

HAITI: RIGHTS DENIED

A Report on Human Rights  
in Haiti in 1984

to the  
United Nations Commission on Human Rights

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National Coalition for Haitian Refugees  
Americas Watch  
Lawyers Committee for International Human Rights

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INTRODUCTION

Today it is Gerard and all those whose names we do not know. Tomorrow it will be us, you or I, or someone else. Where a man is humiliated and tortured it is the whole of humanity that is humiliated and tortured.

Public letter from all the Bishops of Haiti and the Archbishop of Port-au-Prince protesting the detention without charge and torture by the Haitian secret police of Catholic lay worker Gerard Duclerville.

This report examines human rights conditions in Haiti in 1984, a year when respect for human rights continued to be poor, and in some respects deteriorated significantly. A particularly troubling development was the arrest of more than 30 agronomists, agricultural economists and church development workers in November and December 1984. These arrests signaled the most pronounced campaign of intimidation since a 1980 crackdown on political parties, independent press, and human rights monitors by

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Haitian security forces.

Basic freedoms continued to be denied by law and in practice. According to the U.S. State Department Country Report for 1984, "Constitutionally guaranteed freedoms, such as freedom of speech, press, and association, are in practice effectively restricted by other legislation and laws. Due process guarantees relating to judicial procedures are often not respected."

The new Haitian Constitution of August 1983 reasserted the primacy of the President-for-Life, Jean Claude Duvalier, by granting him "full powers" -- as though the nation were placed under a state of siege during the 8-1/2 months that the legislature is out of session. The executive's increased powers found expression during 1984 in the increase of long-term incommunicado detentions. Despite a constitutional mandate that "no one can be kept under arrest for more than 48 hours unless he has appeared before a judge," the State Department reports that "persons detained for political reasons in Haiti are seldom charged or brought to trial; some have been held for years. There may be as many as 40 or 50 persons in this category in Haitian jails . . ." Though the Haitian government has repeatedly promised to issue a list of its prison population, specifying persons it is holding on suspicion of political offenses, no such list has ever been produced.

Throughout 1984 the Haitian government issued a series of decrees banning political parties, and further restricting the Haitian press and broadcast media. The National Commission on Human Rights, a government-dominated entity, did not speak out publicly on abuses and did not effectively intervene in any of the most serious cases involving well-documented human rights violations.

In 1984 the Volunteers for National Security (formerly known as the Tonton Macoutes) were given increased power, and continued to arrest or detain without charge persons perceived to be opponents of the Duvalier government. Many of the group that was arrested at year-end were held incommunicado for months before the government announced in early February 1985 that sixteen would be brought to trial on charges of violating national security. Singled out for particularly harsh treatment by Haitian security forces are political opponents of the government, political prisoners, labor leaders, journalists, human rights monitors and those who have been forced to return to Haiti. The Haitian judicial system offers little or no protections to these and other victims of abuses by security forces.

After twenty-seven years of Duvalier family rule, there have been few institutional changes in Haiti that suggest sustained movement toward democracy or reform. It

is in this context that we present this report, and again urge the Commission on Human Rights to take all appropriate actions to address forcefully Haiti's ongoing human rights crisis.

#### I. DENIAL OF THE RIGHT TO ENGAGE IN POLITICAL ACTIVITY

For twenty-seven years Haiti has been governed by two generations of the Duvalier family. Francois Duvalier (Papa Doc) ruled the country from 1957 until his death in 1971. His son, Jean Claude Duvalier, has been the President-for-Life of Haiti for the last 15 years. In 1984, as in the past, the Duvalier government effectively banned opposition political activity. Despite Article 43 of the Haitian Constitution which guarantees all Haitians the right to associate freely in the political parties of their choice, on May 8, 1984 the Ministers of the Interior and National Defense, Information and Justice issued a proclamation banning "all groupings which call themselves political parties" pending the promulgation of a new law governing political parties, to be "submitted at an opportune time."

