

In the Army's Hands

Human Rights in Haiti on the Eve of the Elections

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Americas Watch

National Coalition for Haitian Refugees

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December 1990

**National Coalition for Haitian Refugees
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Introduction

On December 16, 1990, Haitians will try for the third time in four years to elect a president, parliament, and hundreds of mayors and local officials. Whether they succeed in holding the first democratic polling ever in Haiti depends, above all else, on the role that the army will play. Those who profited under the deposed Duvalier dictatorship and who long for a continuance of its autocratic ways - the so-called Duvalierists - have threatened in vocal and flamboyant fashion to destroy the elections, backing up these threats with bands of hired thugs. Despite their brash lawlessness, however, the Duvalierists are too weak to impede the electoral process without a green light from the army. If the army keeps its promise to respect the electoral process, elections will proceed. If the army breaks its vows, no number of Duvalierist thugs roaming the streets of Port-au-Prince will obscure the army's responsibility for the elections' failure. The elections are in the army's hands.

Fortunately, there is much that distinguishes today's army from the military that presided over the crushing of Haiti's last attempt at free and fair elections, on November 29, 1987. Then, the army never accepted that elections would be organized by an independent electoral council, as Haiti's popularly ratified Constitution of 1987 requires. Piqued when massive demonstrations prevented it from usurping control of the electoral process, it refused to provide security to candidates and electoral workers, even as violence in the weeks before the elections reached alarming proportions. Its acquiescence in the mounting violence opened the door to the murderous interruption of the balloting on election day.

A month and a half later, having dismissed the independent electoral council and thus prompted the withdrawal of all major presidential candidates, the army organized its own electoral farce, and selected Leslie Manigat as its figurehead leader. Beholden to the military that had engineered his rise to "power," Manigat was unceremoniously dismissed when, upon his first effort to exercise independent authority, he removed Lt. Gen. Henri Namphy as Commander-in-Chief of the army. The two army generals who succeeded Manigat as head of state, Gen. Namphy and Lt. Gen. Prosper Avril, repeatedly vowed to hold free and fair elections, but made little if any effort to fulfill these vows. Popular frustration with this foot dragging led to the resignation of the Avril government in March 1990 and its replacement with a civilian administration, under the presidency of then Supreme Court Justice Ertha Pascal-Trouillot.

Today, under Commander-in-Chief Lt. Gen. Hérard Abraham, the army has played a considerably more useful role. Gen. Abraham repeatedly has voiced his support for civilian rule and an independent electoral process. After a rocky start, a constructive dialogue has begun between the independent electoral council and the army. At certain key moments, such as the return from a brief trip abroad of presidential candidate Rev. Jean-Bertrand Aristide, the army has turned out in force to maintain security, despite considerable disquiet among its ranks over the prospect of this radical and highly popular priest assuming the reins of government. A special army commission for electoral security has been established and appears to be running smoothly. And after initial hesitation, the army has endorsed the request of the civilian government for international observers from the United Nations and the Organization of American States.

As this report documents, however, there remains substantial cause for concern over the army's role. If the best predictor of army behavior on election day is the army's track record during the nine-month Trouillot administration, the prophets of success may be premature.

In that time, army troops have been responsible for persistent and widespread human rights abuses. These include massacres of peasants, shootings, severe beatings and arbitrary arrests. A troubling proportion of these abuses appear to have been politically motivated, suggesting an unease among at least portions of the army with the rough-and-tumble politics to which respect for human rights can give birth. Some of the abuses appear to have been the spontaneous acts of individual soldiers. But many were planned more deliberately, at various levels of the army chain of command.

The posture of the Army High Command toward these infractions has been particularly distressing. In all but a handful of cases, senior military officials have failed to order disciplinary action against the soldiers responsible, let alone to support criminal prosecution. Such impunity sends a powerful message that threatens to drown out Gen. Abraham's repeated vows of support for human rights and the electoral process.

The problem is most acute for the cases that are symbolically most important. Much of the history of post-Duvalier Haiti can be written in terms of a list of unredressed massacres: Jean Rabel in July 1987; election day of November 1987; St. Jean Bosco in September 1988; and Piate, Délatre and Pérodin in 1990, under the Trouillot administration. When the murderers responsible for these killings continue at large, the signal is sent that political violence will go unpunished. That message was only reinforced by the army's failure to support the civilian government's efforts to bring to justice Roger Lafontant, the abusive Duvalier Interior Minister who returned to Haiti in July, and by the army's lackluster investigation into the June murder of Council of State member Serge Villard.

The army can change this message, but only if it backs up its voiced support for the electoral process with an effort to hold human rights offenders accountable. Of course, at this late date, it is no longer possible to complete criminal prosecutions. But it is not too late for the army to discipline its own troops for abusive conduct and to provide the police support so that other abusive figures can be arrested on criminal charges. The numerous cases of abuse documented in this report provide an ample selection from which to start. Failure to take this step, particularly in cases of considerable symbolic importance, will leave the army open to charges of complicity if elections are once again sabotaged by those who believe that they have nothing to fear from the law.

The need for a firm policy of accountability is particularly strong as the current electoral process begins to repeat some of the patterns of 1987. Then, the collapse of the elections was due in large part to a volatile combination of an army threatened by the degree of popular control that at least some of the leading presidential candidates were likely to exert, and a Duvalierist circle which felt it had nothing to gain from the electoral process since its candidates had been disqualified under a highly popular provision of the 1987 Haitian Constitution that bars for ten years "architects" of the Duvalier dictatorship's violence and corruption.

The surprise presidential candidacy of Father Aristide, coupled with the electoral council's disqualification, on technical grounds, of all but one of the presidential candidates supported by the Duvalierists, has set a similar stage. Given Aristide's apparently strong popular appeal, his dazzling oratory and his leftist politics, the prospect of his presidency is likely to be seen as far more threatening by many members of the army than anything they faced in 1987. Moreover, with all but one minor Duvalierist candidate disqualified from running for public office, many in the Duvalierist camp once more feel that they have no stake in the electoral process.

Under these circumstances, it is critical that the army back up its promised support for the electoral process with several concrete and visible examples of its resolve. Aggressive patrolling in Port-au-Prince and other major cities should be part of that strategy. But breaking the cycle of impunity is a critical element.

By stressing the central role of the army in securing the December 16 elections, we do not mean to diminish the responsibility of the civilian government for the delicate position in which Haiti now finds itself. The Trouillot administration squandered the vast reservoir of good will with which it took office by adopting the narrowest possible view of its mandate. It never moved to implement constitutional provisions that require the police force to be moved from army to civilian control. Lacking its own independent law-enforcement body, it then found its few efforts to prosecute human rights offenders hamstrung by army intransigence.

At this stage, however, while the civilian government deserves part of the retrospective blame if elections fail, the army is the sole body capable of ensuring that the elections do not meet the same bloody fate as three years ago. Only the army has the capacity to ensure discipline among its ranks and to shut off any threat from Duvalierist circles.

The United States has played a considerably more constructive role this time than in 1987. The current US ambassador, Alvin Adams, could not be more different from his aloof and reserved predecessor. Former US Ambassador Brunson McKinley pursued a policy of quiet trust in the army's promises to permit elections, despite escalating violence suggesting it would not. From the moment that Ambassador Adams arrived in Haiti in November 1989, he has been an outspoken advocate of elections. He, together with Vice President Dan Quayle during a brief visit in August, have stressed US support for elections and the administration's expectation that the army will play a constructive role. In a welcome variation from Bush administration policy in most other areas of the world, Ambassador Adams has not only condemned abuses but has also called for prosecution of those responsible for certain notorious crimes. This aggressive posture has gone far in making clear to the army that the United States expects elections to be held, reversing the policy of silent acquiescence in army misconduct that laid the groundwork for the debacle of 1987.

However, there have been several shortcomings in US policy toward Haiti. While condemning abuses in general terms, the US has refrained from blaming the army for particular abuses, even when evidence of army involvement is substantial. This reticence has made it easier for the army to avoid holding perpetrators accountable. In addition, while at a key moment following the announcement of Father Aristide's candidacy Ambassador Adams reaffirmed that the United States would work with whomever was elected, he undercut that important message of neutrality by invoking a Creole proverb that many understood to reflect US discomfort with the prospect of an Aristide presidency. The administration's greatest error was its August proposal to renew aid to the Haitian military, despite continuing army abuses. The aid request, which Congress rejected, was premised on the same policy of trying to buy an abusive army's support for elections that failed so miserably in 1987.

As election observers now flock to Haiti, it is crucial that they keep in mind the lessons of 1987 and focus on the message being sent by the army to those who might once again sabotage the elections. If the army casts a blind eye toward political violence, it will be read as an invitation to repeat the deadly end to elections three years ago. If the army shows firm resolve in meeting any threat of electoral violence, including in its own ranks, Haiti can expect to inaugurate its first freely elected

president on February 7, 1991.

ELECTIONS

The Political Climate

When, on March 13, 1990, opponents to the rule of Gen. Prosper Avril chose Supreme Court Justice Ertha Pascal-Trouillot to lead the fifth interim government since 1986, she quickly vowed to limit her mandate to the holding of democratic elections. To minimize the possibility that the new president would become unresponsive to the popular will as she became accustomed to the rewards of her office -- a weakness shown by all of her predecessors -- the popular leaders struck an agreement with the army and the new head of state whereby a 19-member Council of State (*Conseil d'Etat*) would be formed to oversee and approve major policy decisions made by the Executive. Although Haiti's 1987 Constitution makes no reference to a Council of State, popular leaders feared that following the letter of the Constitution and naming the head of the Supreme Court (*Court de Cassation*) as a solitary president would once again create a government that was unresponsive to popular desires. Such constitutional compromises were facilitated by the wholly unconstitutional military regimes that had preceded the Trouillot government. Haiti, for example, had not had a Parliament since the short-lived Manigat administration of 1988, and even that had been born in the compromised circumstances of the January 1988 elections.

According to the agreement, which was reached on March 14, 1990 but not formally published by the Trouillot government until July 20, the task of the Council was to "control the general policies of the provisional government" and "provide support for (*encadrer*) the executive."¹ Eleven of the Council members represented sectors of society (women, trade unions, private enterprise, etc.) and eight spoke for the provinces outside Port-au-Prince. The president of the Council was Dr. Louis Roy, the founder of the Haitian Red Cross and a prominent human rights campaigner.

The Council of State was to be consulted on the choice of cabinet ministers, all decrees were to be submitted to it for advance review, and international accords were to be subject to its approval. The agreement also stipulated that President Trouillot could not dissolve the Council, and that if irreconcilable differences between the two emerged, the Council could inform the public and use its right of veto.²

While the agreement did not explicitly call for investigations into past abuses and prosecution of the most notorious abusers, it was understood that the government would quickly take steps to restore confidence in the rule of law and provide some protection to its citizens as the potentially tense electoral period approached. The appointment of Joseph Maxi, president of the Haitian League for Human Rights, as Interior Minister and Pierre Labissière, vice-president of the respected 1987 CEP, as

¹ *Le Moniteur*, July 20, 1990.

² *Le Moniteur*, July 20, 1990

Justice Minister were seen as important steps in this direction.

On April 19, 1990, the Trouillot government dismissed the electoral board established under Gen. Avril and took steps to reinstate the 1987 CEP. However, fearing a repetition of the 1987 events, seven of the original nine members declined to serve anew, and were replaced. Jean-Robert Sabalat, who ran a provincial electoral office in 1987, was named the new CEP's president. The other CEP members are sociologist Jean Casimir; a former UN official, Marc Antoine Noel; secondary-school teacher Yva Youance; businessman and human rights advocate Emmanuel Ambroise; Rosemond Jean Philippe, Philippe Jules, Jean-François Mérisier and Arold Julien. Youance was named vice-president and Casimir secretary-general. Ambroise and Jules had served on the 1987 CEP.

