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FUGITIVES FROM INJUSTICE:
THE CRISIS OF INTERNAL DISPLACEMENT IN HAITI

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INTRODUCTION

Like their enslaved ancestors more than two centuries ago, tens, if not hundreds, of thousands of Haitians are on the run, fleeing the murderous military regime that sent their elected president into exile after the September 30, 1991 *coup d'etat*. Haitians call this modern phenomenon of internal displacement *marronnage*, an historical reference to the Haitian *marrons*, fugitive slaves who fled the cruelty of colonial plantations to hide and organize in the hills.[1]

The Haitian marrons went into hiding to escape and resist a society built on slavery. They organized in clandestinity, eventually prevailing over their oppressors, abolishing slavery, and achieving independence in 1804. A statue of the fugitive slave, the *Unknown Marron*, stands in the central plaza directly across from the presidential palace in Port-au-Prince, a monument to the successful rebellion.

Marronnage is again part of daily life in Haiti, albeit with different characteristics. Since the September 1991 coup, forced displacement has become part of the Haitian military's strategy to neutralize opposition to its regime. By keeping Haitians permanently on the run, the army has endeavoured to disrupt their capacity to organize. In short, by killing thousands and displacing scores of thousands more, the army has sought to choke the political, social, and economic structures that could pose a challenge to its illegal regime.

Marronnage has affected individuals and organizations at every level, from elected national and local government officials, to members of Haiti's formerly active and participatory civil society, and into the poorest urban and rural neighborhoods whose inhabitants supported President Aristide's successful candidacy.

Although the number of internally displaced persons is difficult to assess, Haitian nongovernmental organizations assisting the displaced estimate that 300,000 people out of a population of 7.5 million have been forced into hiding.[2] According to the Haitian Association of Voluntary Agencies (HAVA), a consortium of nongovernmental organizations and member of the Human Rights Platform, one in six or seven adults is in hiding.[3]

Conservative estimates put the death toll since the coup-d'etat at 3,000 and rising. But the high level of political killings alone does not begin to describe the current human rights tragedy. The army's destruction of Haitian society has entailed a methodical assault on all forms of organization, expression, and activity not explicitly in favor of the coup regime. Illegal arrests, beatings, and torture have been commonplace throughout this period. Beginning in late 1993, however, the regime has turned to new patterns of violations particularly effective in sowing terror among the population: these have included rapes of activists or their relatives, forced disappearances, and clandestine detention. Violent neighborhood searches and torchings of

[1] Other terms commonly used by Haitians are *prendre le maquis* (go underground) and *caché* (in hiding).

[2] The Platform of Haitian Organizations for the Defense of Human Rights (Human Rights Platform), a consortium of nine nongovernmental groups, bases its assessment of the magnitude of displacement on reports by the numerous organizations with membership in hiding, and on its own work assisting victims. The numbers do not fully reflect the damaging effects of marronnage, which extend beyond the individual in hiding, to the family and to the community.

[3] Interview with a HAVA representative whose name is being withheld, in Port-au-Prince, February 11, 1994.

property target non-activists as well as activists. The increasingly systematic use of such apparently indiscriminate tactics has intensified the crisis of marronnage. During the second half of 1993, the Revolutionary Front for the Advancement and Progress of Haiti (FRAPH) emerged as the most recent carnation of the repressive state security structures that have characterized Haiti's recent history. FRAPH has extended army control throughout the country and has contributed significantly to the current repressive climate and increased displacement.[4] At the same time, FRAPH's extensive informer networks in rural and urban communities have made it harder for potential victims to hide from the authorities, even in Port-au-Prince. With significant swaths of the democratic opposition forced into hiding and unable to function, FRAPH has begun to fill the "vacuum" with its own pro-regime political structures, built upon a foundation of fear, and with a view to the next election period.

Marronnage has been understood as a consequence of human rights violations or as a side effect of violence. However, forced displacement is also a punitive measure directed against individuals, organizations, and entire neighborhoods, and enforced by the local authorities. Activists throughout Haiti have reported being explicitly ordered to leave their localities after detention, being stalked or threatened into leaving by the local authorities, or literally having been burned out of their homes and neighborhoods. This deliberate practice of displacement violates a series of internationally- recognized human rights.[5] It also produces immediate and harsh economic consequences. It is at once a product and a cause of human rights violations.

The high level of internal displacement and the crisis of refugee flight from Haiti are closely linked. Some Haitians have gone into the Dominican Republic seeking refuge after spending a period in hiding inside Haiti. Many Haitians applying for asylum through the U.S. Embassy's in-country processing program are in hiding. Haitians who chance the perilous trip by boat often do so only after spending weeks or months in hiding. Seafaring Haitians summarily repatriated to Haiti pursuant to the U.S. policy of interdiction and forced repatriation between May 24, 1992, and June 1994, also return to hiding.[6]

The U.S. government has yet to recognize internal displacement as a serious human rights problem. In adjudicating asylum claims, marronnage has not been considered an indication of a well-founded fear of persecution, the standard applied in determining refugee status. Worse, in

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[4] In June 1994, FRAPH changed its name to the Armed Revolutionary Front for the Advancement and Progress of Haiti. FRAPH membership includes neo-Duvalierists including former *Tontons Macoutes* (members of Duvalier's private militia, the Volunteers for National Security), and *attachés* (armed civilians on the army payroll). Victims often use the terms "FRAPH", "attaché", and "macoute" interchangeably to describe armed, civilian-dressed assailants, underscoring the lack of clear divisions among the various agents of the military regime.

[5] Forced displacement violates rights guaranteed in the International Covenant on Civil and Political Rights (of which Haiti is a signatory) including: the right to liberty and security of the person (Art. 9); freedom of movement and residence (Art. 12); protection from arbitrary or unlawful interference with privacy, family, home, or correspondence (Art. 17); the right to hold opinions without interference (Art. 19); the right of peaceful assembly (Art. 21); and freedom of association (Art. 22). The 1987 Haitian Constitution also guarantees these rights.

[6] The forced repatriation of all seafaring Haitians was officially abolished by President Clinton on May 8, 1994, but actually continued until June 16, when the U.S. Navy Ship *Comfort* processing center, docked at Kingston, Jamaica, became operational. (See below).

rebuttals to numerous asylum claims made by Haitians, the State Department consistently misconstrues internal displacement as a safe alternative inside the country that negates the need to grant asylum.[7]

CONCLUSIONS

Diplomatic initiatives to restore democracy

This report describes the systematic dismantling of a government and a society through murder, terror and forced displacement. The restoration of civilian government and the resurrection of Haitian civil society require an environment in which Haitians can return home safely, obtain redress for human rights violations against them, organize, campaign, and eventually vote in fair elections. All of these require the permanent dissolution of anti-democratic power structures imposed on Haitians through violence, and perpetuated by impunity.

During the past year, Human Rights Watch and the NCHR repeatedly have criticized the Clinton Administration for its pursuit of a negotiated solution to the political crisis that would have obliged President Aristide to share power with those who had presided over the elimination, displacement, and exile of his supporters. The U.S. government actively promoted an amnesty that would pardon the perpetrators of serious human rights violations, at the same time that it consistently downplayed the severity and scope of those violations.

This course contributed to the current diplomatic stalemate, as well as to the current levels of repression and marronnage through which the regime has sought to eliminate what remains of its opposition, and in its stead, consolidate its own political structures. For example, as described below, after the July 1993 Governors Island Accord, Haitian activists, bouyed by international resolve to restore their president, emerged from hiding and began to organize. As the international community, led by the U.S., vacillated in the face of army obstinance (as graphically demonstrated by the retreat of the USS Harlan County in October 1993), those Haitians paid the price.

While the administration has downplayed the human rights crisis in Haiti, it has virtually ignored the problem of marronnage and its crushing effects. Just as Haitians forcibly repatriated by the U.S. Coast Guard were repeatedly described by U.S. officials as predominantly economic migrants, the displaced have been characterized as having found internal refuge. Meanwhile, the Haitian regime employed increasingly systematic repression which exacerbated the twin crises of internal displacement and refugee flight.[8]

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[7] See below for a discussion of marronnage and U.S. refugee policy toward Haitians.

[8] After two years of summary repatriations, on May 8, 1994, President Clinton announced that the practice of forcible repatriation of Haitians fleeing by boat would cease and that all Haitians would be screened for asylum-seekers. Screening commenced on June 16 aboard the U.S. Navy Ship Comfort, docked at Kingston, Jamaica. During the first week of July, the policy shifted again. Most Haitians will now be offered safe haven in the region, while none will be offered resettlement in the U.S. Over 16,000 interdicted Haitians are currently held at the Guantánamo Bay U.S. Naval Base in Cuba.

The Clinton administration's policy toward Haiti was significantly modified beginning in on April 26, 1994, with the resignation of Special Envoy Lawrence Pezzullo, and the subsequent appointment of former congressman and current United Negro College Fund president William Gray III as special advisor to the president for Haitian affairs. The administration has reiterated its resolve to unseat the *de facto* regime through better enforcement of broadened economic sanctions. A total economic embargo, imposed by the Security Council on May 6, went into effect on May 21, 1994.[9] Most commercial flights were suspended on June 21 and Air France suspended remaining flights to and from Haiti on August 1. At the same time, the U.S. blocked all financial transactions with Haitians living in Haiti. The administration simultaneously has been laying the legal groundwork for a U.S. military invasion to remove the de facto regime.[10]

Human Rights Watch and the NCHR have strongly advocated the imposition of internationally-enforced targeted sanctions aimed directly at the individual members and supporters of the coup regime. In May and June, in a long overdue measure, the Clinton administration gradually expanded the scope of targeted sanctions to include supporters of the de facto regime, previously imposed sanctions had been limited to the army and only a handful of civilians. The administration obtained a United Nations Security Council resolution making such targeted sanctions mandatory for U.N. members. Targeted sanctions should be strictly enforced and left in place until after the consitutional government has been restored.

On May 11, 1994, the military regime responded to the international community's renewed push for its departure by naming former Supreme Court judge Emile Jonaissant as provisional president. His administration was immediately rejected as illegitimate by the international community. Nonetheless, the Jonaissant administration is preparing for elections in November which would purportedly elect a new president, as well as parliamentarians and local government officials. Free and fair elections are inconceivable in Haiti under the current regime, when tens of thousands of citizens cannot live at home and are barred from organizing so much as a literacy class, much less a political party or an electoral campaign.

The Clinton administration's shift away from the search for a power-sharing arrangement is welcome, as is its newfound willingness to condemn human rights abuses and end summary repatriations. Unfortunately, the options now available to the administration and the international community have narrowed. The de facto regime, having found U.S. resolve for restoring Aristide weak and U.S. threats less than credible in the past, has refused to budge.