The one political organization that is allowed to function freely is the CONAJEC, the National Council for Jean-Claudiste Action. While the precise goals of this organization are not clear, it seems to be little more than a state-financed support group for the President-for-life.

While several other embryonic political parties have been created, none is allowed to function. All are subject to continual harassment and intimidation by

government security forces. Each is small and their members are generally unprotected. The Haitian Christian Democratic Party (PDCH) was created in 1979 by Sylvio Claude, a Baptist minister. Mr. Claude has described the party's goal as creating "a climate of democracy capable of satisfying the needs of the masses from a Christian perspective." Since the PDCH was created, Sylvio Claude has been arrested on eight separate occasions. During this period he has served almost three years in jail, where he has been subjected to frequent mistreatment, including physical torture. A number of Claude's supporters and PDCH leaders have also been arrested during this period. The Party's newspaper, Conviction, is published irregularly because of repeated forced closing by government agents. It has not been published since May 1984 and its presses were confiscated in July. The PDCH claims to have the active support of approximately 3,000 people, though this is impossible to verify.

A second political party, the Social Christian Party, formed in 1980, was founded and is still headed by Gregoire Eugene, a law professor and constitutional law scholar. The Party attempts to publish a newspaper called Fraternite. This small party and its members also have been the targets of government persecution. In November 1980

Professor Eugene was arrested and subsequently forced into exile. He returned to Haiti in February 1984. Shortly after his return, Professor Eugene published an article in which he sharply criticized the

stagnation of political life [which] is contrary to the concept of democracy, contrary to constitutional norms, contrary to the function of a representative democracy [and] contrary to the Charter of the Organization of American States.

On June 19, 1984, just after this article was published, Professor Eugene was again arrested without formal charge, and subsequently was placed under house arrest. He was kept under house arrest for two months, during which several visiting delegations were denied access to him.

Although the formation of several smaller political parties was announced in 1984, they have not been allowed to function. These include one headed by a former deputy, Alexanche LeRouge, and another by Constant Pognon, and a third by Dr. Lionel Laine.

On February 12, 1984 legislative elections were held for all 59 seats in Haiti's Chamber of Deputies. Observers reported multiple registrations and the sale of registration cards. None of the 309 candidates who

participated in these elections was completely independent of the Duvalier government. Indeed, the State Department Country Report for 1984 acknowledges that "in some localities the Government resorted to fraud or violence to ensure that government candidates won." These elections were sharply criticized by the Congressional Black Caucus of the United States House of Representatives, whose members expressed "grave concern and disappointment over the series of human rights violations that have dominated the environment of the legislative elections."

Only one candidate campaigned on a platform somewhat independent of the Duvalier government: Serge Beaulieu. In the days just prior to the election his headquarters were ransacked, his car was riddled with bullets, and two members of his staff were detained without explanation. He was not elected.

Throughout November and December 1983 Professor of Constitutional Law Gregoire Eugene, the head of one of Haiti's only significant opposition parties tried unsuccessfully to obtain a visa to return to Haiti to contest the legislative elections. Dr. Eugene had initially been forced into exile along with some 25 other lawyers, politicians and journalists in November-December 1980. After four refusals, Eugene was finally allowed to return to Haiti -- after the elections were over.

Following the election U.S. Ambassador Clayton McManaway stated:

We were disappointed that in some areas such as Cavaillon and Gros Morne the electoral process was not respected, that some candidates were not allowed to freely campaign, and that in some instances foreign observers were restricted in their access to the electoral process.

In March 1984 the Committee on Foreign Affairs of the U.S. House of Representatives expressed "serious concern over the unwarranted intimidation of the nascent political opposition in Haiti and other human rights violations attributable to the government." The Committee took the virtually unprecedented step of "eliminating any new authorization for military assistance for the government of Haiti for fiscal years 1984 and 1985 in order to appraise the government of Haiti of the implications of the lack of progress in the promotion and protection of human rights."