The Split Between the Council of State and the President

Conflicts between President Trouillot and the Council of State began to surface soon after the civilian government took office, amid growing indications that the military was failing to provide security to Council members and was openly refusing to accept their authority. Less than three weeks into the Trouillot presidency, the political opposition was warning of a return to despotism. Representatives of the Council of State complained that decisions were being made without prior review.

The dispute burst into the open on May 21 with the President's appointment of Violène Legagneur as Minister of Finance. The Council objected to the appointment, complaining that Legagneur was a staunch Duvalierist with continuing close ties to former officials of the Duvalier regime, and that as a career government employee, she had helped siphon funds from the state treasury. The controversy over the Legagneur appointment gave rise to calls among popular groups for the Trouillot government to step down. The growing opposition movement also backed the Council's attempt to regain some say over government policies. With the army apparently supporting her, however, President Trouillot refused to budge.

Members of the Council of State became increasingly fearful for their own lives. Dr. Roy reported to *The New York Times* that his car had been shot at, adding: "We work in the Legislative Palace with the army just outside, not knowing if they assure our security or insecurity."³ Despite the intimidation, the Council stuck to its demands and sought increased popular support by meeting with its constituency groups. It was during one such meeting, on June 21, that Council member Serges Villard was shot by unidentified gunmen.⁴ The shooting, followed by his death three days later, consummated the governmental split.

The Council issued a sharp statement on the day of the shooting: "This inadmissible attack is one of a series of acts of intimidation against the Council of State that have the unstated but clear goal of hindering and interrupting the democratic transition." Under the circumstances, President Trouillot

³ Howard French, "Haiti Turmoil Seen as Threat to Vote," *The New York Times*, May 15, 1990

⁴ For more on this attack on the Council of State, see Chapter III.

gave in to the Council's demand and removed Legagneur. The Council then insisted that the initial agreement on power sharing between the President and the Council, which had not been made public, be published in the official gazette, *Le Moniteur*. The President again complied, on July 20. By then, however, tensions between the President and the Council had become unbridgable.

On August 14, the Council handed President Trouillot a vote of no confidence, declaring that it could no longer work with her. It also released a long critique of her record in office. The Council stated, among other things, that the President had ignored repeated requests for investigations into killings and abuses committed by government security forces. The Council also accused the President of failing to consult with it on government policy and of overstepping her mandate.

Ten days after the Council's move, five government ministers, including most of those closest to the democratic movement, resigned, either tacitly or explicitly in support of the Council's protest. They were: Claudette Werleigh, Minister of Social Affairs; Charles Tardieu, Education Minister, Kesner Clermont, Minister of Foreign Affairs, Lionel Richard, Agriculture Minister, and Maurice Lafortune, Minister of Commerce.

Seven of the organizations that had been instrumental in unseating Avril rallied behind the Council of State and sought, unsuccessfully, to force President Trouillot from power. However, business groups and two major trade unions, the Autonomous Federations of Haitian Workers (*Centrale Autonome des Travailleurs Haitiens*)(CATH) and the National Confederation of Haitian Teachers, refused to join the ouster movement. Business groups deplored government inaction on human rights abuses and the refusal of the President to consult with the Council of State, but called for mediation to resolve the differences. The CATH, a group which traditionally assumed a fairly radical stance, called for moderation, arguing that the moment had come to hold elections rather than to install a new interim government.

Today, the Council of State continues to function as a mini-parliament, but without the influence or power of a real parliament. With most of the country now resolved to hold elections, the Council's ability to influence the course of political developments has been reduced to periodic reminders that certain conditions remain to be fulfilled if these elections are to be meaningful.⁵

The Duvalierists Openly Bid for Power

Haiti's political climate became even more explosive with the Duvalierists' open bid for political power. These reactionary forces had initially begun to regroup as a political force in October 1986, with the formation of the Party of Reconciliation and National Unity (*Parti de Reconciliation et d'Entente Nationale, or PREM*). But a massive demonstration of 200,000 in Port-au-Prince on November 7, 1986 prompted the military-led National Council of Government (CNG) to ban the PREM and return the Duvalierists to the shadows. A few individual Duvalierists sought office in 1987 and, when their candidacies were rejected, the Duvalier movement worked with the military to destroy the 1987 elections. But the Duvalierists had refrained from banding together openly to claim power through the electoral process.

⁵ For more on the Council's role, see Chapter IV.

This year has been different. The return to Haiti of the abusive former Tontons Macoutes chief Roger Lafontant set the tone for the Duvalierists' political campaign and added a new element of fear and uncertainty to the future of democracy in Haiti. Lafontant, who was Jean-Claude Duvalier's Minister of Interior and Defense for more than two years, had been forced to leave Haiti in October 1985, as the dictatorship was rocked by factional infighting amid growing popular revolt. After a fruitless attempt to set up residence in Canada, which ended with the Canadian government revoking his residency permit, Lafontant moved to the Dominican Republic. He reportedly has maintained close ties with the deposed Duvalier, even testifying on his behalf at his divorce proceedings.⁶

The stage for Lafontant's return was set by the first big public Duvalierist event, the July 5, 1990 funeral of former Lt. Col. Paul Rosny Casimir, who had been slain on a Pétionville street in late June by unknown men. Serge Beaulieu, the head of Radio Liberté, urged his listeners and supporters to come out in force for the event. The "rehabilitated sons and daughters of Macoutes," in the words of *Le Petit Samedi Soir*, the Duvalierists' standard-bearer, did just that. Those turning out included Williams Régala, the CNG's Interior and Defense Minister and allegedly one of the orchestrators of the November 1987 election day killings; Zacharie Delva, François Duvalier's *houngan*, or voodoo priest; and another former Duvalier Interior Minister, Claude Raymond. The Duvalierists portrayed the Casimir funeral as a counter to the massive Cap-Haïtien requiem held on June 27 for assassinated Council of State member Serges Villard.

Two days later, on July 7, Lafontant returned to Haiti from Santo Domingo. He spoke openly to the press, proclaiming, "I'm here for good and the only way I'll leave is in a coffin." He was embraced and whisked through the international airport by military officers, despite an order from Interior Minister Joseph Maxi to quarantine him at the airport.

Lafontant's return provoked widespread outrage. Two of his former victims, Rev. Sylvio Claude, leader of the Haitian Christian Democratic Party, and Rev. Antoine Leroy, a leader of Mobilization for National Development, were said to have filed formal charges against him. Several political parties called for Lafontant's expulsion, and staged a widely observed one-day protest strike on July 12.

On July 10, Bayard Vincent, the chief government prosecutor (*Commissaire de Gouvernement*), issued a summons for Lafontant to appear at his office to respond to allegations that he was plotting the Trouillot government's overthrow. Significantly, Vincent did not seek to charge Lafontant in connection with violent abuses under the Duvalier dictatorship. Lafontant contested the means used to issue the summons and a judge concurred. The Trouillot government dismissed the judge, and Vincent issued a second summons after securing the consent of another judge. Lafontant's lawyers contested the validity of the second summons as well, but a court rejected the challenge. Bolstered by the army's failure to enforce the summons and his lawyers' continuing efforts to attack it, Lafontant ignored it.

The defiant Lafontant launched a broad political campaign. In alliance with Serge Beaulieu and Daniel Narcisse, a former official of the Avril regime, Lafontant organized a street march on August 9 as a show of strength and defiance. Supporters, which radio reports put at 200, moved through the streets of Port-au-Prince, threatening motorists and forcing them to shout, "Long Live Lafontant!" and "Down with

⁶ For more on Lafontant's abusive past, see Chapter III.

the mulattoes!" The police did nothing to stop them. *Le Petit Samedi Soir* called the event "a Macoute Spring." "Unless one is blind," wrote the magazine's editorialist, "one has to agree that this macoute spring announces peace, otherwise there won't be any peace at all."

While the army pretended that he was nowhere to be found, Lafontant toured several major cities, including Gonaïves and Cap-Haïtien, each time organizing public rallies and meetings with notorious Duvalier loyalists. Posters, leaflets and T-shirts bearing the slogan, "Here is the leader of National Reconciliation, the Apostle of Peace, Dr. Roger Lafontant," appeared conspicuously around town.⁷

On October 13 and 14, Lafontant organized a political convention. It was attended by the most notorious Duvalierists, including former Duvalier ministers Claude Raymond, Hervé Boyer, Ulrick St-Louis, Alix Cinéas and Serges Conilles, as well as the feared former commander of the Fort Dimanche detention and torture center, Isidore Pongnon. The convention named Lafontant leader of the Union for National Reconciliation (*Union pour la Réconciliation Nationale*) and candidate for the presidency.

Reporters invited to the event described Lafontant as heavily protected by armed soldiers in and out of uniform. Setting the tone for the highly confrontational two-day meeting, Serge Beaulieu reportedly said: "They will no longer burn us, we will no longer hide...If they want peace, fine, if they want war, we will destroy them." One of Lafontant's lawyers, Lhérisson Alézi, declared: "We will not accept a coup d'état through the vote by programmed elections that the CEP wants to shove down our throats in the name of democracy."

Such threats have been a constant feature of the Duvalierists' campaign. In the past three months, each issue of the weekly *Le Petit Samedi Soir* has essentially been a call to arms:

"In opposition to Sabalat's scheming and stateless CEP, in opposition to Louls Roy's sectarian Council of State, we call on all members of the national majority⁸ to rise as one to foil this plot

⁷ Lafontant reportedly was accompanied on these trips by three former military officers: Cols. Himmler Rébu, Léonce Qualo and Philippe Biamby. Before their exile in April 1989, following an unsuccessful coup attempt against the Avril government, Rébu headed the 800-member Leopards unit, Biamby presided over the 1,200-member Presidential Guard, and Qualo served as part of the High Command. The three reportedly attempted the coup on behalf of Lafontant, whom Gen. Avril had urged Dominican President Balaguer to expel. In an interview held in a New York City jail cell where he was being held by the U.S. Immigration and Naturalization Service after his expulsion from Haiti, Rébu confirmed to a representative of the National Coalition for Haitian Refugees that he had been in contact with Lafontant and that he had even met with him during a visit to the Dominican Republic. While expressing obvious sympathy for Lafontant, Rebu vehemently denied that the coup attempt had been on his behalf.

In the aftermath of the failed coup, Avril was forced to disband the Leopards and the 1000-member Casernes Dessalines Battalion. Officers and troops suspected of disloyalty were reassigned to regional command posts, away from Port-au-Prince. But Rébu and his cohorts continued to enjoy widespread respect among their former troops. Their return to Haiti in April 1990, their open alliance with Lafontant, and the army's failure to obey the legal order to move against him suggest the influence that they still wield within the military.

