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HAITI

@Human Rights Held to Ransom

Introduction

In January 1992 Amnesty International published *The Human Rights Tragedy - Human rights violations since the coup* (AI Index AMR 36/03/92). The report detailed the human rights situation in Haiti in the aftermath of the violent military coup on 30 September 1991, which overthrew the democratically-elected President, Jean-Bertrand Aristide. Since the report's publication, Amnesty International has continued to receive information of gross human rights violations, including serious extrajudicial executions, severe ill-treatment amounting to torture, and arbitrary and illegal arrests. Between 20 March and 3 April an Amnesty International delegation visited Haiti. The delegates found extensive evidence that such grave human rights violations, far from having stopped, have been a continuing feature since the coup in September 1991.

The delegation also obtained evidence of widespread extortion of money from civilians by the Haitian security forces and others apparently working in connivance with them. People are forced to hand over money to prevent arrest or torture and other ill-treatment, to secure improved prison conditions, or simply to obtain release from prison. Those targeted for human rights violations have included members and leaders of popular organizations, peasants, trade unionists, students, journalists, members of the Catholic church, and virtually anyone suspected of supporting the return of deposed President Aristide. There is, also extensive evidence that the security forces have also committed widespread human rights violations against the civilian population for no apparent political reason.

Amnesty International's delegation met victims of human rights abuses or their relatives whose cases the organization had already highlighted. It also met people internally displaced by the repression, members of human rights organizations and the press, members of the clergy and religious groups, and lawyers. The delegation had meetings with military officers and with former *de facto* Prime Minister Jean-Jacques Honorat.

Since the delegation's return, human rights violations have continued. Political violence increased in late May as students staged demonstrations and protests against the *de facto* government. As a result, indiscriminate, arbitrary and widespread repression once again increased. Many Haitians were plunged into despair as their hope for a return to constitutional order faded. Urban insecurity, which had dramatically decreased during President Aristide's administration, has risen to levels comparable to those before February 1991. As in the past, there have been allegations that many of the violent acts committed by armed men in civilian clothes, popularly called *zenglendos*, were perpetrated by members of the security forces or

with their complicity. A trade embargo and the widespread extortion of money from much of the population have thrown even greater numbers into desperate poverty. Unabated repression compounded by these factors led to a mass exodus of Haitians from their country. Some have fled to the Dominican Republic, where in several instances they have reportedly been arrested or intimidated. Others have escaped by sea in makeshift vessels, preferring to risk the perilous voyage to the Florida peninsula in the US rather than face brutal repression in Haiti.

One of the numerous military road blocks in operation in Haiti. Thorough searches of vehicles and passengers are frequent.

Amnesty International's concerns

In the aftermath of the September 1991 coup, Amnesty International's main concerns in Haiti were extrajudicial executions, arbitrary and illegal arrests, torture and ill-treatment. The victims were persons supporting or suspected of supporting deposed President Aristide. During the organization's visit in March and April 1992, the delegation found that although reports of extrajudicial executions had decreased, instances of illegal or arbitrary arrests, nearly always accompanied by torture or other ill-treatment, continued unabated. Repression in the countryside was compounded by the reinstatement of the infamous *chefs de section*, or rural police chiefs. Many of these had been dismissed under the Aristide government, and subsequently returned to their villages with a vengeance, each accompanied by dozens of their notorious *adjoints* (assistants). Meetings of popular and religious organizations continue to be forbidden by the authorities. Many members of such groups have gone into hiding, fearing persecution. The general state of fear is fed by the nightly shooting in certain areas in Port-au-Prince. In many occasions, the military their civilian cronies have "entered" a particular area, going into houses and reportedly ill-treating the residents, and sometimes stealing their belongings.

Arbitrary and illegal arrests

Since October 1991 Amnesty International has received hundreds of reports of arbitrary or illegal arrests. Most of these were carried out without a warrant, or outside the hours prescribed by the Constitution for arrests of people not caught in *flagrante delicto*. In many cases, the detainees were held without being brought to the judicial authorities for more than 48 hours - the limit provided by the Constitution. The following two cases highlight the way arrests are being carried out in Haiti.

An Amnesty International delegate interviewed a member of *Leve Kempe* (Resist), a popular organization. According to his testimony, he was arrested on 27 February 1992 in Savanne Pistache, near Port-au-Prince, shortly after a meeting at his home with other members of *Leve Kempe*.

Marks and scars could be seen on the back and wrists of this member of *Leve Kempe* some three weeks after he was severely beaten.

A civilian known to have worked with the police accompanied by men he described as *Tontons macoutes* (Bogeymen, the name given to the notorious Duvalierist civilian militia) approached him. The man accused him of "waiting for Aristide to come back and burn people",

and went to look for a sergeant from the *Service d'investigation et de recherches anti-gang*, Anti-gang Investigation Service. He was then arrested and taken to the police post in Marché Salomon, where he was severely beaten, and held for the night. The next day he was taken to the Anti-gang Investigation Service with nine other people. All were taken in turn to appear before a lieutenant. While the interviewed detainee was talking to the lieutenant a civilian was standing behind him saying: "When is your daddy coming back?" (meaning deposed President Aristide). The detainee's ears were beaten by means of the *calotte marassa* (twin slap), a simultaneous slap on both ears, usually given by someone standing from behind, that causes great pain and usually causes infections in the ears. Other parts of his body were also beaten with sticks and rifle butts, including his head, hips, chest, buttocks, wrists, and back. At one point his torturers lit a match and put it near his beard, saying "We'll get rid of it all!".

Later that day, at 11pm, a truck took him to the National Penitentiary with the nine others. They were accused of being "those who were going to spoil the carnival" (meaning the yearly carnival celebrations). They were forced to remain barefoot on very rough ground throughout their detention, which lasted until 4 March. That day, his name, the names of the other nine and four others were called. They were told that they could go home to wait for "Daddy" to come back as the carnival was over. They were given back their shoes and they left. When the former detainee was interviewed by Amnesty International, some 20 days after his release, he was visibly in severe pain and had difficulty breathing. He said he could only sleep on his back because of the pain. After he was released he, his wife and their two small children moved homes to a poorer district in Port-au-Prince.

Harry Nicolas, a 25-year-old plumber, is an active member of several popular organizations, including the local literacy movement and neighbourhood committee. He was arrested on 29 March 1992 in Cap Haïtien, North-East Department, at around 2pm, a day before Amnesty International's delegation arrived in the area. A Justice of the Peace reportedly accompanied by four soldiers came to his home and asked to search the house. They apparently presented no written warrant, as stipulated in the Haitian Constitution. They reportedly did not find any incriminating material in the house, but arrested Harry Nicolas anyway. He was taken to the prison of Cap Haïtien.

Harry Nicolas had only returned to Cap Haïtien days earlier, having spent approximately six months in hiding following the September 1991 coup. He had participated in a reportedly peaceful demonstration in support of the Haitian Constitution earlier that day. He was released about one month later, apparently uncharged. He subsequently went into hiding and requested asylum at the US embassy. His request was denied.

On 21 March 1992 **Dully Oxéva** and **Dérose Eranor**, two peasant activists from the area of Thomonde, Centre Department, were arrested by members of the Haitian Armed Forces in Mirebalais, where they had been in hiding. Shortly after the coup of September 1991, Dérose

Eranor fled Thomonde after soldiers reportedly burned down his silo and looted his house. Both he and Dully Oxéva are members of the *Mouvement Paysan de Papaye* (MPP), Papaye Peasant Movement. The MPP has been targeted in the past for human rights violations by the security forces and has been severely hit by the new authorities. The offices of the MPP were ransacked by the Haitian military after the coup and several of its members have been arrested and ill-treated since. After Dully Oxéva and Dérose Eranor were arrested, they were severely beaten and then held at the military barracks at Mirebalais. According to testimony given in the area to Amnesty International delegates, their families were asked for \$50 (US\$31) for their release. The two men were reportedly released on 23 April but immediately rearrested and then freed again shortly afterwards. Dully Oxéva and Dérose Eranor are said to be suffering from poor health as a result of the beatings they received.

Amnesty International's delegation interviewed several other victims of arbitrary or illegal arrest. Through its conversations with human rights organizations, lawyers, journalists and religious workers, it learned of scores of other cases of such human rights violations. Among these were:

- a peasant who was arrested in December 1991 without a warrant together with his son and nephew in Limbé, North Department. All were severely beaten. He reported that his house had been pillaged by the local *chef de section*. He has now left the area with his family.

