, Radio Fort Liberte journalist was beaten by two soldiers. Lis Pierre-Louis and Clifford H. Larose, photographers representing Agence France Presse and Haiti Progres, were arrested and beaten on August 8 as they shot photos of an arrest in Port-au-Prince. Francois Pierre-Louis, a journalist with Haiti Progres, was arrested on February 6, 1987, as he attended a film showing, and was held without charge for three days.

The right to assemble, too, has been severely curtailed by the CNG and the armed forces. In June the Ministry of the Interior released a decree announcing that one must have a permit in order to demonstrate. In order to obtain this permit from the ministry, the application must state the reason for the demonstration. However, the permit was only granted once, when Secretary of State George Shultz visited Haiti. Police have frequently used as a justification for assaulting demonstrators the fact that the protesters did not have a permit. In November of 1986, following an enormous march in Port-au-Prince to protest against the CNG, the Ministry reminded citizens of the mandatory permit requirement.

February 7, 1987, provides a classic example of the lack of freedom of assembly in Haiti today. On this historic date, the first anniversary of Duvalier's departure from the country, planned demonstrations to protest continuing abuses by the

government were cancelled when, beginning the afternoon before, the streets filled with tanks and truckloads of armed soldiers.

Following are cases of military violence against those who have demonstrated to express dissatisfaction with government or military policies and practices.

On March 19, public demonstrations were held in Martissant to protest a murder by the military in the same area the day before. Soldiers intervened, firing into the crowds. Five people died and more than twenty were injured. On April 20, workers held a demonstration in front of the Fritz Mews factory in Chancerelles. Police opened fire, downing an electric cable. Three persons were killed by electrocution. On April 26, a demonstration was held in front of the notorious political prison and torture chamber, Fort Dimanche, to demand the institution's closure. The army again intervened, resulting in six deaths and more than 51 woundings. On June 5, military opened fire on a demonstration in the Port-au-Prince suburb of Carrefour, wounding at least two people: Litane Mesidor, by bullet, and another by beating. 20-year-old Junie Depestre was killed by gunfire. In early September, peaceful demonstrations protesting the release of military officers charged with crimes resulted in 15 wounded in Cap-Haitian and 7 wounded in Gonaives, when the armed forces charged the crowd. On Sept. 29, the armed forces dispersed another popular protest in Cap-Haitien by shooting into the air and throwing tear gas; many injuries resulted.

On October 2, a planned demonstration in Jeremie brought threats of violence by the army; organizers were forced to cancel the protest. Demonstrations in both Torbec and Gonaives on October 3 brought further military violence, when soldiers intervened and beat an undetermined number of participants. In Port-au-Prince on October 5, a Church-sponsored march ended when soldiers violently broke up the event. At another Port-au-Prince demonstration, this one on October 10 outside the Cathedral, the armed forces moved in and violently broke up the crowd. At least one person, Marie Paul Jean, was beaten severely. The demonstrators then moved to the neighborhood of Tokyo, where the security forces again intervened, throwing tear gas down the narrow alleys of the slum at retreating protesters, where the toxic gas entered homes and forced the hospitalization of three infants. One of these subsequently died of asphyxiation.

In November, Col. Renaud Monpoint gave soldiers the order to beat the demonstrators at a rally sponsored by Tambour Verite Jeunesse in Gonaives. Many were injured. On November 7, more than 100,000 people took to the streets of Port-au-Prince for a

procession and outdoor mass to call for an end to oppression. Soldiers intervened and began firing their machine guns into the air and at Radio Soleil. Three persons were killed. A demonstration was held concurrently in Gonaives, where police beat demonstrators, leaving 19 seriously wounded. On November 17, approximately 200 demonstrators convened in Cite Soleil to support a drivers' strike. Police shot into the crowd, leaving two dead, among them Clerius Levoisier who had left his home to buy bread for his children. On January 22 in the Artibonite Valley, soldiers fired into a crowd which was blocking the road in protest of the transport of contraband rice. One was killed, several others injured. On February 3, in a protest of a similar nature in L'Estere, military violence brought about the death of a young man.

Unfortunately, these are not isolated incidents. It would be impossible to collect and record here all the instances of armed forces' violence against demonstrators. Like freedom of speech, freedom of assembly in Haiti is not as yet a reality.

LAW

(C) to conduct investigations into the killing of unarmed civilians in Gonaives, Martissant, and Fort Dimanche, to prosecute, in accordance with due process, those responsible for those killings, and to prevent any similar occurrences in the future;

FACTS:

To date there have been no investigations of the military's involvement in the killings in Gonaives of November 28, 1985 when three students and a professor were murdered by soldiers. Nor has an investigation been conducted into the killing which occurred in the area of Martissant on March 19, when truckloads of soldiers descended upon a crowd and began shooting into it, killing five unarmed civilians. Similarly, the government has opened no investigation into the killings in Fort Dimanche in Port-au-Prince on April 26, 1986, when the armed forces opened fire on a demonstration, fatally shooting 6 citizens. The government has given no indication that it plans to conduct any investigations in the future.

No soldiers have been censured, prosecuted, or removed from their post as a result of their involvement in these killings.

As the subsequent recurrent killings of unarmed civilians demonstrate, the government has made no effort to prevent similar occurrences in the future.