⁸ The term "national majority" is a code word used by the Duvalierists to refer to themselves.

that threatens to annihilate an entire people." (PSS, no. 810, page 10, emphasis as in the original)

"The CEP steps out again on the beaten paths of 1987, and, forgetful of the spilled blood, undertakes to rip Haitian society to shreds." (PSS, No. 815, page 3)

"The moribund Council of State, the CEP, the Executive, divided not so long ago, find themselves suddenly united behind a common objective: hand Haiti a president who is not a Duvalierist; and that is why they have appealed to the foreigner, at a time when Haiti finds itself, as in the past, engaged in the search for its identity. By paving the way to what has no other name but high treason, they sacrifice our traditions and national dignity to the boots of the foreigners.... That is why, conceived in a climate of high treason which is reminiscent of November 1987, the December elections announce a painful year end for families." (PSS no. 816, page 3)

"In truth, Jean Robert Sabalat's CEP has not learned any lesson from the disastrous experience of the first CEP, to which Emmanuel Ambroise and Philippe Gilles (sic) had belonged before. The leaders of this fourth CEP risk, because of their inability to change, to experiencing the same failures as their predecessors of 1987.... "Indeed, as long as they continue to hold onto their electoral law based on Article 291⁹ whose criteria for implementation are not defined, they will not reach their goals." (PSS no. 816, page 7)

"But the biggest [challenge], because it is the most dangerous, is the challenge of the CEP that openly privileges exclusiveness to the expense of integration. The same errors are being repeated and seem to announce the same calamities to the whole of Haitians. Democracy is therefore the big loser, held hostage by sorcerer's apprentices who wish to impose on us choices that do not meet any of our aspirations." (PSS no. 817, page 3)

"How can the army condone the organization of segregationist elections, based on Article 291 of an abrogated constitution?... That is why, by lending itself to this monstrosity planned by Jean-Robert Sabalat's CEP, the Army of Haiti reveals itself to be spineless, submissive, and therefore unable to neutralize the legitimate reactions of the national majority, to which is denied its unquestionable right to vote or to seek the vote." (PSS no. 817, page 3)

"If the 1987 CEP had not closed its eyes to this insurmountable reality [the national majority], the regretful slaughter at the Ruelle Vaillant¹⁰ would not have taken place. It was a pure case of legitimate defense. If the present CEP commits the same error as the one in 1987, there will be more bloodshed during the elections planned on behalf of a well-known clan, that of Victor Benoit's CONACOM, [and of] Jean-Bertrand Aristide who will rally along the way René Théodore's communist party...." (PSS no. 818, page 7)

⁹ Article 291 of the Constitution bars zealous "architects of the dictatorship or its maintenance" from running for public office until 1997.

¹⁰ A polling place where 14 people were slaughtered as they lined up to vote in 1987. See Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, *The More Things Change...Human Rights In Haiti*, February 1989, pp. 16-17.

" The Vertailles Convention demonstrates once again that this national majority characterized as the blue plague, macoutes, and killers, has as its primary duty to reject in form and content the so-called electoral and segregationist law of the Interim Electoral Council which dares to speak in the name of the people.... If in their beliefs, they think that they can proceed to eliminate the candidates said to be Duvalierists, the men who served the governments of 1946 and 1957, too bad! 'At the first shot of the cannon, the Nation rises up and the cities disappear.'" (PSS no. 818, page 11, emphasis as in the original).

Lafontant formally filed his bid for the presidency on October 17. The CEP rejected it on November 5, ruling that he had failed to meet basic legal requirements. It did not, as had been expected, rely on the ten-year ban on zealous architects of the Duvalier dictatorship holding public office which is contained in Article 291 of the 1987 Haitian Constitution. It also rejected the candidacy of former General and Interior Minister Claude Raymond, who is believed to have played a key role in the 1987 election-day massacre, as well as 13 other of the original 26 presidential candidates, leaving 11 in contention.

The Army and the Elections

The Haitian army has the primary responsibility for assuring the security of candidates, voters and foreign observers to the elections. In 1987, it not only failed to protect voters from marauding bands of terrorists, but actually assisted in the carnage. Because none of those responsible for the 1987 violence has ever been brought to justice, or even disciplined by the army, many have feared that such actions could recur during the 1990 elections.

The army has offered many assurances of its determination to secure elections. Although many doubts remain as to its true intentions, perhaps the most important difference between 1990 and 1987 is that this year the High Command has engaged in a cooperative dialogue with the CEP. There has been none of the open hostility between the two institutions that was so often expressed in 1987.

On June 13, the army announced the creation of a four-member military commission to oversee electoral security. The Coordination Committee for the Security of Electoral Activities is headed by Col. Raoul Cédras and its other members are Cols. Jean-Claude Duperval and Alix Richard Sylva and Lt. Col. Ramus St. Vil.

The committee was charged with proposing to the Army High Command a national plan for election security, including steps to protect candidates and foreigners who will be in Haiti for the election, methods for collaborating with the CEP and others involved in organizing the elections, and uses for the military aid that was expected to come from abroad for training in election security.

A liaison committee, charged with contacts between the Coordination Committee and other units of the armed forces, was created at the same time. It is composed of Cols. Emmanuel Gilles and Charles André, and six lower-ranking officers. There has been no public word on the activities of this committee.

The Coordination Committee began to work directly with the CEP only after the electoral council

complained of the lack of protection and contacts. A delegation from the National Coalition for Haitian Refugees and Americas Watch observed first hand in late June that, even after the shooting of Council of State member Serges Villard, no security measures were taken to protect the CEP's offices and officials.

Later in the summer, members of the Coordination Committee began meeting with CEP officials. The two organized regional meetings in which district and subdistrict military commanders met with local electoral officials and exchanged information on electoral security. CEP officials publicly expressed satisfaction with these meetings.

Following a meeting between army officials and electoral workers in the Department of the West (which contains Port-au-Prince), Serge Dupoux, commander of the Carrefour district, told a reporter: "November 29, 1987, is a tragic enough day for Haiti in the area of elections that it has served as a very vivid lesson. This is why the army has made all preparations so that another November 29 will not be repeated."¹¹

On October 31, following a meeting between the CEP and high-ranking officers, the electoral council and "the Armed Forces of Haiti" issued a joint communique designed to encourage confidence in the electoral process. The declaration said that the good rapport already established between the CEP, the Coordination Committee for the Security of Electoral Activities (CCSAE), the presidents of Departmental Electoral Offices (BEDs) and the military commanders of Haiti's nine departments was displayed at this latest meeting. It said that a consensus had emerged on the following points:

"1) The collaboration between the two institutions in order to reinforce the climate of confidence and security favorable to the good progress of the coming elections.

2) The guarantee by the Armed Forces of Haiti to support all decisions made by the CEP in the context *l'cadre* of the Constitution and the Electoral Law.

3) The importance of the international missions which will observe the electoral process and the security system, which testify to the firm will of the CEP and the Armed Forces of Haiti to guarantee the Haitian people credible elections."

During the voter-registration period, some poll workers complained that the army had failed to provide promised protection. Several sites used for registration were the target of arson, shooting and vandalism. In the first week of the three-week registration period in October, an electoral office in Gonaïves was sprayed with bullets; the attackers left scrawled threats that it would be worse the next time. An office in Gonaïves and another in Grand Goâve, in the south, were smeared with excrement. In Pemel, the fourth communal section of Miragoâne, an office was set afire on the night of October 15. The army explained its failure to prevent such attacks by stating that it had insufficient personnel and equipment to provide security to all election offices, and thus could make only periodic rounds.

In general, however, Haitians consider the voter-registration period to have passed relatively smoothly. Since the end of registration, the army has sought to reassure the population of its seriousness about providing security during the voting.

¹¹ "L'Armée au premier plan," *L'Union*, October 3, 1990.

For instance, in late October the Army High Command issued a statement¹² "recalling...that the Armed Forces of Haiti are apolitical." It also reaffirmed "the will (*volonté*) of the military institution to observe the strictest neutrality in the course of the electoral process."

The statement also denied "categorically" rumors to the effect that the army was supporting one particular candidate or party, and that there is "dissension among members of the High Command on the one hand, and between the High Command and those carrying out their orders (*les échelons d'exécution*) on the other."

(Sections of the army are widely believed to support Duvalierist Roger Lafontant. Indeed, Lafontant, has had a military escort during many of his public appearances.)

The High Command concluded its statement by "reiterating that the legal and constitutional decisions of the CEP will be supported by the Armed Forces of Haiti."

This last portion of the statement could be interpreted as giving only conditional support to the CEP, and leaving open the possibility that if the electoral council's decisions are deemed to be unconstitutional, the army would not go along with them.

Despite these generally positive developments, the army's failure to rein in the continuing violence, both by its own forces and by others, has led many to question the sincerity of its vows to protect the electoral process. As the remainder of this report documents, the army has taken few steps to discipline soldiers responsible for abusive conduct, or to arrest others involved in violence. This message of impunity threatens to overshadow the more constructive signals being given by senior military officials.

International Supervision

A key to the Trouillot government's strategy for holding elections was its request for electoral assistance from the United Nations. The UN had turned down an earlier request made by the predecessor military government of Gen. Avril in a last-ditch effort to stave off opposition and halt its overthrow. This time the UN proved more receptive. It agreed to send a team of electoral experts to meet with Haitian government officials, army personnel, political leaders and human rights advocates. The UN visit was quickly followed by a visit from the Organization of American States (OAS), which was also invited to provide assistance and supervision.

After their trip to Haiti, the UN experts submitted a report to the Haitian government recommending an internationally supervised voter-registration process, the promotion of coalition politics to limit the number of independent candidates, and other measures designed to ensure free and fair elections. To help prevent 1990 from being a repetition of the 1987 electoral tragedy, the UN was asked to provide "experts in the field of law and order" whose mission is to assist the Haitian military's

¹² "Note de presse du Gd Quartier Général des FAD'H," *Le Nouvelliste*, October 30, 1990.

efforts to protect voters, candidates and election officials. An unspoken hope was that, at the very least, the UN military experts would deter any movement toward army complicity in efforts to sabotage the electoral process.

However, at the time, during the long and frustrating negotiations that ultimately led to the UN General Assembly's agreement to Haiti's unprecedented request for assistance, the Trouillot government seemed to be working against its own request. A planned visit to the UN by the President and representatives of the Council of State, the army and the CEP failed to materialize when Lt. Gen. Hérard Abraham, the Army Commander-in-Chief, refused to be part of the delegation. The objective of the visit was to have all the key government institutions in Haiti endorse the request. To save face, President Trouillot said that she had a bad cold and postponed the trip indefinitely.

Following visits to Haiti by Vice President Dan Quayle, former President Jimmy Carter, and Venezuelan President Carlos Andres Perez -- visits meant to demonstrate the strong international support for elections -- the endorsements of the four Haitian government groups were finally secured and President Trouillot forwarded them to the UN Secretary General. But the transmittal letter was written in an oblique and general manner, fueling opposition within the Security Council, where some nations were reluctant to have the UN assume a monitoring role in national elections that were not being held as part of a regional peace plan.

The matter was referred to the General Assembly, where leading members from Latin America, though favorable to a UN presence in Haiti, continued to be wary of the military component of such a mission. They received no comfort from the Haitian government, which failed to lobby on behalf of its own request or to provide valid arguments for supporting it. This situation necessitated several visits to Haiti by the Secretary General's personal representative, Joao Augusto de Medicis of Brazil, before a satisfactory request from President Trouillot could be obtained, paving the way for UN approval.

The UN's mission that will observe the elections consists of fewer than 300 delegates, some 65 of whom are security experts (soldiers from military institutions who specialize in maintaining internal public order) who work directly with the Haitian military as advisors. They are not armed or in uniform and are not authorized "to carry or use firearms for either offensive or defensive purposes," according to the September 14 request from President Trouillot to Secretary General Cuellar.

The UN effort will cost approximately \$6.5 million, and will be headed by Mr. de Medicis. The first group of UN observers left Port-au-Prince for their assigned posts throughout the country on October 23, in the middle of the voter-registration period.

The OAS has also sent an observer mission of some 3-400 civilians. It is headed by a Canadian elections expert, Jacques Girard. Numerous other monitoring organizations are also planning to observe the elections.

Registration and the Candidates

Initially planned for September, elections were twice postponed by the CEP. Even so, the organization of national elections in a little over five months from the promulgation of the electoral law on July 10 has been a formidable task.

