

DUVALIERISM SINCE DUVALIER

A Report on the Human Rights
Situation in Haiti Since February 7, 1986.

National Coalition for Haitian Refugees
Americas Watch

October 1986

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NATIONAL COALITION FOR HAITIAN REFUGEES

The National Coalition for Haitian Refugees is comprised of 47 legal, human and civil rights, church, labor and Haitian community organizations joined together in 1982 to seek justice for Haitian refugees and to monitor and promote human rights in Haiti.

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Cover photo: Soldiers round up civilians protesting Martissant
incident, March 19, 1986 (see page 16)

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Contents

Acknowledgments	iii
I. Introduction	1
Conclusions and Recommendations	4
II. The Economic Context	9
The CNG's Measures	12
III. Lack of Progress in Halting Abuses by the Security Forces	15
A. The Operation of the Haitian Security Forces	16
B. March 19 Incident	17
C. April 26 Incident	18
D. Lack of Progress in Halting Human Rights Abuses in Rural Areas	20
IV. Lack of Investigation and Prosecution of Past Human Rights Abuses	23
V. The Trials of Luc Desyr and Col. Samuel Jeremie: Exceptions that Prove the Rule	33

VI. Lack of Progress in Establishing Democratic Structures: Civil Rights in Jeopardy	43
A. The Press	44
B. Political Parties	48
VII. Political Developments Regarding the Established Haitian Churches and Allegations of Persecution of Voodoo "Practicants"	53
VIII. Violations of Trade Union Rights in Haiti	61
IX. The Role of United States Policy	67

Acknowledgments

This report is based on three fact-finding missions conducted in March, May and mid-July 1986 sponsored by the National Coalition for Haitian Refugees and Americas Watch. It reflects in part the interviews we conducted with human rights monitors, former political prisoners, trade union organizers, political leaders and legal groups as well as with officials of the Haitian government and the American Embassy. Despite a confirmed appointment, the U.S. Ambassador, Clayton McManaway, was unavailable to meet with the May delegation. During the March mission, the delegation became the first group to examine and photograph jail and prison facilities at Fort-Dimanche, the National Penitentiary, and at the secret police investigations facilities at the Casernes Dessalines. We are thankful to those who have cooperated with us in gathering information for this report, especially the Haitian League for Human Rights, the Institute for Democratic Education, the Haitian Center for the Defense of Public Liberties, the League of Former Political Prisoners and the many individuals who chose not to be identified at this time for fear of reprisals. This report is the

fifteenth on Haiti written by Michael S. Hooper, the Executive Director of the NCHR, since 1980. Jocelyn McCalla of the NCHR gathered information for this report and Aryeh Neier of Americas Watch edited the report. The Americas Watch and the NCHR have cooperated to produce the four previous reports analyzing the situation of human rights in Haiti and United States human rights policy toward Haiti.

I. INTRODUCTION -- CONCLUSIONS AND RECOMMENDATIONS

In the early hours of February 7, 1986, the world's only remaining President-for-Life, Jean Claude Duvalier, was spirited away from his domain on a U.S. Air Force cargo plane, ending twenty-nine years of family rule. His departure came in response to a popular insurrection that sought an end to government by cronyism, corruption and terror.

Duvalier's legacy is an impoverished and largely illiterate population in a land that has been systematically stripped of resources for twenty-nine years to benefit a small elite consisting of the family, friends and business associates of the Duvaliers. In the process, the two Presidents-for-Life accumulated one of the bloodiest human rights records in the hemisphere, systematically choosing to flout the rule of law. Unfortunately, the United States government repeatedly certified, without basis, that this awful human rights situation was improving, and thus became indelibly associated with the Duvalierist clique in the eyes of the Haitian population.

On February 10, Lieutenant-General Henri Namphy, President of the ruling junta, the National Governing Council

(CNG), declared that his regime would be based on "absolute respect for human rights, press freedom, the existence of free labor unions and the functioning of structured political parties."

Unfortunately, in the eight months time since the CNG took control of Haiti's destiny, a large gap has developed between officially stated goals and the actual actions of the government. In fact, as the present report indicates, no radical and permanent break with the Duvalier past has yet taken place.

In late January 1986, the United States had refused to certify that the Haitian government had complied with human rights conditions in U.S. law for military aid to that country, citing "serious repressive actions taken by the Duvalier government in late 1985 and early 1986." Haitians welcomed this indication of a more enlightened policy. Previously, the Reagan administration had routinely certified Haiti despite well-documented abuses. Yet the administration soon rushed to give the Duvalier-appointed junta its blessing and to offer the officers in charge substantial military aid. In its statement justifying certification, the State Department wrote:

The National Governing Council's most radical break with the Duvalier past has come in the area of human rights and democracy....The CNG moved quickly to clean up Haiti's severely tarnished human rights record.

The quick stamp of approval for the CNG has cost the United States much of the good will it obtained by transporting Duvalier out of Haiti. Many Haitians consider that the United States is obstinately allying itself with the junta which is

perceived as sustaining Duvalierism without Duvalier. Significant human rights abuses by the Haitian security forces under the direction of the junta suggest that Secretary of State George Shultz was at least too hasty in putting a stamp of approval on the CNG. Evidence of the hasty and erroneous nature of this judgment came early with the resignation of Gerard Gourgue, the junta's only respected civilian member, in protest against abuses.

The findings in this report indicate that there has been scant progress in halting human rights violations by the security forces, in investigating past abuses and in bringing to trial corrupt officials and military officers responsible for past and present abuses. The Secret Police Chief, Col. Albert Pierre and the head of the notorious Tontons Macoutes, Madame Max Adolphe, were allowed to leave the country. Demonstrations that did not threaten life, limb or property have been violently suppressed. The "Leopards," the elite counter-insurgency force created in 1971 and trained by the United States, have been particularly brutal in dealing with civilians.

The colonels who dominate the current provisional government are in the majority Duvalier loyalists and represent no change from the past. Colonel Williams Regala, Minister of Interior and National Defense, the strongman of the officers in day-to-day charge of Haitian politics, was associated directly with the Secret Police during the 1960s and the 1970s and was also a close personal associate of its former chief Luc Desyr, one of the most notorious torturers and murderers of the Duvalier era.

Significant institutional changes are required to establish the public's confidence in the government's ability to build the

infrastructure for democracy. These are yet to be made or even begun. Although the CNG has announced goals for some elections, it does not appear that the provisional government has as yet formulated a plan to bring about these fundamental changes, much less has a timetable for them.

Conclusions and Recommendations

The National Coalition for Haitian Refugees, and the Americas Watch have found that:

1. The provisional National Governing Council (CNG) is dominated by a small group of military officers who served the Duvaliers loyally. It has taken few significant steps to transcend the Duvalier legacy of terror, cronyism and corruption. Significant institutional changes are required to establish the Haitian public's confidence in a new government and in its commitment to building democratic institutions.
2. The military officers now in charge in Haiti have not halted abuses of the Haitian citizenry by the security forces, and they have not undertaken significant reforms within the military. The use of deadly force by the security forces against peaceful dissenters has continued since the departure of the Duvaliers. Official investigations of these killings have not been undertaken. Col. Williams Regala has publicly announced that there is nothing to investigate and that the military actions were appropriate. Military officials have not acted to halt

marauding bands of former Tonton Macoutes in rural areas, and have not set a date by which former Macoutes must turn in their arms or face prosecution.

3. Although the military officers who dominate the CNG have responded to public demands by promising a "clean break with the Duvalierist past," they have not permitted a significant investigation of past abuses as a way to discourage future violations of human rights. There has been no attempt to determine the extent of past abuses, nor the identity of those who committed them, nor the role of the security forces in these abuses. Moreover, there has been no clear order by the army high command that security forces personnel will be prosecuted for further abuses.
4. The show trials of Francois Duvalier's notorious former secret police chief, Luc Desyr, and of Army Colonel Samuel Jeremie, believed to have ordered the killings of over one hundred civilians in Leogane in January 1986, are *not* exceptions to this failure to deal seriously with past abuses. The trials were conducted in a way that mocked the rule of law. They seemed merely an attempt to appease the public desire for revenge: little evidence was presented and the prosecutions were conducted so as to avoid an examination of the structure of the repression and the links between the defendants and those still holding power in Haiti.
5. Far from creating an atmosphere conducive to the

development of democratic institutions, the CNG has continued to restrict the press and the political parties through edicts announced in late July 1986. It has not repealed repressive laws imposed by the Duvaliers, like the 1969 "Anti-Communist Law," which gives the government broad license to detain dissenters.

6. Haitian legal, human rights and civic groups are increasingly concerned that the CNG and United States policymakers have no vision of democracy that goes beyond the holding of elections. As U.S. Secretary of State George Shultz said in commenting on the 1984 elections in Nicaragua: "An election just as an election doesn't really mean anything....The important thing is that if there is to be an electoral process, it be observed not only at the moment when people vote, but in all the preliminary aspects that make an election really mean something." To make an election in Haiti "mean something," the country urgently requires a literacy campaign; a period for public education and discussion; and a protracted series of local elections beginning at the level of the rural sections. Elections should be held for a Constitutional assembly to write a new Constitution, but the CNG is going forward with a proposal that includes appointing a group of "notables" to do the job.

7. Though labor unions are permitted, the Haitian government remains hostile to independent organizing efforts. The Ministry of Social Affairs, which oversees labor union affairs, appears to collaborate with employers

and does not protect the rights of workers to organize as required by Haitian law.

8. United States policy towards Haiti subsequent to the ouster of the Duvaliers has not helped to advance human rights. The United States has promoted the forms of democracy -- that is, elections -- without significant efforts to promote the democratic institutions required to give substance to the forms. Also the United States has insisted upon military aid to Haiti, allying itself with a small clique that continues to commit abuses of human rights, even though the overwhelming need in Haiti is for democratic government and development assistance. The United States has not spoken out in favor of efforts to investigate past abuses, nor to punish those responsible, nor to criticize continuing abuses. Rather, the United States rushed to put a stamp of approval on the human rights practices of the Duvalier appointed provisional government.

II. THE ECONOMIC CONTEXT

The Interim National Council of Government inherited a devastated economy, a disparity in personal income that had grown enormously during the Duvalier years, extensive institutionalized corruption and total dependency on foreign aid. Though it cannot be faulted for creating the situation, the provisional military government has not yet actively pursued efforts to deal with the economic crisis so as to lay the foundation for rebuilding the economy. It has been more responsive to the concerns of the international lending agencies. Many Haitians protested loudly when the government -- at the urging of USAID, the World Bank and IMF -- announced it would shut down and put up for sale two publicly-owned enterprises, the Darbonne Sugar refinery in Leogane and the Edible Oils processing plant ENAOL. These measures would result in the lay-off of hundreds and further impoverish cane producers.