- **Patrick Destin** was arrested without a warrant in Pont-Sondé, Artibonite Department, on 23 February 1992. He was reported to have been severely beaten by a soldier in civilian clothes and a *chef de section*.

- **Franck Louis**, who was arrested without a warrant on 10 March 1992 in Thiote, South-West Department, was severely beaten and detained for three days. He was reportedly made to pay for the medical treatment he was given in prison.

- **Elvéus Elissaint and Dorzius Bennissé**, two catechists (lay religious workers), and **Piersaint Piersius**, a protestant leader, were all arrested without a warrant on 17 March 1992 allegedly because they had attended two meetings with Father Gilles Danroc, the parish priest of Verrettes. The three were beaten severely, and it was reported that the *chef de section* who arrested them broke his rifle on the back of Elvéus Elissaint.

Torture and ill-treatment

Since October 1991 Amnesty International has received hundreds of reports of torture and ill-treatment of civilians by the military, *chefs de section* and civilians working with them. Severe beatings are practically automatic when an arrest takes place, and are daily occurrences in detention centres. Beatings have also been reported in the open streets, either during demonstrations or when the security forces enter a particular neighbourhood. While in Haiti, Amnesty International delegates interviewed victims of torture and ill-treatment, their relatives or doctors who treated torture victims.

Roosevelt Charles was arrested on 13 February 1992. A coordinator of the *Parti National Progressiste Révolutionnaire Haïtien* (PANPRA) National Progressive Revolutionary Party of Haiti, for the Limbé area in the North Department, he was well known as a political activist, and was labelled as a "communist" by the local military authorities. Although versions differ as to why he was arrested, all agree that it was the result of a dispute between him and another individual who then had him arrested. Upon arrest, Roosevelt Charles tried to run away but the soldiers attacked him with stones, and then severely beat him. He later told his family that he was beaten every day during his detention. Before his release eight days later, he was reportedly given 250 blows with a stick. After ten blows, he fell, and the man who was beating him said: "Now, I have to start all over again" ("*Maintenant, je suis obligé de recommencer*"). Roosevelt Charles was hospitalized for approximately a month following his release. According to the information gathered by the delegates, he had such a serious infection owing to the beatings on his buttocks that he could have died had he not been treated. He also had severe anaemia. After two weeks in hospital, with daily cleaning and dressing of the wounds, he began to heal. However, he had to be flown to the US for a skin graft. His family have now left the Limbé area and are in hiding, in fear for their lives.

Torture and ill-treatment is not confined to those arrested and detained. The organization talked to a young teacher in the Centre department who is member of the *Front National pour le Changement et la Démocratie*, (FNCD), National Front for Change and Democracy, the party coalition that supported President Aristide's candidacy. The teacher told Amnesty International that on 21 March, at about 9.45am, a group of soldiers from the local barracks, grabbed him and a student friend as they were on their way to school. They were beaten with sticks on their shoulders and buttocks and told to clean some outside walls where pro-Aristide graffiti had been written. They were however not accused of having written the graffiti. Many others were arrested and ill-treated in the area.

Amnesty International's delegates also met victims of torture or ill-treatment who had been featured in its January report. They gave extensive details of their suffering. Among them were **Raymond Toussaint**, a member of the *Congrès National des Mouvements Démocratiques*, (KONAKOM), National Congress of Democratic Movements, arrested without a warrant on 24 October 1991, severely ill-treated and released on 19 November; **Dieulème Jean-Baptiste**, arrested without a warrant on 6 January, badly ill-treated and released two days later; and some of the students arrested and ill-treated during a peaceful

The *Djak* is a widely used form of ill-treatment in Haiti. A baton is wedged under the knees and over the arms of a prisoner, who is then repeatedly beaten in different parts of the body.

student gathering in November 1991.

The delegation also met with other victims about whom Amnesty International had had no previous knowledge. One of these was a woman in her twenties who worked with the hard of hearing at an institute in Port-au-Prince. She was arrested on the morning of 3 December 1991 at her mother's home in Marchand Dessalines, Artibonite Department. Her case is

representative of the climate of lawlessness and impunity with which the security forces and the civilians acting with them operate.

According to her testimony, she was arrested because she stopped someone cutting down a tree in the yard of her mother's house. The person apparently went to see a soldier, who arrived at her house with two civilians, including the man who had tried to cut down the tree. The soldier told her that the commander wanted to see her, but she refused to go without a warrant. She was then beaten on her arms and back with fists and open hands. As she arrived at the local barracks, the commander asked who she was and where she was coming from. "She's a *lavalassienne*" (a member of *Lavalas*, the political movement that supported deposed President Aristide's candidacy), said the soldier. "Beat her", said the commander.

She told Amnesty International:

"I was astonished, I didn't think they were going to beat me. I was really scared. I was pushed into a small yard. There were three soldiers. I was beaten with a *rigoise* (a kind of leather lash) on my face, on my head. The *rigoise* cut my back... When they were beating me I tried to stop the blows, and they broke my arm... So, they beat me with a *rigoise* and with a big wooden stick and another soldier beat me with his hands. When they were tired they left and then another came, and the one who arrested me came with his *rigoise* and beat me a lot. Then they left me, and after quite a while they shut me up in my cell. I was hurting a lot on the arm, on the leg, on the hips, the skin on my back was really torn. This arm hurt so much and even now it is not good. I had a lot of wounds, you see? (she showed a delegate dark marks on the arms and the legs). I also had contusions because of the stick. The soldiers were in front... and they were making fun of me... Then a man came and told them that I have two sisters who were angry because of what happened to me. The commander said they should be arrested too... They arrived in my home, but my sisters and my cousin had fled. They searched the house and they tried to arrest other young women who had gone to see my mother, but they were told that they weren't my sisters and they were released. They returned to the barracks.

After a while my father arrived. He came to the commander and said that in his absence one of his daughters had been arrested... They almost beat him... After one or two hours they sent me to the tribunal. They had torn my dress; they made me walk with my dress all torn. When I arrived at the tribunal, they accused me of beating a soldier and disturbing public order... They did not say that it was a campaign of deforestation that was proposed... They threw other accusations at me. Then I gave my statement to the court and then they took me back to the barracks, but the judge had ordered that I was to be taken to hospital. The

commander did not agree, I stood there all day. At about 6pm they decided to send me to hospital, because many people from the district had come to ask the commander that I be sent there".

The young woman stayed overnight at the hospital only after the intervention of her doctors, who were threatened by soldiers. But she was returned to the barracks early the next morning, where she was locked up again. That evening, the commander called her, asked her if she worked and how much money she earned. He told her she would be released if she admitted to having beaten a soldier, but she refused. She said "Commander, I have already received a lot of blows, if you want to send me to Saint-Marc (the prison in Saint-Marc), you can send me to Saint-Marc". She was sent there the next day. She was first taken to the barracks in Saint-Marc, where soldiers refused to see her medical certificates explaining she was ill and insulted her. She was then taken to Saint-Marc prison, where she was asked for 70 *gourdes*¹(about US\$10) to save her from further beatings. A cousin who was there gave the soldiers the money. The next day, she was to appear before the local attorney, but the soldier who had accused her did not turn up. The same thing happened two days later. She was finally released on 10 December with a summons to court for 23 December, which she had to delay because of a doctor's appointment. On the second summons, the soldier did not appear. Nor did he appear on four other occasions. When she was interviewed by Amnesty International, her arm was still in a plaster, and, according to the latest reports received, it had not healed by the end of April.

Amnesty International's delegates also met victims of ill-treatment that occurred during military and police incursions into several neighbourhoods. According to their testimony, in the area of Bizoton 53 in Port-au-Prince, a group of about 50 military personnel from the nearby naval base and policemen from the Lamentin 54 police station entered the neighbourhood in the evening, on 31 December and on the first days of January. Several victims described how the military either beat the people in the street or in their houses. In one instance, two children, aged nine and seven, were beaten. Several women were also reportedly beaten severely on the back, chest, stomach and waist with rifle butts and sticks, and given the *calotte marassa*. All the victims interviewed were, in late March 1992, still suffering from the physical effects of the beatings they received. Most had abandoned their houses. Similar incidents have been reported frequently.