Part of the difficulty is the number of offices being contested simultaneously. In addition to choosing a president, voters are electing 83 members of the Chamber of Deputies and 27 Senators. Three-member slates are also competing for the right to serve on 565 Administrative Councils of Communal Sections (*Conseil d'Administration des Sections Communales*, or CASECs). Candidates for mayor and deputy mayor must also form slates of three to compete in 134 communes, cities and towns. A runoff election will be held in late January in the event that no candidates for the presidency, or for any Senate or Chamber seat, obtains an absolute majority of the votes cast.

Registration

Voter registration began on October 5 and ended three weeks later, on October 27. The CEP announced an overwhelmingly successful drive, with 3,271,155 reportedly registered. This is slightly more than the estimated adult population of Haiti, which has led some to suspect fraud in the registration process. Others point out that the last Haitian census was taken in 1950 and that 1990 estimates may well be inaccurate.

There was doubt initially that Haitians would turn out in such numbers in light of the climate of fear generated by continuing violence. The overwhelming voter turnout is heartening, a testimony to the strength of Haitians' desires to take part in the governance of their nation.

There were flaws in the process, and quite a few individual attempts at multiple registration. In the town of Petit-Goâve, people were reportedly offered money to sell their voter-registration cards. The CEP itself indicated that there had been attempts to steal voter rolls and cards. There was also vandalism of some electoral offices. But overall, these were exceptions to a relatively smooth registration process.

Number of Registered Voters by Department	
Department	# of Voters
West	1,115,132
Artibonite	481,036
North	358,834
South	307,436
Grande Anse	282,897
Centre	241,824
Southeast	216,099
Northwest	147,782
Northeast	120,115
Total	3,271,155

The Candidates

To promote the building of political coalitions, the CEP established a registration-fee structure that heavily penalized individual candidacies. Candidates for the presidency who represented parties or coalitions that were fielding candidates for a range of positions were required to submit a fee of only \$800, while the presidential contenders who were not supported by a party, or whose party was fielding candidates for fewer than 20 percent of the posts at issue, had to deposit \$20,000.

Twenty-six presidential hopefuls filed petitions with the CEP. Fifteen were disqualified for not meeting the requirements of the electoral law. They included, as noted, Lafontant and Raymond.

Lafontant was disqualified because he had not provided a birth certificate proving his identity and had not been cleared of financial wrongdoing in public office by the government's auditing bureau. As for Raymond, the CEP said his party had missed the registration deadline. Others were disqualified for various technical reasons, ranging from a failure to provide identification to not having submitted the required fees.

The most surprising disqualification was that of Professor and former President Leslie Manigat, leader of the National Democratic Progressive Assembly (*Rassemblement Nationale Démocratique Progressiste*). Manigat had been installed as President after sham elections organized by the military junta in January 1988, following the violently aborted 1987 elections. Less than four months later, on June 20, 1988, he was removed from power by a military coup and exiled. After more than two years abroad, Manigat attempted to return to Haiti on July 31, 1990, but was barred by the government "for reasons of state" because he refused to renounce his claim to being Haiti's President. The order barring Manigat's return was issued by Interior Minister Joseph Maxi and was rescinded on October 8 after Manigat filed a petition with the OAS Inter-American Commission on Human Rights, which ruled in Manigat's favor and requested that Haiti abide by the American Convention on Human Rights and the Haitian Constitution to permit Manigat's return. Manigat returned to Haiti on October 15, only two days before the filing deadline.

Unexpectedly, the CEP disqualified Manigat on the grounds that the Constitution bars a President from serving two consecutive terms. Given that Manigat's term had been interrupted by a military coup, the move raised questions about the CEP's objectivity.

The CEP also ruled off the ballot 131 parliamentary contenders for the Senate and Chamber of Deputies.

Of the remaining presidential candidates, six stand out: Jean-Bertrand Aristide, Marc Bazin, Sylvio Claude, Hubert de Ronceray, Louis Dejoie and Volvick Remy Joseph.

Father Jean-Bertrand Aristide heads the ticket of the National Front for Change and Democracy (*Front National pour le Changement et la Démocratie*), a coalition of popular associations which include the Confederation for Democratic Unity (KID) and the National Democratic Progressive Party of Haiti. Since 1986, the 37-year-old Catholic priest has become a potent symbol of Haitians' yearnings for change and of their aversion to the soldiers, Duvalierist holdovers and traditional politicians who have continued to rule Haiti.

Titid, as Aristide is known throughout Haiti, was twice the target of assassination attempts by military and paramilitary forces linked to the Duvalierists. In August 1987, he narrowly escaped death when his attackers mistakenly assaulted the wrong man. This man never recovered from his wounds and died a few weeks later.¹³ The attack took place a few yards from a military checkpoint. On September 11, 1988, the church of St. Jean Bosco, where Aristide was saying mass, was attacked by about 100 men

¹³ For more information, see National Coalition for Haitian Refugees and Americas Watch, *Haiti: Terror and the 1987 Elections*, October 1987, pp. 56-59.

wielding guns and machetes. At least 12 worshippers died and 78 were wounded.¹⁴

Aristide's popularity and his uncompromising positions have also caused him problems. In 1988, he was expelled from the Salesian religious order for allegedly using his pulpit as a political platform and for preaching what the order called "class struggle." While he remains a priest, he is barred from performing many of a priest's duties, including saying mass in public. Since 1988, he has been occupied principally in the running of an orphanage for homeless children in Port-au-Prince.

Marc Bazin is a former World Bank official who earned the nickname "Mr. Clean" when he took on the regime of Jean-Claude Duvalier while serving as its Minister of Finance. For his daring efforts to root out corruption, he was fired after only six months in office, and several of his aides were thrown in jail. Bazin heads the Movement to Install Democracy in Haiti (MIDH), and is the candidate of the National Alliance for Democracy and Progress (ANDP), a coalition which includes, in addition to the MIDH, two left-of center political formations, the National Progressive Revolutionary Haitian Party (PANPRA) and the November 28 National Patriotic Party. PANPRA is a member of the Socialist International, and its leader, Serges Gilles, who is running for the Senate, has close connections to the French Socialist Party. The ANDP is the best organized coalition.

Rev. Sylvio Claude, the president of the Haitian Christian Democratic Party, is also thought to have wide support. In the 1987 presidential elections, he was one of the four major contenders, together with Bazin, Louis Dejoie and Gerard Gourgue. His appeal stems largely from the years of suffering he endured in his struggle against the Duvalier dictatorship. Claude and his relatives were regularly persecuted by the Duvaliers, including through imprisonment and house arrest. Claude evinces a brand of populist politics which at times has confounded his supporters as well as his critics. He startled the public in October when he declared: "Nobody shall prevent me from becoming president because it is God's will." He added, uncharacteristically, "If the electoral council tries to stand in my way, to keep me from winning the next elections, I will come out and do what the Macoutes did on November 29, 1987."

Hubert de Ronceray is the leader of the Mobilization for National Development. He served under Jean-Claude Duvalier as Minister of Social Affairs, Under-Secretary of Foreign Affairs, and Haiti's representative to UNESCO. De Ronceray began publicly criticizing the Duvalier dictatorship in 1984, calling for an end to the presidency-for-life, and a movement toward political pluralism and elections. As a result, he was jailed, then freed and placed under house arrest. In late 1985, he was rearrested again, as the popular revolt against the Duvalier regime gained ground.

Louis Dejoie is the son of François Duvalier's main opponent in the 1957 elections and has been a popular figure in southern Haiti. As noted, he was one of the four principal contenders in the 1987 presidential race.

Volvick Remy Joseph is the only Duvalierist still in the running. A Minister of Health under Jean-Claude Duvalier, he might rally Raymond's and Lafontant's supporters behind his candidacy. Joseph heads the National Cooperative Movement, which has not fielded many other candidates in these elections.

¹⁴ See Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, *The More Things Change... Human Rights in Haiti*, February 1989, pp. 42-46.

The Army Under the Trouillot Government

"The army is at your command," Gen. Hérard Abraham told President Trouillot on the day of her inauguration in March 1990, eliciting cheers from the audience. But in the months since, the military, which has ruled Haiti directly for most of the last four-and-a-half years, has accumulated a decidedly mixed record. There have been small steps that distinguish today's army from the army that presided over the crushing of the elections in 1987, but there is a disturbing undertone of continuing and unredressed abuses which leads many to question whether, when push comes to shove, today's army will act any differently from its violent predecessors.

On the positive side:

- o The army, as noted, has pledged to support fair elections and has moved in several respects to carry out this pledge, including establishing a special army unit to take charge of election security, and beginning a seemingly productive dialogue with the independent electoral council.**
- o In Port-au-Prince, despite some harassment, the police, still a component of the army, have treated dissidents and the press with restraint, in notable contrast to their behavior under the Avril military government.**

However, on the negative side:

- o The army has consistently failed to comply with judicial orders for the arrest or testimony of soldiers and former government officials charged with politically sensitive human rights violations. Nor, in most cases, has the army taken disciplinary action on its own against soldiers charged with such abuses. The army's investigation into symbolically the most important political killing of the Trouillot government's tenure, the June 21 attack on the Council of State, has been a sham.**
- o In the countryside, where most Haitians live, the military has been responsible for numerous killings, beatings and arbitrary arrests, continuing the pattern established under past military regimes. The army's failure in most cases to discipline abusive soldiers suggests an acquiescence in the violence.**
- o In Port-au-Prince, the police and the army have failed to move aggressively to halt the wave of violent crime and terror that has plagued the city, often committed by soldiers and armed men in uniform.**
- o The Port-au-Prince police have carried out numerous arbitrary and illegal arrests.**

Important as these abuses are in their own right, they assume an added significance in the electoral context because they foreshadow the role that the army might play as elections approach. Since the success of the elections rests very much in army hands, it is incumbent upon the army to establish a clear posture of opposition to the human rights abuses that threaten yet again to derail the electoral process. The attitude of the Army High Command in this regard will send a signal to troops about whether it will tolerate abuses in the critical days before elections are held. A policy of holding soldiers accountable for abuses they commit would make clear that, this time, violence against

participants in the electoral process will not be condoned. Unfortunately, despite promising rhetoric, the Army High Command has yet to follow through on that message, with firm disciplinary action. The result is a large question mark that remains suspended over Haiti's electoral future.

Movement Toward Reform of the Military

In addition to its creation of a special military commission to coordinate electoral security with the electoral council (see Chapter II), the army has taken several small steps to cleanse its ranks of abusive soldiers and to improve respect for human rights among its troops. However, these measures have been far from sufficient to halt army violence against peaceful civilians, both because the army has not made clear that dismissals were due to human rights violations, and because those disciplined represent such a small fraction of the soldiers responsible for violent abuses.

Early Moves Against a Few Officers

In the first days of the Trouillot government, Haitians were heartened to learn that a group of six officers had been discharged from the army. Although no official explanation for the action was ever offered, some of the men had been publicly accused of mistreating political prisoners. However, their abusive past may not have been the cause of their arrests, since all had also been closely linked to the ousted Avril government.

A March 20 official communiqué listed several officers who were "no longer part of the Armed Forces of Haiti." They were: Maj. Isidore Pongnon, Lt. Renau Panosky, 2nd Lts. Delius Joseph, Gerald Nilpique and Jean Benedith Michel, and Wrt. Ofcrs. Merandieu Faustin (also known as Faustin Miradieu) and Jony Julien.

The most senior of the group, Maj. Isidore Pongnon, had been the commander of Fort Dimanche from 1986 until mid-1988, a period during which there were regular reports of torture at that military facility. After the closing of Fort Dimanche by the Avril government, Pongnon was made head of the Traffic Police, and later assistant to the Port-au-Prince Prefect.¹

Pongnon had been arrested on March 13 and detained at the military training camp of Frères, just outside Port-au-Prince. The reason for his arrest was never made entirely clear. A March 14 story in *Le Nouvelliste*² noted that Pongnon had been accused by opposition groups and the press of "exactions," and recalled that reporter Hertho Zamor of Radio Metropole had recently accused him of ordering and witnessing his beating at a police station and forcing him to roll around in human excrement. The story also noted reports on Haitian radio that Pongnon had opposed the ouster of Gen. Avril.