Real per capita income dropped in 1984 and 1985, and inequality of wealth distribution was further exacerbated, with approximately half of one percent of the population obtaining

46% of the national income. 90% of the population averaged less than \$180 per year, far below the absolute poverty line. This dramatic and worsening disparity in income and wealth, the worst in the hemisphere, is complemented by horrible deficiencies in nutrition, almost non-existent health care programs, and an effective rate of unemployment/severe under-employment that approaches 50% in both urban and rural areas. Fewer than 20% of full-time workers actually receive the official minimum wage in urban areas of \$3.00 per day; some government employees are not paid that much. Moreover, the official level represents a drop of about 20% in the real minimum wage over the past four years. The official minimum wage in rural areas remains at \$2.64 per day.

One measure of the Haitian economy is the increase in nutritional deficiencies. According to USAID, in 1985 the average Haitian consumed neither sufficient calories nor sufficient protein, with deficits estimated at over 20% and 30% respectively. At least one third of Haitian children under five suffer from chronic malnutrition, and 10% from acute undernutrition.

Steps by the Duvalier government to increase treasury revenues in order to meet balance-of-payments deficits exacerbated the problem as most austerity measures primarily affected the impoverished. The most heavily taxed mass consumption products continue to be flour, sugar, petroleum products and cigarettes. Together they provided more than 25% of total tax revenues in 1985. The current price of regular gasoline is \$2.25 per gallon. The price of diesel fuel was reduced in March as a result of pressure from the private common transport drivers, but continues to remain high. The continuing under-development of Haiti is also reflected in the minuscule

state expenditures devoted to public education.

The most dramatic crisis in the rural economy of Haiti continues to center on the international programs to eradicate and replenish the swine population following the detection of African swine fever in 1983. While questions persist as to whether the pig eradication program was really necessary, it is clear that the extermination of over one million swine was a disaster for the Haitian peasant.

The entire peasant economy was disrupted by the loss of their pigs. Often, pigs were the only savings and insurance possessed by peasants, and provided over 50% of the protein consumed annually. Many peasants never received even the partial compensation for their slaughtered pigs that had been provided to the Haitian government by international agencies.

The U.S. Agency for International Development provided 500 Iowa breeding stock to begin replacing the herd. Though the project's avowed purpose is to aid those farmers and peasants who suffered the greatest losses, some agronomists believe that it may result in agribusiness pork producers gaining control of the pork market. The imported breeder stock demand constant and meticulous care: special pens, prepared feed, cool cement floors, and constant fine showers and clean water to withstand Haiti's environment. The replacement pigs are only allowed visitors who wear disinfected boots and overalls. An impoverished Haitian peasant could never afford such luxuries for himself, let alone for his pigs.

While the eradication program was completed by late 1983, the repopulation program has not advanced according to predictions. The majority of peasants who suffered losses may never receive pigs and those distributed are still dependent on

unaffordable grain for feed. Even if the necessary resources and political will for replenishment were available, and they are not, the replacement pigs are simply far too costly to maintain. Their requirements for shelter, diet, clean water and vitamin and protein laced food make Haitians refer to these replacement pigs as "four-legged kings."

The CNG's Measures

In April, 1986, the Information Ministry announced that the government would provide 20,000 new construction jobs and that applicants should go to the Ministry of Public Works to be processed. This was apparently done without the knowledge of the Public Works Ministry. Following the announcement more than 20,000 applicants showed up. After a long wait, they found out that no such employment was available. The efforts by the military to disperse the crowd worsened the situation.

The announcement by Finance Minister Leslie Delatour of the proposed sale of the Darbonne Sugar Refinery in Leogane and of the Edible Oils producing plant ENAOL touched off a huge protest. The reasons given by the Finance Minister were that these two public enterprises were unproductive, run inefficiently and swallowed an unnecessarily large amount of public funds. Under the Duvalier government, ENAOL and Darbonne operating expenses were partially covered by money transfers from the Telephone Company. To make the decision to sell these plants more palatable, the government ordered a reduction in the price of sugar and flour. These price reductions have yet to benefit individual consumers. Moreover, many Haitians are aware that these measures will make the country

more dependent on expensive imports and will not solve the financial problems for the hundreds of workers who will be laid off.

As an alternative to Haitian government/USAID swine repopulation plans, Haitians have asked for pigs more suited to the climate of Haiti; that is, pigs which have been raised in comparable surroundings. These demands have been echoed by all sectors of Haitian society. Except for acknowledging an offer by the French government to provide some 3,000 such pigs from Guadeloupe and Martinique, Haitian government effort in this area remains a mystery.

The only meaningful effort that has been made by the Haitian government to deal with the country's overwhelming economic problems involves the attempt to recover funds diverted from the public treasury by the Duvaliers and a small coterie of former public officials and friends. It has been estimated that Duvalier and his cronies cheated the government out of \$800 million, most of it international aid money. Efforts by the Haitian government have resulted in the freezing of the assets of the Duvaliers in Switzerland, and in legal action in the United States. While these revelations have received much public attention, to date nothing has been repatriated.

Little headway has been made, moreover, in ending corruption. Substantial fraud persists even in the distribution of food aid from the United States; large quantities of these commodities are sold for profit on the open market. Additionally, goods such as cigarettes, sugar, flour and rice that are brought in illegally are sold openly on the streets and in market places.

Informed sources within the Haitian government report that

substantial official corruption persists. The World Bank confirms this in a recent report concluding that in April 1986 some 60,000 salary checks were issued by the Haitian government, yet there were only 32,500 public employees as of that date. The report also confirms that politically influential employees are not expected to perform on the job or even to appear at the Ministry.*

The environment continues to deteriorate rapidly with no visible effort to address the problems of erosion and reforestation. For example, the mountain slope of Laboule overlooking Port-au-Prince was allowed to be exploited again by construction companies in need of sand and gravel despite repeated warnings of the potentially disastrous effect on the environment generally and on Port-au-Prince's water system in particular.

Finally, peasants whose lands had been seized illegally by macoutes and other powerful officials have obtained little relief from the provisional government. The military officers in charge have largely limited themselves to making speeches filled with promises, much in the way that Duvalier used to address the nation.

Luxury imports, poor world prices for coffee, the further flight of investment capital, and corruption exacerbate the disparity that is responsible for so much of Haiti's political instability. While the small elite continues to jockey for political advantages that will bring their families access to wealth, 90% of Haitians remain trapped in unimaginable economic misery.

* World Bank, Haiti, Public Expenditure Review, May 1986, Limited Circulation Report, p. 11.

III. LACK OF PROGRESS IN HALTING ABUSES BY THE SECURITY FORCES

Haiti has long suffered government terror. Abuses of human rights were particularly severe during the 29 years that the country was ruled by the Duvaliers. While most abuses were perpetrated by the Tontons Macoutes, there is no question that the Armed Forces have participated in many of these abuses. Early in the Duvalier years, Macoutes replaced officers deemed to be unreliable, and were given officer ranks, although most never had military training.

In his official pronouncements, Lieutenant-General Henri Namphy never fails to repeat that the armed forces have no political ambition other than to insure the transition to a democratically elected government. No mention has ever been made, however, of reforms needed in the armed forces to restructure its semi-autonomous branches, eliminate Duvalierist commanders and improve respect for citizens seeking the establishment of democratic institutions. The armed forces operate today under the same basic framework engineered by Duvalier to retain total control by and for the presidency. The

violent repression of recent demonstrations by Duvalierist officers reflects the perpetuation of the policies of the departed President-for-Life.

A. The Operation of the Haitian Security Forces

During the 29 years of Duvalier rule, the army was structured so that, with few exceptions, only Duvalierist officers and Tontons Macoutes integrated into the armed forces wielded authority. At times, superior officers had to bow to lower-ranking Duvalierist cadres. Soldiers were rewarded for their fidelity to the President-for-Life and for their zeal in combating his opponents.

Islands of military power were established so that by exploiting their overlapping and conflicting roles, the President-for-Life was able to prevent the regular army from establishing independent power so that he could use it to maintain his control over Haitian society. The General Staff only nominally exercised authority over military commanders. Real military power rested, as it continues today, in the commanders of the Presidential Guard, the Casernes Dessalines, the "Leopards," and the military police.

The Presidential Guard, headquartered in the National Palace, is composed of approximately 700 troops under the command of Colonel Max Valles. It was primarily charged in the past with monitoring the activities of all the other security forces. The "Leopards," nominally better trained and equipped, are composed of one battalion of approximately 650 soldiers. Troops at the Casernes Dessalines are commanded by Colonel Jean Claude Paul. Col. Gregoire Figaro heads the military police

and has taken over the offices of the Secret Police. It is generally believed that the most powerful among the officers who now control Haiti continue to be Col. Prosper Avril, who was recalled just before Duvalier's ouster and appointed overseer of the elite Presidential Guard, and Col. Williams Regala, now the Minister of Interior and Defense.

B. March 19 Incident

Since Duvalier's ouster on February 7, 1986, many human rights abuses have been committed by one or another branch of the armed forces. One such incident on March 19, 1986 provoked the resignation of Gerard Gourgue from his posts both as a member of the CNG and as Minister of Justice. Professor Gourgue is President of the Haitian League for Human Rights and was the one member of the CNG who was not linked to Duvalier and, indeed, had been a forceful critic of Duvalierist abuses of human rights.

On March 19, five civilians were shot dead and another 19 severely beaten in Martissant following a confrontation between a tap-tap driver (tap-taps, or trucks converted to haul passengers, are a common means of transport) and army Captain Sylvain. Claiming that the driver had illegally passed him, the off-duty officer proceeded to arrest the driver; according to witnesses he wanted to show off to his girlfriend. The occupants of the tap-tap protested to no avail. The driver was handcuffed and taken away by the police under the protection of a Leopard unit which had been called for reinforcement.

The Leopard unit then proceeded to disperse the crowd which had gathered at the site of the incident. Troops shot at

the unarmed citizens killing five and wounding many others. The next day, a unit of the Leopards shot and killed two more civilians in Carrefours where road-blocks had been erected by civilians protesting the previous day's abuses.

C. April 26 Incident

On Saturday, April 26, 1986, Haitian army troops fired on unarmed and peaceful marchers outside the grounds of Fort-Dimanche, the famed military barracks in which thousands of political prisoners were held and many perished during the Duvaliers' twenty-nine year rule. Six civilians were reported killed and more than fifty wounded.