LAW

(D) to provide education and training to the Haitian armed forces with respect to internationally recognized human rights and the civil and political rights essential to democracy, in order to enable those forces to function consistent with those rights; and

FACTS:

The CNG has not provided this training. Moreover, in light of the violations cited above, the CNG has demonstrated that it lacks the political will to provide training and education to the Armed Forces of Haiti in the protection of human and political rights.

The problem in Haiti, in particular regards to military violence, is not so much one of a lack of training as a refusal to break clean from the Duvalier era and fundamentally change the military command structure. Until that happens, military training is a non-issue. The repressive orders will be the same and the rank-and-file officers will have to obey their superior officers.

According to sources close to the situation, the CNG did send a group of officers to France for police training (investigatory procedures, crowd control, due process practice, etc.). The trip was a virtual junket. The officers very much enjoyed France's social scene, but returned to Haiti without an appreciation of the curriculum nor the ability to implement the subjects of the course.

This issue is not being seriously considered by the CNG. The government has taken no steps to improve the armed forces' respect for human, civil, and political rights. To the contrary, the CNG has demonstrated a hostility toward those dedicated to the respect of human rights.

LAW

E) to take steps to implement the policy of the Government of Haiti requiring former members of the Volunteers for National Security (VSN) to turn in their weapons and take necessary actions to enforce this requirement.

FACTS:

While one of the first proclamations of the CNG after February 7 1986 ordered the disbanding of the Volunteer for National Service (Tonton Macoutes), no decree ordering them to turn in their weapons was ever issued. Consequently, most former members of this special force, created under the Duvalier dictatorship to suppress discontent by brute force, are still in possession of their weapons. Many instances of armed terror against citizens, particularly in rural areas, are performed by persons known to have been Macoutes.

In Haute Chevaux in the Artibonite on April 25, a band of former Tonton Macoutes shot and killed a peasant from the region, Soirius Tonton.

On May 5, 1986 an armed group of persons known to have been former Macoutes attacked Habitation Fourchard in Bas-Artibonite and attacked a village of peasants who were seeking to reclaim their expropriated land. Seven people were killed and approximately 60 houses were burned, according to local priests.

In Jean-Rabel on May 14-15, a group of armed former Tonton Macoutes, under the direction of former Macoute Bruno Lucas, attacked peasants returning to the area to reclaim the land which had been expropriated from them under the Duvalier regime. Peasants were tied up by the Tonton Macoutes with the assistance of the military commander of Jean-Rabel, and put into prison. Threats were made against Fr. Jean-Marie Vincent and the Missionary Team of Jean-Rabel which has supported the peasants' land claim.

On May 20 in Chenot, on the mountain of Cahos, twelve former Tonton Macoutes invaded and occupied peasant land and asked for ransom from the farmers. The family of one of these, Noirelus Francois, paid \$1,200 (6,000 gourdes) for his release. The Macoutes ransacked the parsonage school and threatened to burn down the local parochial school and the nuns' house.

On June 12-14, approximately 60 former Tonton Macoutes attacked the same village of Chenot and seized the peasants' land. This raid was commandeered by Chief of Section Gesner Dorleans, as well as former Macoute commander Elius Charcelin.

In Grand-Goave in August, a former Tonton Macoute surnamed Danger, with the support of the military commander, began terrorizing and intimidating the people of the area. Many peasants were forced to flee their homes, and Danger was named Chief of Section.

Despite the multitude of crimes known to have been committed by Tonton Macoutes, they are still armed and loose in the country. No trial or prosecution has been brought against a single former member of the Volunteers for National Security, either for crimes committed under the Duvalier regime or since that time. In conjunction with the lack of government effort to force Macoutes to turn in their weapons, this demonstrates a clear apathy to protect the people against further violent attacks by these armed individuals.

CONCLUSION

Following February 7, 1986, the people of Haiti moved quickly to organize themselves and begin exercising new-found freedoms. But within weeks the new interim government, appointed by Jean-Claude Duvalier upon his departure, turned against many of the people of Haiti and refused to recognize their demands and proposals. Haiti's population continues to struggle with oppression, terror, and mismanagement.

The Washington Office on Haiti, which has provided human rights advocacy and public education for the people of Haiti before and after Duvalier's departure, is frustrated and discouraged by the depth and pace of change in post-Duvalier Haiti. As indicated by this report, the CNG has not broken with the past. It remains a government of individuals loyal to the Duvaliers. There is the strong and immediate need for fundamental changes in the structure of Haiti's political and military systems. Until that occurs, there will be discontent, tension, and human rights violations in Haiti.

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March 26, 1987

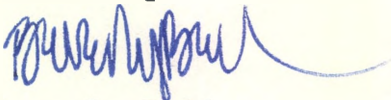
Dear Representative,

Washington Office on Haiti is an organization dedicated to the promotion of human rights and democracy in Haiti. As such, we have closely followed the policies and actions of the National Governing Council and the Haitian armed forces since February 7, 1986, when Jean-Claude Duvalier fled the country.

At this time the State Department is considering certifying Haiti for U.S. military assistance, contingent upon the Government of Haiti's compliance with the conditions of the Special Foreign Assistance Act of 1986 (P.L. 99-529). Enclosed please find "One Year After Duvalier," an evaluation of the government of Haiti's compliance with the conditions established by the act.

The enclosed report reveals that the National Governing Council and the Haitian armed forces have not committed themselves to the sort of changes upon which the U.S. Congress conditioned its assistance, and have not taken the specific measures upon which further military aid is predicated.

Sincerely,



Beverly Bell

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