¹Under the Duvaliers, there were *Prefectures* in Port-au-Prince and the eight provincial capitals. The *Prefectures*, each of which was headed by a *Prefect* were ostensibly civilian structures that reported directly to the President, but were primarily involved in intelligence gathering and other security operations, making use of civilian attachés for much of this work. The first post-Duvalier government abolished the institution, but it was revived in 1989 under Gen. Avril. The *Prefectures* were abolished by the Trouillot government on March 27, 1990.

²"Un officier compromis avec le regime dechu aux arrets," *Le Nouvelliste* (Agence France Presse), March 14, 1990.

Whatever the reason for his detention, Pongnon apparently did not spend much time in military prison. Formal charges were never filed against him, and in October, he was spotted in the company of the returned Duvalierist leader, Roger Lafontant.

Two of the discharged officers, Delius Joseph and Faustin Miradieu, had been publicly accused in February 1990 by Marino Etienne, Jean-Auguste Mesyeux and Evans Paul of having played a leading role in their severe beating of November 1, 1989.³ However, when Etienne filed formal complaints against Joseph and Miradieu with the public prosecutor, and the prosecutor issued summons for them, the police proved unable to locate the two.

The Justice and Peace Commission's Reports on Abusive Section Chiefs

A test of the sincerity of army vows to curtail abusive conduct among its ranks came when, on April 19, the Gonaïves section of the Catholic Church's Justice and Peace Commission issued a document entitled "Section Chiefs to Discharge." The document compiled a list of all the army's section chiefs and deputies in the Department of the Artibonite about whom reports of abuse had been made.⁴ Copies of the report were sent to President Trouillot, Army Commander in Chief Abraham, Minister Maxi, Minister Labissière, and others. The document summarized a series of dossiers specifying particular acts of misconduct by section chiefs and their associates, called for dismissal and criminal prosecution. The crimes listed included arbitrary arrest mistreatment of peasants, arson and murder. Among the accused were the following:

- Verrettes:** Nelson Dorval, alias Nelon, the fifth communal section;
Maurice Rinvil, the Deputy section chief in Katyen, the fourth communal section;
Milor Joseph, chief of the fourth communal section.
- La Chapelle:** Grégoire Dorcéus in Martineau, the first communal section;
- Pérodin:** Silien Thèlot, chief, the fifth communal section of Petite Rivière.
- Medor:** Presandieu Metis, section chief of Medor, the sixth communal section of Petite Rivière.
- Labadie:** Esperance Charles, section chiefs.
- Chenot:** Monelis Joseph, section chief, and his deputy, Eliyis Charlsen;
Saintiveine Estimable, a former Macoute who has become a deputy;
Hubert Estimable, assistant deputy (*maréchal*).

³See Americas Watch, National Coalition for Haitian Refugees, Caribbean Rights and International Commission of Jurists, *Reverting to Despotism*, March 1990, pp. 36-43.

⁴A description of the section chief system, a branch of the army, is provided late in this chapter.

Marchand Dessalines: Krisner, section chief of Fabias, and his deputy, Benisse Gemen;

Pierre Louis, section chief of Grand-Bois;

La Croix Perisse: Police section chief Sorel and Dantes Charles, section chief.

St. Marc: Joseph Fils-Aimé, section chief of Goyavier;

Gros Morne: Abel, militia, former guard at the Casernes Dessalines, section chief of Lakil, the fourth section of Gros Morne;

Leone Tide, section chief of Rivière Blanche;

Prophete Benjamin, section chief of Pandu;

Alphonse Adelin, chief of the sixth section;

Samson Estime, chief of the seventh section of Moulin.

St. Michel: Amylyen Ilet, section chief of Tête-Boeuf;

Meres, chief of the sixth section of Lasidras.

The military's response to this report was disappointing. In mid-June, the army announced that five section chiefs from the Artibonite had been dismissed, but at least three of the dismissals apparently had nothing to do with abusive practices. These three, Agnès Augustin of the fourth section of Marchand Dessalines, Rony St. Jean of the first section of the Commune of Marchand Dessalines, and Accéus Samius, of the sixth section of Verrettes, had not appeared in the reports of the Justice and Peace Commission. Indeed, a priest who works with the Commission⁵ said of one of them, Samius, that he had never heard any complaints about him at all. On the contrary, when Gen. Avril came to power, Samius had been chosen by the local population to replace a violent section chief who reportedly had killed and wounded local residents and burned down scores of houses to prevent them from voting in the 1987 elections.

Two of those dismissed had been cited as abusive. Grégoire Dorcéus, of the first communal section of La Chapelle, had a particularly detailed dossier of abuses and had been chased from his section by the populace,⁶ while Joseph Fils-Aimé, of the third communal section of St. Marc, had a more

⁵Interview with Father Gilles Danroc, June 19, 1990.

⁶Dorcéus was charged with numerous acts of abuse of power and extortion since being appointed section chief in 1986. For a description of his most recent abusive conduct, see section "Other Cases of Violence" in this chapter.

limited record of misconduct. However, the army has not provided reasons for these dismissals. As a result, their dismissals, even if for reasons of their abusive conduct, fails to send a clear signal that such misconduct will not be tolerated. No other section chiefs are known to have been dismissed or disciplined since June.

Arrest of a Former Tonton Macoute

According to the *Agence Haitienne de Presse*, a former local commander of the Tontons Macoutes, Mrs. Jean S. Charles, was arrested in September in Baptiste, a communal section of Savanette in the Central Plateau. The arrest followed accusations by the executive committee of the Baptiste Peasants Assembly (*Rassemblement de Paysans de Baptiste*) that Charles had illegally ordered the arrest of some Assembly members on December 25, 1989. In addition, she was accused of having refused to pay some peasants who had performed work for her and of having kept \$2,000 that had been given to her for the construction of a community pharmacy. The report said a warrant had also been issued for the arrest of her husband, for his complicity in her crimes.⁷

Human Rights Training

Under the Trouillot administration, the army sponsored a series of seminars for members of the military on issues relating to human rights. In June, some 30 district and sub-district commanders took part in a three-day seminar on civic education, the Constitution, Haitian history, and the responsibility of soldiers. The series began with a talk entitled, "Democratization of the Haitian Army." The object of the course, according to an article in the government newspaper, was "not to change the mentality of the army in one day or a week but to contribute to producing the change so desired by many Haitians."⁸

In July and August, the country's section chiefs attended four-day conferences on civic education, human rights, the 1987 Constitution, and relations between rural police and the population. Most of the country's 565 section chiefs are said to have attended, in three different groups. Instructors for the seminars included army officers, lawyers in private practice and the director of the Haitian Center for Human Rights.⁹

At the July 31 opening ceremonies, Gen. Abraham called on the assembled chiefs to demonstrate neutrality in the upcoming elections and to provide security impartially to all candidates. "The army is apolitical," he said. "It is up to you to assure the security of all candidates, whether their opinions and ideologies are of the left or the right."¹⁰

⁷"Un ancien Commandant des VSN emprisonné," *Agence Haitienne de Presse*, 34ème Resume de Nouvelles Nationales, September 3-8, 1990.

⁸"Les FADH organisent un séminaire de formation et d'éducation physique," *L'Union*, June 12, 1990.

⁹"Séminaire de formation pour les chefs de section," *Agence Haitienne de Presse*, 29ème Resume de Nouvelles Nationales, July 29-August 4, 1990.

¹⁰"L'Armée fait le premier pas," *L'Union*, August 1, 1990.

Military Involvement in Peasant Massacres

Despite these few positive steps, army abuses have continued with disturbing regularity. Army violence has had its most devastating effect in the Haitian countryside, particularly in the early months of the Trouillot administration. The ouster of the Avril military government and the seating of a civilian government under President Trouillot induced peasants in many areas to seek justice in land disputes and other rural conflicts. These increasingly vocal popular grievances brought down the wrath of the army and its rural section chiefs, who often served in alliance with large landowners.

In the first few months under the Trouillot government, at least 33 died in such violence. Eleven died in Piate and Délugé on March 12, thirteen were killed in Délatre/Platon-Chavannes on March 20, and at least seven were killed on May 31 in Pérodin. The government has made little or no effort to punish those responsible for this violence -- a posture of indifference that is particularly inexcusable in light of the central roles played by army personnel.

The Role of Rural Section Chiefs

Central to much of the rural violence in Haiti is the communal section chief (*chefs de section*). Some 75 percent of Haiti's population resides in the countryside. For administrative purposes, rural Haiti is divided into 565 communal sections. Cities and towns, by contrast, are designated communes. Article 63 of Haiti's 1987 Constitution calls for each communal section to be governed by an elected three-person council known as the *Conseil d'Administration de la Section Communale* or CASEC but this remains true only on paper. In fact, the military continues to govern life in the rural sections through army-appointed section chiefs (*chefs de section*). The use of section chiefs, who rule rural sections with the help of their chosen deputies (*adjoints*), dates to the 1915-1934 US occupation of Haiti. During the Duvalier years, the section chief and his deputies, while technically members of the army, were frequently also *de facto* members of the Tontons Macoutes militia, officially known as the Volunteers for National Security. In the aftermath of Jean-Claude Duvalier's downfall, conditions in the rural sections changed only marginally. The Macoutes were officially disbanded, but the section chiefs in many cases took on additional deputies, who were often former Macoutes.

In the countryside, section chiefs are virtually the sole representatives of the state. They collect taxes and market fees, provide official documents, mediate land and inheritance disputes, and regulate land and livestock sales.

The section chief's immediate superior is the commander of the military subdistrict. It is broadly acknowledged that, despite regulations to the contrary, the section chief's position is generally for sale to the highest bidder, with the going rate varying from \$2,000 to \$10,000 depending on the section's potential revenues. The chief is officially paid about \$120 a month, or about the same as a teacher. His deputies, who in practice pay the chief for their positions, receive no salary and are thus entirely dependent for their income on what they can exact from the population. They must also provide a portion of their income to the section chief. It is a system seemingly designed to promote extortion and corruption. When section chiefs are moderate in their claims, they are generally tolerated by the

rural population. But when they abuse their prerogatives and demand large sums of money for every small service, or are too quick to violence, opposition naturally builds.

The section chief is most often a staunch defender of the status quo, allied with the large -- usually absentee -- landowners in the communal section, for whom he collects rents and gratuities. Large landowners in Haiti (*grandorin* Creole) most commonly lease their land to sharecroppers. According to a 1985 World Bank report, 55 percent of Haiti's peasants were sharecroppers while 45 percent owned some land. The large landowners, with the help of the section chiefs, have often been able to persuade tenant farmers that their interests lie in with defending the landowner whose soil they till. The result has been many conflicts which at root are between peasants and a large landowner, but which appear to be between two groups of peasants. The Jean Rabel massacre of July 1987, where several hundred peasants were murdered, followed this pattern, with one group of peasants taking the side of the large landowners, who promised them the right to farm disputed lands.¹¹ Untangling the history of such conflicts is difficult.

Other conflicts in the Haitian countryside stem from the range of grievances harbored by an impoverished peasantry. Again, most section chiefs have sided with the status quo.