Eyewitnesses and news reports say that the only discernible measure taken by the military police at Fort-Dimanche in preparing for the demonstration was to arm the officers with heavy automatic weapons. These were set up on top of the two-story building. Some of the troops took up posts behind bushes while others stood in formation in front of the main gate with loaded rifles in hand. Contrary to the claims made by Fort-Dimanche's commander, Capt. Isidore Pognon, no stones had been thrown at officers before the first shots were fired. Newspaper accounts concur in reporting that the march had been one of the most peaceful and best organized in Haiti.

The demonstration, which followed a mass and prayer march, was held to commemorate the 23rd anniversary of a massacre of the Benoit family by the Duvalier regime in 1963. It had been organized by the League of Former Political Prisoners. Some in the crowd began to chant because members of the Benoit family, who had obtained previous clearance from the

government to lay a symbolic wreath in honor of all the dead political prisoners inside the Fort-Dimanche grounds, were impeded in doing this. In response to the chanting, the military police shot at the crowd. It was only after scores of people were lying dead or injured that tear gas cannisters were used to disperse the remainder of the protesters. Among the dead were 18-year-old Wilson Auguste, an 11th grade student at the College Jean Prince Mars; 27-year-old agricultural engineer Fred Coriolan; 16-year-old Wilson Micaïsse; 29-year-old Yves Erie; and an employee of *Le Nouvelliste* newspaper, Jackson Row.

In a communique released the next day, the Ministry of Interior and National Defense characterized the actions of the armed forces as a "normal reaction of the troops who were defending access to the Fort Dimanche Casernes against an invasion effort...." General Namphy expressed regret at the incident, but declined responsibility for the actions of the armed forces, blaming it on "agitators and provocateurs." He also criticized human rights activists such as Gerard Gourgue, who had condemned the killings. Colonel Williams Regala, the current strongman of the junta, told the National Coalition for Haitian Refugees and Americas Watch that this kind of response was appropriate "if people demonstrated and didn't behave correctly."

According to a public statement from the Secretary General of the Haitian League for Human Rights and the Director of the Haitian Center for the Defense of Public Liberties, other violent incidents under the present government include:

--Edner Day, former prefect of Port-au-Prince, killed many residents of Belair in the days right after Duvalier's departure on the 8th, 9th and 10th of February. He was

never charged with these crimes and was later taken away by the military, held in protective custody and then released.

--On April 18, soldiers killed at least five civilians in an "effort by the army to stop pilferage" of a warehouse located in Cour Theard. An investigation into this episode has not been undertaken and no explanation has been given to the families of the victims.

--On April 24, 1986 workers were locked-out of one of the factories of Fritz Mevs at Chancerelles following demands for improved wages. The workers congregated in front of the factory and continued to protest after the arrival of the army. Suddenly the troops began to fire randomly in the air, and either these bullets or the ensuing panic dislodged a high tension wire which electrocuted three of the workers.

--On June 5, 1986 the military police opened fire inexplicably on a protest march in Carrefours, killing Junie Depestre, a twenty year old student, and seriously wounding Litane Mesidor. The troops beat some ten other participants severely.

D. Lack of Progress in Halting Human Rights Abuses in Rural Areas

Although these political killings, beatings and general disrespect for the rule of law by the Haitian security forces are

widely acknowledged, much less is known about the continuing systematic abuses in rural areas. It is clear that the 85% of Haitians who live in the countryside continue to experience many of the same abuses that they suffered during the Duvalier era. Many serious incidents and killings have their origin in land seizures by security force members from impoverished peasants who have no deeds to their traditional lands.

Following the overthrow of the Duvaliers the 22,000-strong force of the Tonton Macoutes was officially disbanded. In Port-au-Prince and the larger cities the past abuses of the Macoutes made them so unpopular that they greatly restricted their activities or went underground. However, since many rural areas are still controlled by former "Duvalierists," and because many peasants have attempted to reclaim lands stolen from them by these Duvalierists and their Tonton Macoute henchmen, serious human rights violations continue. The provisional junta has made no serious attempt to control and halt such abuses. These include:*

--On April 25, 1986 in the town of Haute Chevaux in the Artibonite, Soirius Tonton, a peasant cultivator, was shot dead by an armed band of former Tonton Macoutes;

--On May 5, 1986 in Habitation Fouchard in the lower Artibonite, a group of former Tonton Macoutes attacked a group of peasants who had reclaimed their traditional lands. Local priests report that seven peasants were killed

* See Exposé Sur la Situation Generale et les Droits de l'Homme en Haiti, Haitian Center for the Defense of Public Liberties, May 1, 1986.

and approximately sixty houses were burned.

--On May 14, 1986 in the town of Jean Rabel in the northwest, an armed group of former Macoutes attacked a group of peasants who had reclaimed their lands. Approximately twelve houses were burned and the leader of the gang, a former Macoute commander, Lemy Luca, then handed a number of the peasants over to the military commander of Jean Rabel who imprisoned them. It is not known if they were subsequently released.

--On May 20, 1986 in Chenot in the Cahos region, twelve former Tonton Macoutes seized a large number of peasant plots and held their owners for ransom. One, Noirelus Francois, was freed only after his family paid the Macoutes 6000 Gourdes (1200 dollars), according to the Haitian Center for the Defense of Public Liberties.

--On June 14, 1986 also in Chenot, a large group of approximately sixty former Macoutes under the command of the former Chef de Section, Gesner Dorleans, the Lieutenant commanding the local military sub-district, and the former Macoute Commander, Elius Charcelin, again invaded the village and seized land, although they held nobody for ransom.

Some of these marauding bands of former Macoutes have been particularly harsh in their threats against both Catholic priests and voodoo priests. One explanation for these threats is suggested in Chapter Seven of this report.

IV. LACK OF INVESTIGATION AND PROSECUTION OF PAST HUMAN RIGHTS ABUSES

Since February 1986, Haitians have insisted on an end to all institutions of "Duvalierism," and the CNG has responded by promising a "clean break with our Duvalierist past." Unfortunately, these promises have not been accompanied by efforts to investigate those involved in past abuses as a way of discouraging a repetition of human rights violations in the future.

There has been no official response to the demands of legal, human rights and citizens groups for a commission to investigate publicly the role of the military and the security forces in abuses. There has also been virtually no response to demands for the dismissal of unrepentant, hardline officers who were closely allied with abuses during the Duvalier era.

There has been no demonstration by the armed forces to all their personnel that they are obligated to respect the fundamental rights of all Haitians, and that killings and abuses in the post-Duvalier era will be punished to the full extent of the law.

There has been no official order that the approximately 22,000 members of the former Tonton Macoutes (VSN) must

surrender all weapons and halt the abuse of civilians or be prosecuted to the full extent of the law.

Also, notwithstanding the well-publicized trials of former secret police chief Luc Desyr and of Colonel Samuel Jeremie, there has been no serious attempt to investigate and bring to trial those who took part in an array of gross abuses of human rights during the Duvalier era. The trials of Jeremie and Desyr, which are discussed below, were controlled so as not to address the most serious charges against the defendants -- charges that would have implicated leading Duvalierist figures still exercising power in Haiti.

Current governmental strongman Colonel Williams Regala, a member of the three-person CNG, exemplifies the degree to which high ranking military officials of the present regime are associated with those widely acknowledged to have committed abuses in the past. Following his graduation from the Military Academy in 1959, Regala quickly rose up the ladder of the secret police attached to the National Palace, becoming an associate of Luc Desyr. He is believed to have coordinated the mass murder of unarmed citizens in Jeremie in 1964. He also appears to have played a key role in the bloody "drive against the communists" in 1969 along with Desyr and Breton Claude, commander of the Casernes Dessalines. Several hundred Haitians were either shot outright or killed in prison during this two year purge. This massive repression singled out the Unified Party of Haitian Communists (PUCH); however, these killings were directed mainly against the political opponents of Duvalier of varying hue; Francois Duvalier continued to maintain close relations with and to derive support from an organization ironically called the Haitian Communist Party.

In the past, public attention has focused on abuses by the notorious Tontons Macoutes, but the episodes of the last few months are not the first time that army violence has been used against the Haitian citizenry. On November 28, 1985 the army killed four youths in Gonaives. There had been no provocation other than a peaceful demonstration. At least two of those killed were on the premises of the Immaculee Conception Secondary School when they were shot. These killings sparked widespread unrest throughout the country, leading eventually to Jean Claude Duvalier's departure. Our mission interviewed several school employees who were witnesses to this tragedy. Fritz St. Aude, member of the Administrative Council of the College Immaculee Conception in Gonaives, told us:

On November 28, starting at 9 a.m., there were several peaceful demonstrations in Gonaives. In the College Immaculee Conception, classes were being held as usual. On my suggestion, the Conseil d'Administration had decided to let classes out early. About 10:15 a.m., just as we were about to send the students home, a group of demonstrators showed up on the premises. On their posters one could read "Down with the Presidency-for-Life," "Long live the army."

About ten minutes later, an army truck filled with soldiers came on the scene, and they immediately started shooting at the students. As we hurried to open the doors to let the students back in, I saw Jean Robert Cius fall on the floor dead from a bullet, right in front of me. I saw the army troops shooting right

at us, directly into the area of the classrooms.

Mackenson Michel yelled: "Are you going to shoot at children?" According to some reports, the Commander, Mr. Ceres said "grab him." Mackenson Michel fled for his life. Some soldiers ran after him and shot and killed him in a far off corner of the schoolyard in front of many witnesses. Some minutes later, Daniel Israel was wounded. He was put into the truck, and brought to the Gonaives Casernes and police barracks where soldiers proceeded to rough him up even though he was wounded. They held him there from 11 a.m. to 3 p.m., at which time they brought him to the hospital. He died on the operating table. Doctors testified that his life could have been saved by immediate medical treatment.

Afterwards the army forcefully claimed all the bodies and disposed of them in a secret location. The Director of the College and I were forced to go into hiding. We slipped out of Gonaives the next day and went to take refuge in Port-au-Prince. Minister of Foreign Affairs and of Religion, Jean Robert Estime, later travelled to Gonaives and threatened to kick out of the country Reverend Guevain, President of the College and the entire Canadian Order responsible for our school if it remained closed.

Minister Estime also threatened Radio Soleil, the Catholic Church's radio station, which broadcast news reports of the incident. Radio Soleil was subsequently shut down, its doors sealed and its license to broadcast revoked.