In early May the government issued a proclamation banning "all groups which call themselves political parties" pending promulgation of a new law governing political parties, which was to be "submitted at an opportune time." The law gives a hollow ring to the Haitian Constitution's guarantee that all Haitians can associate freely in political parties of their choice.

## II. DENIALS OF FREEDOM OF EXPRESSION AND PRESS

Everyone has the right to express his opinion on any matter by any means within his power. The expression of thought, whatever form it takes, may not be subject to prior censorship except when a state of war has been declared.

Art. 26, Haitian Constitution

Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

Art. 13, American Convention on Human Rights

Though freedom of the press is guaranteed by Haiti's Constitution, it is effectively restricted by other legislation. Article 22 of the Press Law, enacted in March 1980, prohibits the press from "offending the Chief of State or the First Lady of the Republic" and from "making any attack against the integrity of the people's culture." Another provision prevents the press from writing "defamatory allegations" against members of the legislative or executive branches of government, a magistrate, or the memory of a deceased person." Under this law the Director of the Government's Department of Information and Public Relations

selects only those stories that are considered appropriate for print. Newspapers or journalists that print articles prior to such clearance may be called in by the Department and forced to disclose their sources and reasons for printing the articles.

Another provision that severely curtails press freedom is the 1969 "Loi Anti-Communiste." Under its terms the government has the opportunity to charge almost anyone with crimes against the security of the State. A 1982 resolution adopted by the Inter-American Press Association strongly condemned this and other forms of political censorship in Haiti:

Whereas the Duvalier family dictatorship in Haiti -- despite its control of the communications media -- continue to seek other means to assure that the Haitian people receive only news approved by the government and suppress free and independent thought; whereas the latest measure of thought control has been the creation of an official agency to monopolize the distribution of information inside the country and control the flow of news abroad, the Board of Directors resolves to protest to the Haitian government against the creation of an official monopoly agency and to ask members of the IAPA to oppose the repressive measures of the Duvalier dictatorship that deny truthful information and diverse opinions to the Haitian people.

In March 1984 President Duvalier sent to top government leaders a series of letters urging respect for fundamental human rights, an end to arbitrary detentions without charge and an end to certain restrictions on the press. By April several publications had appeared or reappeared in Haiti, each testing the journalistic waters following the President's pronouncements. Professor Gregoire Eugene renewed publication of his party's newspaper Fraternite. In the May 27 issue of Fraternite, Alexandre LeRouge announced the creation of another publication to be called L'Etincelle (The Spark). Another publication, Conquerico, an independent Haitian sociological review, was announced by Constant Pognon. In early May PDCH leader Sylvio Claude renewed publication of the Party's newspaper, Conviction. The initial issue contained letters from three members of the United States Congress that were critical of the Haitian government's performance with respect to the conditions of U.S. bilateral aid to Haiti.

Most copies of Claude's paper were seized by government agents the same day. On May 7, 1984, Roger Lafontant, the Haitian Minister for the Interior and National Defense, issued a communique ordering the suspension of all newspapers and periodicals that were not approved by the government in advance. The authority that Lafontant cited

for this action was the widely condemned Press Law of March 1980.

In early July 1984 Claude went into hiding when he learned that members of the Haitian security forces were coming after him. According to the State Department's Country Report for 1984, when these forces reached his home and did not find him, his daughter Jocelyn Claude was "beaten about the head and body." Members of the Haitian security police also seized the galleys for a forthcoming issue of Conviction. Since the raid, Conviction has ceased publication.

Another publication that was disrupted in the spring was L'Information, edited by Pierre Robert Auguste. In mid-June Mr. Auguste was arrested and questioned by the Minister of the Interior, Roger Lafontant and Colonel Albert Pierre of the secret police while in detention at the Casernes Dessalines. "During his questioning and in the presence of high ranking government officials, he was beaten with a wooden rod and one finger was broken" according to the 1984 State Department Country Report.