Street children were not spared the ill-treatment of the Port-au-Prince police. One of Amnesty International's delegates interviewed a group of street children during the visit. According to their testimony, the Port-au-Prince police go to the places where the children sleep at night, usually around the city's cemetery, and beat them so that they move to a less

¹ The *gourde* is the Haitian currency. Five *gourdes* are commonly referred to as "one dollar". One Haitian dollar is roughly equivalent to US\$0.70. Seventy *gourdes* is equivalent to 14 "Haitian dollars".

conspicuous place. One of the children alleged that in the days immediately following the coup, several street children were arrested by policemen belonging to the 4th Police Company, known as "*Cafétéria*", and were made to clean the police station. Testimony given by inmates at the National Penitentiary indicated that children were being held there and beaten. The Amnesty International delegation was not able to visit freely the National Penitentiary, but it did identify at least two children, one of them with his head shaven, among a group of prisoners sitting in the main courtyard. This is contrary to Article 8(d) of the UN Standard Minimum Rules for the Treatment of Prisoners, which states that "Young prisoners shall be kept separate from adults". The UN Convention on the Rights of the Child, which Haiti signed in 1990 but has not yet ratified, states, in its Article 37(c), that "Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so...". The delegation was however, not allowed to discuss the situation of detained children with prison officials. Earlier, the delegates had raised the issue of street children who had been ill-treated and the harsh prison conditions for children at the National Penitentiary with *de facto* Prime Minister Jean-Jacques Honorat. "Street children are drug pushers" ("*Les enfants des rues sont des passeurs de drogue*") was his reply.

Street children at a day centre in Port-au-Prince. Those raising their hands said they had been beaten by the police.

Deaths as a result of ill-treatment

Among the victims was **Jean-Luc Antoine**, the father of two small children, who was reportedly beaten to death in early March 1992 by the military in Bainet, South West Department, after he was arrested by a corporal, for walking in the streets while drunk. Also in March, **Woodly Gérard Jacques**, a Haitian citizen resident in the US, died reportedly as a result of ill-treatment in the military barracks of Arcahaie. His body allegedly had a broken finger, cuts and bruises on the face, and signs of blows on the abdomen. His left ear was partly mutilated, apparently from burns, and one of his buttocks showed a large wound surrounded by severe bruising.

Making a business out of repression - Extortion as an alternative to arrest or ill-treatment

An increasingly common form of repression has been the extraction of money by members of the security forces, particularly in the countryside, to avoid arrest or ill-treatment, or to secure better prison conditions or release from detention. This has happened in political and non-political cases alike. One effect of extortion is that the victims have been forced to sell their possessions - livestock, crops, grains, - leaving them totally impoverished. Amnesty International's delegates also gathered information about "protection money" being paid to militia groups called "*syndicats*" in the Central Plateau, apparently with the connivance of the local military. In other cases, particularly in the 7th communal section of Limbé, North Department, peasants who were arrested reported that their houses had been looted by the local *chef de section* and civilians working with him.

An expensive case of extortion was that of **Aldajuste Pierre**, president of the *Kosmika* cooperative, formed by the MPP. Aldajuste Pierre, who lived in Los Palis, near Hinche in the Centre Department, was arrested by soldiers on 16 October 1991. He was severely beaten, causing him to urinate blood. He was subsequently transferred to the military hospital in Hinche.

He was later sent back to prison and routinely beaten. He was finally released on 14 February, after his family agreed to pay \$1,800 (about US\$1,100), which they reportedly raised from relatives and friends and from the sale of most of their possessions. However, it was reported to Amnesty International that when the local commander of the tactic unit, who was away at the time, learned of Aldajuste Pierre's release, he immediately attempted to rearrest him. Aldajuste Pierre fled his home and had not returned home by early April.

After his release from prison, Aldajuste Pierre had to be treated at a local dispensary for his injuries, including his ears which were severely infected, and several skin ulcers. He told a foreign aid worker that he had received at least 375 blows in one session. "After that, he could not count", the foreign worker told Amnesty International's delegation.

In the same area, Amnesty International's delegates interviewed another member of the MPP. He had been in hiding since the coup and had only recently started going back to his field, although he did not sleep at home. The man also spoke of the extortion of money from peasants practised by the local authorities in the area.

"In some areas, it is terrible, because they are asking for money, money, money. And today, one sergeant, the other day an *adjoint*, the other day the *chef de section*, and people have paid \$200, which is equivalent to a year's work. Even here in Los Palis they are paying. There is a little factory of cassava, and at the factory they have paid also. Everywhere you must pay... They always have a

pretext, for example of belonging to MPP... There are some *macoutes* who are asking for money, but they are saying that they have been sent by the *chef de section*; but then there is a deal to split the money."

The MPP headquarters in Papaye had been attacked and ransacked by soldiers in early October 1991. According to the testimonies received by the delegation, the soldiers took the money of the peasants' saving cooperative, which amounted to tens of thousands of dollars, as well as computers and other materials. "What they could not take they destroyed", said a foreign religious worker, "including the printing press and the electricity generator". Amnesty International delegates saw the destruction caused by the military at the MPP headquarters. Torn papers from the MPP files and library were seen on the ground outside and inside the buildings. Not even the doors and windows were left. Many peasants lost their savings.

The ransacked headquarters of the Mouvement Paysan de Papaye, several months after the attack by soldiers.

A peasant from Ravine Desroches, 7th Communal Section of Limbé, described how his home was raided on 9 December 1991 by the local *chef de section* and about 45 civilians. They took most of his belongings and arrested him, his son and his nephew. They were accused of being "communists", beaten severely and kept in detention for several days. When the delegation

saw him, the man was still suffering from the ill-treatment he had received. Amnesty International has learned of other similar cases, particularly from the same area.

One of the several lists given to Amnesty International's delegates of people arrested and ill-treated. The amounts paid to the authorities by them can be seen on the last column on the right.

Extortion was also reported in the prisons (see the section on prison conditions below). The delegation was given many first-hand testimonies and reports of this practice. It was also shown full lists, collected by local human rights workers in different parts of the country, of people who had been arrested or ill-treated, or both, and how much they had paid. In other cases, peasants reported that their homes had been burned after they refused to pay a "tax" to the local authorities. In Petit-Trou de Borgne, for example, over 120 houses were burned in late January. A foreign television crew trying to do a report on the incident was arrested by the local *chef de section* and was only saved from execution because of a dispute between the arresting *chef de section* and another *chef de section* who claimed the crew was in his jurisdiction. According to local human rights groups, many peasants refuse to say they have been victims of

such practices by the local authorities, or refuse to disclose the sum they paid, for fear of reprisals.

**Hinche Civil Court. Graffiti with slogans
against the Papaye Peasant Movement (MPP)
and the trade embargo can be read on the wall.**

Continuing harassment

Journalists, priests, foreign workers, members and leaders of popular organizations all continue to report threats, harassment or intimidation. In many cases, the authorities have given orders forbidding them to meet or express themselves freely. In many of the following examples, the victim's name has been withheld for their safety.

An "*animatrice*" (organizer) who works for a foreign non-governmental organization (NGO) which supports a peasant movement and a women's group in the south west of the country, told Amnesty International delegates that all activities in the area were stopped after the coup, both because of persecution of popular organizations. In November 1991 the *chef de section*, accompanied by soldiers, went to her house reportedly to arrest her and another co-worker. They were not at home, and they fled to Port-au-Prince, where they spent over two months. The two returned to their village of origin in mid-January, only to receive a message from the *chef de section*, that "Aristide will not be back. Organizers will not be able to work again" ("*Aristide ne sera pas de retour. Les animateurs ne pourront plus travailler*"). By the time of Amnesty International's visit, meetings had not resumed, most of the youth in the area were hiding, and the local people were too scared to gather in groups.

Her story is consistent with what another "*animatrice*" working in the south east told Amnesty International. In November, the military went to her house several times looking for her. At other times she was confronted by soldiers who asked her if she had organized meetings, to which she always replied that she had not. Later, she was told by a member of the armed forces that her name was on a list of people considered to be "communists", and she went into hiding in fear for her personal security. Several weeks later, when she felt safer to do so, she returned to her home town, but she has not been able to resume work.