Other important incidents immediately preceding Duvalier's departure include:

- On January 28, soldiers and members of the militia shot and killed two students in Cap Haitien;
- On February 5 and 6, a VSN (that is, a Tonton Macoute) Ernest Bros shot and killed at least six people in the neighborhood of Belair;
- According to the testimony of one man held as a political prisoner in the National Penitentiary in late January, approximately twenty-three persons who were accused of political crimes were brought before Major Gregoire Figaro, chief of police at the Casernes Francois Duvalier, and summarily executed. He saw others charged with looting being mistreated at the National Penitentiary as they were being interrogated by members of the army and the VSN. Afterwards, they were deprived of food for about 72 hours and some eight of them lost consciousness as a result;
- Perhaps the most senseless killings took place on or about January 31 in Leogane, about fifteen miles south of Port-au-Prince. On reports that peasants were demonstrating to celebrate what turned out to be a premature report of the downfall of Jean Claude Duvalier, and to reclaim land stolen from them, Colonel Samuel Jeremie personally led an army detachment and ordered the indiscriminate killing of approximately 100 innocent civilians. Several

foreign Embassy officials in Port-au-Prince have confirmed this figure.

So far, except in the case of the killings directed by Colonel Samuel Jeremie, no serious investigations have been conducted by the authorities on the circumstances of these crimes, nor have the soldiers and officers involved been charged and prosecuted. Following the Martissant killings, as noted, Professor Gerard Gourgue, President of the Haitian League for Human Rights, resigned in protest from the CNG and as Minister of Justice.

On December 3, 1985, the Duvalier government appointed a special civilian-military commission to investigate the killings by the army on November 28 in Gonaives. Its members included: Pierre Jeannot, President of the National Human Rights Commission; Col. Williams Regala, now Minister of Interior and Defense; Maj. Phillipe Biamby; Cefas Theodore; and Andre Jean. As it was dominated by army hardliners, the special commission did not command public confidence. The inclusion of the President of the National Human Rights Commission did not help; the Commission has refused to acknowledge any disappearances or to take any discernible actions to promote human rights. It was established as a public relations gesture by the Duvalier regime in response to international criticism of its repressive policies. The National Commission always avoided any action or position even mildly independent or critical of the government.

According to Fritz St. Aude, "the main purpose of the civilian-military commission sent to investigate the killings was to pressure the schools into re-opening their doors. They offered scholarships to some students and tried directly to bribe the

leaders of the school establishments." No further action on the killings at Gonaives has been taken by the interim government after Duvalier's downfall. Col. Williams Regala told our delegation that "there was no longer any need for such a commission."

The only arrest related to the incidents in Gonaives was that of Sergeant Jean Francko Valdemar. He was arrested by the Army after public protests that he was responsible for beating to death educator Fritz Bernard following his detention in mid-December 1985. However, when his court martial began, he was charged with "mistreatment," which carries only a one-year sentence. When he was convicted on April 3, Valdemar's sentence was reduced to nine months on account of time served in detention. If he had been properly charged and convicted, he would have received at the minimum ten years at hard labor and a maximum of life imprisonment. In addition, he would have been expelled from the army.

The other known detentions of those who committed human rights abuses have been of Luc Desyr, ex-chief of the Secret Police and close associate of Francois Duvalier (see next section); Paul Vericain, chief of the Tontons Macoutes in Petionvilles, a suburb of Port-au-Prince; Col. Samuel Jeremie, former personal bodyguard of Jean Claude Duvalier; and Col. Franck Romain, ex-mayor of Port-au-Prince and ex-minister. Romain and Vericain were arrested following the April 26 incident in front of Fort-Dimanche, not for their part in the violence by the military police, but for allegedly provoking that violence. Romain was released in late August and no charges were filed against him despite extensive evidence of his complicity in human rights abuses. Former Secret Police chief, Col. Albert Pierre, and the head of the Tontons Macoutes, Madame Rosalie Adolphe, were

allowed by the CNG to leave the country. (In response to Gerard Gourgue's denunciations of the departure of Col. Pierre, a belated effort was made to extradite him from Brazil.) Others who committed serious crimes are permitted to circulate freely in the Haitian capital. No action has been taken against them. They include:

--Abel Jerome, believed responsible for leading the massacre at Jeremie in 1964. Following an ill-fated armed invasion in 1964 in the Southern peninsula by twelve young intellectuals belonging to "Jeune Haiti," an opposition group, Francois "Papa Doc" Duvalier, learned that some of the invaders were related to families in Jeremie. He ordered the murder of the families. The Macoutes and the military sent to put down the invasion committed numerous atrocities, sparing neither infants nor the elderly. Hundreds were reportedly killed, and their homes ransacked. Most of those who were murdered were buried at the military airstrip located right outside Jeremie. Two of the invaders were caught alive, brought to Port-au-Prince and executed in front of schoolchildren who had been brought to the cemetery for the occasion. The whole macabre ceremony was broadcast live on television.

--Col. Jean Valme, chief of the Secret Police in 1980 when large-scale arrests were made of journalists, trade union organizers, and political activists. Many were abused in detention and summarily exiled. Jean Valme rose through the ranks of the army as a member of the Secret Police

under the supervision of Luc Desyr. He was briefly detained and released along with Romain in August.

--Luckner Cambonne, Minister of Interior and Defense in the early 1970s.

Luc Desyr was arrested "for his own safety" after his attempt to leave the country failed; more than ten thousand citizens literally invaded Haiti's International Airport to prevent his departure. Luc Desyr's attempt to leave the country created so much protest because he was instrumental in the early years of the Duvalier regime in creating the Secret Police.

V. THE TRIALS OF LUC DESYR AND COL. SAMUEL JEREMIE: EXCEPTIONS THAT PROVE THE RULE

The trials of the notorious secret police chief of the Duvaliers, Luc Desyr, and of army Colonel Samuel Jeremie who is believed to have ordered and participated in the shootings of over one hundred civilians on January 30 of this year, could have gone to the heart of the institutionalized abuses of human rights during the past 29 years. They did not; in fact, these trials were cover-ups of the real activities of the accused and their associations with the most powerful political figures of Haiti today; also, in the way that they were conducted, they became ludicrous show trials that trampled on the rights of the accused, and further detracted from the provisional government's alleged effort to reintroduce the rule of law in Haiti.

Representatives of the NCHR attended both trials and Desyr gave us a long monologue during our inspection of the Secret Police headquarters in the Casernes Dessalines where he was being detained before his trial.

The basic facts concerning his background seem to be beyond dispute. Luc Desyr became Chief of the Secret Police in

Haiti in 1964 when Clement Barbot, founder of the Tonton Macoutes, turned against Duvalier in a personal bid for power. Desyr headed the infamous S.D., or Service de Despistage (also known as the Service Detectif), from this period until 1972. Throughout the Francois Duvalier era, Desyr was one of the most feared personalities in the Republic. At his trial he identified his role in this period as personal advisor to Duvalier on security matters. Desyr was assisted throughout this period by Elous Maitre and Colonel Jean Tassy. According to human rights lawyers in Port-au-Prince, he worked closely throughout the period with Colonels Williams Regala and Breton Claude of the regular army.

The best known of the waves of brutality engineered by Desyr and his associates were: the killing of student leaders and the break-up of the National Association of Haitian Student (UNEH) and a number of key trade unions in 1961; the massacres in Jeremie in 1964 where scores of civilians and their family members were gunned down; the arrests and killings of members of the Popular Party for National Liberation and Party of Popular Unity in 1964; the killings of the "alleged communists," referred to previously, in 1965; and a second "anti-communist" campaign in 1969 in which scores of "opponents," many of them members of Haiti's intelligentsia, were labeled as enemies and thrown into prison to die.

The power of Desyr during this period was virtually limitless. His specialty was interrogation and torture. It is said that Desyr in his reflecting sunglasses became the archetypal Tonton Macoute, as popularized in *The Comedians* by Graham Greene. He never participated in the arrests of "Duvalier enemies," leaving this to Maitre and Tassy. When Desyr's victims survived his

torture sessions, they were sent to Fort Dimanche where few lasted more than two years. A tape-recording of one of Desyr's torture sessions was found at his house following his attempt to flee the country after the ouster of Jean Claude Duvalier. It provides a graphic illustration of his methods.

In the following extract, Rameau Estime, an ex-deputy, was interrogated after he was arrested on suspicion of conspiring to overthrow the government:

Luc Desyr: "Isn't this an invention, answer? Isn't this an invention? Answer (beatings are heard, the prisoner is heard yelling, and pleading with his torturers)....When you beat him, do it all the way; it doesn't matter if he dies right here. (To the prisoner) In any case you were imprisoned once before, you should have been dead already. (More beatings follow)....You've seen me at work, haven't you, when the December 2, 1956 affair, the Lahens Affair aborted. I took on myself the responsibility of exploding the bomb at the market square on Tuesday, December 4 at 10 a.m. This was in order to overthrow Magloire. Therefore, you know that for Duvalier there is nothing I wouldn't do. I'm warning you...."

Rameau Estime died in Fort-Dimanche in 1976, following his third arrest and imprisonment.

Hector Estime, Rameau's brother, was arrested in June 1975. In a statement to the press on his recent return to Haiti, he declared that he was interrogated personally by Luc Desyr, Col.

Jean Valme, Col. Albert Pierre and Raymond Cabrol. Among the forms of torture he suffered was the "Djak," which consists of tying both the hands and feet of the prisoner and inserting a stick through the folded knees creating a human ball that is then suspended between two tables and beaten.

Desyr's trial opened on July 15, 1986. From the start the atmosphere was chaotic and vengeful, and the procedural irregularities were legion. It took three hours to select a jury, which occurred by the most arbitrary of methods. Desyr was charged with the murder of Jean Jacques Dessalines Ambroise and his wife, Lucette Lafontant, on August 5, 1965 through torturing them to death; and with the illegal arrest and torture of Emmanuel Ambroise at the National Palace in 1959. André Cherilus, the public prosecutor, was assisted by Me. Bayard Vincent and Desyr was defended by Me. Leon Dupiton. The substantive aspects of the trial began at 12:35 p.m. on Tuesday, July 15, 1986.

Emmanuel Ambroise, now 74, testified at length on his torture by Luc Desyr and Elous Maitre in the National Palace. Most of the beatings he described were administered by torturers in the presence of Desyr, but at one point Desyr himself is alleged to have severely hit him. Ambroise also gave second-hand testimony of what his cousin, Alix Ambroise, is purported to have said happened to Jean Jacques Dessalines Ambroise and his wife Lucette Lafontant. He then speculated that his brother's only crime was being an active member of the Association of University Professors. In fact, Jean Jacques Dessalines Ambroise was a founding member of the Popular Party of National Liberation, which combined in 1969 with the Party of Popular Unity to form the Unified Party of Haitian Communists.