Even as the means of restoring democracy are hotly debated, Human Rights Watch and the NCHR are concerned by the lack of clarity regarding the objectives of the Clinton administration and the international community.[11] U.S. officials have been deliberately vague regarding the core

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[9] An international on arms and oil embargo had been in effect since mid-October. Human Rights Watch and the NCHR have not taken a position either for or against the global economic embargo, although we continue to monitor its effects on Haiti's poorest sectors, as well as international humanitarian assistance to alleviate those effects.

[10] On July 31, 1994, the U.N. Security Council approved a resolution paving the way for a U.S.-led invasion of Haiti. The removal of the coup leaders, whether through diplomatic pressure or U.S. force, would be followed by the deployment of a 6,000- person peacekeeping force under U.N. auspices.

[11] HRW and the NCHR have not taken a position for or against a military intervention in Haiti, as a subject which falls beyond our

elements of the democracy they seek to restore. Specifically, restoration of democracy requires the return of President Aristide without concessions to, or preconditions set by, the army high command. Further, the international community must insist on the establishment of mechanisms to ensure accountability for human rights violations, and guarantee that international aid does not benefit criminals of the regime. These include identifying and removing human rights violators from the army, the meticulous screening of those applying to serve in a national civilian police force, the disarming of para-military organizations like the FRAPH, and justice and restitution for victims of human rights violations, including the displaced.

The capacity of the regime to force and enforce massive internal displacement in Haiti has been buttressed by the assurance of the absolute impunity of the perpetrators of the repression. Displaced persons who have attempted to return home have faced the same authorities that provoked their flight. Until the perpetrators of the violence are removed from positions of authority and basic rights are restored, it is unlikely that Haitians will be able to return home and organize safely. Thus, the longevity of international initiatives to restore the constitutional government and assist Haitians in rebuilding civil society will be determined in large part by the extent to which impunity for serious human rights abuses is effectively addressed.

Recommendations

♦ The U.S. government should address the problem of internal displacement as a serious human rights concern in its human rights reporting, and in its initiatives designed to uphold respect for human rights, both currently, and after the restoration of democracy. In adjudication of asylum claims, marronnage should be evaluated as an important indicator of a well-founded fear of persecution, rather than as a viable alternative for those facing persecution, that makes asylum unnecessary.

♦ The United Nations/Organization of American States International Civilian Mission should return to Haiti as soon as possible. The investigation of marronnage as a human rights violation should be incorporated into the ICM's mandate.

♦ The Special Representative of the U.N. Secretary General on Internal Displacement should investigate internal displacement in Haiti and include the findings in his next report to the Secretary General.

♦ The international community should evaluate internal displacement as a barometer of the ability of Haitians to participate actively in the political life of the country. This includes the ability to organize and campaign freely in any future electoral processes.

♦ After the removal of the coup regime, the UN, the OAS, and the U.S. government, in cooperation with the legitimate government of Haiti, should promote the establishment of a Truth Commission to investigate serious violations of human rights. Measures should also be taken to preserve the possibility of future prosecutions against the perpetrators of these violations.

♦ After the removal of the coup regime, the international community should assist Haitian

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mandates as human rights monitoring organizations.

governmental and nongovernmental institutions in addressing the problem of internal displacement in the following areas:

a. relocation assistance and restitution for losses incurred during illegal displacement.

b. family reunification.

c. development and assistance programs to assist individuals and community organizations affected by the violence.

CHARACTERISTICS OF MARRONNAGE

Marronnage in Haiti is far more complex than fleeing the violence of point A for the relative tranquility of point B. The term describes a multi-dimensional phenomenon with substantial variation from case to case. In all cases of marronnage, however, the common denominator is fear. Whether it involves sleeping away from home, moving to another town, or remaining indoors in a "safe house" in Port-au-Prince, displacement is an act of self-preservation resulting from persecution.

Geographically, patterns of displacement include rural-to-urban and urban-to-rural movement as well as intra- and inter-departmental displacement. For example, a group or individual facing persecution in Port-au-Prince might flee to a rural area. Individuals in the provinces might seek the relative anonymity of Port-au-Prince, or relocate to a different province. Someone from a small village might go first to the closest town, or the provincial capital while a townsperson might flee into the hills. Moreover, the displaced do not usually find permanence, security, or stability. Rather, it is common for the person in hiding to change locations frequently depending on the intensity of repression and the safety and economic wherewithal of the family or groups assisting him or her. It is not a decision taken lightly, since at a minimum, family life is disrupted, normal routines forsaken, employment curtailed, and social or political activities restricted.

The level or severity of displacement reflects an individual's physical distance from home or the extent to which customary activities are altered or abandoned outright. For example, an individual who has been targeted as an Aristide activist may stop sleeping at home, but continue to farm his plot of land, or go to work by day. If he finds out that he is being actively sought, he may further remove himself from danger by going to another town or to the departmental capital. Other activists have gone into the deepest hiding from the outset. Being in hiding describes many different circumstances as the person adjusts to the danger level that he or she senses.

Perhaps 90% of cases of marronnage that have been reported to the United Nations/Organization of American States International Civilian Mission (ICM) have involved individual activists, generally men, although there are numerous cases in which women or entire families have gone into hiding.[12] In some instances, members of the same organization have

[12] On July 11, 1994, the de facto regime ordered the ICM out of the country. The ICM staff evacuated on July 13. Human Rights Watch and the National Coalition for Haitian Refugees (NCHR) are concerned that this move signals the regime's intent to escalate the repression, a concern underscored by the bodies of twelve men found on the same day in a hamlet south of Port-au-Prince.

come under threat and fled together. Most grassroots organizations such as peasant cooperatives, development, educational, and civic associations, have sunk into clandestinity, some of them disintegrating in the process, and others struggling to maintain contact and assist their members through tenuous underground networks.

A December 1992 Human Rights Platform report described the impact of repression and forced displacement on the family:

> In certain popular neighborhoods of the capital, no family has been spared: at least one of its members has been a direct victim of the repression (arrested, beaten, or killed), without counting the violent searches, ransackings and incursions at night which affect the entire family.
>
> [These displacements] result in a virtual break-up of families. Many have not been able to reunite at all, and have suffered extreme difficulties in communication. It is not uncommon for the man not to know if his wife and children are still alive or in good health, and vice-versa.[13]

"Pressure" is a word often used by Haitians in hiding to describe the reason for their actions at different times. The degree of pressure varies according to the overall political climate, the progress or lack thereof of international efforts to restore democracy, and levels of local activism and its attendant repression. The nature and focus of the pressure will also determine if an individual goes into hiding alone, with his or her family, or with other activists of the same organization. A constant reevaluation of the level of pressure at a particular place and time determines the measures taken by the person in hiding.

For example, the July 3, 1993 Governors Island Accord, coupled with the country-wide deployment of the ICM, stimulated renewed public demonstrations in favor of President Aristide's scheduled return on October 30. Individuals and organizations in hiding emerged and attempted to resume their activities. As the political process rapidly disintegrated in September and October, exponential increases in army violence against the popular movement once again swelled the ranks of the displaced.

At the beginning of this period, the Papaye Peasant Movement (MPP) of the Central Plateau, previously hard-hit by the repression and with most of its membership in marronnage, encouraged its members to return home and resume their activities. Their attempts to do so were met with a renewed army assault which sent them back into clandestinity.[14]

Other organizations had a similar experience. According to a HAVA representative, people

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[13] Human Rights Platform, *Séminaire Droits de l'Homme*, 8 & 9 décembre 1992 reported in the Justice and Peace Commission: *Le Retour de L'Arbitraire et de la Violence*, (Port-au-Prince, 6 janvier 1993); Annex 3, page 10-11. Translation by Human Rights Watch.

[14] The MPP, also called the National Peasant Movement of the Papaye Congress, has a membership in the tens of thousands, concentrated primarily in the Central Plateau region. The MPP organizes peasants around issues such as land tenure, agrarian reform, potable water and reforestation. It has sought to improve the lot of peasants through civic education, training programs, credit systems, and legal assistance.

planning for the October return of Aristide came out of hiding, showed their feelings openly and were identified. "The Tontons Macoutes told the people that October 30 was for the *Lavalassiens* (members of the grassroots movement that brought Aristide to the presidency), and October 31 was for the Tontons Macoutes." People in hiding tried to return to their towns for October 30, but found they faced arrests, beatings, and death; most were obliged to go back into hiding.[15]

A priest in Port-au-Prince who is a staunch Aristide supporter is in marronnage of a different sort. He spends most of his time indoors at one of several locations, venturing out rarely and only with precautions. He does much of his work via telephone and fax. He confines himself to this quasi-house arrest and curtails his activities and associations. He must also change residences often in order to remove the pressure from others living at each place:

> I have many different places to stay. I accept visitors only rarely because there is too much pressure wherever I go. Those who shelter me feel threatened because I go on the radio. They receive phone threats. They [the army] went to my house twice. On November 23, 1993, they found a friend of mine there and they harassed and handcuffed him.[16]

A sense of security remains elusive even after taking such precautions, since part of the terror at any given time is never knowing how far the regime will go to silence its critics.

THE STRATEGY OF MARRONNAGE

In the February 1993 report *Silencing a People: The Destruction Civil Society in Haiti*, Human Rights Watch and the NCHR described how the Haitian popular movement was driven into hiding through systematic repression. Trends in repression over the past year demonstrate how the forced displacement of hundreds of civic, professional, and grassroots organizations has been enforced by the regime.

In some cases, the local authorities have ordered prisoners to leave the area once they have been released. In other cases, the practice of stalking and threatening a released detainee obliges him or her to leave. A frequently reported warning to a detainee is "you can go, but we will come to kill you later."

In some cases, activists are tracked by the army and its civilian auxiliaries. In other cases, the person in hiding will be left alone unless or until he or she attempts to return. Return is discouraged by army or attaché vigilance of the house and family left behind, and threats conveyed to the activist through the family. There are many examples of activists in hiding who, unable to survive economically or support their families, have attempted to return home one or more times and have been detained, physically mistreated, and in some cases, killed. This serves as a warning to others in hiding that return is not a viable option. In numerous instances, the house of the victim has been ransacked or destroyed, making displacement unavoidable; in such

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[15] Interview in Port-au-Prince, February 9, 1994. The Haitian Association of Voluntary Agencies is a consortium of thirty-five nongovernmental organizations working around the country with programs in credit, information, documentation and communication, and legal services. It is also a member of the Human Rights Platform.

[16] Interview with Catholic priest (name withheld), Port-au-Prince, February 11, 1994.

cases, the victim will go into hiding, while the family left behind is left homeless.

As discussed at more length below, recent trends of repression indicate a more concerted effort on the part of the authorities to rout remaining vestiges of organization and pro-Aristide activism through broadly targeted attacks and FRAPH networks that force people to demonstrate a pro-army allegiance, such as through obtention of a FRAPH card or by participating in pro-coup regime demonstrations, or leave town. In this sense, marronnage has been an effective tool not only to remove existing social and political structures, but to facilitate the growth of pro-coup regime organizations, founded on paramilitary violence, in their place.