Amnesty International's delegates interviewed many religious and popular organizers in the countryside. Everywhere, the story was similar. Military road blocks were in operation in virtually all towns and villages, and often involved thorough searches of vehicles. Meetings were forbidden, and in the case of church groups, the only meetings occasionally allowed were those preparing the liturgy for the following day's mass. Priests reported being under close surveillance. In addition, several priests, including foreign priests, reported that they had received death threats, and that the local rectories had been "visited" by the military in an openly intimidatory fashion. In one case in the Artibonite Department, a man was arrested for a brief period and interrogated about his links with a local priest. Elvéus Elissaint, Dorzius Bennisé and Piersaint Piersius were arrested without a warrant and severely beaten on 17 March allegedly because they had attended two meetings with the parish priest of Verrettes.

Journalists have not escaped repression. Journalist **Guy Delva**, the *Voice of America* correspondent in Port-au-Prince who has been outspoken on human rights issues, was

threatened several times. According to his testimony, armed men in plain clothes, believed to be members of the security forces, went to the district of Delmas in Port-au-Prince, where he lives, at the end of February 1992, and asked neighbours for his address. The neighbours refused to say anything and the armed men left. The following week, armed men again came to the Delmas district looking for Guy Delva, and again neighbours refused to cooperate. Following this incident, Guy Delva abandoned his home and has not slept there since. He told the delegation that since December 1991 he had been receiving telephone calls saying that if he did not stop broadcasting he would be "crushed". He believes the threats were linked to the reports he was filing outside the country regarding the lack of press freedom and cases of human rights violations in Haiti. These included the case of journalist Jean-Mario Paul (see below) and the case of Jean-Claude Museau, a teacher who died as a result of ill-treatment in January 1992 (see *The Human Rights Tragedy*, p. 7). In March 1992 Guy Delva and several with foreign journalists attempted to visit Jean-Mario Paul in prison in Petit-Goâve. They were refused admission by the sergeant in charge, who verbally abused Guy Delva. Guy Delva was beaten by the Port-au-Prince police in late May, when he was covering a student demonstration. Intimidation of members of the press continues, and many radio stations have stopped broadcasting. Several were closed by the military authorities, while others have preferred to stop broadcasting news, or to stop broadcasting altogether, in fear for their security.

Extrajudicial executions

Since January 1992 reports of extrajudicial executions have decreased. However the Amnesty International delegation gathered information about several cases which suggest that the practice still continues. They also heard of bodies being found in the streets. However, given the rise in street crime, it was sometimes impossible to determine whether those found dead were victims of extrajudicial execution or of the *zenglendos*. In several cases, criminal violence appeared to be used to disguise politically motivated killings.

Such was apparently the case with the death of **Albéric Frédérique**, a small trader and well-off peasant who was well known for standing up for the rights of the poorer peasants. According to the information given to the delegation, Albéric Frédérique was shot by civilians in early March in Cazales, Artibonite Department. It was reported that a deputy *chef de section* conveyed a message to him a few days before his death to say that it was safe for him to return home. He did so, but two days later he was killed. According to accounts, Albéric Frédérique had heard the armed civilians coming and tried to escape through the back door of his house. He was shot in the back as he was running away. The local authorities reportedly said that he had been a victim of a *zenglendo* commando, but local residents believe he was killed, either by or with the connivance of the authorities because of his defence of poor peasants.

Astrel Charles, the congressional lower house representative for Pignon, North Department, and member of the *Parti agricole et industriel national*, (PAIN), National Agricultural and Industrial Party, was shot dead on 15 December 1991. On that day Astrel Charles was apparently visiting relatives in Ranquitte. When the local population learned that he was there, they looked for him to complain about abuses carried out by the local *chef de section*, who had been dismissed by Astrel Charles but who resumed his post after the coup. Astrel Charles apparently publicly reproached the *chef de section*. Later, as he was walking home, two assistants (*adjoints*) to the *chef de section* tried to arrest him. Astrel Charles reportedly explained that he had nothing against them, and they fired their weapons in the air. The *chef de section*, who had been hiding behind a tree, then appeared and shot him. Later, the *chef de section's* arrest was reported.

Extrajudicial executions increased sharply since Mid-May (see **Recent Developments**, page 36).

"Disappearances"

Amnesty International delegates obtained further details about cases of "disappearances" which had been previously reported, as well as about new cases. In the most recent cases, given the situation in the country, local human rights groups have found it difficult to assess if those reported as "disappeared" were in fact people who had gone into hiding without telling relatives after they had been arrested and released. However, as time passed, the lack of news about the fate and whereabouts of those initially reported as "disappeared" gave rise to concern. This was particularly the case of several students who were arrested after a reportedly peaceful gathering at the Faculty of Science building in Port-au-Prince on 12 November 1991, and of about 20 students from Cap Haïtien, who were reportedly arrested in January 1992 after they had reportedly staged a demonstration against the director of their *Lycée* (college).

In other cases, however, "disappearance" clearly followed arrest or abduction. In early October 1991 Amnesty International had learned of the arrest and subsequent "disappearance" of Jean-Robert Jean-Baptiste, the 40-year-old *Vice-délégué du gouvernement*, government vice-delegate for the South West Department, and an FNCD member. During their visit to Haiti the delegates talked to his family, who said that Jean-Robert Jean-Baptiste "disappeared" on 1 October 1991 after leaving his home in Carrefour, Port-au-Prince. The family said they had been given different accounts of his "disappearance" by supposed witnesses. All coincide, however, in saying that agents from the 46th Police Company (*46ème Compagnie de Police*) in the Lamentin area of Port-au-Prince were responsible for his arrest. Some reported that he was forced into a van at gunpoint and taken away; others reported that he was shot on the spot and that his body was taken away. A former detainee held at the Lamentin police post, however, reported seeing him detained there. The family told the delegation that all their efforts to locate him, including visits to the hospital, the morgue, and several police stations, had brought no results.

Jean-Robert Jean Baptiste

The police consistently denied holding him. Jean-Robert Jean-Baptiste has seven children, including three young boys of 11, nine and eight. In April, several days after talking to Amnesty

International's delegates, the home of Jean-Robert Jean-Baptiste's wife was reportedly searched by four armed civilians. The family has apparently gone into hiding.

Amnesty International delegates were also able obtain further information about the "disappearance" of Félix Lamy, director of *Radio Galaxie*. He was abducted in December 1991 by seven unidentified men who forcibly entered the radio station after he broadcast a story about a possible rebellion within the armed forces. Again versions differ concerning his fate. One indicated that at some stage he was brought to the 4th Police Company in Port-au-Prince, known as *Cafétéria*, in a delicate state of health and died later; another version indicated he was already dead upon arrival. Yet another version indicated that he had been killed at the police station in Portail Saint Joseph in Port-au-Prince. It was impossible to verify these allegations, but the authorities have made no effort to investigate his abduction and subsequent "disappearance".

Prison conditions

Amnesty International has for years been concerned about prison conditions in Haiti. Conditions at the National Penitentiary, Saint-Marc, Gonaïves, Cap Haïtien and other detention centres have been described by former inmates as harsh. Beatings and other ill-treatment have been frequently reported. Most inmates have suffered from malnutrition and lack of medical treatment, and many have died as a result.

Amnesty International delegates requested a visit to the National Penitentiary during their meeting with *de facto* Prime Minister Jean-Jacques Honorat. Prime Minister Honorat replied that the delegation would be allowed to see all the prison facilities and talk to inmates. The delegation agreed with him that they would go the next morning. When the delegation arrived at the National Penitentiary, they were taken directly to see the youths who had been imprisoned after they occupied the Canadian Embassy in December 1991, prisoners about whom Amnesty International did not appear to have concerns and whom the delegation had not specifically asked to meet. Delegates were not allowed to visit any other area of the prison or talk freely to inmates. Nor were they allowed to discuss their concerns with the prison authorities, who stated that they had only received orders to allow access to the prisoners initially shown. The delegation refused to carry on with the visit on such terms. Similarly, attempts to obtain written authorization to visit Jean-Mario Paul at the barracks prison in Petit-Goâve were unsuccessful.

In spite of the government's *de facto* refusal to grant access to detention centres, Amnesty International's delegation did obtain information about prison conditions in other detention centres around the country. **Raymond Toussaint**, who was arrested in October and severely ill-treated, described the conditions he was subjected to at the Saint-Marc prison. He was taken to Saint-Marc prison after a short time at Saint-Marc military barracks, where he was insulted and severely beaten. At the prison, he avoided further ill-treatment because he had been able to pay the money the prison authorities usually ask for not beating prisoners upon arrival. He was then shut up in a cell that had between 75 and 80 other people. The cell did not have any ventilation, and inmates were obliged to relieve themselves there. The smell was unbearable. After about 35 minutes he was taken outside. "Here you have to pay to be taken to another cell" ("*Ici tu dois payer pour être transporté dans une autre salle*"), he was told by the "*Chef de carré*", a long-term prisoner who is given privileges, including keeping some of the money extracted from prisoners. Raymond Toussaint paid \$15 to be transferred to a different, better cell. The next day he was taken to the barracks for interrogation, where he was again severely beaten. After this he was returned to his prison cell instead of being kept at the barracks, as his father had been able to "negotiate" his return to prison for \$100 (US\$75).