The second witness, Alix Ambroise, declared that he was arrested without explanation by military officers along with his cousin Jean Jacques Dessalines Ambroise and his cousin's wife Lucette Lafontant. He stated that she was severely beaten in front of him at the time of the arrest. He testified that Jean Jacques Dessalines Ambroise suffered the same fate, and was shoved in the trunk of the car used to bring all of them to the Casernes Dessalines.

All three were brought before Major Jean Tassy, Elous Maitre and a third person in sunglasses initially unknown to the witness. Alix continued to testify that both Jean Jacques Dessalines Ambroise and his wife were tortured during interrogation, however he did not suffer any beatings personally. After his initial interrogation he was thrown into a large cell with about thirty other detainees in poor condition. Later his cousin Jean Jacques was brought into the same cell, badly beaten and near death. Jean Jacques was later summoned again by Major Jean Tassy and because of his condition had to be dragged out of the cell. "I never saw him alive again," Alix told the Court.

Only three witnesses were presented by the Government Prosecutor and nobody appeared on behalf of Luc Desyr. Desyr was convicted at 5 a.m. on Wednesday, July 16, 1986 and sentenced to death, a penalty which was abolished in political cases in 1973.

Several conclusions regarding the conduct of this trial are inescapable. It would be hard to find defendants more directly associated with brutalizing and killing a large number of innocent people than Luc Desyr, Elous Maitre and Col. Jean Tassy. Their blind loyalty to the Duvaliers and their extensive persecution of

perceived political opponents are beyond general dispute.

Despite this "undeniable and generalized culpability," the trial was conducted in such a way as to make a mockery of justice. A fair and impartial trial would have served as a symbol of the new Haiti and would have constituted a clear signal that the provisional government was going through a radical break with the past. This did not occur. Leading newspapers like the weekly *Petit Samedi Soir* labeled the trial "a spectacular and disquieting backslide" where "the accused was offered up as a sacrificial lamb to protect those associated with him who still are in power." Many leading lawyers and human rights activists agreed privately that they were worried that the public's revulsion against what the accused stood for should have so dominated the climate of the trial.

No efforts were made by the government prosecutor to go beyond the general accusations against Luc Desyr. No investigations were made of other accomplices or of the activities of other members of the Secret Police. No one even remotely associated with the Secret Police was called upon to testify. No former government ministers, colleagues of Luc Desyr, were summoned to testify as to his role and function in the Duvalier government, and little relevant evidence was introduced.

The trial which had been advertised as one against Duvalierism and what it stood for did not even begin to probe the Duvalier era. The "Acte d'Accusation," the indictment, was drawn up in an off-handed manner and lumped together the arrests of Emmanuel Ambroise and that of Alix, Jean Jacques Dessalines and Lucette Lafontant Ambroise. For example, it states that Emmanuel Ambroise had been arrested on August 5, 1965 at the same time as his brother Jean Jacques, while in

reality he had been arrested in 1959.

The prosecution substituted pompous and empty speeches for hard evidence and stimulated the "public's blood lust." The trial was dominated by a large and hostile crowd that shouted and intimidated the defense, encouraging a demagogic atmosphere. Defense attorney Leon Dupiton was repeatedly unsuccessful in reminding the crowd and the jury that criminal proceedings demand proof and specific evidence, and that their hatred for the Duvalier era was not to influence their judgment. The principal witness for the prosecution, Emmanuel Ambroise, presented little information, and a huge amount of personal hatred and anguish, according to our observers. Despite frequent applause from the partisan crowd, most of what Ambroise did state specifically was either irrelevant to the case or hearsay.

Alix Ambroise's testimony however was specific and to the point, and he was unswerving in his assertions that he could not positively identify the third person with Major Tassy and Elous Maitre as Luc Desyr.

The jury was not encouraged to restrict itself to the essential principle of Napoleonic law -- that "oralite des debats" -- or the necessity that they consider only those specific facts presented at the trial and admitted as legal evidence. Similarly, when Alix Ambroise wouldn't budge from his position that he could not identify Desyr as the third interrogator, the public prosecutor received long applause after stating "well, Mr. Ambroise, maybe you couldn't tell who it was, but we all know who was known to have dressed in black and who always wore black sunglasses; we know who killed your brother."

Neither the Prosecutor in charge of the accusation, Me. Andre Cherilus, or Me. Bayard Vincent, substitute prosecutor,

seemed at all concerned about the circus atmosphere in the court, and even less concerned with fulfilling their obligation to act as impartial investigators and presenters of objective evidence.

Though considerable evidence was presented against both Major Tassy and Elous Maitre, who were tried in absentia, it was not proven that Luc Desyr took part in the torture and death of either Jean Jacques Dessalines Ambroise or his wife. Emmanuel Ambroise himself asserted that he had been arrested by Desyr in either 1958 or 1959 but as Desyr correctly replied, he did not have charge of political police matters until 1960; it was Clement Barbot who supervised all interrogation at the time Emmanuel Ambroise said he was arrested.

In the words of one well-known legal observer: "the trial was a tremendous parody of justice. Haiti's judicial system had always been a caricature of the French judicial system, based on Napoleonic Law. During the Duvalier period, it became much worse. This trial magnified tenfold the system's negative and largely obsolete features. If we let ourselves slip further back into arbitrary patterns, it will be difficult to ever get out again."

The trial of Luc Desyr reflects that the rule of law and an independent judiciary are still lacking in Haiti; more importantly, it shows that the political will to insist upon due process does not yet exist. Additionally, it is clear that no real investigation of the role of the secret police under the Duvaliers, or the particular role of Luc Desyr, was intended.

Desyr was not investigated or charged in connection with the hundreds of crimes that occurred while he was chief of the secret police. Nor were the names and roles of his colleagues and co-conspirators mentioned. Rather Luc Desyr, the frail and often pitiful diabetic, was offered up to the crowd to prevent an

investigation from going further and implicating others who presently hold key positions in the Haitian government. Desyr may be the most guilty person in Haiti today, but this trial did not show it. It would be unfortunate if this judicial travesty substitutes for a real investigation into the human rights abuses of the Duvalier era and has the effect of protecting those who continue to abuse the Haitian citizenry.

The trial of Colonel Samuel Jeremie on May 5, 1986 was a more dignified proceeding, yet it also served to deflect attention from the defendant's main role in repression and the role of his Duvalierist colleagues. It was proven at the trial that Colonel Jeremie had ordered and personally taken part in the shooting of more than one hundred persons in Leogane on January 31, 1986. In response to that rampage, Jean Claude Duvalier fired Jeremie just before the dictator fled to France. At the trial, injured and disfigured victims of these shootings testified in detail about what had transpired. Yet Jeremie was not even charged with this great crime. Instead, he was charged -- and convicted -- for torturing to death Jean Sylvera Sylvestre on May 18, 1984 at the government warehouse in Port-au-Prince (Magasin de L'Etat) where Jeremie apparently maintained his own personal prison; and with military misconduct for releasing (that is, dumping on the street) an injured prisoner. According to the autopsy report, Sylvestre died from "multiple contusions all over his body and hemorrhages of the lungs, liver, intestines and from all-over trauma."

In Haiti, the prevailing explanation for the conviction of Jeremie is not that his excesses were too much even for the Duvalierists, but rather that his very close rapport with the former President-for-Life was deeply resented, and that he lost

the loyalty of his fellow officers who now run Haiti. That resentment was fueled by his success in making money from his military position; rumor has it that he is a multi-millionaire.

It appears that his earnings derived principally from Jeremie's position as Director of the Magasin de L'Etat through which he controlled purchasing for a number of products nationwide. Also, he was Director of Security at the State Flour Mill (Minoteria), the State Cement Factory (Ciment d'Haiti) and at the Darbonne Sugar Company. In addition he directed the anti-smuggling units of soldiers at both the main wharf and the international airport, posts that apparently netted him hundreds of thousands of dollars each year. These posts were granted as personal favors by Jean Claude Duvalier.

After a three day trial, Jeremie was convicted of the murder of Jean Sylvestre and sentenced to 15 years for this crime. He was acquitted of all other charges.

VI. LACK OF PROGRESS IN ESTABLISHING DEMOCRATIC STRUCTURES: CIVIL RIGHTS IN JEOPARDY

The CNG has not created an atmosphere conducive to the establishment of democratic structures. The freedom enjoyed by the press, politicians and political parties can principally be credited at this time to the force of popular pressure. It is widely understood that without this continuing pressure, the limited steps taken by the government, including the trials of Samuel Jeremie and Luc Desyr, would not have been possible. At the end of July, the interim military government decreed new laws on the press and the functioning of political parties. These laws closely parallel the previous 1980 Press law and the political parties law of 1985, and do not represent a radical policy change from the Duvalier period. The 1969 "Anti-Communist" Law which gives the government license to charge anyone with crimes against the national security, has not been abolished, nor have the officers in charge of Haiti today indicated any inclination to do so.

A. The Press

The 1986 Press Law effectively imposes censorship. It differs from the 1980 Press Law to the extent that all references to "offenses against the Chief of State and the First Lady of the Republic," and offenses "against the integrity of the people's culture" -- punishable by one to three years in prison -- have been eliminated. Additionally, publications no longer must be submitted to the Interior Ministry 72 hours in advance. Nonetheless it incorporates a number of arbitrary provisions which were contained in the previous law.

Article 1 of the new press law includes in the press category, as did the 1980 Press law, bookstores and printing facilities. These are equally liable as newspapers or magazines for violations of the law, although they may only be connected to such publications by a financial agreement and have no say on the contents. Inclusion of bookstores and printing facilities in the Press category forces these businesses either to act as police informants or to practice censorship, if only to protect their financial investments.

Article 6 requires journalists to reveal their sources of information, hence limiting their ability to collect news and information, since the informant may be subject to arbitrary reprisals. In Haiti where repression and corruption are still endemic, revealing a source is a more serious matter than in a country in which the rule of law prevails.

Article 10 removes from the owner or director of a

print/broadcast medium the authority to decide who to employ. This article makes it a requirement that all licensed journalists have a university diploma or its equivalent in order to qualify for the required journalists' card. Following the Duvaliers' ouster, many new newspapers and magazines began publication, a testimony to the great surge of democratic ideals being expressed throughout the country. Most are small, with limited circulation and limited means, and staffed by students. By restricting the profession of journalism to those with a university diploma, this article has the effect of reducing and limiting the number of publications, and increasing the ability of the government to control the reduced number meeting the requirements. It is certainly no incentive to freedom and diversity of the press.