A Government in Hiding

> "Fifty to one hundred elected people are outside of the country: mayors, deputies, CASEC [municipal councils], the president. My second deputy mayor is in the U.S. I could give a lot of examples. When you talk of democracy, where are they?" (Port-au-Prince Mayor Evans Paul.)

Many officials of the legitimate government of Haiti, including parliamentarians, mayors, deputy mayors, and other elected or appointed public servants, especially those associated with president Aristide, have been forced into hiding or into exile since the coup.

After assuming office in February 1991, President Aristide abolished the rural section chiefs, part of the army chain of command, who were responsible for massive human rights violations. Local government then consisted of elected mayors and deputy mayors, three-person administrative councils of communal sections (CASECs) and appointed communal police agents, both of the latter accountable to the Justice Ministry. Each regional department also had a representative of the executive branch known as a delegate, and several vice-delgates. When the army took over in September 1991, it restored the section chiefs, who reinstated army control over local affairs by harassing and arresting legitimate government officials, forcing many of them into hiding.[17]

In a report on human rights in the Artibonite region during 1993, the Catholic Justice and Peace Commission of the Gonaïves diocese documented "a repression that hits without pity all sectors of society and that obliges individuals and institutions to exercise preventive self-censorship." In a section of the report listing cases of persecution of political authorities and other local officials, the report states that

> the vice delegates of the constitutional government remain in hiding or in exile given the impossibility of returning to their posts. Continuous pressure is exerted upon the municipal mayors who must practice self-censorship if they wish to remain in their posts and continue to exercise their functions.

The report cites the case of Mr. Lessage Florvil Hoqueton, Justice of the Peace of the town of St. Michel de L'Attalaye, who was illegally imprisoned from January 18 to 20, 1993:

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[17] See Americas Watch and the NCHR, *Silencing a People: the Destruction of Civil Society in Haiti* (New York: February 1993); pp. 95-105, for a detailed account of persecution against Aristide government officials.

He was arrested again on October 30, 1993, imprisoned, and savagely beaten, particularly on his ears (there was blood coming out of his ears) on the base of his skull and his neck. He was detained until November 4. His home was ransacked while he was in detention. He continued to be subjected to pressure in December and was obliged to go into hiding.[18]

The elected mayor of Port-au-Prince, Evans Paul, is currently in hiding. His September 8, 1993 reinstatement under Prime Minister Malval was violently interrupted by armed men in civilian dress who killed at least three supporters and wounded many others.[19] He described his situation as follows:

I am a mayor in exile in my own city. I can't have a known residence. I can't work in one office. Since I was reinstated, I have no power. I have no possibility to make or guide the administration of this city. I have escaped several attempts on my life: September 8, the day I was reinstated, and October 5, during a meeting with teachers in communal schools.

I live constantly in uncertainty. I can't go to a restaurant. I also have the task to protect other people like me who are threatened, my collaborators, Lavalassiens, my friends, my relatives. Places where I have close friends I can't visit, like my mother's house. I rotate places to sleep. I make sure people don't know where I can be found. I function here but there is risk. I suppose the coup usurpers know this place, although it's not even marked. I've only made three or four public appearances in the last two years. I censor myself. People never know if I will show up at a meeting or not.

I have three daughters. Two are outside the country. One is here but she cannot use her last name "Paul" in school. Her mother and I cannot attend parent meetings. Most of Malval government associates are living in the same situation.

From his position of semi-clandestinity, Paul's strategy is to regain control of some aspects of city administration from outside of City Hall.

I've tried to work on emergency programs, I do radio work. I'm trying to regain control of the old persons home and of eight public schools; I'm trying to address the problem of potable water. I am regaining [political] space by taking advantage of areas that are not functioning; the [de facto government] has no interest in social programs, they are only interested in assuming positions where kickbacks are possible, like regulating the markets.[20]

Meanwhile, the city administration is in the hands of the military and paramilitary attachés.

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[18] Justice and Peace Commission, *Bilan Repression Année 1993: Le Cyclone Repressif Continue ses Ravages Destructeurs dans le Departement de l'Artibonite*, (Haiti: January 1994); pp. 7-8. Translation by Human Rights Watch.

[19] Human Rights Watch/Americas and the NCHR, *Terror Prevails in Haiti: Human Rights Violations and Failed Diplomacy* (New York: April 1994), p. 26. President Aristide appointed Robert Malval, a Haitian businessman, as prime minister pursuant to the now defunct July 3, 1993 Governors Island Accord between President Aristide and Lt. Gen. Raoul Cédras, which was to have paved the way for the return to Haiti of the elected government.

[20] Interview in Port-au-Prince, February 9, 1994.

Just as section chiefs reasserted the army's police authority in rural areas after the overthrow of Aristide, FRAPH is assuming government roles in areas where the legitimate government is prohibited by the regime from carrying out its functions. In a graphic example, the City Hall annex was given to FRAPH to be their headquarters in Port-au-Prince. Gerard Salomon, formerly Paul's deputy mayor, has joined FRAPH and is working in City Hall.

In Port-au-Prince neighborhoods, FRAPH has also taken over civil government functions. According to Paul:

> FRAPH has an office in Carrefour [a largely poor neighborhood bordering Port-au-Prince]. We have information about people being tortured in that office. [FRAPH members] are playing the role of police, judge, and justice of the peace. They regulate circulation of vehicles. They have taken over licensing of drivers. This situation explains why people try to get a FRAPH card. People are grabbed, tortured. People are being beaten up. They pay to get out.[21]

Persecution upon return

> No one in the MPP can set foot in Papaye. There is daily surveillance. If people return, by morning the army knows it. They look for new faces arriving, and for familiar faces. (Chavannes Jean-Baptiste)[22]

Several MPP activists who have attempted to return home have suffered persecution as the following cases illustrate:[23]

Wilner (Elikné) Elie, forty-six, was a grassroots MPP activist from Bassin Zim and a member of the board of directors of the MPP's economic cooperative (KOSMIKA). According to information provided by the MPP, after the coup the local section chiefs went after Elie. He went into hiding in Port-au-Prince leaving his wife and thirteen children behind. In the capital, he continued to work for the MPP and lived in a safe house. After nearly two years in hiding during which time he had been unable to support his family, Elie decided to return home. Even so, he went back by an indirect route, slept at different places at night, and only infrequently went to his own home.

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[21] Ibid.

[22] Interview with Chavanne Jean-Baptiste, Secretary General of the MPP, Miami, Florida, February 4, 1994.

[23] Unlike other less developed organizations, the MPP's strong institutional foundation has permitted it to survive underground. According to an MPP member interviwed in Port-au-Prince on February 9, 1994, about fifty percent of their membership is in hiding. The organization is directly assisting between thirty and fifty people a month. MPP activists in hiding in the capital take extraordinary safety measures such as living in safe houses and changing their names.

Elie was killed on January 18, 1994, by a group of some fifteen men dressed in women's clothing and wearing hats and masks, (a guise of FRAPH and the Tontons Macoutes noted from time to time in different parts of the country). They went to Elie's mother's home and abducted his eldest son and the latter's half brother. After tying them together and beating them, they put a gun into Elie's son's mouth and forced him to tell them where Elie was. The son went to two uncles' houses first to try to give his father an opportunity to escape. At each house, family members were beaten and two more young male relatives were taken and tied to the first two.

Finally, they arrived at the house where Elie was. They tied up and beat his wife and children. He tried to run but they took him away, stabbed and beat him to death, tied him by the hands and feet, and strung him up in a mango tree. Afterward, they brought his son and the other three young men to the site to show them the body.[24]

Andieu Elie, an MPP activist in hiding in Port-au-Prince since the September 1991 coup, tried to return to his home in Hinche after the ICM established an office there in April 1993. On May 7, a large group of attachés and soldiers out of uniform arrived at his house. They beat the family and took Andieu Elie with them to a location near a river. They danced on his back as he lay on the ground. They beat him hundreds of times on his buttocks, and forced him to dance and sing, while they beat him into unconsciousness and left him for dead.[25] Elie was found there by members of the ICM and hospitalized in Pignon. After two attachés went to the hospital looking for him, he was taken to Cap Haïtien and later to Port-au-Prince where he remains in hiding. The MPP has arranged for him to receive medical treatment secretly as they feel it is too dangerous to hospitalize him.

Destinace Vilsaint, also an MPP member, had been in hiding in Port-au-Prince after his arrest in October 1991. He went home to Rendel Chardonnières on August 27, 1992, when his wife sent word that his children were sick. Within hours he had been detected and was warned by locals that if he stayed around he would be in trouble. On September 2, he was arrested by two soldiers from the Port-au-Piment army garrison while traveling to Port-au-Prince by bus. They flogged him, counting the blows for each "crime;" for example, he said he received 200 blows for allegedly training to attack the army post, fifty blows for the MPP, and 450 blows for nine other MPP members in hiding. His family paid for his release and he went back into hiding. He suffered severe internal injuries and a broken arm.[26]

Duly Oxceva, thirty-nine-years-old and originally from Marecage, was living in nearby Thomonde, in the Central Department. He is an active member and community organizer (*animateur*) of the MPP. Shortly after the coup, his house was destroyed by the army and his cousin, Louis Oxceva, was killed in Marecage. A priest helped him to escape to Port-au-Prince. Meanwhile, soldiers forced his Thomonde landlord to evict his family, leaving them in the street.

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[24] Interview with an MPP member in Port-au-Prince, February 10, 1994, and press release, MPP U.S. Representation, Boston, Massachusetts, January 21, 1994.

[25] According to his testimony, Elie received 700 strokes. It is common practice for the attacker to force his victim to count the number of blows. In some cases, a certain number of blows will be given for each "crime" attributed to the victim.

[26] Interview with an MPP member who had interviewed the victim, February 11, 1994.

From October to January 1992, I was in Port-au-Prince and never left the place where I was hiding. In February 1992, I ventured out to renew contact with the Thomonde peasants and to organize resistance. Even though we lost everything, including some of our members, we continued to work. I went to Mirebalais to contact Thomonde peasants to distribute our newsletter. I was arrested on March 22, 1992, in Mirebalais by the commander of the sub-district, Lt. Jolicouer Placide. With him were two corporals named Elion Michel and Paul Renel. All of them were in uniform.[27]

Oxceva was beaten into unconsciousness by the soldiers and was imprisoned for thirty-three days. A judge dropped all charges for lack of evidence and ordered his release. Two hours after returning to his house on April 23, 1992, soldiers arrested him a second time. The judge intervened, and the army commander released him on condition that he and his family not return to the Central Plateau. Once again in hiding in Port-au-Prince, Oxceva applied for political asylum in June or July 1993 and was denied in August 1993.

With the installation of the Malval government, on August 27, 1993, the MPP asked its organizers to return to the Central Plateau and resume their activities. Oxceva went to Thomonde at the end of September. During a meeting in late October, a group of armed civilians stormed the house, arresting one participant. Oxceva escaped and returned to hiding in Port-au-Prince on November 5, 1993.