The March 12 Piate Massacre

The dispute between the people of Piate and the large, nonresident landowner, Olivier Nadal, was of long standing. Piate is located on poor, mountainous land, in the first communal section of Montrouis, a coastal town in central Haiti in the fertile and densely populated Artibonite valley. The Piate residents based their claim on an 1806 document signed by Haiti's first President, Jean-Jacques Dessalines, granting title to 100 hectares of good land. This land, they say, had been forcibly taken from them by the Nadal family. For three years, the claimants had been pursuing the matter in the local court in neighboring St. Marc. Although Nadal had strong allies in St. Marc, including a colonel of the Presidential Guard and a former minister, efforts by the 1986 civilian Minister of Justice, François Latortue, to clean up the St. Marc courthouse, which he called "particularly corrupt," had enabled the Piate peasants to make some progress in pursuing their claim. But Nadal continued to control the land, which he leased to residents of the better-off coastal village of Délugé, which is in the first communal section of St. Marc. He encouraged these sharecroppers to band together in support his claim. The peasants of Piate had twice peacefully attempted to occupy the land in question. Thus the stage was set for the killings and destruction that followed the ouster of the Avril government on March 10.

A few minor incidents in the days following Avril's downfall led section chief Bénissé Charles and his deputy, Pierre St. Martin, both of Délugé, to go to Piate early in the morning of March 13, where they shot and killed Piate resident Samuel St. Facile. In anger, St. Facile's relatives chased and killed the two officials and burned their bodies. Soon afterward, a band of Délugé residents armed with machetes mounted the path to Piate, where they were repulsed by stone-throwing villagers. As the Délugé group was withdrawing, it encountered three vehicles carrying some thirty soldiers from the St. Marc garrison, under the command of Lt. Bazil, chief of the St. Marc tactical battalion. The troops were approaching to

¹¹See National Coalition for Haitian Refugees and Americas Watch, *Haiti: Terror and the 1987 Elections*, November 1987, pp. 49-53.

encircle Piate.

The soldiers, with help from the Délugé band, then proceeded to ravage the village of Piate. Under fire, the people of Piate fled their village. Eight peasants were reported killed, including Lucien Vilsaint, Anila Eleon, Delinois Dor, two others known as Pas Besoin and Beaulit, and two unidentified children whose remains had been partially eaten by dogs. The soldiers burned down 335 houses, destroyed fields and killed livestock, sometimes with bullets. Some 2,000 peasants from Piate were left homeless, their fields, animals and livelihood destroyed.¹²

Shortly after the killings, Army Commander-in-Chief Gen. Hérard Abraham, in an apparent attempt to ward off further violence, gave an order to the commander of the St. Marc military garrison to "reestablish peace and guarantee the security of the two parties [to the conflict] with absolute neutrality," according to Jean-Jacques Honorat, the executive director of the Haitian Center for Human Rights (CHADEL).¹³

On April 23, the Ministry of Justice announced that in an effort to find a solution to the numerous land conflicts in the Artibonite, including the recent one in Piate and Délugé, the Minister of Justice had issued special instructions to various officials. To the St. Marc Public Prosecutor, he was said to have "passed precise instructions so that, assuming his responsibilities and in the social interest, this magistrate should take the most energetic measures with a view to safeguarding public order."

He asked the Ministries of the Interior and Public Works and the Director General of the National Office of Land Registry to make all necessary arrangements, "in an urgent and priority fashion," for the "delineation of the villages of Piate and Délugé," as well as other designated spots in the Artibonite. The communiqué added that, "while waiting for the realization of these administrative measures," the parties in question can always have recourse to the courts, which "are the only entities qualified to proceed with the examination of the facts of the case for a legal solution."

However well intentioned, these orders had no discernible effect. Nor was there any attempt to discipline the soldiers involved in the pillaging of Piate. On May 14, representatives of the Piate peasants held a press conference in Port-au-Prince where they expressed fear that the killings could be repeated. They told reporters that the authorities had taken no action to calm or rectify the situation despite the Minister of Justice's instructions.

The March 16 Délatre Massacre

As many as 13 people were killed on March 20-21 in a remote rural area south of the southern town of Petit Goâve. Despite considerable efforts to obtain information, details of the conflict remain somewhat sketchy.

¹² "Monde paysan: Le Massacre de Pyat," in *Haiti Information Libre*, March 1990, and "Rapò Masak Pyat (Monwi) jou 12 mas 1990," unpublished report by the Justice and Peace Commission of the parish of Montrouis.

¹³ "Le general Abraham ordonne a l'Armée de rester neutre dans le conflit terrien," *Le Nouvelliste* (Agence France-Presse), March 16, 1990.

Most of the people who died were members of the Committee for the Defense of the Communal Section of Petit Goâve, a group which, according to its president, engaged in civic-action projects. The Defense Committee had organized residents to repair roads and had installed a mill. Its members, particularly, in Délatre, had a strained relationship with section chief Morène Lambert, who lived in nearby Lefort. Lambert reportedly made a common practice of extorting money from the peasants. For instance, one man reportedly had to pay \$360 to win his freedom after being arrested for having an argument with another man.

On March 16, just three days after the new civilian government took office, a group of people from Délatre, including members of the Defense Committee, assembled and decided to "uproot" (*dechouke*) Morène Lambert. They went to his home in Lefort, and when they could not find him, decided to burn down his house. According to the Committee, two people living near Lambert, Cornilus Milord, 66, and his wife, whose name is not known, were murdered some time between March 16 and 20 by deputies of the section chief, who blamed them for burning down Lambert's house.

In addition, on March 21, in retaliation for the attack on his house, section chief Lambert recruited a band of some 200 supporters from Lefort, including some of his deputies, who went to Délatre armed with machetes, pistols and picks. At the same time, a group from Délatre had set out, apparently unarmed, to try to "uproot" Lambert again. The two groups met in the Platon Chavannes area, and Lambert's group attacked those from Délatre, killing at least 11 and perhaps as many as 13. Among those reported killed, all of them from Délatre, were Jean Joseph, Colbert Azard, Mondésir Leblanc, Jonatas Raymond, Asanick Valentin, Joseph Alexandre, Dieuveillé Brutus, Demilien Thermission, and three whose full names are not known, Nicolas, Ti-Louis and Ti-Louli.

The only known action taken by the military authorities in Petit Goâve was to bury the bodies and to issue arrest warrants for some members of the Defense Committee, including its coordinator, Moreno Maximilien, as well as Joseph Ti Boss and Joseph Pétion. The three went into hiding.

On April 7, soldiers arrested Raphael Germain, a leader in the local Catholic church, accusing him of harboring members of the Defense Committee. On April 10, several dozen people marched through the streets of Petit Goâve to the local courthouse, calling for Germain's freedom and the arrest of Morène Lambert and the others responsible for the killings of those from Délatre. Germain was freed several days later. He told his supporters that he had been beaten by other prisoners at the behest of prison guards, and that he had been forced to sleep on the ground, often in a pool of water.

The League of Former Political Prisoners wrote a letter to the Army Commander-in-Chief, Gen. Abraham, with a copy to the Petit Goâve commander, asking that Morène Lambert be dismissed and arrested. Following the massacre, Lambert was believed to have taken refuge in the military post at Petit Goâve. The army took no known action to discipline Lambert.

The May 31 Pérodin Massacre

On May 31, at least seven people died in Pérodin, the fifth communal section of Petite Rivière de l'Artibonite, when an abusive section chief returned to take revenge after being chased away by the area's peasants. Accompanied by a large number of deputies -- 28 by one account -- section chief Silien Thèlot reportedly began shooting in different parts of the village. The population quickly gathered.

Thélot fired several shots in an effort to disperse the crowd, and wounded at least three people, before taking shelter behind a large rock, from which he continued to shoot. The crowd forced him out by starting a fire in some straw. Although Thélot shot two more people as he fled, the villagers caught him and killed him with their machetes.

Among the dead were four civilians: Sensois Kletine, Rélus Saint-Soi and two members of the Peasants Organization of Pérodin, Alouis Jean Baptiste and Desinor Josapha. Three members of the military were also killed: Silien Thélot, the section chief, and two of his deputies, Misère Charles and Timabon Terlus.

In addition, numerous people were wounded. The Albert Schweitzer Memorial Hospital in Deschapelles confirmed that the following civilians received treatment after having been shot in the incident: Duceres Pierre, 25, Saintanor Axéus, alias Tissé, 28, Coma Réus, 35, Aimé Senelus, 27, and Mrs. Fortilus Aléus, 44. Other civilians said to have been wounded were Espérandieu Henruis, Saintanor Tissé, Mrs. Alcy Josapha, and three people whose full names are not known, Dieuceres, Ti Code and Florestan. A deputy, Celibon St.-Cir, was also badly wounded.

Four houses were set afire by the section chief and his entourage, as well as a car belonging to a Belgian priest resident in the section, Father Jacques Vander Stichele. A storage building attached to his church containing corrugated metal and other materials for the peasants was burned down.

Soldiers and attachés from the Petite Rivière garrison, under the command of Maj. Maxi Maxime, arrested a total of 15 people in connection with the section chief's death. Many of the arrests were made in the town of Petite Rivière and surrounding villages, rather than in Pérodin, and appear to have been quite arbitrary. The one person known to have been detained for the killing of civilians, Supporté Orléus, one of Thélot's deputies, was freed as soon as he was brought to the military post in Petite Rivière on June 1.

Those arrested for the section chief's death included Sauveur Pierre-Louis, the representative of the Justice and Peace Commission, the Catholic Church's human rights branch, in Chenot, the fourth communal section of Marchand Dessalines, and Olius Senob, also of Chenot and a member of the peasant organization *Tèt Kole* (Heads Together). Both men were arrested in Petite Rivière by section chief Sadrac of the third communal section of Marchand Dessalines, and both said they were badly beaten and abused while in prison. Others arrested were Alex Pierre Normil, the administrator for the medical clinic in neighboring Médor; Joanès Saintilus, Georcéus Boichite, Méprise Jean Baptiste, Dieusel Piermeus, Céleste Caprice, Dieusaveur Joseph, Olfise Exilorme, Tiovi Toussaint, Gusmane Jean-Baptiste, Dieufène Monier, Pierre-Lisse Séphir and Joseph Nicolas Riché.

Normil was freed on June 7, after intervention by the Bishop of Gonaïves. The prosecutor for St. Marc freed eleven others on June 16, after the Justice of the Peace in Petite Rivière declined to hear the case. The prisoners were assisted by lawyers from the League of Former Political Prisoners. Still in prison for Silien Thélot's death at the end of June were Joseph Nicolas Riché, a former section chief under Jean-Claude Duvalier, as well as Dieujeune Monica and Pierre-Lisse Séphir.

A striking aspect of this tragedy is that both local and national authorities had been alerted to Silien Thélot's cruel and arbitrary rule but had done nothing about it. On March 13, the Gonaïves branch of the Catholic Church's Justice and Peace Commission submitted an extensive dossier on Thélot to

officials ranging from the President to the local army commander. The report detailed Thèlot's abuses since taking office in 1989.

Thèlot had been made section chief of Pérodin in April 1989. Complaints about his rule -- which was characterized by extortion, corruption, arbitrary punishment, and frequent and severe beatings of the section's inhabitants -- soon began to surface. On February 8, 1990, according to the Justice and Peace Commission, Thèlot and Prosper Fleuristile, who is described as a corporal, inflicted a terrible beating on Datilis Zefi, whose only crime had been to speak up in defense of another man falsely accused of a crime. Two days later, Thèlot and Fleuristile beat a poor peasant youth, Jilner Estal, some 117 times after reportedly false accusations were brought against him for stealing a chicken. Following the beating, the officials demanded that the youth pay them 450 gourdes (officially \$90) for which the youth was forced to sell (to the corporal) the tiny piece of land he possessed. The two officials also tried to arrest him and extort more money at a medical clinic where the youth sought care five days after the beating. Later that month, the Gonaïves section of the Justice and Peace Commission received two complaints about Thèlot's actions, one from their local chapter in Pérodin, and the other from the administrative council of the section.