During this period another prominent Haitian journalist, Dieudonne Fardin, was also arrested. Mr. Fardin is the editor of a popular Haitian weekly, La Petit Samedi



Soir. After being interrogated for nearly three hours Fardin was released without charge.

On June 18 the Haitian secret police seized Professor Eugene from his home and took him to the Casernes Dessalines. While there, Eugene was questioned by Minister LaFontant, and two commanders of the secret police, Colonel Albert Pierre and Colonel Emmanuel Orcel. Professor Eugene's printing press was confiscated by authorities, as was the latest issue of Fraternite. Two days later, Professor Eugene was released, but was immediately placed under house arrest and denied the right to receive visitors. His car was inexplicably seized by the police and he was fired without explanation from his post as Professor of Constitutional Law at Haiti's National University.

Finally, on July 4, police arrested without charge Hubert DeRonceray, Haiti's representative to UNESCO and the President of UNESCO's Committee on Conventions. DeRonceray and his wife Michele Gaillard also work with the Haitian Center for Investigative Social Sciences. DeRonceray was questioned about interviews that he had allegedly given to foreign newspapers and Gaillard was threatened with a beating. After DeRonceray's release he was placed under house arrest for the remainder of 1984.

### III. THE PERSECUTION OF HUMAN RIGHTS MONITORS

Throughout 1984, independent human rights monitors continued to be subjected to considerable harassment by Haitian security forces. This pattern of harassment has accelerated since the government created a National Commission for Human Rights in 1982. A number of government officials in Haiti now assert that with the formation of a national commission there is no longer any need for private human rights monitors.

#### A. The Case of the Haitian League for Human Rights

The Haitian League for Human Rights was organized in 1977 by law professors and defense attorneys from the private bar. It was created to promote and defend the principles of the Universal Declaration of Human Rights and the Haitian Constitution.

On November 9, 1979, sixty security force members disrupted the first public meeting of the Haitian League. More than fifty of those present were beaten, including the League's president, Gerard Gourgue, and representatives of the French, Canadian and West German embassies. In late 1980 and 1981, several members of the League were arrested without charge, including League General Secretary Lafontant Joseph.

In January 1981, Joseph was forcibly abducted as he was leaving court in Port-au-Prince, and was taken to the Casernes Dessalines, where he was interrogated and severely beaten. Thereafter, at least three League members, including a founding member of the League, Joseph Maxi, went into exile or hiding. Maxi had been urging members of the Port-au-Prince Bar Association to represent prisoners held without charge in the National Penitentiary and the Casernes Dessalines. The government's harassment of League members continued in 1984. Today only the League's president, Maitre Gourgue, is able to voice human rights concerns in public, and even he is severely limited in doing so.

B. The National Commission on Human Rights

The National Commission on Human Rights was created in 1982 by the Haitian government. President-for-Life Jean Claude Duvalier announced the creation of the Commission in a speech before the Chamber of Deputies in April 1982, stating that it was part of his "revolutionary vision" for a legal culture "designed to [sic] the promotion and protecting of human rights in Haiti."

In November 1979, the President had announced the creation of a similar body, a Human Rights Division in the Ministry of Foreign Affairs. This announcement was made just

two weeks after Tonton Macoutes had broken up the meeting of the Haitian League for Human Rights. There is no record of that Division ever taking an official position on any human rights case or issue.

In the tradition of the Human Rights Division, the government-sponsored Human Rights Commission has also shied away from taking any action or position that could be interpreted as even mildly independent or critical of the government. The Commission is currently headed by Pierre Jeannot, who also serves as a permanent assistant to the Haitian Ministry of Justice. According to the Commission's own statements, it does not get involved in "political cases," cases involving "national security" or other cases of "immediate importance to the government." Similarly, the Commission does not get involved in a case that "is being properly processed by the criminal authorities" (i.e., the police of port-au-Prince), nor will it become involved in any case without receiving a complaint from a domestic source requesting that they actively intervene with the case. While the Commission does keep international letters of inquiry on file, it has informed international visitors that it responds only to domestic complaints. By the Commission's own admission its "hands were tied" in the highly-publicized torture and two-month incommunicado detention of Catholic lay worker Gerard Duclerville.