This time, reported Oxceva, his problems have continued in Port-au-Prince:

On November 15, a group of armed civilians identified by neighbors as belonging to FRAPH came to where I was staying. They asked for me by name and forced the residents of the house to say where I was. I wasn't there at the time, but since then I haven't been able to go back to that house. The [intruders] were people that knew me from Thomonde. One, Fritzner Estimé, is an ex-justice of the peace there. The MPP was responsible for his firing and now he is a FRAPH coordinator in Thomonde. I sleep in a different house every day. Each day it is risky. To go out in the street, you live like it's your last day.

My family is here. A priest in Thomonde tried to take my kids back there to put them in school. The army told him that they would destroy the parish house if he took my kids there. I can't put my kids in school here.[28]

Other activists have encountered similar difficulties returning home:[29]

Seraphin Jean, a journalism student and founder of the Educational Committee for the Youth of Saut d'Eau in the Central Plateau was arrested on November 11, 1991, tortured, and held for

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[27] Interview with Duly Oxceva in Port-au-Prince, February 7, 1994.

[28] Ibid. In mid-1994, Oxceva was finally granted asylum in the United States after filing a letter for reconsideration of his claim.

[29] For additional examples, see Human Rights Watch/Americas and the NCHR, *Terror Prevails in Haiti: Human Rights Violations and Failed Diplomacy*, (New York: April 1994); p. 21.

six days. He went into hiding until August 1993, at which time he tried to return to Saut d'Eau. On September 22, 1993, soldiers learned of his return and tried to arrest him. He returned to hiding. In December 1993, when the lieutenant who had sought him was transferred and replaced with an officer of better reputation, he returned home again. FRAPH members later secured the transfer of that officer and began making arrests. Seraphin went into hiding again in January 1994.[30]

Abner Paul, Louis Casseus and Heranord Desrosiers, in hiding in Port-au-Prince, tried to return to Marecage, Thomonde on April 11, 1994. They were detected by Army Major Josel Charles, also known as "Commander Z," who sent the section chief Actionnaire Adela with some FRAPH members to look for them. They had taken the precaution of not sleeping at home and so had time to escape. The FRAPH members were disguised as women, a practice they reportedly adopted prior to the date of Aristide's scheduled return in October 1993.[31]

JCL is a founding member of the Plante Lanbe Peasant Movement (MPPL) in the first communal section of Petite Rivière de l'Artibonite. He was also active with the local branch of the Catholic Church's Justice and Peace Commission. He has been in hiding almost continuously since the coup, rarely returning home. On May 2, 1994, he went home after his wife fell ill. The following day, section chief Jean Lacoste Edouard and ten of his deputies (*adjoints*) surrounded his house and arrested him. They beat him at the home of the section chief, but released him after relatives paid 300 Haitian dollars. He went into hiding again. His wife sent him a message that on May 19, 1994 a group of men, including soldiers, went to the house looking for him. They punched her in the stomach. He remains in hiding and is seeking asylum in the U.S. through the in-country processing program.[32]

Displacement after Detention

The army has used illegal arrest and short-term imprisonment to punish activists and to intimidate the population. It is also a lucrative business, as families of detainees are made to pay to stop or lessen physical abuse as well as to secure the victim's release.[33] Detention is nearly always accompanied by debilitating beatings, and often includes interrogation and torture. It is common for a victim to go into hiding immediately upon release. In a minority of cases, the detainee is actually charged and brought before a judge, to be subsequently released for lack of evidence. In some instances, detainees have been told to leave town or suffer the consequences prior to their release from prison. In others, attachés or soldiers will stalk the released prisoner until he or she leaves the area.

SA is a twenty-four-year-old mechanic from the southern town of Grand Goave. He was a member of the Grand Goave Community Committee for Change. He worked at the municipal

[30] Human Rights Platform, "Resistance and Democracy," Vol. 2, No. 36 (Port-au-Prince, May 10-20, 1994).

[31] Human Rights Platform, "Resistance and Democracy," Vol. 2, No. 35, May 1-10, 1994.

[32] NCHR interview in Port-au-Prince, June 7, 1994.

[33] The army has also obliged Haitians in hiding to pay large sums of money in exchange for the right to return home.

building from March until October 1991 when he was forced to leave his job and his home due to threats. He spent the next two years and three months in hiding. He returned to Grand Goave in January 1994 after falling ill. On May 4, three men, one in uniform and two in civilian dress, arrested him at his home. He was taken to the army garrison where he was beaten one hundred times on his buttocks, and he was hit on both ears simultaneously (a common form of torture called *kalot marasa*), while the soldiers accused him of setting fire to the garrison on September 30, 1991. The following day he was beaten 300 more times on the buttocks. He was shown a list of popular organizations in the area and told to give the addresses of the members of those organizations. That night he was released by the commander of the garrison on the explicit condition that he leave town and not return, since the commander would kill him if he saw him again.[34]

JN, thirty-eight, was arrested on May 14, 1994, by two armed men in civilian dress. He was beaten badly and taken on foot to the army post at the Tet Bef market in downtown Port-au-Prince. They accused him of only listening to news about Aristide on the radio and said that he would be burning people and killing officers when Aristide returned. He was held for twenty-four hours. Before releasing him, the men flogged him ten times with a horsewhip, then told him that he could go and that they would kill him later. He has not returned to his house since, out of fear that the armed men will return to carry out their threat.[35]

The following is an example of how marronnage has been used to stifle press freedom:

GV is a journalist for Radio Plus in Gonaïves. He was arrested on January 6, 1994, after soldiers found a cassette tape reporting army violence in his possession. He was beaten by three soldiers on the orders of Captain Cenafils Castera of the Gonaïves army barracks. He was released the following day and reported his arrest and mistreatment to the Catholic Church's Justice and Peace Commission. Then he went to his parent's house, since the soldiers had his own address. On January 28, he left for Port-au-Prince. He told us, "they promised to get me again, Castera promised, and the three who beat me too. I have been sleeping at the radio station here [in the capital]." Because the radio is unable to pay him a salary in Port-au-Prince, he has been unable to support himself since leaving Gonaïves.[36]

The following case, described by the Human Rights Platform as an "internal deportation," was reported by the Agence Haïtienne de Presse and the Human Rights Platform:

> A family from Marfranc, Grand-Anse, was deported to Port-au-Prince on May 25, 1994, by the army authorities in Jeremie. Reynold Neptune was arrested on May 11 in Marfranc and taken to the Goman army garrison in Jeremie accused of illegal possession of firearms. He was subjected to serious physical abuse. He was released on May 12 and rearrested on May 16, accused of illegal possession of firearms, although none were found. He was then accused of being a supporter of Aristide. On May 25, Neptune, his wife Evelyne, and four

[34] NCHR interview in Port-au-Prince, June 20, 1994.

[35] NCHR interview in Port-au-Prince, June 9, 1994.

[36] Interview in Port-au-Prince, February 9, 1994.

children were taken to the Jeremie dock by soldiers, and forcibly placed on a boat "Freda" leaving for Port-au-Prince. His family was able later to return to Jeremie, but Neptune left Port-au-Prince and remained in hiding in another province.[37]

RECENT PATTERNS OF REPRESSION AND MARRONNAGE

Patterns of repression in late 1993 and throughout this year have compounded the problem of marronnage. After the July 3, 1993 signing of the Governors Island Accord, repression not only escalated dramatically, but became increasingly systematic. Searches and violent, armed attacks on homes of relatives of activists, and on entire neighborhoods, have become frequent as the army draws an ever-widening circle in its rampage against the popular movement. During such operations, the army and its civilian cohorts have increased their ability to flush out targeted victims in hiding, and at the same time, have provoked additional displacement.

In addition to punishing targeted victims, the army and its civilian auxiliaries have chosen types of violations, such as rape, corpse mutilation, and disappearance, designed to terrorize the population. These attacks frequently have been directed against relatives of activists in hiding, who then must go into hiding themselves.

A May 20, 1994 press release by the Inter-American Commission on Human Rights stated:

> With regard to the problem of displaced persons (maroons) the delegation confirmed that political activists, community leaders, and numerous opponents of the de facto authorities have had to live as fugitives in their own country, forced as they are to abandon home and family. The delegation received convincing information that the number of displaced persons continues to increase at an alarming rate and it therefore behooves the international community to take a direct interest in this situation.
>
> The delegation received claims from Haitian nationals who have returned home that they have been subjected to persecution and violations of their right to physical and moral integrity. The Commission will open cases concerning these complaints.

FRAPH and Marronnage

The increasingly methodical assaults can be attributed in part to the emergence of FRAPH, which has extended its networks nationwide. FRAPH and the army frequently have joined forces in conducting attacks which have resulted in mass killings and other gross abuses, and significant displacement.

On December 27, 1993, FRAPH members, with military cover, torched an entire section of Cité Soleil, leaving dozens dead. Some of the victims were shot trying to flee the fire, while others were prevented from escaping by the attackers. Several hundred homes were destroyed, and thousands of residents displaced. Many of the displaced have been unable to return out of fear, and some have since fled the country by boat.[38]

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[37] Agence Haïtienne de Presse, June 26, 1994, reported in Human Rights Platform, "Resistance and Democracy," Vol. 2 No. 37, May 20-June 10, 1994.

[38] See Human Rights Watch and the NCHR, *Terror Prevails*, pp. 35-38, for an account of the December arson attack and other

The following is an excerpt from an ICM March 1994 press release regarding FRAPH activity in the Central Plateau:

> Thanks to numerous conversations with inhabitants of Central Plateau who have fled their region, the UN/OAS International Civilian Mission has been able to gather information about a wave of violence unleashed several months ago in that zone of the country. This repression has caused the internal displacement of many people.
>
> The Mission has been able partially to confirm these reports after recent visits to the Central Plateau. In Mirebalais, and Hinche, it seems that armed civilians and the Revolutionary Front for the Advancement and Progress of Haiti (FRAPH) have subjected the local population to a systematic intimidation campaign following the departure of the Mission last October. According to eyewitnesses, attachés have been responsible for several murders between November and March.
>
> In Saut d'Eau, according to many witnesses, a group of FRAPH members and armed civilians carried out a round up on March 4 and 5 in a quarter of the city where the inhabitants are thought to be sympathetic to President Aristide. Shots were fired and goods were stolen. The local judge and his colleagues were mistreated and hit. Following this operation scores of people left their homes and hid. During a conversation with Mission observers a military official from Saut d'Eau admitted that FRAPH was responsible for these events. In return, he denied any participation of soldiers in the operation and admitted to only one arrest.[39]

The Union of Agricultural Workers of Savanette (STAS) is another example of an organization shattered by the repression. According to STAS president Louis Estiverne, he and thirty-eight other members of the organization's leadership went into hiding directly after the coup. According to Estiverne, their membership is scattered in the Dominican Republic, in the capital, and in other areas of the Central Plateau. Regular contact with them is tenuous; most of the leadership is in Port-au-Prince.[40]

A human rights report by STAS and three other Central Plateau organizations provides a chronology of attacks on their membership in several towns in the Central Plateau during October and November 1993. According to the report, FRAPH members stepped-up attacks against activists in the area during the weeks before and after October 30, ransacking and destroying activists' homes or extorting money from residents in exchange for sparing their homes. FRAPH members organized anti-Aristide demonstrations and, with the army, arrested or attacked those who would not participate. The heightened repression forced many activists,

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Incidents in Cité Soleil.