The Commission's March 13 report of these complaints, along with a call that Thèlot be dismissed was submitted, to Col. Ulysse François, the Gonaïves commander, as well as to the Army Commander-in-Chief, Gen. Abraham, President Ertha Trouillot, the Ministers of Justice and the Interior, and the Council of State. When there was no response from any of these officials, the residents people of Pérodin chased Thèlot out of the area, setting off the chain of events.

Military Involvement in Politically Motivated Violence

Despite vows from senior military officials that the army will respect the electoral process, the soldiers on several occasions have intervened to silence dissent. In a few cases, demonstrations have been halted. On other occasions, vocal popular organizations have been targeted. In several instances, journalists have been singled out. Although the politically motivated abuses were most frequent in the early months of the Trouillot administration, they continued with sufficient regularity to have tainted the campaign period and cast a troubling shadow over election day.

The Army Riot in Cabaret

On April 19, the town of Cabaret, 25 miles north of Port-au-Prince on the main highway, became the setting for what can best be described as an army riot. Fed up with an almost total electrical blackout -- on top of water shortages, cuts in telephone service and the rising cost of living -- six different community organizations in Cabaret decided to organize a protest that day. More than 1,000 people marched through the town carrying placards, singing songs and shouting slogans hostile to the state electricity company. Some erected barricades, set them afire and succeeded in blocking traffic on the National Route No. 1, Haiti's only paved north-south thoroughfare. The military took no immediate action; according to witnesses, some soldiers seemed to support the protesters' actions.

Truck drivers, understandably miffed at the blockade, are said to have offered money to Sgt.

Michellus Joseph to clear the roads. Sgt. Joseph, in turn, began firing his gun in the Guitton section of Cabaret to force the protesters to dismantle the barricades. At first he fired in the air, but soon he began firing directly at the protesters. Eighteen-year-old Kenel Sanon was hit in the right hand, and Fedner Phaléus was struck in the left shoulder. The sergeant is said to have continued firing until he ran out of ammunition. When he sought to flee, a group of protesters chased him, felled him with a rock, stoned him to death and burned his body.

Learning of the sergeant's death, the commander of the subdistrict, 2nd Lt. Anatin Voltaire, reportedly telephoned for reinforcements. In the early afternoon, a contingent of soldiers arrived from Croix des Bouquets and Arcahaie. They proceeded to arrest more than 50 people, among them Raoul Louis, who was seized after transporting some of the wounded protesters to the hospital.¹⁴ Many of those arrested were beaten. The soldiers also burned down some 40 houses, most in Guitton, but some in other areas. Witnesses said grenades were used to destroy some houses and fruit trees. The soldiers also set fire to two cars. Most of the population of Guitton, reportedly some 2,000 people, fled the area in fear of further reprisals.

On April 23, a delegation composed of Minister of Justice Pierre Labissière, Prosecutor Bayard Vincent and three members of the Council of State arrived in Cabaret. They viewed the area but were unable to meet with many inhabitants because most remained in hiding. They met with the military commander from Arcahaie, Fritz Reynald Antoine, who took them to visit some of those arrested in the incident. Some 20 prisoners were freed immediately after the visit.¹⁵ Ten others were freed the following day.

The Council then recommended to the President that a commission of respected, impartial citizens be established to inquire into the events and to present its findings within 15 days.¹⁶ This recommendation was not accepted,¹⁷ nor did the government take any steps to discipline the soldiers responsible for the retaliatory destruction of home and property.

¹⁴ The Haitian Center for Human Rights reported the names of 43 persons who were arrested in reprisal for Sgt. Joseph's killing. They were: Yves François, Michelet Pognon, Eliphète Jean, Lucien Coumin, Adrien Augustin, Canot Pierre, Quitto Auguste, Atty Joseph, François Lamarre, Humaine Edouarsin, Salicia Jean-Baptiste, Pierre Ludès Petit-Homme, Jean-Robert Lorius, Jude Elie, Smith Leger, Rathon Joseph, Yves Geder, Jacques Petit-Frère, Rodicar Pierre, Marie-Thérèse Gazelle, Remène Saint-Fleur, Francely Altidor, Mrs. Alphonse Leger, Jean-Marie Borgella, Raoul Louis, Lifaite Archellus, Jobert Napoleon, Fédil Prejuste, Morose Alexandre, Maxito Pierre, Mrs. Dieuseul Altidor, Jacob Previl, Hermon Belise, Jean-Edouard Hilaire, Mérité Louis-Jeune, Fritz Joseph, Félix François, Louis Dorcé, Donal François, Dorsainville Wilgen, Gérard Domeville, Fritzner Jean and Hérard Jean-François.

¹⁵ Information about this incident is drawn from an April 24 visit to Cabaret by a representative of the National Coalition for Haitian Refugees, and from "Cabaret: Une manifestation tourne au tragique," *Haiti Information Libre*, April 1990.

¹⁶ "Le Conseil d'Etat demande une commission d'enquête sur un incident entre civils et militaires," *Le Matin* (Agence France-Presse), April 25, 1990.

¹⁷ For further information on the civilian government's response to the Cabaret incident and other abuses, see Chapters IV.

The Demonstration in Borgne

On March 19, in the northern town of Borgne, the army savagely repressed a demonstration organized by the Movement of Peasants of Borgne (MPB) and other groups in the area to hail the overthrow of the Avril regime and to press for democratization. While Jude Faustin, an MPB leader, was addressing the crowd, Lt. Jadis St. Pierre, the military commander in Borgne, and his soldiers opened fire. Some 15 people were wounded, among whom three were hospitalized. The victims included Mrs. Désir Pierre, Ruben Lamour and Nicodème St. Cyr. The soldiers also made numerous arrests. We are unaware of any disciplinary measures having been taken against St. Pierre or any of the soldiers involved.

Attacks on Vigilance Brigades

On the night of March 22-23, 15 people died and some 20 were wounded in violence in Port-au-Prince that flared ten days into the new government, when vigilance brigades were hastily organized by neighborhood groups to confront continuing violence by supporters of the former regime. Many of the victims were brigade members killed by soldiers from the Presidential Guard and the police's Anti-Gang Service. In La Saline, army units reportedly opened fire, killing seven people and wounding many others. Witnesses said the soldiers removed the bodies and drove off with them in a military truck. A military patrol shot and killed two people at around 4:30 a.m. in Portail St. Joseph. And at the Portail Léogane, witnesses said a unit from the National Palace opened fire on several houses in the area, kill a young man named Henock Nelson, and wounding three others. The vigilance brigades were themselves responsible for some of the violence, but the army's response was clearly excessive. On the Ruelle Alerte at 2:00 a.m., a vigilance brigade killed a presumed attaché by the name of Michel Moise; a witness said that a few hours later two Toyotas carrying uniformed soldiers from the Presidential Guard and the Anti-Gang Service drove up and opened fire on the members of the brigade, wounding several. On the Grand Rue, passengers in a Pajero jeep shot and killed four people and took off with their bodies. A vigilance brigade on the Rue Charéron stopped two armed civilians and set fire to their car; a few minutes later, police arrived in two military trucks and opened fire on the crowd, killing one.

Attacks on the Press

The army was involved in several violent attacks on the press during the Trouillot administration. These incidents were exceptional in an environment in which the press, particularly the most important medium in a poor and largely illiterate country, the radio, exercises considerable freedom. But these efforts to silence the press demonstrate the precariousness of that freedom and the dangers which journalists must confront.

- o At 2:00 a.m. on March 19, the home of Odette Roy Fombrun, a journalist and commentator who is a cousin of Dr. Louis Roy and a member of the political group, Heads Together to Honor and Respect the Constitution (*Tet Ansanm pou One Respe Konstitisyon an*), was forcibly entered by eight to ten armed men. They roughed up her servant but then left after another person intervened. In a column published in the independent Port-au-Prince paper *Le Nouvelliste* on March 21, Fombrun said that young cousins of hers had been shot and wounded on the same day.**

The attacks may have been in retaliation for a letter that she had written to Gen. Herard Abraham on March 14, in which she had underscored the army's responsibility for controlling the rising violence. She had also recommended that the military work with local citizens' self-defense brigades, and proposed a system of civic service made up of unemployed youths.¹⁸

- o On May 15, in the northern city of Port-de-Paix, radio reporter Tony Vergnaud was arrested while investigating reports that a local judge, Tulien Vincent, had been involved in extortion. The order for the arrest of the reporter, who works for Radio Haiti-Inter and the local Radio Etincelles, came from Judge Vincent himself. Vergnaud told reporters¹⁹ that he had been punched by a soldier as he entered the police station. "Fifteen minutes later, they brought me into the prison. There I was punched in the side, on the head and on the ears." Word of the arrest spread around the city and people began to gather outside the prison and the court, demanding that Vergnaud be released and the judge punished. The army intervened to protect Judge Vincent and blocked access to the court. At about 1:15 p.m., according to Vergnaud, "35 soldiers dressed in olive green came to fetch me at the prison. Scarcely had they crossed the threshold of the door when they began to kick me with their feet. They kicked me like a ball. I received close to 200 kicks. All this took place under the stunned and indignant gaze of around 800 demonstrators." The soldiers continued the beating in the office of the prosecutor where, Vergnaud later said, "a soldier I could not identify struck me 12 times with his rifle butt." The crowd of protesters grew to some 2,000, and under this pressure, Vergnaud was freed.
- o The army played a less than helpful role on July 18, when Jean-Robert Fleury and Wilcoeur Voltaire, two journalists from the government run newspaper *L'Union* who also work for the independent magazine *Balance*, were assaulted by a group of supporters of Roger Lafontant. The journalists had gone to cover court hearings on the legality of a summons issued for the Duvalierist strongman. According to a report in *L'Union*,²⁰ the Lafontant supporters believed Voltaire to be a journalist from Radio Haiti-Inter, for which they harbor a special enmity. "It's Radio Haïti which announced that a third summons would be issued against Roger Lafontant," one attaché said as he beat Voltaire, breaking his camera. Fleury was then assaulted when he intervened to defend his colleague. "Who are you? The chief? A soldier?" the Duvalierists demanded. The group of attackers also shouted threats against Radio Haiti-Inter, Radio Cacique and politician Jean-Claude Roy of the Union of Haitian Constitutionals, along with cries of "Long Live Lafontant!" and "Down with communists!" Fleury escaped with only minor injuries and went immediately to the Anti-Gang and Investigation Service of the Port-au-Prince Police to report the incident. The police reportedly arrested one of the assailants. But when Fleury urged them not to beat him, the police released the man.
- o Six days later, on July 24, a larger band of Lafontant supporters attacked peaceful protesters from the Democratic Unity Confederation (KID) near the court where further hearings on the

¹⁸ Odette Roy Fombrun, "Lettre ouverte au General Herard Abraham," *Le Nouvelliste*, March 21.

¹⁹ Vergnaud's account is taken from "Port-de-Paix: un journaliste sauvagement battu," *Haiti Progrès*, May 23-29, 1990.

²⁰ "Deux journalistes de L'Union agressés," *L'Union*, July 19, 1990.

summons were being held.²¹ While soldiers looked on but offered no protection, the Lafontant supporters also roughed up two reporters: Wilfrid Voltaire of Radio Caraïbes and Wilfred Victor of Radio Cacique. The attackers shouted threats against the press, especially Radio Haïti-Inter.