In addition to these significant restrictions, many of the members of the Commission are government employees and few possess legal training. Most have never worked with a civil or human rights group before. It is obvious that the Commission is not independent from the Duvalier government, and thus far has not been effective in advancing the cause of human rights.

Four particularly important government violations appropriate for the intervention of a national human rights commission include: the incommunicado detention without explanation and torture of church worker Gerard Duclerville; the unexplained detention of three independent editors and publishers on June 18, 1984 and the beating of one, Pierre Robert Auguste; the unexplained detention since 1980 and subsequent disappearance of Roc Charles Deroose (alias Jerome Jean); and the crackdown in November-December 1984 that resulted in the detention of 35 persons without explanation. By its own admission, the Haitian National Commission on Human Rights has simply done nothing substantive in any of these cases. Apparently they have not ever made inquiries, as these cases are "too controversial".

#### IV. THE STRUCTURE AND FUNCTIONING OF THE HAITIAN SECURITY FORCES

From Haiti's independence in 1804 until 1957, the army was the supreme arbiter of Haitian politics (with the possible exception of the period between 1914-34 when the United States Marines occupied Haiti). Within five years of coming to power, President Francois Duvalier almost completely undermined the authority of the regular army in favor of para-military forces, known as the Tonton Macoutes and the secret police. Minister of State Roger Lafontant gave increased power to the Tonton Macoutes, now called the Volunteers for National Security, increased recruitment for the VSN, and announced plans for a VSN academy to train younger recruits aged 11 to 18. "Papa Doc" Duvalier described the Volunteers for National Security in his memoirs:

This organization has only one soul:  
Duvalier; recognizes only one chief:  
Duvalier; fights for only one destiny:  
Duvalier in power.

The current President has repeatedly reasserted the primacy of the security forces in the reconstruction of his version of Haitian society. At the massive celebration of the twenty-second year of Duvalier rule, on September 29, 1979, Jean-Claude Duvalier stressed that the security forces

were absolutely essential to eliminating instability from Haiti.

Men and women of the militia, you are the linchpin of my government, the major force on which I base myself in order to realize the objectives of democracy and to impose respect for law and order and activist discipline.

In 1984 the structure and functioning of the Haitian security forces remained the same, except for the increased prominence given to the VSN (the Macoutes). Although officially disbanded in 1971, the VSN are still commonly referred to as the Tonton Macoutes. They number approximately 12,000. The VSN has recently been placed under the command of a six-person Counsel of Directors dominated by Major Christophe Dardonere. The principal role of the VSN has not changed: it exists to eliminate opposition to the President. This para-military unit is composed of "volunteers" who are dependent on their fellow Haitians for their livelihood, thus encouraging wide-scale corruption, extortion and, sometimes, violence.

There are a number of other government-controlled security forces that may be counted among the more than 7,500 members of the Haitian armed forces. The military police under the command of the Army Chief of Staff General Namphy number approximately 3,000. They perform general intelligence work under the day-to-day command of secret police chief Albert Pierre. The Presidential Guard is

composed of approximately 700 elite troops under the command of General Garcia Jacques who reports directly to the President. The Presidential Guard is primarily responsible for monitoring the activities of all the other security forces. The "Leopards" are nominally better trained and equipped than the other armed forces and are composed of one battalion of approximately 650 under the command of Major Luc Cabrol of the Presidential Palace.

Perhaps the most feared of the Duvalier security forces are the civilian secret police, known as the Service Detectif, who are based in the Casernes Dessalines and the Presidential Palace. These 400 or so officers and agents are responsible for the detention and interrogation of all persons suspected of political offenses. They are commanded by Colonel Albert Pierre (who is also Chief of Police of Port-au-Prince) and Major Emmanuel Orcel.