[39] UN/OAS International Civilian Mission in Haiti Ref. CP/94/11, Port-au-Prince, March 30, 1994.

[40] Report by STAS: *Projet de Fonctionnement et de Formation de STAS*, Port-au-Prince, February 9, 1994, and interview with Louis Estiverne, February 7, 1994.

particularly young men, into hiding.[41]

The presence of FRAPH in communities has enhanced control and surveillance of the population. FRAPH recruitment practices force individuals to define their allegiances, or leave town. Recruits are used to identify their former associates in popular organizations. The rural section chiefs, (who are part of the official military hierarchy and report to the local commanding officer), function similarly.

WS is a thirty-year-old activist in Carrefour Feuille who has worked with several local organizations, including KOMEVEB (Helping Hands Committee to Spread the Truth), an ad hoc coalition formed by Antoine Izméry during the period leading up to the scheduled October 30, 1993 return of Aristide.[42] In October and November, two brothers, members of WS' organization who had recently joined FRAPH, made several attempts to recruit him. At one point, they took him to a voodoo ceremony and introduced him to FRAPH leaders Jodel Chamblain and Emmanuel Constant. WS explained to Human Rights Watch and the NCHR how FRAPH wins recruits from the popular movement:

> People in the popular organizations join FRAPH because they are afraid for their life. They have been identified (to FRAPH) by other "double agents." You must understand the fear factor: to join is to save your life. It is seen to be dangerous for the popular movement, since some people joined us but were not really militant and then they get involved with FRAPH for money or prestige. There is also the poverty factor. Some people join KOMEVEB because its leader, Antoine Izméry, would help people. Now that assistance is gone. FRAPH is offering things like a sack of rice, so people change sides. When FRAPH recruited, they came with food, with fifty Haitian dollars, and with .38 and .45 revolvers.
>
> On November 6, 1993, at 1:00 or 2:00 a.m. [FRAPH members] came to Trourouche. When it wasn't raining, we would all sleep on the roofs of our houses so if anyone came we could pelt them with rocks. When they came, I was on the roof about ten houses away from my brother's house. I saw four heavily armed civilians break down the door to my brother's house. I think the two brothers who had joined FRAPH gave them information about me, since they knew where I stayed. The neighbors later told me that they beat my brother and left with him. I couldn't go myself to find out. His name was [CS]. Later, I found his body dumped on a trash heap near Boulevard La Saline.
>
> Since my brother's death, I went to live in [another area]. I don't go out hardly at all because I have learned from friends that the brothers are trying to find me.
>
> When I see people I worked with before I rush to hide because I don't know which side they are on. I told my friends to tell the brothers that I took a boat. I am no longer active in my

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[41] Sendika Travayè Agrikòl Savanèt (STAS), Rasanbleman Peyizan Laskawobas (RPL), Federasyon Gwoupman Peyizan Konbit Lave Je Sodo (FGPKLS), and Inyon Jèn Patriyòt Mibalè (IJPM), *Dosye Vyolasyon Dwa Moun Ba Plato Santral*, (Haiti: November 1993).

[42] Antoine Izméry, a prominent Aristide backer, was dragged from a church on September 11, 1993, during a service organized by KOMEVEB, and murdered by armed civilian dressed men in the presence of ICM observers. Human Rights Watch/Americas and NCHR, *Terror Prevails*, p.12.

organization.[43]

Achille Charles, 22 and Jean Reynold Blanchard, 25, of Abricot Grand Anse, went into hiding in Port-au-Prince in January 1994. Achille is the president of the Mouvman Peyizan Abriko. On January 9, the organization held a meeting in the rural school St. Victor to find a way to prevent people from joining FRAPH. The president of the local FRAPH office, Obi Baptiste, tried to arrest Achille, who fled. Afterward, Neptune Eric, Akis Jean-Jacky, Bany Desire and Tancret Miller, other members of the organization, went into hiding.[44]

Jean Milford Loiseau, age twenty-seven, and Elisson Santus, age twenty-five, both of the Comite Vigilance Palto, went into hiding after FRAPH members entered Loiseau's residence in Saut d'Eau, Centre Department on March 14, 1994, and arrested him. At the army garrison, he was asked to have members of his committee join FRAPH. He said that to do this he would have to be released to go consult with the other members. He was released the next day and fled the area. Later, Rigaud Antoine and Jean Robert Steven, also of CVP, were arrested, severely beaten, and held for two days. They and sixteen other active members of the committee had to go into hiding.[45]

The following are recent prominent cases of repression which have resulted in the deliberate displacement of scores of people, through army operations, often conducted jointly with FRAPH, which have included assassinations, arbitrary arrests, and the destruction of dwellings and property.

Raboteau, Gonaïves

The residents of Raboteau, an impoverished seaside neighborhood of the northwest coastal city of Gonaïves, have experienced an unusual variation of marronnage. When a Human Rights Watch and NCHR delegation interviewed residents there in February 1994, they described a neighborhood held hostage by the army. Neighbors who went into the center of town were vulnerable to attack. A local priest was prohibited from entering the neighborhood. Community activists usually slept near their small boats, unable to risk sleeping at home and poised at all times to flee army and FRAPH incursions. They said that the sea was their "embassy," their escape route during such incursions.

In November 1993, nine Raboteau activists traveled to Port-au-Prince to seek asylum through the U.S. embassy in-country processing program. Upon arriving in the capital, they were detected by a Gonaïves attaché and arrested soon after by soldiers seeking Raboteau community leader Amio "Cubain" Metayer. At the same time, soldiers arrested other Metayer relatives in Gonaïves.[46] Most were released by December 17, 1993, but seventeen-year-old Balaguer "Chatte" Metayer has remained in prison since his arrest, held hostage in lieu of his older brother Cubain.

[43] Interview in Port-au-Prince, February 7, 1994.

[44] Human Rights Platform, "Resistance and Democracy," Vol. 2, No. 36, May 10-20, 1994.

[45] Human Rights Platform "Resistance and Democracy," Vol. 2, No. 35, May 1-10, 1994.

[46] See Human Rights Watch/Americas and NCHR, *Terror Prevails in Haiti*, p. 34.

On December 19, 1993, soldiers and FRAPH members invaded the neighborhood again, seeking Cubain and other activists who were in hiding. The attackers raided homes, mercilessly beating the residents. Among the victims of beatings interviewed by Human Rights Watch and NCHR were a four-year-old girl and an elderly grandmother.[47]

According to a witness, on April 19, 1994, the army again invaded Raboteau, searching homes and arresting residents, including members of the Metayer family, saying they were searching for Cubain and other activists. The witness's father, a justice of the peace, was beaten and ordered to leave town by Army Captain Castera. (He refused.)[48]

On April 22, at 6:00 a.m., a group of soldiers went to the home of FG. Her daughter, SM, is engaged to Cubain, but she was in hiding. They searched the house, went into FG's room and walked on top of her body as she lay on the floor. They told her to reveal the whereabouts of Cubain. They ransacked the house and some of the soldiers fondled another daughter's breasts. This marked the third time the army has searched her home looking for Cubain.[49]

During the night of April 23, the army entered the area firing, chased terrified residents as they fled into the sea, and murdered up to two dozen people. The following day, the army brought prisoners from the garrison to bury bodies as they washed up on shore.[50]

After the massacre, thousands of Raboteau residents went into hiding.[51] On May 2, the army arrested several people displaced from Raboteau in Dauphine, Grande Saline. The victims were accused of leaving Raboteau to hide in the area after the April military operation. One victim, Gesner Aristide, was severely beaten and transferred to the St. Marc prison.[52]

Le Borgne

Since April 1994, there have been disturbing reports of army repression in the area of Le Borgne in the North department. The army prevented journalists and human rights monitors, including the NCHR and the ICM, from entering the area and has prohibited residents from leaving. However, the NCHR was able to interview displaced witnesses who described killings, arrests, and beatings, and the torching of hundreds of houses. The army stated that the operation

[47] A total of fifteen adults and fourteen children were beaten. See Human Rights Watch and the NCHR, *Terror Prevails*, p. 34, for further details about these incidents.

[48] NCHR interview with witness from Raboteau, Port-au-Prince, April 27, 1994.

[49] NCHR interview with FG and SM, Port-au-Prince, May 30, 1994.

[50] NCHR interview with witness from Raboteau, Port-au-Prince, April 27, 1994.

[51] John Donnelly and Harold Maass, "Thousands of fearful Haitians in hiding", *Miami Herald*, April 27, 1994.

[52] Human Rights Platform, "Resistance and Democracy", Vol. 2, No. 35, May 1-10, 1994.

was to rout a guerrilla movement in the area, allegedly led by Marc Lamoure. The latter is a peasant leader, much sought by the army, who has been in hiding in the region for some time. The mayor of Le Borgne, Belizaire Fils-Aimé, was among those arrested in April; he was badly beaten and detained in Limbe according to witnesses. (Human Rights Watch recently learned that he has been released.) Witnesses said many residents had escaped the area and gone into hiding.

A young man from Petite Riviere (not far from Bassin Caiman) was interviewed by NCHR in another town. He said that at the beginning of April, he was warned by a soldier that there was going to be a crackdown in the area and that they should leave. Residents fled into the hills to hide. According to this witness, several days later, armed civilians and uniformed soldiers went to Petite Riviere. The villagers watched from the hills as the army started to burn houses. The witness estimated that twenty-one houses were burned during the first day of the attack. The soldiers fired at the hills where the people were hiding. They cut down plantain trees, stripped the fields, and stole or shot livestock.

The witness was told that the next day, the soldiers burned down eleven houses in nearby Tripeau. The witness and a companion were detained at the army post of Petite Bourg on April 10, while trying to leave the area. He was beaten, choked, and interrogated by soldiers for four hours. After paying a large bribe, he was released. He immediately fled the area and went into hiding.[53]

Relatives of Activists Targeted

In numerous cases, soldiers and armed civilians seeking certain individuals have preyed on the family, either to force them to reveal the person's whereabouts, or as a warning that the person in hiding can still be persecuted through those left behind.[54] In this sense, marronnage has left women and children particularly vulnerable to attack. In a July 6, 1994 press release, the ICM reported having documented seventy-four cases of rape, of which fifty-two had obvious political overtones, and fifty-one violations against children, twenty-three of which resulted in death.[55] Such attacks often push the rest of the family into hiding. The May 20, 1994, IACHR press release cited above also stated:

> The delegation received reports of rape and sexual abuse against the wives and relatives of partisans of the democratic regime....These wives and children are abused by the military, "attachés" or members of FRAPH, when they are unable to locate the partisans.