Article 16 makes it a crime "to publish any document that will harm the morals of Infants and the Youth." Article 18 also makes it a crime to publish an article "that will harm moral good or public order." These articles give the military government far-reaching powers to suppress any media on the basis of arbitrary and vaguely defined criteria.

Article 16 also includes a provision that was specifically crafted in 1980 to silence *Radio Haiti-Inter*. Paragraph 2 forbade any fundraising drive by any media to pay fines imposed by a Court, and is identical to Paragraph 3 of Article 22 of the 1980 Press Law. In 1979, *Radio Haiti-Inter*, which denounced corruption and repression by the Duvalier government, was forced to seek public funds when it was ordered to pay a \$50,000 fine. This fundraising drive was largely successful and prevented the station from going under. The government then resorted to arrests,

arbitrary detentions and decreed the 1980 Press Law. *Radio Haiti-Inter* was destroyed; its employees and journalists were arrested; some were expelled, including Jean Dominique, the station owner.

Article 21 provides for a speedy trial when charges are brought against a print or broadcast medium. According to this article, a verdict must be reached within 3 days from the time that charges are brought. It does not give defense lawyers time to prepare for the trial.

Article 24 gives any police officer the right to forbid the sale of a publication in the streets, based on his personal judgment that the sale will be disturbing. It offers no recourse to the publisher whose publications have been banned.

In all, the new press law constitutes a setback to the freedom enjoyed by the press after February 7. In the days following the departure of the Duvaliers, there seemed to be signs that the previous severe press restrictions as well as less formalized censorship would be ended. Unfortunately, as the popular support for the "interim" military government has dwindled, there have been increased reports of the Haitian state again controlling Haiti's infant press and broadcast media. Leading journalists have reported to us that the Duvalierist system of government subsidies and inflated advertising prices for "cooperative and responsible publications" has never been stopped. Similarly, most of the best known editors have additional government jobs that require little effort but that supplement their earnings. Haiti's best respected independent journalist, Dieudonne Fardin, editor

of the weekly *Le Petit Samedi Soir*, preferred to speak of a system of self-censorship that continues to dominate the media. Fardin told us that he considers this an inevitable legacy of decades of repression and that government effort and initiative is required to change the atmosphere of fear that was created over so many years.

In late May 1986 most of the staff of Haiti's National Television station walked out in protest over attempts by the military to censor news broadcasts, control program content, and to fire and demote key personnel. Dr. Carlo Desinor had been appointed station director following February 7, 1986 by the military government and was charged with transforming what had been essentially a Duvalierist propaganda and public relations machine into a television network open to the multiplicity of political views.

In late May, Dr. Desinor was fired without explanation by the military government. The next day he revealed that he had been subject to repeated pressures from the Ministry of Information and the Assistant to the Minister himself, Mr. Aubelin Jolicoeur, and directly from the military strongman, Colonel William Regala. Desinor stated publicly that he had been told to reduce reporting regarding the mass protests against the military government and against Regala himself and that he had been strongly encouraged to dismiss key employees.

Following the revelations of Desinor, many of the staff of the station walked out in protest against these heavy handed government attempts at control and censorship. (It appears that some staff members who were known previously as Duvalier loyalists also walked out in an effort to cleanse their public reputations and protect their jobs in the long run.) Protests

spread across the country, but the military has steadfastly refused to re-appoint Desinor or to establish a public investigation of this episode, and they have labeled other key staff as "agitators" and "communist elements" because of the attempts to represent diverse opinions and report on demonstrations against Colonels Avril and Regala. By early June, protests resulting from this censorship increased and there is now a national call for the dismissal of Col. Regala from his position as the Minister of the Interior as well as from the CNG because of his role in these events.

Human rights monitors in Haiti report that several of the demonstrations protesting press and restrictions have been illegally broken up by the Haitian army. For example, a warrant was issued for the arrest of Evans Paul, a radio journalist, and founder of the KID (Committee for Unity and Democracy) because of his role in these demonstrations. Ultimately the government commissioner assigned to the case dismissed the charges as without any factual foundation.

B. Political Parties

As with the new press law, a Political Parties Law of 1986, adopted in July, is a refurbished version of the restrictive law on political parties adopted by the Duvalier government in 1985. The new law reserves to the Justice Minister the power to recognize political parties and to order their suspension. The law requires that each party must submit the names and addresses of some 5000 members, as opposed to previous requirements of some 18,000 members distributed across the 9 geographic departments of Haiti. Any party connected to a religion or

religious group or trade union is automatically declared illegal. In addition, the military government sets the internal rules by which a party should function, and takes over its property when it has been declared suspended and dissolved.

The new political parties law bans all pre-existing parties, even if they are more than 10 years old, and does not offer former parties any legal remedy.

Prior to the adoption of the new political parties law, Col. Williams Regala, Minister of Interior and Defense, released a draft to the public for possible criticisms and suggestions. The time allowed was only 3 days. The Haitian Center for the Defense of Public Liberties protested this procedure as "anti-democratic," asserting that it constituted "a total disrespect for national public opinion and a grave attempt to limit the right of the people."

Additionally, the Board of the Bar of Port-au-Prince, alarmed by efforts to censor the press and limit political activities, reminded the military authorities that they were overstepping their boundaries, and that only after the adoption of a Constitution could other laws be drafted: "when a political regime does not know the limits to its actions, it becomes an autocratic regime."

On February 25, General Namphy summarized the political program of the CNG as:

Maintenance of order and peace, respect for civil and human rights, safeguard territorial integrity, justice for all in all endeavors, setting up a liberal, democratic and just social order, maintenance and consolidation of diplomatic ties to friendly countries,

structural reform of public administration, encouragement for formation of labor unions and associations; revitalization of institutions via decrees on press and political parties and drafting of a liberal constitution; and organization of rural section, municipal, legislative and presidential elections.

On February 27, 1986, the CNG released its plan to form a Constituent Assembly. Some observers believe that this plan is inherently undemocratic and reproduces the system of political cronyism that characterized the past. According to this plan, the CNG undertook to form a nineteen-member "consultative body" made up of "notables" representing the nine departments of Haiti. This body which was created in July will have as its task to:

1. Propose a procedure and a calendar for the choice of the Constituent Assembly and submit them to the CNG for approval.
2. Proceed to nominate the members of the Constituent Assembly.
3. Help the government by giving advice and recommendations on regional and national affairs, regarding political, social and economic projects.
4. Contribute particularly to the preparation of future elections.

While it is generally agreed that the formation of a Constit-

uent Assembly is a necessity, it has been pointed out that for the process to be meaningful, it has to have a popular mandate. As spelled out by the CNG, the choice of the Constituent representatives depends mainly on the junta. In essence, the interim government appropriates the power to create a shadow government removed from any public accounting.

To some extent, the procedures chosen by the CNG reflect the lack of a politically educated electorate. Yet far from addressing this problem, these procedures exacerbate it. It is urgent to devise and implement a plan to build the infrastructure for political pluralism. In the past, the vast majority of the Haitian electorate was kept out of the political process. Through fraud and corruption, and with the help of the armed forces, the small Haitian elite chose presidents and members of parliament; the army's role has been particularly decisive since 1934. No government could rule without the backing of the army. This makes it all the more important that the armed forces should fulfill their promise to hand power to a democratically-elected government by attempting to inform the population of its legal rights and to educate it in the democratic process.

In their pastoral message of April 11, 1986 regarding priorities and changes, Haiti's Bishops declared:

The drafting of a Constitution, of an electoral law, of a law on political parties requires the participation of the people. The Constitution and laws must be submitted for ratification before their official adoption. This presumes that a charter and the laws be drafted in simple terms and in a language understood by the people.

The population must take an active part in the designation of its leaders at the rural, county, district, department, and national levels. Also the people must freely choose their Chiefs of Rural Police, their Mayors, their Representatives, their Senators, and their President.

At the end of the first week in June 1986, four months after the military government had come to power the CNG announced a revision in its electoral plans. Although the plan announced a series of lofty and laudable goals, it was not terribly specific except that it did set a timetable by which a variety of electoral steps should occur. According to the projected plan, the CNG released a decree on the functioning of political parties and the press in July 1986. (See previous chapter) They will proceed with the election of a Constituent assembly by October 1986 which will draft and propose a new Constitution using the previously described "Council of Notables." The new draft Constitution will be submitted to a referendum by February 1987. Local elections will be held by July 1987 and national legislative and presidential elections will occur by November 1987 with the newly elected President to be sworn in by the now symbolic date of February 7, 1988.

VII. POLITICAL DEVELOPMENTS REGARDING THE ESTABLISHED HAITIAN CHURCHES AND ALLEGATIONS OF PERSECUTION OF VODOO "PRACTICANTS"

Since March 1986 there have been consistent but unconfirmed reports of a campaign of intimidation against Haiti's voodoo churches as well as accusations of the killing of eighty to one hundred voodoo priests and practitioners. There have been other reports that the predominant Roman Catholic church as well as certain Protestant groups have encouraged these rampages against voodoo believers.

Despite the considerable coverage given to these accusations in the international press, and despite their gravity, it has proved extremely difficult to document or corroborate specific cases of persecution and murder inspired *because* the victim was a voodoo practitioner or priest. Some killings have occurred, however, and some of the victims were also known to have been practitioners of voodoo.

The relationship between the voodoo folk religion and the established Roman Catholic and Protestant churches has been

extremely complicated and has long been tense. For many years the Roman Catholic church was the church of the elite and did not really play a role independent of the Haitian government. This was partly due to a Concordat between the Vatican and the Haitian government effectively permitting the government to name all Bishops in exchange for agreeing to pay the expenses for most of the country's parish priests and nuns. The Concordat remained in effect until Pope John Paul II's visit to Haiti in 1983 when he declared that "things must change here."

Many of the poorest Haitians sought and found great comfort and meaning in the traditional voodoo folk religion precisely because it was far less dominated by the politics of class privilege (although most still considered themselves good Catholics). However things became more and more murky as Francois Duvalier made more and more use of voodoo for his own political ends. By the early 1970s there was a strong public perception that a large number of voodoo priests were close to, and benefiting from, the politics of the Duvaliers.

The Duvaliers penetrated and encouraged the popularity of "secret societies," loosely described as cults of demonolgy and satanism. Some members of these cultes may also have practiced voodoo, but such secret society activities as the use of violence as retribution were unrelated to voodoo and were often condemned by the traditional hounsans and mambos. The secret societies did gain a certain acceptance among peasants and they were sometimes able to obtain redress for alleged wrongs through them in circumstances in which the formal judicial system was wholly inaccessible to them and perceived by them as merely an instrument for the Duvalierist elite. Most of the larger Protestant churches in Haiti refused to take public positions of any kind

regarding social and human rights issues as they apparently feared the government's reaction. Accordingly, in their own way, they were seen as collaborating with and contributing to the Duvalier system. This impression was reinforced when the Catholic church, following the abrogation of the Concordat in 1983, began to take stronger positions and, consequently, to bear the brunt of persecution by the Duvalier government and its security forces.