After two days, he developed a severe ear infection due to the ill-treatment he had received. He asked to be taken to hospital, but was told that a written order by the local district attorney was necessary. After five days in severe pain and fever, another inmate advised him

on a medicine he could buy, which his relatives were then able to obtain. According to Raymond Toussaint, payment was needed for everything. His family always had to pay to see him or help him. Inmates had to pay to go to the toilet, for water or for anything else they needed. Raymond Toussaint was finally released on 19 November after paying \$100 so that the soldier in charge would sign his release order. In all, he estimated that his imprisonment cost his family about \$1,500 (US\$940). Similar allegations confirming Raymond Toussaint's account were made by other former inmates in Saint-Marc prison.

The delegation received information that prison conditions in other detention centres continue to be extremely harsh, with lack of hygiene, severe ill-treatment and official corruption.

The internally displaced

Tens of thousands of Haitians are refugees in their own country. Many fleeing the provinces arrived in Port-au-Prince, while Port-au-Prince residents fled to the provinces. Many of these displaced persons had been active in politics, literacy movements or popular organizations and had fled their homes in fear of reprisals immediately after the coup 1991. Others fled after having their houses burned or ransacked, their crops destroyed and their animals killed, after receiving threats, or after being "visited" by the military. Yet others escaped after being victims of human rights violations.

In late January and early February, many displaced persons who had been living in the open in the mountains with difficult access to food started to return to their places of origin. Some of them were immediately targeted for human rights violations by the military, such as Harry Nicolas, Dully Oxéva, Dérose Eranor and Albéric Frédérique, whose cases were described earlier. Some of them returned by day to work in the fields, but preferred not to sleep in their homes. Others remained in hiding, as it was clear that the authorities were still looking for them. Amnesty International cannot determine the numbers of displaced people, but local human rights organizations have established that at least 200,000 have left their homes since September 1991.

A Haitian journalist in Port-au-Prince described to Amnesty International how he lived after he was obliged to leave his home town the south east:

"I live in hiding and I move all the time, never more than two or three days in the same house... life is very hard here and I haven't got a job, I cannot do my job as a journalist, that's my profession. So maybe ... I'll return. I was told it's not safe because if you go back you'll be dead. To eliminate people they have told lots of stories. They said that I have an arms cache and that I always have with me a Colt, a Taurus (hand gun) in my bag... Like this, they can justify their abuses... if they kill me they put a Taurus in my bag, and people say 'See, everybody knew that he had a Taurus in his bag'... I live thanks to my friends' solidarity. Before, I was able to earn my living, I had no luxury, but I earned my living. Now, maybe I'll return to the mountains or I will get into an embassy if this doesn't change. In any case, I am not sure what I'm going to do, I follow the evolution of the situation, what's going to come out of this, if the crisis will last, if it lasts one month, two months, three months. If I am still alive".

Many of the internally displaced have also expressed fear that they are under surveillance after being followed to their places of hiding. A leader of a popular organization in the Artibonite Department reported that men from his area had arrived on several occasions at the Port-au-Prince district where his brother lives, and asked the neighbours whether they knew him, as they

had "a message" for him. He had changed houses several times, and was trying to leave the country when the Amnesty International delegation talked to him.

The situation of refugees and those forcibly returned

Since the September 1991 coup, tens of thousands of Haitians have fled their country and many thousands of them have been forcibly returned to Haiti by the US authorities. Many factors have combined to cause the mass exodus. First, there is the appalling human rights situation. Then, there is the loss of hope that deposed President Aristide would be returned to power or that a solution to the political crisis would be found. There is the desperate economic situation, exacerbated by a trade embargo and the extortion of money from people by the military rulers and their cronies. Several thousand have crossed the border into the Dominican Republic, while others have taken to sea in unseaworthy vessels, apparently hoping to reach US shores.

The US Government has responded to this exodus through a series of measures. It has forcibly returned Haitian asylum-seekers after a cursory examination of their asylum claims on board US Coast Guard vessels. It has granted others a more substantial hearing at the US naval base at Guantánamo Bay. But throughout the period of mass exodus it has steadfastly refused to fully honour its international legal obligations to protect refugees. Most recently, in an egregious violation of international law, the US Government began to forcibly return all Haitian asylum-seekers without even a cursory attempt to identify those who might be at risk of human rights violations in Haiti. This action not only clearly threatens the safety of many Haitians who may well face serious human rights violations upon return but, by treating international standards on the treatment of refugees with such contempt, threatens to undermine the carefully-crafted international regime for the protection of those who flee such violations.

With regard to the situation of those who have fled to the Dominican Republic, Amnesty International delegates were told that several people who had crossed the border had been arrested by the Dominican security forces and forced to act as workers in the *batèyes* (sugar cane fields). For instance, **Prosper Thérismé**, a lawyer for the MPP in his early 30s, fled to the Dominican Republic in January. He was captured by the Dominican authorities and forced to work in the cane fields in the Los Cocos area.

Those who have fled by sea are covered by a bilateral agreement between the governments of the US and Haiti, in force since September 1981. This agreement has permitted the US authorities outside US territorial waters to intercept Haitians trying to reach the USA and return them to Haiti. In the ten years between September 1981 and September 1991, about 20,000 were intercepted under that agreement. Following the September 1991 coup, in the eight months between October 1991 and the time of finalizing this report in June 1992, almost double that number - some 38,000 - had been intercepted by US Coast Guard ships.

On 18 November the US State Department announced that only those who might qualify for asylum would be allowed to proceed to the US to lodge an asylum claim; the others, apart from those who had been granted temporary refuge by other countries in the region, would be

returned to Haiti. The statement added that the US Government did not believe the asylum-seekers sent back to Haiti would face persecution there. On 18 and 19 November the US authorities forcibly returned over 500 asylum-seekers to Haiti. Between then and the end of January 1992 a series of court rulings prevented the US Government from forcibly returning any more Haitian asylum-seekers who had been intercepted at sea. On 31 January 1992 however, the US Supreme Court issued a ruling which allowed such asylum-seekers to be forcibly returned to Haiti.

From early December 1991 until late May 1992, Haitians intercepted at sea were taken to a camp at the US naval base at Guantánamo Bay, Cuba, where they were interviewed by US Immigration and Naturalization Service (INS) officials to determine whether they had a "plausible claim" for asylum. Of the some 38,000 intercepted since October 1991, some 11,000 have reportedly been assessed as having a "plausible claim". Most of them have been allowed to proceed to the US to pursue their asylum claims, except those found to be HIV positive, who are not allowed entry into the United States and will, apparently, have to pursue their asylum claims from Guantánamo. More than 27,000 have been returned to Haiti. Some 12,000 of these had been intercepted during May.

Refugee camp at the US Naval Station in Guantánamo Bay, Cuba. December 1991

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Article 33 of the UN Convention relating to the Status of Refugees, which is binding on the USA, prohibits *refoulement* -- the forcible return of any person to a country where they risk serious human rights violations. In order to ensure that such people are properly identified and

given effective protection from forcible return, it is essential that the US Government grants all asylum-seekers access to a full and fair procedure for determining the merits of their asylum claims. Asylum-seekers who were taken to Guantánamo were "screened" to ascertain whether they were likely to have a claim for asylum and so might be allowed to proceed to the USA to lodge their asylum claim. Amnesty International recognizes that under the procedures followed at Guantánamo a significant proportion (at some stages as high as 39 per cent) of the asylum-seekers were "screened-in" (judged to have a "plausible claim to asylum"). Nevertheless, Amnesty International is concerned at the inadequate procedures followed at Guantánamo. In particular, as far as the organization is aware, and contrary to international standards, asylum-seekers were given no opportunity to have appropriate legal advice or to have an effective review of a negative decision. In view of these concerns, Amnesty International asked the US authorities for permission to send a delegation to Guantánamo to observe the screening procedures and interview Haitian asylum-seekers and officials involved in the screening. The request was denied.