In a case reported in the *Washington Post*, a woman identified only as Florence recounted her rape by three men seeking her boyfriend:

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[53] NCHR interview with witness, North Department, Haiti, May 3, 1994.

[54] Article 24-3 (e) of the 1987 Haitian Constitution prohibits arresting one person in the place of another. Nonetheless, this has been a common practice in Haiti, even prior to the current military regime.

[55] See generally Human Rights Watch and the NCHR, *Rape in Haiti: A Weapon of Terror*, (New York: July 1994).

Florence, her face expressionless, said: "I told them I didn't know where [her boyfriend] was, but they didn't care. They looked for him everywhere, under the bed, the table, then they beat my mother and father and told me to lie on the floor, and then they raped me.

The article quotes a U.N. observer as stating, "To rape a young woman is a way to shock the conscience of the people they want to hurt."[56]

During the night of May 22-23, 1994, five activists in Cité Soleil popular organizations were murdered by armed men who went to Cité Soleil 8 (a section of the neighborhood) apparently looking for two leaders of the Alliance of Democratic Patriotic Revolutionary Haitians (ADPRH). Two women relatives of the victims were raped during the attack. Three of the dead men were identified as Mercidieu Bontemps, Delius St. Louis (Bebe), and Serge Joseph. LF, a member of the Alliance of Democratic, Patriotic, Revolutionary Haitians in Cité Soleil who escaped the attack gave the following account to NCHR:

On May 23, 1994 around 2:00 a.m., while I was playing dominoes with friends, a group of armed men came to the house and pointed their weapons in our direction. Everyone tried to flee and the men pursued them killing Mercidieu Bontemps, Delius St. Louis, and Joseph Serges. Meanwhile, I had gone into the house; I escaped through a window and ran. Three of my family members were wounded and Esnel Milien was seriously injured. I have learned that the neighbors there are living under threats and I can not return.[57]

On Wednesday, May 11, 1994, Peterson Zephirin was abducted by armed civilians looking for his brother, Roland Zephirin, who was in hiding. The attackers apparently indicated they would abduct other persons in place of Roland Zephirin. Peterson's wife has been unable to locate him since his abduction. [58]

On February 1, 1994, Raoul Barret, a twenty-three-year-old student was kidnapped by four armed civilians in Mariani, a suburb south of Port-au-Prince. The men were searching for his brother, Robert Barret, a medical student and member of an ecological organization, who previously had left his studies and gone into hiding.[59]

FL is originally from Le Borgne in the North Department, and a member of the Confederation of Peasant Groups of Borgne (KGPB). In December 1991 he was arrested and imprisoned for six days. He has been in hiding in Cité Soleil since then. On March 28, 1994, at about 10:00 p.m. three armed men in civilian dress came to his house. He was not there, but his wife, his child, and his brother were in the house. He recounted the following to the NCHR:

The three men demanded to see me and they arrested my brother in my place. On April 4,

[56] Janet Reitman, "Political Repression by Rape Increasing in Haiti," *Washington Post*, July 22, 1994.

[57] NCHR interview in Port-au-Prince, May 27, 1994.

[58] Human Rights Platform, "Resistance and Democracy," Vol. 2, No. 36, May 10-20, 1994.

[59] Human Rights Platform, "Resistance and Democracy," Vol. 2, No. 31, March 8, 1994.

residents of La Plaine discovered a body that was being eaten by dogs. My wife informed me and I went to see the body. It was my brother, who had been killed with a bullet through his eye. His name was SL and he was approximately thirty years old. I have been forced to abandon my house with my wife.[60]

BG, twenty-six, is a member of the Committee for the Defense of the Interests of Miragoane (CODIM). He was detained in March 1994 by a group of civilian-dressed armed men while he was participating in a "rara" (*carnaval*) band. They accused him of trying to incite the crowd by singing provocative songs. He was beaten, but released after a long discussion between the men and the other band members. On April 1, a truck filled with soldiers stopped in front of his house. He was not at home. The soldiers searched the house, and finding photographs of Aristide, beat his wife and clapped their hands on her ears. The soldiers assigned two attachés to maintain surveillance on the house. Since then, the family has been living in hiding.[61]

Army Tracking of Those in Hiding

At the same time that escalating repression is compounding the problem of marronnage, those fleeing persecution are finding it increasingly difficult to hide. While in some cases, the army may rout activists by chance, in other cases, they track activists quite purposefully.

Repressive tactics such as violent house-to-house searches and FRAPH informer network's permeation of poor, densely populated neighborhoods which once provided anonymity have enhanced the ability of the authorities to locate sought individuals. Newcomers to an area are routinely investigated.

The Human Rights Platform reported the following case in which the army has notified residents that they must procure residence permits in order to remain in the area:

> Many arrests took place in Bodarie (Department of the South East) following acts of intimidation by Corporal Fatiel Jean from the outpost of that locality. Thus, on May 13, 1994, Bruno Toussaint was arrested and made a prisoner. He was released the same day after payment of a ransom of $100 [Haitian]. The soldiers then demanded that the victim procure a residence permit in order to be able to live in the area, thus violating the victim's right to freedom of movement. Many other people were also obliged to procure residence permits, others preferred to leave the area."[62]

Since late 1993, the army and FRAPH have conducted ongoing assaults in Cité Soleil, a neighborhood known for its pro-Aristide activism.[63] A significant percentage of the extrajudicial

[60] NCHR interview in Port-au-Prince, June 13, 1994.

[61] NCHR interview with victim, Port-au-Prince, May 24, 1994.

[62] Human Rights Platform, "Resistance and Democracy," Vol. 2 No. 38, June 11-30, 1994.

[63] FRAPH has five offices in Cité Soleil and commonly carries out arrests, beatings, and other acts of control and intimidation against residents.

executions in Port-au-Prince reported by the ICM during the first six months of 1994 occurred in Cité Soleil.[64] The repression there has produced significant displacement to other neighborhoods.

The case of the youths killed in Sarthe provides a graphic illustration of army tracking of activists. On February 3, 1994, heavily armed men in civilian clothes killed at least six, and possibly as many as fifteen young activists from Cité Soleil who were in hiding in a house in Sarthe. The youth had left Cité Soleil to escape increasing repression there after the December arson attack. The following is an excerpt from the ICM's report on the incident:

> After blocking all points of entry, it appears that the assailants hurled tear gas grenades and hand grenades into the building, forcing the occupants to leave. The armed individuals then opened fire, fatally wounding at least six people....
>
> The police authorities...told the Mission that the victims were members of a "terrorist" and "subversive" organization....[A]ccording to other consistent information received by the Mission, the victims, ranging in age from twenty to thirty years, were active members of political organizations in Cité Soleil. During the month of January they were forced to leave their neighborhood after an intensification in the repression.[65]

The following are also cases of activists in hiding who have been detected and persecuted. While it is possible that in some cases, the victim was unknown to the assailants, in other cases, it is clear the attackers were looking for them.

VJ and his wife JP, were displaced from Thomonde in the Central Plateau after the coup. VJ was a member of the MPP and his wife was a member of the Women Market Vendors Popular Movement, an affiliate of the National Front for Change and Democracy (FNCD).[66] The couple had been living in a Port-au-Prince neighborhood since leaving Thomonde. On April 20, 1994, at approximately 2:00 a.m., four soldiers in olive-green uniforms forced their way into the house. They each raped JP and blindfolded and handcuffed her husband, calling them a "Band of Lavalas FNCD." They forced the couple into a red pickup and drove off, leaving behind three children, the youngest only three-months-old. JP was pushed out of the pickup; her husband has not been seen since. As JP was returning to her home on foot, two men in civilian dress accosted and raped her by the side of the road.[67]

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[64] For example, in a March 16, 1994 press release, the ICM reported twenty-one killings for the first two weeks of March alone. Sixteen of these occurred in Cité Soleil.

[65] Press release, Port-au-Prince, February 9, 1994. (Translation by the Washington Office on Latin America.)

[66] The FNCD is the political coalition that backed Jean-Bertrand Aristide's successful candidacy in the December 1990 presidental elections.

[67] NCHR interview with JP in Port-au-Prince, June 28, 1994. A month after the incident JP approached the in-country processing program and was denied an interview. After NCHR intervened, she was granted an asylum interview on July 11, 1994. Her request is pending as of this writing.

DJL, a member of the Assembly of Peasants of Perodin (RPP), was arrested in Perodin by section chief Edner Odeide on November 10, 1991, with several other members of the organization. He was held for nine days and freed after paying a "ransom." He fled Perodin three days after his release when armed men went to his house looking for him. Initially, he stayed with a relative in the Central Plateau region. In April 1992 he moved in with a cousin in Port-au-Prince. On July 6, 1993, DJL returned to Perodin to attend his father's funeral. He was arrested the same day by Section Chief Odeide. He was badly beaten with nightsticks and guns during three days of imprisonment at the army garrison. While his mother was looking for money to obtain his release, he escaped through a bathroom window and returned to Port-au-Prince.

In Port-au-Prince, he sought medical attention and then rented a house in Cité Soleil with fellow RPP members. On October 17, 1993, a group of armed thugs in civilian dress, including one woman, entered the Cité Soleil house, accused the occupants of hanging up Aristide posters and began to beat them. DJL and two other men were able to escape. Later, they found the dead body of one of the residents, Dieulefet Jeune, in the street. Two others who were in the house have not been seen again. Since then, DJL has not returned to the house. He believes that an attaché from his area, whom he had seen in Cité Soleil, had been following him and reported where he lived to the assailants.

Because he can't return to Perodin and can no longer live safely in Port-au-Prince, in November 1993, DJL filed a letter for reconsideration of a previously rejected asylum claim through the U.S. Embassy's in-country processing program in Port-au-Prince. On July 4 or 5 1994, he was arrested again and found on July 9 dumped behind the Batimat building, badly beaten but alive. His asylum application was later approved.[68]

JBB, a twenty-four-year-old leader of the As It Should Be Collective (Kombite Komilfo) of Grande Goave, left the area after being arrested and badly beaten on the day of the coup, and went into hiding.[69] On May 19, 1994, he and his fiancee, RL, also a member of Kombite Komilfo, were followed by four men, who stopped them in Champ de Mars square, near the Rex Theater, (one of the in-country processing sites in downtown Port-au-Prince). The men threw JBB face down on the ground and beat him. They ordered him to leave and departed with RL saying they were taking her to the police headquarters known as the Antigang. They took her to some bushes in the square in Port-au-Prince, where each of the four men raped her before releasing her in the street. Three days after the incident she saw one of her assailants near her house and immediately left the neighborhood.[70]

Baptiste Samson, age twenty-two, is a member of the Organization Defending the Interests of Nippes. He lived in hiding for three months after the coup because soldiers were watching his house in order to arrest him. After the commander was transferred, Samson attempted to return home. On January 10, 1992, soldiers went after Sampson and another member of the

[68] NCHR interviews with DJL in Port-au-Prince, May 2, 1994 and July 1994.