Awareness of this complex and evolving background is necessary to understand that while "religion" may have played a role in some persecution and even killings, there is no evidence that it was simply because of religion that these episodes occurred.

It is well established that some voodoo priests, or houngans, avidly supported the Duvaliers up until the moment of their flight. This greatly sullied their reputations. Following the flight of the Duvaliers some of these voodoo adherents and many of the more political secret society members became victims of a desire for revenge.

Anti-Duvalier sentiment is not a complete explanation; it appears clear that there have been incidents of brutality against voodoo believers who were not particularly supportive of the Duvalier system. There have been no reported cases, however, in which critics of the system who also practiced voodoo were harmed or even threatened.

Certain houngan priests in Port-au-Prince have charged that a large number of killings were inspired by the Catholic and Protestant churches in an attempt to take advantage of the current chaos. For instance:

--Max Beauvoir, a houngan priest in Port-au-Prince,

reported that eleven other houngans were killed in Cap-Haitien. Beauvoir also made the very serious charge that there was an on-going campaign against voodooism by the Catholic Church which is now in a position to impose its policies as a result of an alliance with state power (that is, the army). He has described the present situation as one where a dual dictatorship (church and army) has been established.

--According to *Haiti Liberee*, no. 17, April 17, 1986, thirty voodoo practitioners were found killed in the locality of Damassin, in their temple. Written on the walls of the temple were the words "Aksyon Jenes Kreyten" (Christian Youth Action).

--On March 26, *Haiti Liberee* published a letter signed by Max Beauvoir allegedly "on behalf of 2,400 voodooists." The letter attacked Bishops Gayot, Constant and Romelus. It also said that:

- more than 116 houngans were killed in Grande Anse (South);
- Bishop Gayot had ordered the cementing of *Bassin St. Jacques*, a mud pool in the North valley in which voodoo believers take baths and perform rituals;
- while the killings of priests, practitioners and the destruction of temples and artifacts was going on, the army stayed on the sidelines;
- Beauvoir demanded that voodoo be proclaimed the official religion;

-- also demanded that the 1860 Concordat be formally revoked. (It was suspended four years ago.)

Replying to these charges, Bishop Constant was quoted in the newspaper *Haiti-Observateur* as having said that: "The [Catholic] Church has never given instructions for people to attack hounsans" (*Haiti Observateur*, Vol. XVI, no. 21). He also added that "In the Grande Anse [South], Bishop Romelus had given orders to leave the hounsans alone, and to forward all criminal dossiers concerning them to the authorities."

Though we have examined reports by a number of persons who have attempted to look into Beauvoir's allegations, it has not been possible to corroborate his charges. At the very least they appear to be greatly exaggerated. One hounsan informed us that where violence occurred, land dispossession -- not voodoo -- was actually at issue.

Photos have appeared in the Haitian and international press showing the destruction of voodoo priests' homes and "peristiles." The magazine *L'Information* has reported that more than 100 voodoo practitioners were reported killed. (Vol. IV, no. 9, March 19, 1986). It adds that "the authorities should fulfill their responsibilities and [go after] the groups which inspire, or organize such crimes."

--On March 12, some well known intellectuals in Port-au-Prince formed a "Committee to defend the National Culture" citing as the reason for the formation of such a committee that:

We're confronted with the blind and brutal destruction of aspects of our culture which define us all, the assassination of voodoo priests alleged to be acolytes of Satan, and the verbal attacks of certain Christian Ministers who dare to encourage their faithful to engage in campaigns so totally unjustified.

--According to Franck Etienne (writer, playwright, painter and one of the founders of the Committee to Defend the National Culture), interviewed by the weekly *Haiti-Progres* (Vol. 4, #4, April 30-May 6, 1986):

1. The Campaign started one week after Duvalier's departure. It was originally aimed at the hounsans and mabos who are also macoutes. But it gradually shifted from a political campaign to an anti-voodoo campaign. There were assassinations, especially in the South, in the areas of Chambellan, Marfranc and Abricots. There were also "conversions" where religious groups would force voodoo practitioners to renounce their faith before a priest with bible in hand;
2. The only area in which there were no killings was in the Artibonite which is home to powerful voodoo "sanctuaires;"
3. The Catholic Church in its entirety cannot be blamed for this campaign against voodoo. Some priests have led the campaign, however. What the

Church can be blamed for is that at the very beginning it remained silent about it;

4. Etienne asserts that the Protestant sects are leading a more systematic anti-voodoo campaign.

Investigations confirm that one or more Canadian priests in the Grand Anse area did urge a campaign against the voodooists. They have been sternly warned by Bishop Romelus not to repeat this behavior. In general, however, we believe that the revenge killings that took place in the chaos that followed the ouster of Duvalier were primarily concerned with land dispossession and controversies involving the secret societies, and did not reflect a pogrom against voodooists.

VIII. VIOLATIONS OF TRADE UNION RIGHTS IN HAITI

Following Duvalier's ouster, trade union activists came out of hiding. Others who had been forcibly exiled as far back as the early 1960s came back to their homeland. Among the returnees were Georges Fortune, a former official of the Christian Trade Union Federation, which had been banned by Francois Duvalier after a drive against labor groups in 1962, and Yves Antoine Richard, Secretary-General of the Centrale Autonome des Travailleurs Haitiens (CATH), who was expelled along with a number of independent journalists during the crackdown of 1980.

They saw in the new political situation created after February 7 an opportunity to begin developing trade union activities that had been stymied by the repressive policies of the Duvalier regime. However, attempts to unionize and organize workers have been met with mass firings, the intimidation of labor organizers and plant shutdowns, in violation of Haiti's labor code as well as international covenants on the rights of workers.

The Ministry of Social Affairs, is charged to handle disputes between workers and business owners, has not provided much relief to the fledgling trade union organizations trying to take

part in the development of the democratic process in Haiti. Trade union activists claim that, in fact, the Ministry has paid lip service to their complaints concerning trade union rights violations but that it continues to work hand in hand with management in suppressing workers' rights.

During the Duvalier era, independent trade union activities were systematically disrupted, and only trade unions loyal to the government were allowed to function. During 1962-63, the two major trade union groups which had formed earlier, the Union Intersyndicale d'Haiti (UIH) and the Federation des Syndicats Chretiens (FSC) were dismantled and their leaders imprisoned. Those who escaped took refuge in foreign lands. Unions which continued to survive were headed by Tontons Macoutes whose role was essentially to finger activists to the Secret Police.

Efforts to resume independent trade union activities began again in 1978 as mounting pressures from the international community forced the Duvalier regime to liberalize. During that time the CATH was established and tried to organize workers in the more than 200 foreign-owned assembly industries which had set up business in Haiti to take advantage of the vast labor pool and the low wages. These efforts came to an abrupt end in November 1980, when the Duvalier government conducted a crackdown on journalists, political activists and labor organizers. Hundreds were arrested and most trade union activists who escaped were forced to go underground.

The only trade union group allowed to function was the Federation des Ouvriers Syndiques (FOS). Headed by Joseph Senat, the Federation essentially followed government policy. Its main affiliate, le Syndicat des Chauffeurs Guides D'Haiti, of which Senat is also the President, earned the reputation of being essen-

tially run by Macoutes. Today, the FOS is affiliated with and partially financed by the American Institute for Free Labor Development (AIFLD), an arm of the AFL-CIO. Due to a dispute over leadership, two CATHs have emerged, one headed by Yves Antoine Richard and the CATH/CLAT headed by Georges Fortune. The latter is affiliated with the World Confederation of Workers, a Christian-Democratic trade union. The FOS claims to represent about 3000 workers in ten different unions. The CATH/CLAT claims to have formed 30 unions, half of which are peasant groups. Perhaps the most dynamic of all the fledgling labor organizations has been CATH; it has attracted the largest number of workers to its ranks. During 1980-1985, even though legal trade union activity had been eliminated by the Duvalier government, organizers continued to remain active in a number of industries. Those who assumed leadership of the CATH after the expulsion of its Secretary-General continued to exhort workers to organize for a better standard of living.

In order to benefit from United States aid and concessionary tariff considerations, the government of Haiti revised in 1984 the Labor Code which had been drawn up previously, bringing it more in line with internationally recognized labor rights. Far from demonstrating a genuine interest in the protection of worker rights, however, the revision was conceived as a ploy to comply with requirements for eligibility under the Generalized System of Preferences (GSP) and the Caribbean Basin Initiative adopted at that time by the United States.

When the U.S. Congress renewed the GSP in 1984, the guidelines it adopted stated that, before the President declares a country eligible for GSP benefits, he must certify that the coun-

try abides by the right of association, the right to organize and bargain collectively, a prohibition on the use of forced labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

In ostensible compliance, Article 5 of the Revised Haitian Labor Code states that: "A worker has the right to participate through one of his representatives in the collective determination of his work conditions. The State encourages these negotiations in order to promote collective bargaining." Article 7 states that "the right of workers to unionize in order to defend their legitimate economic and social interests is guaranteed and protected by the State."

Labor organizers assert that, as before, none of these provisions is being respected. They note that once a list of the members of a newly-formed union is forwarded to the Ministry of Social Affairs in compliance with the Labor Code, these workers are immediately targeted for harassment and firings. Union officials accuse the Ministry of complicity with employers in crushing the development of an independent trade union movement. Specifically they assert that:

--FABNAC, a shoe manufacturing concern, fired all seven members of the Executive Committee of the newly-formed Union there in March;

--A & H, a subsidiary of Performance Footwear did the same with four of the newly appointed leaders of the union there;

--Bretton Fashion fired 46 workers, 10 of whom were union members stating categorically that no unions would be allowed on the premises.

Other industries involved in the illegal firing of workers because they attempted to join a union or demanded higher wages and better working conditions are: Pinebrook Lingerie S.A., WB Apparel, Athletic Equipment, Superstitch, Caribbean Garments, Haiti Fashion, Haiti Metal, Acierie d'Haiti, TTI Haiti S.A., Coumbite Manufacture, and Alpha Electronics S.A.

In all, it has been estimated that approximately 12,000 workers have lost their jobs to plant lockouts or closings. Most of these plants produce export goods primarily for the American market.