Many of those who have fled Haiti have been children; some fled with their families, but others fled unaccompanied by their parents or immediate family members. As was explained earlier in this report, children have not been spared the repression meted out to adults in Haiti, and Amnesty International believes that many of these minors would themselves be at risk of human rights violations if returned to Haiti. By early June 270 unaccompanied minors had been "screened in". Some 950 had been "screened out". They were held at Camp McCalla in Guantánamo, after they were separated from the adult members of their extended families or friends many of them travelled with. They were all subsequently returned to Haiti. Amnesty International is concerned that these children's cases were assessed according to the same inadequate procedures as the cases of their adult counterparts, and that, according to reliable reports, UNHCR's guidelines for assessing the cases of refugee children were not followed in these cases.

In addition to concerns about the reliability of the screening procedure itself, Amnesty International is also concerned that, according to reports, there have been serious administrative errors at Guantánamo. These have led to some asylum-seekers who had been "screened in" being returned in error to Haiti. In April 1992 the Director of Foreign Economic Assistance Issues of the US General Accounting Office (GAO) testified before the Sub-Committee on Legislation and National Security, Committee on Government Operations of the US House of Representatives. He stated that the GAO had found "weaknesses in the administrative procedures that followed the interviews, including numerous errors in the INS computer database, which is used in the processing of individuals for return to Haiti or on to the United States. We found that because of these weaknesses at least 54 Haitians were apparently mistakenly repatriated. ... At least seven others returned voluntarily without knowing that they had been found to have credible claims and could travel to the United States to have their cases adjudicated. ... Finally, we found that a group of Haitians, possibly about 100, were given reason

to believe they would travel to the United States to have their cases adjudicated, but instead have been or soon will be returned to Haiti. ... we believe our numbers may understate the problem. At the time of our visit to Guantánamo on March 29, 1992, INS officials had not yet completed a reconciliation of their records. That process could identify others ..."

In late May President Bush issued an Executive Order that all Haitians interdicted at sea should be returned to Haiti; shortly afterwards it was announced that the camp at Guantánamo would be closed. This decision denies asylum-seekers any possibility of having their cases heard, and is contrary to Article 14.1 of the Universal Declaration of Human Rights, which states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution".

This group of asylum seekers was intercepted by the US Coast Guard and returned to Haiti with no examination of their asylum claims. May 1992.

© Popperfoto

The US Government maintains that the Haitian asylum-seekers are mostly "economic migrants" and that there is no indication that people returned by the US are detained or subject to punishment. It also maintains that these recent measures were necessary to protect the lives of the Haitians, who would otherwise risk their lives by fleeing the country in unseaworthy boats. However, Amnesty International is concerned that the US Government's most recent action has

resulted in large numbers of asylum-seekers being forcibly returned to Haiti where, as this report shows, many of them will be at risk of serious human rights violations. This is a clear violation of the internationally recognized principle of *non-refoulement* and of the obligations of the US under Article 33 of the UN Convention relating to the Status of Refugees.

In some cases, people have made several attempts to escape, or have again tried to reach the US after being forcibly returned. Forty-two asylum-seekers who were returned to Haiti by the US authorities in mid-November fled the country again. When they were interviewed by the US authorities on that second occasion they alleged that they had suffered serious human rights violations in Haiti after they were returned there. Following this, INS officials judged that 41 of the asylum-seekers had a "plausible claim" for asylum. Details of some of these cases reported in the press included allegations of harassment, arrests and beatings following their return to Haiti. Some asylum-seekers alleged that they were interviewed at the docks on arrival and that the information given was then used to arrest them when they returned to their homes. Another asylum-seeker made allegations of extrajudicial executions of other returned asylum-seekers.

The US Government announced that the US embassy in Haiti had investigated the allegations about those returned in November and reported that embassy officials "were unable to turn up any information to corroborate the story". Amnesty International does not know which cases US Embassy officials claim to have monitored, nor has it obtained detailed information about their method of inquiry and their findings.

Amnesty International itself has been unable to obtain precise details about the allegations made by these 42 asylum-seekers. However, the information obtained is consistent with a number of other reports which Amnesty International has received on the human rights situation in Haiti. The organization therefore remains concerned about these allegations until such time as they are fully investigated by an independent and impartial body.

In the experience of the Amnesty International delegates, it is impracticable to effectively monitor the fate of asylum-seekers who have been returned by the US authorities. During their two-week visit to Haiti the delegates tried on repeated occasions to investigate the fate of some of those returned. However, they were not able to make any direct contact with them, nor had local religious workers or members of human rights organizations been able to do so, despite repeated efforts.

Several factors contribute to make it almost impossible to verify the fate of the returned asylum-seekers. One, and perhaps the main, factor is that, because of the current climate of fear, intimidation and repression in the countryside, many of those returned do not appear to have gone back to the areas of the country where they previously lived. Many have chosen to remain in hiding for fear of reprisals. A human rights organization operating in the Artibonite Department told the delegation that they had sent word to the different communal sections

asking those who had been returned to contact them, but so far none had done so. In several instances, people who claimed to know returned asylum-seekers preferred not to act as a contact person, for fear of reprisals against themselves or the asylum-seekers. The delegation was also conscious that as strangers to the locality, their attempts to locate those returned might draw attention to them and therefore put them at risk of repressive measures. Moreover, even if they had managed to interview some of those returned in the countryside, the delegates considered, based on previous experience, that it was highly likely that interviews would be affected by the heavy unofficial surveillance in operation everywhere in Haiti, or by the opposition of the local authorities. Despite all this, allegations of human rights violations against returned asylum-seekers repeatedly came to light during the delegation's visit.

Amnesty International is therefore concerned that, under the present human rights situation, forcibly returning asylum-seekers to Haiti without first examining the merits of their claim through a full and fair procedure places them in a great danger of suffering the serious human rights violations described above.

The US Government has stated that Haitians who fear human rights violations can apply for asylum to US consular officials in Haiti, and that the US authorities have taken steps to establish facilities for this in Port-au-Prince. However, Amnesty International does not believe that such a measure can, in the present situation, ensure that those most at risk will be able to contact, let alone obtain the protection of, the US authorities. The Haitian authorities have established a climate of terror so widespread that many people fear to make any move at all. The delegates witnessed that fear when contacts called them by telephone but were unwilling to give their names or meet them at their hotel for fear that the line was tapped or that they would be followed or identified. It is therefore likely that those most at risk in Haiti would not dare expose themselves by telephoning or going to the US consulate. A US embassy official was reported in the international press as saying that those at risk "can always write" to the US embassy. Quite apart from the same fear factor, this is a largely impractical suggestion. Haiti has a very high rate of illiteracy and it is difficult to envisage, for example, a peasant writing from a place in hiding in the mountains a letter which could convince the US authorities that protection should be given.

Amnesty International has also received allegations from at least three asylum-seekers who had good grounds for fearing for their safety, that they felt intimidated by the US consular officials who interviewed them. In all three cases, their requests were rejected. Two of these asylum-seekers had reportedly been conditionally accepted as refugees, but their acceptance was overturned when the results of their medical tests were known and they were found to be HIV positive. Also dismissed was the claim of Harry Nicolas, a member of a literacy and popular organization, even though he had been illegally arrested and detained for about one month, after several months in hiding (see page 5).

In any case, an asylum application lodged at an embassy cannot provide the fundamental safeguards that would be provided in an asylum procedure outside Haiti's territory, established in conformity with the US Government's obligations under international standards dealing with refugee protection; in particular, the right of every asylum-seeker to appropriate legal advice and, if their application for asylum is rejected, the right to have an effective review of their case. Therefore, any arrangements made by the US Government for people to apply for protection to their consular officials cannot be regarded in any way as a satisfactory substitute for the right to seek and enjoy asylum, which has effectively been denied to them by the US authorities' action in intercepting and summarily returning to Haiti those who leave the country by sea.

Amnesty International is also concerned at the treatment of Haitian asylum-seekers by the French authorities. In November 1991 five Haitians were detained upon arrival at Charles de Gaulle airport and held by the authorities for several days; they were notified that they were to be returned to Port-au-Prince. After the intervention of lawyers and a French organization working on behalf of refugees, four of them were recognized as refugees and granted asylum in France. Amnesty International has also received details of a number of cases in which the French authorities have refused to allow Haitians to enter the country and have sent them to third countries without any examination of their claims for asylum and indeed, so far as is known, without even ensuring that those third countries would offer them effective and durable protection against forcible return to Haiti.