Despite the overlapping and conflicting roles of these security forces, they enable the President to limit the power of the regular army and maintain control over Haitian society.

Throughout 1984 the Haitian security forces continued their campaign of intimidation against lower level officials of the Catholic church and church community development workers. This campaign began just prior to the visit of Pope John Paul II on March 9, 1984 with the

detention and repeated beatings under interrogation of a Catholic lay worker, Gerard Duclerville. After considerable international protest and an unprecedented display of united protest by the Catholic Bishops of Haiti, Duclerville was released under the care of the Archbishop of Port-au-Prince. He required an operation and extended convalescence and has still not been able to resume his duties. The Bishops responded to the torture of Duclerville with a public letter to be read in all churches in the country that began:

Today it is Gerard and all those whose names we do not know. Tomorrow it will be us, you or I, or someone else. Where a man is humiliated and tortured it is the whole of humanity that is humiliated and tortured.

Arbitrary arrest and imprisonment is not always restricted to Haitian citizens. Henri Lamarque a permanent resident of the United States was imprisoned without charge on January 2, 1984, and held in the Casernes Dessalines for 52 days. Frahc Blaise a 72-year old U.S. resident was detained on August 25, 1983 and was held in the Casernes Dessalines until November 19, 1983 when he was released without explanation.

A. The Crackdown of November and December 1984

Beginning in the second week of November 1984, the security forces detained at least 35 persons without any explanation, with unverified reports placing the total number of those detained without charge at twice this figure. There appears to be little to link those detained except that a number are directly or indirectly linked to an agricultural and community development organization sponsored by the Archdiocese of Port-au-Prince, IDEA (Institut Diocesain d'Education d'Adultes). Several other agronomists and economists working for the Department of Agriculture were also detained. After several weeks of requests it was possible to determine the identities of only 19 of those arrested, and the Haitian government steadfastly refused to provide any explanation for these continued detentions without charge.

In February, 1985 it was revealed that 16 of those detained in November will be tried together for "conspiracy against the internal security of the Haitian state." No trial date has been announced, the charging documents have not been issued nor have other details been revealed. In November the Haitian Minister of the interior Roger Lafontant dismissed criticisms of the arrests, noting simply that those arrested were part of a "communist plot."

### CONCLUSIONS

1. Haitian security forces continue to detain without charge or explanation persons perceived to be opponents of the current President-for-Life, Jean Claude Duvalier. Detainees are held incommunicado and are often severely beaten during interrogation by security force officials.

2. In 1984 the Haitian government engaged in the most pronounced campaign of intimidation since the November 1980 crackdown on independent journalists, human rights advocates, lawyers, politicians and trade union officials. In November and December 1984 the security forces detained without explanation or charge approximately 35 persons, primarily church and community development workers. Many were held incommunicado and no trial dates have been announced, although it appears that some 16 of these persons may be brought to trial for "conspiracy against the internal security of the Haitian state."

3. Throughout 1984 independent human rights monitors continued to be subjected to considerable harassment by Haitian security forces. A National Commission on Human Rights was created by the Haitian government, but has failed to take any action or position that is even mildly independent or critical of the government. By its own admissions the

Commission will not act on "political cases," cases involving "national security," or other cases of "immediate importance to the government."

4. The Haitian government continues to effectively suppress political opposition. A 1984 communique indefinitely banned political parties and other "political groupings," and the activities of the Haitian Christian Democratic Party and the Haitian Social Christian Party were subject to increased harassment and intimidation.

5. Freedom of the press in Haiti has been significantly curtailed through the Press Laws of 1979 and 1980 and through state security legislation. In 1984 censorship and other restrictions were increased through a communique ordering the suspension of all newspapers and periodicals that were not approved in advance by the government. Haiti's few remaining independent editors were detained by the security police in 1984 without explanation and one was injured during interrogation by secret police officials.