The Ministry of Social Affairs has done little to protect worker rights other than to acknowledge the existence of trade unions. Inspectors of the Labor Department have not helped discharged workers and it is a widely accepted fact that the system of bribes used by employers continues.

Trade union representatives assert that numerous provisions of the present labor code are ignored by employers and not enforced by the authorities. They have made public demands for the abrogation of certain provisions of the labor code which severely restrict trade union activities and for the re-instatement of illegally fired workers. Although these are not radical demands, they are nevertheless seen by employers as encroaching on their rights to determine at will working conditions and salary levels.

IX. THE ROLE OF UNITED STATES POLICY

United States policy towards Haiti has long been designed to insure Haiti's short-term "stability" and the government's cooperation in stopping the flow of refugees to the United States. To further these interests, the Reagan Administration has poured economic and military assistance into Haiti, and repeatedly certified to Congress that the Duvalier regime's human rights practices were improving.* It was only when the demise of the Duvalier dynasty became certain that the Administration distanced itself from the regime.

* Under Section 540 of the Foreign Assistance Act, aid to Haiti was conditioned on Presidential determination that the Government of Haiti "is making progress toward improving the human rights situation in Haiti and progress toward implementing political reforms which are essential to the development of democracy in Haiti, including the establishment of political parties, free elections, and freedom of the press." In May 1984, the Department of State determined that Haiti had complied with this requirement, citing the February 1984 elections, though it neglected to mention that the leader of one of the two leading opposition parties, Sylvio Claude of the Haitian Christian Democratic Party, was barred from the election and the leader of the other, Gregoire

Eugene of the Haitian Social Christian Party, was barred from the country until after the election. The State Department did mention the harassment of a candidate for the legislature, but it did not note that he was the only candidate independent of Duvalier and that his office was ransacked, his car was riddled with bullets and two of his aides were detained without explanation. He was defeated. The May 1984 report applauded the release of Sylvio Claude from prison without noting that he had been repeatedly arrested and released (some eight times) and was still being subjected to harassment.

In January 1985, the U.S. again certified, citing "limited movement toward greater freedom of the press." In the period that had elapsed since the May 1984 certification, the government had suspended all newspapers not approved in advance; seized most copies of Sylvia Claude's newspaper, Conviction; arrested and beaten the editor of another newspaper, L'Information; arrested the editor of the most substantial independent weekly, Le Petit Samedi Soir; closed another paper, Fraternite; and, after initially detaining its editor, placed him under house arrest.

In October 1985, the U.S. again certified, citing an amnesty for 37 political prisoners. The State Department did not mention that many of these prisoners had been severely tortured during six months of detention. Also, the certification took place despite a clearly fraudulent and preposterous plebiscite in which ninety percent of Haitians were recorded as voting and 99.98 percent were recorded as approving the President-for-Life and his right to designate his successor; and despite the expulsion from the country of three Belgian priests, including the director of Radio Soleil, the country's most important medium of communication; and despite many other attacks on dissenters and critics of the government.

In December 1985, when the State Department let it be known that it might not be able to continue to certify, and in January 1986, when it announced that it could not certify, there had not been a deterioration of the human rights situation which had been terrible all along. What had changed was the level of resistance to oppression. The Duvalier government was losing control, and the denial of certification on the one hand reflected a realization that the days of the dynasty were numbered and, on the other hand, may have helped to hasten Duvalier's departure.

In late January 1986, the United States refused to certify Haiti due to "serious repressive actions taken by the Duvalier government in late 1985 and 1986." Haitians welcomed this change of policy. Unfortunately, in late February, without waiting until Duvalierism could be ousted along with Duvalier, the Reagan Administration reversed its policy, asserted that Haiti had met the human rights conditions for U.S. aid, and gave unqualified political support to the new regime.

U.S. riot control equipment shipped pursuant to this certification was used in the deadly suppression of the March demonstrations. Four million dollars in military aid was sought by the Administration in a request to Congress and initially gained the support of Representative Walter Fauntroy of the District of Columbia.

In August, the U.S. House of Representatives voted for a resumption of military aid to Haiti. For Fiscal Year 1987, up to \$4 million is allocated for military training, transportation and communications equipment, and uniforms. At the same time that the House voted to resume military aid, the Pentagon sent to Haiti an 11-member survey team with the objective of strengthening the Haitian military.

Interestingly, not one Haitian official, military or civilian, acknowledged any need or desire for this military aid during our May mission. When confronted with this lack of interest, a U.S. Embassy spokesman told us: "We think they need it." The signal given by such aid is that the United States considers that a show of support for the armed forces is an appropriate response to Haiti's current political situation.

Haitians feel little U.S. support for the establishment of democracy in their country, and for the elimination of graft,

corruption and inefficiency in the government bureaucracy. Sixteen human rights groups in Haiti recently declared in a letter to Rep. Dante Fascell, Chairman of the House Foreign Affairs Committee, that:

Very large numbers of Haitian peasants continue to be thrown off their land and murdered by exactly the same small group of murderers who dominated the situation under the fallen dictatorship. Today peaceful citizens continue to be arrested without warrants and to be illegally detained and eventually released without recourse or explanation. In Port-au-Prince, the Criminal Research Bureau of the regular army appears to have functionally replaced the infamous Secret Police of the previous regime (Service de Depistage). The Army Criminal Research Bureau is operating as arbitrarily as the previous regime and continues to violate even the most elementary of human freedoms and rights. Even though they are fully aware of these continuing abuses, the National Governing Council (CNG) has to date refused even to initiate any official or independent inquiry to identify those responsible for those murders, nor has there been any official statement criticizing these actions of the security forces aimed at halting the continuing abuses.

Additionally, opposition to U.S. military aid was voiced, on the occasion of Secretary of State Shultz's visit to Haiti on August 15, when more than 3000 peacefully demonstrated in

front of the American Embassy and delivered a letter of protest to Ambassador McManaway. Instead of military aid, they said, U.S. aid should address the vital economic needs of impoverished Haitians.

In their pastoral letter of April 11, 1986 all the Bishops of Haiti summarized the Church's priorities and discussed a number of conditions that must be met to secure democratic economic development in Haiti:

1. The right of the Haitian people to participate freely in political parties and to associate in unions, cooperatives and community groups. This participation should be facilitated by a law guaranteeing political rights. Haitians should elect their leaders at all levels of government beginning with the localities and an assembly to rewrite the Constitution. A major literacy campaign is an indispensable precondition for genuine political participation.
2. Agrarian reform is fundamental for 70% of Haiti's population whose livelihood comes from agriculture. All state lands, vacant lands, and lands illegally seized during the Duvalier era should be distributed to the desperately poor, landless peasants.
3. Not even 22% of the urban population earns a salary and this massive unemployment must be fought through public works projects involving road construction and repair, reforestation, public health and sanitation projects, and the construction of schools.

On the question of economic aid, specialists within and outside the Haitian government stress the need for high-impact, high-visibility job creation programs through public works projects crucial to infrastructural development. Economic assistance to Haiti's devastated rural areas should be tailored to the most urgent problems and should be controlled at the local level. For example, existing irrigation projects and dams that the Duvaliers neglected should be restored immediately.

All Haitians stress the need for diversification of the rural economy and for the restoration of self sufficiency in basic foodstuffs. Producing and marketing cooperatives for primary crops and fisheries should be supported. Another important need continues to be the replenishment of the swine population of approximately one million pigs eradicated more than three years ago. Recently, 25,000 signatures were collected from peasants supported by the Association of Haitian Agronomists requesting the import of pigs suited to conditions in Haiti, such as those immediately available in Jamaica. Despite this unambiguous agenda which has been clearly articulated to U.S. policy-makers by Haitian lawyers and rights activists, the U.S. has steadfastly pursued the military training and aid option. Haitians generally continue to oppose such aid. They stress that not only does it reflect misguided priorities, but it also can only be used to strengthen the stranglehold that the Duvalierist elements in the military already possess in the current government.

Confronted with these troubling developments the Haitian League for Human Rights stated recently: "We fear not only for the future of human rights in Haiti but also for human rights monitors whose lives are threatened in these troubled times

where firearms are used much too easily (by the security forces) and the lack of determination to come to terms with the bastions of Duvalierism is evident."

Responding to the concerns expressed by Haitians, the House of Representatives, in structuring the military aid package to Haiti, has set forth conditions which must be certified by the President every 3 months. The government of Haiti must demonstrate that it is making substantial efforts:

- "A) to prevent the involvement of the Haitian Armed Forces in human rights abuses and corruption by removing from those forces and prosecuting, in accordance with due process, those military personnel responsible for the human rights abuses and corruption;
- "B) to ensure that freedom of speech and assembly are respected;
- "C) to conduct investigations into the killings of unarmed civilians in Gonaives, Martissant and Fort Dimanche, to prosecute, in accordance with due process, those responsible for those killings, and to prevent any similar occurrences in the future;
- "D) to provide education and training to the Haitian Armed Forces with respect to internationally recognized human rights and the civil and political rights essential to democracy, in order to enable these forces to function consistent with those rights; and

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

While these conditions are welcome, Haitian human rights, church and labor leaders continue to stress that granting military aid to the unreformed military before any of these steps are taken, represents a serious policy blunder. They stress that not only does it show mistaken priorities, but it also can be used to strengthen the stranglehold that the Duvalierist elements in the military already possess, and the political parties and press laws -- which run counter to Congressional intent and violate the conditions for U.S. aid -- have born out their fears.

The Haitian people and the military junta have entered a period crucial for Haiti's future. The next several months will determine whether the process of constructing real democratic institutions and promoting effective development policies will be allowed to begin.

United States policy towards Haiti is also at a critical juncture. The U.S. Senate will soon structure the fiscal year 1987 aid legislation. U.S. policy towards Haiti should be to insist upon real democratic steps before more assistance is poured into the Haitian government bureaucracy which is still dominated by Duvalier loyalists. Unless the Congress insists that meeting the demand of Haitians for democracy is a condition for continuing U.S. aid, we will again be seen as aiding and abetting the old system.

Haitians are right to demand the complete dismantling of Duvalierism. The United States has lost much of the good will it

earned when it helped spirit Duvalier out of the country on a U.S. Air Force transport plane. Rewarding the military with aid before it undertakes reforms, including removing hardline Duvalierists from the army, is widely understood as approval for the military, and makes it more difficult to bring to trial notorious human rights violators.

As by far the largest contributor of bilateral aid to Haiti, the United States has considerable economic and political leverage over Haitian government policies. Unless the U.S. government recognizes the need for deep political changes in Haiti, it will continue to be seen as supporting Duvalierism without Duvalier and standing steadfastly behind the interests of a small elite against the democratic aspirations of the vast majority.