For some years France has required Haitians to obtain entry visas, but Amnesty International is concerned at measures taken in recent months by France and Switzerland in order to place further restrictions on the entry of Haitians into those countries. Amnesty International recognizes that governments are entitled to control immigration and entry to their territory, but it calls on them, in doing so, to ensure that asylum-seekers wishing to seek their protection can do so, and that any restrictions on entry, such as visa requirements or any other similar restrictive measures, do not obstruct access to their asylum procedures. In the months following the coup in September 1991, numerous Haitians wishing to seek asylum in France travelled there via Switzerland, which did not require them to have visas. In February 1992 Switzerland imposed entry restrictions on Haitians and later, on 1 July a full visa requirement; in March France itself imposed a transit visa requirement on Haitians travelling via French airports to other destinations. According to reports, in February Air France instructed its office in Port-au-Prince to observe the new Swiss entry restrictions, and a few days later 90 Haitians travelling to Zurich via Paris were refused permission to board an Air France flight. Amnesty International is concerned at such measures being taken at a time when severe human rights violations are taking place in Haiti and when some Haitians have to flee their country for their own safety.

The Haitian authorities' response

Amnesty International's delegates had a two-hour meeting with then *de facto* Prime Minister Honorat, the former executive director of the *Centre Haïtien des droits et des libertés publiques* (CHADEL), Haitian Centre for Human Rights and a vocal strong advocate of the rule of law during his period as director of that institution. They explained their concerns in the aftermath of the coup. Prime Minister Honorat did not deny the occurrence of human rights violations, but maintained that his government had not ordered arrests or killings. Delegates pointed out that gross human rights violations were still being committed by the security forces, and that the government could still be considered responsible for them. Prime Minister Honorat pointed out that the judicial system was inefficient and riddled with corruption and lacked adequately trained personnel. When questioned about measures planned by the government to end human rights violations, particularly in the countryside by the *chefs de section*, the *de facto* Prime Minister explained that this constituted a "structural problem", and that "even if we replaced them with Jesus Christ, he would be repressive" ("*même si on les remplaçait avec Jésus Christ, il serait répressif*"). The delegates also discussed the high occurrence of torture and ill-treatment. Prime Minister Honorat denied that torture exists in Haiti. Beatings, a common occurrence in detention centres are not torture but, he said, simply "*sévices*" (physical cruelty), even in cases where such treatment resulted in death. Prime Minister Honorat tried to assure Amnesty International that the opposition was not repressed, and went as far as saying that anyone could carry photographs of President Aristide. Evidence collected before and during Amnesty International's visit to the country indicated that this is the opposite of the truth.

Visit to Petit-Goâve

Soon after they arrived in Haiti, the delegates went to the south western town of Petit-Goâve, where journalist **Jean-Mario Paul** was being detained. Jean-Mario Paul, in his mid twenties, worked with the privately-owned *Radio Antilles Internationale* in Grande-Goâve. He was also active in popular organizations, such as *Komilfo*, which he helped found but later left, and the *Coordination d'organisations démocratiques*, (COD), Coordination of Democratic Organizations. His sister, Magdaline Paul, had been appointed Justice of the Peace in Grand-Goâve in early September 1991. Jean-Mario Paul, whose family home in Grand-Goâve was burned down in early October, was arrested on 9 November and charged with burning down the local military post and the court house. He and others close to him consistently denied these allegations. Jean-Mario Paul was severely tortured and twice needed hospital treatment. Amnesty International was seriously concerned about the state of his health.

On arrival at the barracks, the delegation was told that the commander was not there and that no visits could be carried out without his consent. The delegates asked to speak to the official in charge, but the same answer was given. They went to the Public Prosecutor's house, and requested an authorization to visit Jean-Mario Paul, which the Public Prosecutor issued and

signed. The delegates returned to the barracks, but their request was again denied because of the commander's absence.

The delegation sought written permission from Prime Minister Honorat to visit the prison, and despite Prime Minister Honorat's assurances that the prison visits could be carried out freely on his oral instruction, such visits in practice required authorization of the military authorities. Amnesty International was therefore not able to see Jean-Mario Paul.

Recent developments

Since the Amnesty International delegation left Haiti, reports of human rights abuses have continued to be systematically reported. Scores of illegal and arbitrary arrests, again in most cases accompanied by torture or other severe ill-treatment, have been reported. From mid-May to early June (the time of writing) popular protests have been followed by increased repression, including extrajudicial executions, arrests, harassment and intimidation - particularly of students and residents of poor districts. The following are a few examples of the serious human rights violations that have occurred in April, May and early June.

Arbitrary or illegal arrests and ill-treatment

Clemencia Ascanio, a Venezuelan nun, was arrested together with two Dominican women, when the military found several boxes of calendars bearing former President Aristide's photograph in the bus they were travelling in. The arrests took place on 27 April in Mallepasse, West Department, near the border with the Dominican Republic, where they were travelling from. All the passengers were taken to the Croix-des-Bouquets military detachment. Most were released after they accused Sister Clemencia of being responsible for carrying the calendars. Two days later the three women appeared before the *parquet* (government procurator's office), in Port-au-Prince. One of their lawyers, Counsellor Julien, who went to the *parquet* with them, was nearly arrested, without a warrant, in front of the Public Prosecutor by agents of the *Service d'investigation et de recherches anti-gang*, after one of the agents announced that the lawyer was to be arrested. The Public Prosecutor was obliged to intervene to prevent the arrest, reportedly at the moment Counsellor Julien was about to be handcuffed. The three women were eventually released uncharged on 2 May.

Moléon Lebrun, leader of *Association de Jeunes Paysans de Bois de Lance*, Bois de Lance Young Peasants' Association, a branch of the *Fédération de Jeunes de Limonade*, Federation of Limonade Youth, was arrested without a warrant and beaten on 28 April, following a demonstration at Bois de Lance, 2nd Section of Limonade, North Department. Five others were arrested with him - Marc Magloire, Jean Magloire, Appolis Lebrun, Jean Luma and Yves Lebrun. The five were released shortly afterwards, after they reportedly paid \$600 dollars each. Moléon Lebrun, who was said to have been asked to pay \$800 to obtain his release, remained in detention. He was later transferred to Cap Haïtien prison in very bad health due to the ill-treatment he had received in Limonade. He was reportedly denied access to a doctor or lawyer.

Patrick Morisseau, known as Eric, a teacher and member of the *Komite Jèn Kafou Peyan* (KJKP), Carrefour Péan Youth Committee, was arrested on 25 May 1992 in Port-au-Prince. He is also a supporter of *Lavalas*, a political front backing ousted President Aristide. He was reportedly arrested without a warrant by heavily armed police near the area of Delmas

4. He had gone into hiding after the security forces reportedly launched an operation in the area following the killing of a soldier on the night of 23 May. He was allegedly beaten upon arrest and transferred to the *Service d'investigation et de recherches anti-gang*, where he remained in detention until his release on 10 June. **Claire Edouard**, Patrick Morisseau's mother, was reportedly killed at her home on the night of 26 May, one day after her son's arrest. Several of her neighbours have alleged she was killed by the security forces, who made them all come out of their houses to witness the killing as a means of intimidation.

Evans Paul, the elected mayor of Port-au-Prince, who was arrested and brutally beaten in October 1991 at Port-au-Prince airport, was briefly detained again at Port-au-Prince airport on 27 May. He was about to leave Haiti to attend the UN Conference on the Environment and Development in Rio de Janeiro, Brazil. Evans Paul was reportedly told that there was an official order banning him from leaving the country. He was then quickly surrounded by soldiers and armed civilians who attempted to take him away. Foreign diplomats intervened, however, and he was released several hours later.

On 30 May several people were reportedly arrested in the city of Les Cayes. Many were allegedly beaten. Most were released shortly afterwards. Among those arrested were **Rémy Amazan**, a school headmaster, and **Frantz Guillit**, the assistant to the mayor of Les Cayes during the Aristide administration. The arrests occurred allegedly in retaliation for an attack on the military post earlier that day in the nearby town of Camp Perrin by unidentified men bearing white banners with the inscription "*Démocratie ou la mort*", "Democracy or death". Several people, including Rémy Amazan and Frantz Guillit, were subsequently taken to detention centres in Port-au-Prince on 31 May and were released several days later.