[69] Kombite Komilfo is a political organization formed by young people of Grand Goave and its environs in 1986. Since the coup, its members have been assassinated, arrested, and forced into hiding. See Americas Watch and NCHR, *Silencing a People*, p. 37.

[70] NCHR interviews with JBB and RL, Port-au-Prince, June 17, 1994.

organization who were alleged to have been distributing leaflets, (an activity protected by the Haitian Constitution and by international law.) Samson left town and later learned that the army commander had established himself in a house opposite Baptiste's house to watch activities there.

Later the commander detected Samson hiding in Kafoudan, a small village near Miragoane. The commander told the section chief of Kafoudan to identify every young male who was a stranger to the area. Sampson left the area to take refuge in Port-au-Prince. Within a month, on March 8, 1993, armed men came to his home in Port-au-Prince, beat up the occupants, and stole, among other things, a video cassette in which Aristide appeared. Sampson was absent at the time and the men promised to return. After that, Sampson lived in the streets for nearly a year. Unable to endure any more, he returned to Miragoane. An attaché detained him on February 13, 1994, beat him severely, and held him overnight in his house. Sampson was released on February 14, with a dislocated wrist.[71]

THE ECONOMIC AND SOCIAL CONSEQUENCES OF MARRONNAGE

Massive internal displacement has had devastating economic, social, and cultural consequences for Haitian families and society. The international community rightly has been disturbed by the effects on the most vulnerable sectors of Haitian society of the total economic embargo. However, the importance of the repression, and particularly displacement, as an important cause of homelessness, increased impoverishment and misery of Haitians has been largely overlooked.

The departure of the principal income-earner in the family often results in an abrupt cut-off of the family's means of subsistence. If the departure was preceded by arrest, as is often the case, then the family most likely spent its savings, and even borrowed money, to secure the release of the detainee. In other cases, displacement is preceded by the ransacking and even burning of the home, so that the family is left homeless, as in the case of Duly Oxceva, described above. The recent cases of ongoing assaults in Cité Soleil, Raboteau, and Le Borgne, described above, are large-scale examples of this. Meanwhile, the family sheltering the victim takes on the burden of supporting an extra person, in addition to the inherent risk of persecution involved.

Displacement in rural areas has meant that fields have been left untended and crops ungathered. According to the MPP representative interviewed, there have been cases where section chiefs or their deputies have taken over lands belonging to activists forced into hiding.[72]

Desperation at the inability to support their families and illness of family members have often compelled Haitians in hiding to try to return home. As detailed above, this has resulted in persecution and death in numerous cases. An MPP member who had lived with Wilner Elie while in hiding in Port-au-Prince, described how Elie "couldn't take it anymore" and returned

[71] Human Rights Platform, "Resistance and Democracy," Vol. 2, No. 31, Feb. 26, 1994.

[72] Interview in Port-au-Prince, February 7, 1994.

home because he was unable to support his thirteen children. He was then killed on January 18, 1994, as described above.

A 1993 report of the Justice and Peace Commission described the economic impact of repression as follows:

> The most important consequences of forced displacement are loss of property...or at least the loss of the habitual source of income (particularly the farm in rural areas.) In the urban milieu, this means that the people must leave their jobs, which results in unemployment when he or she returns (if the latter is possible). In sum, all types of collective efforts for obtaining resources (such as water), or for cooperative production are crushed by the repressive structures in place (especially in rural areas.)[73]

The repression and high levels of displacement also cause the interruption of public services both in terms of government delivery and public access. Dr. Jean Moliere, Minister of Public Health of the Malval administration, noted that internal migration had caused the transfer of diseases, such as AIDS and tuberculosis, that were not common before in rural areas.[74]

In addition, many of those who have gone into hiding after arrests have sustained severe injuries during their torture and beatings, and find seeking medical attention dangerous. According to a member of the Justice and Peace Commission in Gonaïves, the types of beatings, such as hundreds of blows to the buttocks, make it impossible for the victim to walk properly or work in the fields for extended periods of time, whether or not he is in hiding.

Non-governmental organizations trying to assist the displaced are overwhelmed by the numbers. And while some organizations like the MPP and STAS manage small-scale emergency assistance programs, others are unable to respond at all to the pressing humanitarian needs of their membership. A HAVA representative told us that:

> People who are now displaced used to work, like farmers, so there is an immediate economic impact. The father goes to Port-au-Prince, he was the supporter of his family. Now he cannot work. The children can't go to school anymore and must beg. Any assistance he might get is not enough to support his family. People come here every day seeking assistance.[75]

At the same time, the scope and effectiveness of the work of nongovernmental development and humanitarian organizations has been greatly reduced because of the high levels of internal displacement of their own community activists and beneficiaries. As the Justice and Peace Commission notes above, at a community level, the displacement of local leadership and activists eliminates not only political activity, but programs aimed at improving the standard of living of poor urban and rural communities through organizing around issues such

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[73] Human Rights Platform, *Séminaire Droits de l'Homme*, Annex 3, page 11. (Translation by Human Rights Watch.)

[74] Interview in Port-au-Prince, February 11, 1994.

[75] Interview in Port-au-Prince, February 9, 1994.

as potable water and illiteracy.

For example, the Catholic Church's Caritas office in the Gonaïves diocese was very active in development and assistance programs. Since the coup, Caritas programs have been brought to an almost complete halt. Their beneficiaries in local peasant organizations have been unable to continue meeting and community organizers have been forced into hiding. In November 1991, the clergy of Verrettes informed the Justice and Peace Commission that some fifty active Catholics, peasants from the locality of Desarmes, had to go into hiding. In another case, on November 19, 1991, soldiers invaded the home of Simon Guignard, secretary of the Caritas office of the Verrettes parish. Weeks later, there was another army incursion in the first section of Martineau de la Chapelle, in which soldiers searched for several local leaders as well as Guignard, whom they believed was in hiding in the area.[76]

Since the coup, seventy-five percent of HAVA's eighty legal promoters (animateurs) have gone into hiding, forcing the group to suspend their training programs. A HAVA representative who preferred not to be identified, explained to us the effects of marronnage on their work:

> We can't meet with our local people, we can't do trainings. For example, we went to Petit Bourg du Port Margot for a meeting with local *animateurs*. A market vendor who is a macoute saw us go into the house where we were meeting. She went to tell the other macoutes that a communist meeting was going on. We left after an hour so by the time they came back we were gone. But our animateurs told us later that the macoutes had prepared to "entrap them." They had to leave the area.
>
> Even when people return they can't take up their work. There is a strong network of macoutes, attaches, etc. to enforce: they have people singled out. If they see so-and-so come back they know there will be a meeting, they are immediately suspicious.[77]

The Justice and Peace Commission in Gonaïves has also documented the effects of the repression and forced displacement on clergy and laity:

> [t]he arrest and pursuit of priests which has obliged them to leave their parishes or has prevented them from returning, means that the "de facto" authority and its repressive forces are seriously obstructing freedom of religion. Numerous parishes have been left without a pastor and have been unable for long periods to have access to the sacraments, particularly the celebration of the Eucharist and confession.
>
> For the priests who remain, or those who return to their parishes, the only solution for "survival" if they want to remain with their faithful, is currently silence and preventive self-censorship: The priest of Saint-Marc, the second largest Catholic parish in the diocese, was obliged to abstain from preaching in order not to provide the least excuse for arrest, which did not prevent him from having to leave his parish anyway, some time later.[78]

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[76] Justice and Peace Commission of Gonaïves, *Le Retour de l'Arbitraire*, Report CD 92-14; Annex 2, p. 13.

[77] Interview in Port-au-Prince, February 9, 1994.

[78] Justice and Peace Commission of Gonaïves, Report CD 92-14; page 17. The report cites several examples of parishes which have

U.S. REFUGEE POLICY AND MARRONNAGE

Included in the ranks of Haitians living in hiding are those seeking asylum through the U.S. in-country processing (ICP) program. Asylum-seekers are often in hiding when they apply, during the adjudication process, after denial, and even during the lag-time between approval of an asylum claim and actual departure. Many of the cases of marronnage presented in this report pertain to individuals who have applied for asylum.

In a general sense, the U.S. government has acknowledged that internal displacement has resulted from the repression in Haiti. The Haiti chapter of the U.S. Department of State Country Reports on Human Rights for 1993 briefly mentions marronnage:

> There were credible reports that many Haitians moved from one area of the country to another to evade abusive local authorities. Estimates of those numbers vary widely, and a lack of statistics make it difficult to establish the actual number. However, it is likely that several thousand Haitians are internally displaced.[79]

Nonetheless, in practice, U.S. officials repeatedly have minimized marronnage as a human rights concern. Although (or perhaps because) a large number of asylum seekers interviewed through the ICP program have claimed to be in marronnage, U.S. refugee personnel interviewed by Human Rights Watch and the NCHR disparaged marronnage as a form, or even a logical consequence, of a well-founded fear of persecution when adjudicating claims.[80] The case of Duly Oxceva, described above, is typical. He was refused asylum in July 1993 after his attempt to return home after months in hiding resulted in arrest and imprisonment, and returned to hiding. He was finally granted asylum after his assailants pursued him to Port-au-Prince.

When asked to describe the phenomenon of marronnage in INS's experience, Olen (Sam) Martin, the INS Officer in Charge of the ICP program, trivialized the problem of marronnage:

> Almost everyone says they are in hiding. Then I dig; I say, "where do you get mail? Where do you stay?" Someone in hiding might live two blocks from their house! The attachés live in the community under police protection. They don't cross boundaries [invisible lines distinguishing neighborhoods]. There are no instructions to go after so and so. When [Chief of Police Col.] Michel Francois says "clamp down," the attaché will pick a guy he doesn't like to take in. It's not always someone involved in political activity. If a guy doesn't want to be seen, he needs to stay out of the way. He doesn't walk on the streets where they [the attachés] are. He can live at home, he just has to avoid a ten block area, or move over that boundary

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been left without a pastor for some period of time.

[79] Department of State, *Country Reports on Human Rights Practices for 1993*, (Washington D.C.: February 1994); p. 9. The U.S. Embassy recently established a million dollar human rights fund, part of which is earmarked for assistance to victims of persecution, including displaced persons.