Priests did not escape the retaliation of the security forces in Les Cayes. On 1 June the home of Bishop Verrier, the bishop of Les Cayes, was searched by soldiers, who were reportedly searching for "armed priests hiding there" ("*des pères qui se cachent avec des armes*"). Earlier that day Father **Denis Verdier**, the director of the regional office of Caritas in Les Cayes, was arrested along with his driver in the city of Les Cayes by members of the armed forces. According to information received by Amnesty International, Father Verdier and his driver were beaten during the arrest. Witnesses reported that both men's clothes were torn and that they were taken to the military barracks in Les Cayes. Father Verdier is a member of the *Fraternité des Pères du Sud* (Fraternity of Priests from the South) and has publicly stated his opposition to the September 1991 coup. On 2 June Father **Sony Décoste**, another Roman Catholic priest from the Les Cayes district, was arrested in the village of Torbeck, approximately 30 kilometres east of Les Cayes. On the same day the security forces also arrested Brother **Jean-Baptiste Casséus**, from the Sacred Heart (Sacré Coeur) order, in Les Cayes. The three priests were released several days later.

Priests in other Departments were also the victims of abuses. On 2 June Father **Marcel Bussels**, a Belgian national and priest, was taken into custody without a warrant after the rectory in Ballan near Cap-Haïtien in northern Haiti was reportedly searched by soldiers accompanied by a Justice of the Peace. When Father Bussels asked for a search warrant, the soldiers replied that they did not need one, and proceeded to search the rectory, the nuns' home and the church. Father Bussels' house was ransacked, with most of its contents destroyed or stolen by the military. All of Father Bussels' files and archives, including reports of meetings, address books related to his religious affairs, and papers dealing with his involvement with the *Mouvement Honneur et Respect Ballan*, Ballan Movement of Honour and Respect, were removed. During his interrogation in detention, members of the armed forces reportedly stated that they were going to seek out those who collaborated with Father Bussels, using the information they had taken from his house. Several of his associates have since gone into hiding, fearing reprisals, and Amnesty International is concerned for their safety. In November 1991 Father Bussels had gone into hiding after he was shot at by soldiers when he was driving a sick man from hospital. He also reported receiving repeated threats directly from the armed forces or from those working with them.

Father **Gilles Danroc**, a French national who is the coordinator of the national Justice and Peace Commission and who has played an active role in popular organizations in the Artibonite Department, was detained without a warrant on 6 June. He was arrested when he was holding a catechism class in his parish in La Chapelle, a small town in the central Artibonite valley. Fourteen of his parishioners were arrested with him. Father Danroc and seven others were released the next day, after the intervention of the French Consul and the Bishop of Gonaïves, Monsignor Emmanuel Constant. The rest were released on 8 June. Three men had been arrested in March 1992 after they were accused of attending meetings organized by Father Danroc.

Extrajudicial execution

Georges Izméry, the brother of an outspoken supporter of ousted President Aristide, was shot dead on 28 May. He was crossing the Grand Rue main street in Port-au-Prince, near the store he co-owned with his brother Antoine Izméry, when an unidentified man first shouted insults at him and then shot him. According to the testimony of his brother, passers-by ran to inform Georges Izméry's step-mother of the incident. His step-mother went to the scene and apparently found uniformed police surrounding the body. She was reportedly not allowed to approach Georges Izméry and could not see whether he was still alive. A grey pick-up van eventually reportedly took Georges Izméry to hospital and his body was later sent to the morgue. The family doctor was allegedly prevented from seeing him. The morgue was guarded by soldiers.

Sources in Port-au-Prince believe that the actual target of the attack was Antoine Izméry. Antoine Izméry had been detained in January 1990 by the forces of General Prosper Avril in a crackdown against the democratic opposition. He was then detained for nearly a month in October 1991. On 25 October 1991, Georges Izméry's home was reportedly ransacked by soldiers and his family threatened. In mid-December 1991 Antoine Izméry's name headed a *tonton macoute* death list broadcast by a pirate radio station. At the beginning of April 1992, police searched the homes of both brothers.

Georges Izméry's funeral march on 2 June was broken up by heavily armed police, and at least ten people were arrested and beaten. As the march turned into an anti-government demonstration, with some marchers chanting "Aristide or death", uniformed police and men in civilian clothes reportedly moved into the procession, shooting in the air and grabbing at least eight men and two women. According to eye-witnesses, four of the men were beaten with rifle butts, sticks and a rubber hose until they bled from the head. They were then taken away in a vehicle. A German journalist had her video camera seized by a policeman, who reportedly threatened to arrest her if she did not hand it over. Several news photographers were chased away by police who pointed their automatic weapons at them and ordered them not to take pictures.

Since mid-May, as opposition to the *de facto* authorities became more orchestrated and as students demonstrated almost daily against the regime, repression by the police, the army and their civilian collaborators increased. An unknown number of students were reportedly arrested and several of them shot during demonstrations in schools, colleges and faculties in Port-au-Prince. Many were beaten during these demonstrations. Journalists attempting to report these incidents were intimidated, arrested or even beaten. Amnesty International also received tens of reports of extrajudicial executions in the last two weeks of May and early June. According to these reports, uniformed military and police forces, as well as heavily armed men in civilian clothes, made nightly incursions into some neighbourhoods, such as Delmas, Carrefour, Cité Soleil and Waney. The military reportedly shot in the air to intimidate residents, and on occasions entered their homes, sometimes reportedly stealing their belongings. Sometimes they shot straight into houses. On 25 May a grandmother and her two grandchildren, a girl aged 11 and a boy aged two, were wounded by bullets as they were slept in their home in Delmas 4. The grandmother reported that at least three people had been killed that night. On 27 May, again in Delmas 4, Rodolphe Lominy was reportedly killed in his home by a group of uniformed soldiers. He was reportedly talking with two women when the military group arrived and shot at them, killing Rodolphe Lominy and wounding the two women, who were reportedly pursued by soldiers while being taken to the General Hospital and then threatened.

Amnesty International also received information about the apparent extrajudicial execution of at least three members of the military. The killings happened shortly before a public appeal by soldiers for the resignation of *de facto* President Joseph Nérette, which was broadcast by

Radio Soleil, the Roman Catholic radio on 25 May. On 21 May a sergeant, apparently known as a *Lavalas* sympathizer, was shot by a group of heavily armed civilians, at St Martin Street, near the district of Carrefour Péan. On the night of 23 May, Corporal Augustin Silvaire and his civilian cousin were shot and killed at Corporal Silvaire's home in Port-au-Prince. A soldier, Alexi Vicaine, was reportedly killed in the St Martin Street area the same night in similar circumstances. Some accounts of the killings have indicated that the perpetrators were uniformed military. According to military sources quoted by the press, the victims were killed by men armed with Uzi machine guns. Two other soldiers were shot and wounded on the night of 23 May by a similar group of armed men at their home in the *Cité militaire*, military quarters.

Conclusions

The examples of human rights violations described in this report are but a fraction of what the delegates were faced with when they visited the country. Lawlessness pervades. Human rights abuse in its different forms is part of most Haitians' daily life. The security forces and the thousands of civilians acting in collusion with them carry out a wide range of abuses with total impunity. The old repressive structures, which the deposed government had partly succeeded in dismantling, are back in place. The civilian authorities are totally unwilling or powerless to stop these abuses, while the military, which is practically the sole authority in many areas of the country, is clearly spearheading the repression. In only one case of human rights violations have those responsible been arrested, despite the fact that in many instances the victim or witnesses have been able to identify the perpetrators. Rampant corruption of the judicial system and its connivance with the executive and the military makes it impossible for the population to seek reparation before the courts. The ordinary citizen is left with no recourse but simple denunciation to local or international human rights organizations, and no other protection than hiding or paying ransom money.

Since the delegation's return, and particularly since mid-May, Amnesty International has been receiving increasing reports of human rights violations, following popular unrest and increased demonstrations against the government. Numerous instances of arrest, ill-treatment and extrajudicial executions have been reported. A new Prime Minister, Marc Bazin, was sworn in on 19 June. Several days before he took office, he had pledged before the Haitian Senate to "stop repression and restore freedom of the press" (*faire cesser la répression et rétablir la liberté de la presse*). However, repression continues, and the opportunity to seek asylum abroad has been thwarted by the actions of the US authorities. Haitians still live in a permanent state of fear, while their oppressors are free to kill, torture and terrorize them with impunity, and continue to make money out of repression.