[80] In U.S. law, an asylum applicant must demonstrate a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

line.[81]

In the State Department's *Profile of Asylum Claims and Country Conditions*, dated May 5, 1994, the issue of marronnage is addressed under the heading "Internal Flight and Relocation Possibilities" which states:

> Despite generally high levels of violence, it is possible for many people to take up safer residence in other parts of the country. Throughout the recent decades of Haiti's lawlessness, many thousands of people have migrated internally, primarily from the countryside to the cities. In times of urban trouble, many Haitians have moved back to their former abodes in other parts of the country. Estimates of this out-migration to rural areas by inhabitants of Port-au-Prince right after the coup range up to 300,000 persons. Many applicants from Port-au-Prince, for example, were born in other parts of the country and still have parents and other relatives living there. Equally, many rural families have members who have moved to the capital for economic betterment and who have been able to receive relatives from the provinces who may be seeking the anonymity of the city. Demographic studies, observation by embassy and human rights reporters, and the record in most asylum cases show that there has been extensive use of these and other alternative refuges. Currently, the embassy believes that people displaced number in the thousands. In this connection it should be noted that the term "in hiding" is sometimes [used] by applicants to indicate spending the night at one or several different addresses, while pursuing normal daytime routines.[82]

This summary of internal displacement implies that displacement should not be taken as evidence of persecution, but the opposite: that even if persecuted, a Haitian can find refuge internally (and therefore be undeserving of asylum) because he or she can always go into hiding.[83] Rather than being an alternative to refugee flight, increasingly systematic repression that has made hiding more difficult has contributed to refugee flight.

Once approved, asylum applicants must complete the time-consuming "out-processing" procedures required for departure such as medical examinations, passport obtention, and sponsorship by a U.S. private voluntary agency. These procedures can delay the departure of an approved applicant for months. These delays were compounded by the suspension of most commercial flights in and out of Haiti on June 21, 1994.[84] Hundreds of approved asylum

[81] Interview in Port-au-Prince, February 11, 1994. After a year in Haiti, Mr. Martin was replaced in June 1994 by Ms. Jean Christianson.

[82] U.S. Department of State Bureau of Democracy, Human Rights and Labor, *Haiti - Profile of Asylum Claims and Country Conditions*, Washington D.C., May 5, 1994; p. 12.

[83] This profile is used by the Immigration and Naturalization Service for the adjudication of Haitian asylum claims in Haiti and in the U.S. It is repeated in State Department advisory opinions, which in the overwhelming majority of cases, rebut the information provided by the applicant. The Church World Service Migration and Refugee Program in Miami, Florida, represents Haitians seeking political asylum. According to attorney Merrill Smith, CWS has numerous such advisory opinions on file. In most cases in which CWS has refuted the advisory opinions, asylum has been granted. Unfortunately, Haitians applying for asylum through in-country processing do not have comparable assistance or counsel.

[84] As of August 1, 1994, Air France's remaining flights to and from Haiti were suspended.

applicants, ready to travel or completing the requisite procedures, have been left in hiding and in danger because of long delays in arranging to transport them out of the country.[85]

In the following cases, asylum seekers were persecuted before and after being approved for asylum through the ICP program:

JCC, twenty-six, was a member of a number of popular organizations in the Fort St. Clair area. In October 1991, he and his family left the area after soldiers came seeking him and beat people in his household. He lived in hiding in one Port-au-Prince neighborhood and his wife in another. He applied for asylum in November 1993. On January 28, 1994, he was seized by three armed men who recognized him and beat him on the street until an military officer from the Antigang Service intervened. On February 10, 1994, at 10:00 a.m., as he was leaving one of the ICP locales after a scheduled asylum interview, JCC was arrested by three armed men in civilian dress, who beat him and took him to the Antigang Service, where he was held until evening, punched on the back of the neck and shoulders, and accused of being a Lavalassien. On February 24, he was denied asylum. On March 4, four armed men in civilian dress, including one who had participated in his prior arrest, seized him again on Rue Macajoux in Port-au-Prince and took him back to the Antigang Service. Later that day, the duty sergeant let him go, warning him not to get caught again. After this incident, JCC filed a letter for reconsideration of his asylum claim. Then, on March 11, just after midnight, six armed men in civilian dress went to the house where his wife was living. Violently searching the house for JCC, they hit his wife and pushed her down on the bed while one man bit her on the cheek saying he was leaving the mark for her husband to see. They threatened to return and kill her if they didn't find him. On April 11, JCC's letter to reconsider was approved. As he and his family were awaiting final processing, JCC's father received an arrest warrant for JCC dated May 17. Then, on June 21, JCC was kidnapped, beaten, and interrogated by two men in civilian dress, one of whom addressed the other as "Sergeant." They knew who he was and asked about his colleagues in Fort St. Claire organizations. He was held for three days at an unknown site, where he was blindfolded, beaten, and denied food and water. On June 24, he was found dumped behind the Batimat building, conscious but in a state of shock. He was still in hiding at the time this report went to press.[86]

Jean-Louis Paul Aloute, age forty-five, is a member of several peasant organizations in the area of Chantal in southern Haiti. He went into hiding in the same area after the coup because of multiple searches of his home and the persecution of his organizations by Chantal soldiers and attachés. During a February 1994 military operation, soldiers ransacked his home and arrested his wife and a colleague in his place.[87] Afterward, Aloute requested political asylum through the ICP program on March 29 and was approved on April 12. He returned to Chantal on April 16, to retrieve documents that ICP officials had requested and to take his family to Port-au-Prince for "out-processing." Three days later, three soldiers, including a Corporal Merceron, and an armed

[85] On August 1, armed men beat several Haitians standing in line outside of a Port-au-Prince in-country processing locale and subsequently arrested three of them. Their status is unknown.

[86] NCHR interview with JCC in Port-au-Prince, July 2, 1994.

[87] During that operation, ostensibly triggered by reports of armed guerrillas in the area, the army searched and burned homes and made several arrests.

men in civilian dress arrested him. He was held for seventeen days, during which time his wife was briefly arrested while trying to visit him. Since that time he has not gone out at all for fear of being arrested.[88]

MF, forty-five, was approved for asylum in mid-April 1994 and has been ready to travel since June 18. While she has been living in a safe house, her children remained in Cité Soleil. On June 16, FRAPH members and soldiers in civilian dress began to throw stones at her house in Cité Soleil saying that they knew she was approved for asylum and in hiding but that they would hurt her children. Subsequently, her children were moved into a safe house as well.[89]

Some Haitians fleeing persecution have left the country by boat after finding themselves unable to survive in hiding. The individuals whose cases are described below were forcibly repatriated by the U.S. whereupon they continued to suffer persecution and returned to hiding.[90]

BW, a member of a La Gonave popular organization, went into hiding in October 1991 at the same time that several other activists fled the country for Cuba and elsewhere. According to testimony taken by the NCHR, BW went home on the morning of November 10, 1992; he was arrested at home that afternoon by a uniformed soldier and taken to the army garrison. On November 12, a soldier sympathetic with his organization released him. He did not return home and on November 18 he took advantage of a boat departure to leave the country. The boat was stopped by the U.S. Coast Guard and returned to Port-au-Prince, even though many passengers expressed their fear of returning. He was given the address of the ICP locale but he had heard that one had to wait in line for hours. Instead he went back into hiding. He returned to his house on September 10, 1993, after the installation of Prime Minister Robert Malval. On October 18, a uniformed soldier went to his house accompanied by three former Tontons Macoutes. They told BW, "We finally have got our hands on this Lavalassien. You left and now you're back. We're going to finish this today." He was taken to the army garrison, beaten, and tortured in the djak position (whereby the victim is placed in the fetal position with the hands and feet tied together and flogged,) and had his ears clapped simultaneously. His sister paid 400 Haitian dollars for his release and he went immediately into hiding.[91]

In a similar case, DC, a forty-two-year-old activist from the Delmas area of Port-au-Prince, went into hiding in Sarthe with his family immediately after the coup. His home had been searched and his family threatened by soldiers seeking him. In November 1992, two uniformed soldiers went to his cousin's house in Sarthe demanding to see DC. He didn't go back to that

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[88] Human Rights Platform, "Resistance and Democracy," Vol. 2, No. 37, May 20 - June 10, 1994, and an unclassified Department of State cable regarding the arrest from the U.S. Embassy in Port-au-Prince, April 21, 1994.

[89] NCHR interview with MF, July 11, 1994.

[90] Human Rights Watch and the NCHR have documented several incidents between May and July 1994, in which Haitians attempting to flee by boat were assaulted and arrested by Haitian soldiers. One of the first acts of de facto President Emile Jonaissant, installed by Lt. General Cédras in May, was to order a country-wide crackdown on such boat departures.

[91] NCHR interview in Port-au-Prince, January 31, 1994.

house, and instead went to La Gonave and took a boat. The boat was interdicted by the U.S. Coast Guard and returned to Port-au-Prince on December 5. After his repatriation, DC went into hiding. In March 1993, he returned to live with his cousin in Sarthe. On May 12, 1993, he was arrested by two uniformed soldiers who took him away in a Nissan pick-up truck. He was beaten, interrogated about his political activities, and locked in a small cell with ten other people. He was freed five days later after his cousin paid 500 Haitian dollars for his release. He went back into deep hiding.[92]

Human rights violations are at the root of both internal displacement and refugee flight. Through its myopic efforts to stem the flow of refugees, the U.S. government underestimated and ignored the regime's strategic use of repression and forced displacement to fracture democratic organizations. As part of its new policy approach, the Clinton administration should treat the problem of marronage in Haiti with the seriousness it deserves—in its human rights reporting and in its treatment of asylum claims in Haiti, in third countries, and on U.S. soil.

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We are particularly indebted to the individuals we cannot name, whose experiences and testimony of marronnage are included herein. This report is dedicated to them.

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[92] NCHR interview in Port-au-Prince, April 21, 1994.

executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Americas division was established in 1981 to monitor human rights in Latin America and the Caribbean. Cynthia Arnson and Anne Manuel are the acting directors; Sebastian Brett, Robin Kirk, Ben Penglase and Gretta Tovar Siebentritt are research associates; Stephen Crandall and Vanessa Jiménez are associates. Peter D. Bell is the chair of the advisory committee and Stephen L. Kass and Marina Pinto Kaufman are vice chairs.

***Jesuit Refugee Service/USA**, located in Washington D.C., is the central coordinating office in the United States of the international Jesuit Refugee Service. JRS was founded in Rome in 1981 under the auspices of the Society of Jesus. Regionally organized, JRS operates programs for refugees and internally displaced persons in over twenty-five countries in Asia, Africa, Central and North America, Europe, and Australia. Major program foci include pastoral care, legal assistance, research, health education, and accompaniment. The director of JRS is Robert W. McChesney, S.J.; Associate Directors, Michael Linden, S.J. and Laurie E. O'Bryon.*

***National Coalition for Haitian Refugees**, established in 1982, is composed of forty-seven legal, human rights, civil rights, church, labor, and Haitian community organizations working together to seek justice for Haitian refugees in the United States and to monitor and promote human rights in Haiti. Its executive director is Jocelyn McCalla and its associate director is Anne Fuller. In addition to periodic reports on human rights in Haiti, the NCHR publishes a monthly bulletin on human rights and refugee affairs which is available upon request.*