- o On March 22, on the island of La Gonâve, two radio correspondents, Simon Joseph Flambert of Radio Soleil and Sylvain Chanel of Radio Haïti-Inter, were stoned by relatives of section chief Verdieu Charles of Grand-Lagon. Apparently the two reporters were at the office of the state telephone company, Teleco, preparing to file reports about a group of peasants who had been forced to go into hiding after they tried and failed to "uproot" the section chief and then burned down some eight houses belonging to his deputies. The reporters were attacked by Charles's mother, Inater Charles, and his brother, Vilteau Charles, who threw stones at them and beat them. In this case the police intervened to protect the two men and arrested the attackers.
- o On May 15, police put down a street demonstration by a group of recently fired employees of the Delmas Mayor's office. Mondestin Junior, a reporter for the government newspaper, *L'Union*, was beaten along with the demonstrators.
- o On May 21, Durvil Jean Pradel Léonel, the publisher of the magazine *Le Rouleau*, was arrested for "remarks defaming the president." An article, "Ertha P. Trouillot, Is She Stuck-up?" ("Ertha P. Trouillot: Est-elle une pimbeche?"), which appeared in the May 14-28 issue of his magazine, said that the President was a lesbian and named several of her supposed lovers. *Le Rouleau* is an often vicious right-wing journal that specializes in personal attacks on political figures. Léonel was imprisoned in the National Penitentiary. He was freed on June 4 by the Chef du Parquet, following efforts by his lawyer, Osner Févry.
- o On August 17, Lévius D. Toussaint, the correspondent for Radio Lumière in Thomassique, in the Central Plateau, was forced to go into hiding when he learned that the army was searching for him after he reported that military authorities were extorting money in exchange for prisoners' freedom.

Other Cases of Violence

In a series of cases, political motives appear to underlie violent abuses by the army. The breadth and frequency of these abuses illustrate the deep distrust that many members of the army have toward independent political activities and the need for an approach to this violence that goes beyond pronouncements to include disciplinary action and criminal prosecution

- o On March 13, in Petite Rivière de l'Artibonite, the military commander, Lt. Maxi Maxime, arrested Agita Morriseau for trying to organize a demonstration in favor of the new, civilian government.
- o During a March 14 demonstration against section chief Grégoire Dorcéus in Martineau, the first communal section of the Artibonite town of Verrettes, Dorcéus ordered his band of more than 100 deputies to attack protesters. Many people were wounded by rocks, and two by machetes.

²¹For a more detailed description of this incident, see later in this chapter.

Dorcéus fired shots into the air. A deputy called Taman was barely prevented from burning to death a man known as Ti-Djo.²² In reaction to these attacks, the local population chased Dorcéus out of the area. In mid-June, Dorcéus was dismissed by the army.

- o On March 19, three members of the Baptiste Peasants Assembly (*Rassemblement des Paysans de Baptiste*) were arrested in Baptiste, a section of the Central Plateau town of Mirebalais, by Sgt. Ideric Joseph. Baldomir Cameau, 25, Romenu Cameau, 20, and Anteler (Choupa) Cameau, 20, had recently returned from Port-au-Prince and were accused by Joseph of being subversives. All three were badly beaten while in prison in Mirebalais. They were provisionally freed on April 5. Many others in the community went into hiding in fear after a 6:00 p.m. curfew was declared in the area.
- o On March 22, Marie-Michèle Gaillard de Ronceray, the wife of opposition politician Hubert de Ronceray, was shot at and slightly wounded while driving her car. Mrs. de Ronceray reported that uniformed soldiers in a white truck fired at her car, shattering the rear window, as she was driving with her son and two security guards.
- o On May 6, in Labadie, the third communal section of Petite Rivière de l'Artibonite, Kern Genescart was arrested and accused of being a member of the Labadie Youth Movement (MJL). He was arrested by a sergeant stationed at the Labadie army post, on the orders of Lt. Maxi Maxime. On May 7, Enel Pierre was arrested and also accused of MJL membership. The MJL has been banned by the military in Labadie for more than a year. In August 1988, four of its members were shot to death by local authorities.²³
- o On April 2, soldiers badly beat protester Elistin Justin, who was taking part in a demonstration in front of the Kenscoff military post. The demonstration was to protest the beating to death of Sélius Joseph by section chief Gérard Lubin and his deputy, Ylessaint, in Belle-Fontaine, the fourth communal section of Kenscoff, in the mountain above Port-au-Prince. The motive for the killing is not known.
- o At around midnight on the night of April 4-5, long-time political leader Sylvio Claude, who heads the Haitian Christian Democratic Party and is now a presidential contender, was the apparent target of an attack. An explosion destroyed his car, which was parked in the courtyard behind his party offices on the Champs de Mars in downtown Port-au-Prince. According to a report in the government newspaper *L'Union*, five suspects were arrested on April 5 in connection with the explosion. Their names were not given and there has been no follow-up report.²⁴ *L'Union* did report that judicial officials arrived on the scene to survey the damage at 9:00 a.m. on April 6. A

²² "Nou mande Revokasyon, arestasyon, jijman, kondanasyon chèf Sèksyon: Gregwa Doseyis nan 1e Sèksyon Lachapel," report by the Verrettes section of the Justice and Peace Commission of the Catholic Church, March 28, 1990.

²³See Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, *The More Things Change... Human Rights in Haiti*, February 1989, pp. 35-36. For a description of the Council of State's unsuccessful effort to visit Labadie in April 1990, see "The Labadie Incident" section in this chapter.

²⁴ "Explosion d'un engin pres du local du PDCH," *L'Union*, April 6, 1990.

sympathizer told the reporter that the party had received many threats. The party's General Secretary, Menard Charles Roberts, blamed supporters of a political group linked with the ousted Avril regime and more recently with Duvalierist forces, the Liaison Committee of Democratic Forces, who he said had threatened some members of the party just the night before. The leader of this group denied the charges in an April 10 letter in *Le Matin*.

- o On April 22, Elie Garsonville, the mayor of the northeastern town of Vallières, was arrested, jailed and beaten by soldiers for having ordered an inquiry into the exorbitant fees demanded by local military officials for various services.
- o Irene Ridoré, who until recently was mayor of Port-au-Prince, had been the most outspokenly reform-minded of the officials appointed by the Trouillot government. She had cleansed her office's payroll of hundreds of so-called "zombie" employees, who collected checks but never performed any work, and disbanded a municipal police force that was filled with the former mayor's extra-legal enforcers and bullies. Seemingly in retaliation for these moves, Ridoré, who is married to popular leader Evans Paul, has received numerous death threats and has twice been the target of armed attack. On April 30, a man named Kesner Sylvestre tried to shoot Ridoré with a Colt 30. He was immediately arrested by the police but, inexplicably, freed the same day. On May 26, at about 1:30 a.m., the mayor's gatekeeper caught a man named Jacques Casséus hiding in the courtyard of her house in the Fontamara section of Port-au-Prince. Other men believed to be his accomplices fled the scene. The mayor stepped in to protect her would-be assailant from the anger of the crowd of neighbors that had gathered.
- o A former political prisoner under the Avril regime, Marino Etienne,²⁵ has also been the target of attack. Etienne is now chief of security for the port of Port-au-Prince, but remains active in the Popular Organization of September 17 (*Organization Populaire-17 Septembre*), or OP-17, a group of former soldiers who work for democracy in Haiti. On the night of May 11-12, men armed with automatic weapons fired shots at his house. According to a public letter issued by Etienne, "a commando of a dozen men, heavily armed and riding a jeep took my private residence for a target, which it strafed for nearly a quarter of an hour. The assault on my private home, where women and children live, has left my family terrified and left numerous bullet holes in the walls of the front of the house."²⁶
- o During the night of May 24-25, two members of the Youth Movement of Cité Soleil (*Mouvman Jen Site Soleil*) (MJSS), Jean-Louis Enold and Marc Arthur Luckens, were arrested and severely beaten by soldier Dorismond Duqerest, who was stationed at the military post in Cité Soleil, a Port-au-Prince slum. Two other MJSS members, Fednel Larose and Marcus Michard, were also questioned. When a delegation from the MJSS went to the post to try to free their colleagues,

²⁵ See Americas Watch, National Coalition for Haitian Refugees, Caribbean Rights & International Commission of Jurists, *Reverting to Despotism: Human Rights in Haiti*, March 1990, pp.

²⁶ Letter to Col. Jean Claude Duperval, Chef de la Police Métropolitaine, May 14, 1990 published in *L'Union*, May 15, 1990.

one of their members, whose name is not known, was beaten. A newspaper report said the youths were accused of having shot at Duquerest.²⁷

- o **On June 7, in Mahotières, the seventh communal section of Port-de-Paix, some 15 soldiers of the Northwest Tactical Unit arrested seven members of the Union of Peasants of Mahotières (IPEMA), a local affiliate of the peasant organization *Tèt Kole* (Heads Together). The soldiers had been called in by section chief Joel Jean-Baptiste, who had been hostile to the group's organizing efforts. The victims were beaten and then released the same day.**
- o **Two days later, on June 9, Jean-Baptiste arrested four other members of the *Tèt Kole* affiliate. When group leaders Léjulien Parice and Narcius Orelie went to the section chief's house to protest, Jean-Baptiste arrested them as well, although he freed the four others. Parice and Orelie were brought to the military post at Trois Rivières, on the outskirts of Port-de-Paix, where soldiers badly beat them with nightsticks (*batons*). That same night, they were moved to the Port-de-Paix army post, where their ears were boxed and they were hit with nightsticks on their backs. Later the same night, they were brought to the Port-de-Paix prison, where they were beaten once again. During much of this night-long journey, the two men were forced to creep along on their knees. A lawyer obtained by *Tèt Kole* was able to persuade the Justice of the Peace to free the two men provisionally on June 12.**
- o **On July 2, Mariano Delauney, the director of the Port-au-Prince primary school run by the Salesian Fathers and the founder of a night school for the urban poor, was killed in what many believed to be a targeted assassination. Delauney was standing outside a house in the St. Martin district of Port-au-Prince when a gunman driving a red truck stopped, got out and shot him twice. Eyewitnesses identified the attacker as an army sergeant. Delauney was a member of the Church of St. Jean Bosco, site of the September 11, 1988 attack in which at least 12 people were killed and over 70 injured,²⁸ and a close associate of Father Jean-Bertrand Aristide, the apparent target of the St. Jean Bosco attack. Because Delauney reportedly was able to identify several of the men who participated in the St. Jean Bosco massacre, his assassination was believed to be a defensive move on their part.**
- o **On July 7, section chief Philius Dézier, of the northern town of Plaisance, arrested a large number of peasants who had peacefully protested against the actions of the rural police. Many others went into hiding to avoid arrest.**
- o **On July 25, at Delmas 29 in Port-au-Prince, Ernst Charles, a leader of the Committee of Haiti's Unemployed, was arrested by four armed men, one in military uniform. They brought him to the Casernes Dessalines, where the troops of the former Presidential Guard are quartered. After two hours, he was taken to the Delmas police station (which is housed in the former Fort Dimanche, a prison that until recently was infamous for torture) where he was beaten to within an inch of his life and abandoned for dead.**

²⁷ "Arrestation de deux jeunes à Cité Soleil," *L'Union*, May 26-28, 1990

²⁸ See Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, *The More Things Change . . . Human Rights in Haiti*, February 1989, pp. 42-46.

- o **On August 2, Rosny André of the La Ville district of Petite Rivière de l'Artibonite was arrested by an unidentified rural police deputy, reportedly on the order of section chief Jean-Lacoste Edouard. He was accused of being an "opponent and enemy" of the section chief.**
- o **On August 14, in front of the national cemetery in Port-au-Prince, an unidentified soldier belonging to the Cafétéria police station arrested three employees of the Port-au-Prince mayor's office -- Arthur Paul, Séide Jean, and an unidentified other -- while they, along with more than 100 others, were peacefully demonstrating, demanding three months' back pay due them.**
- o **On August 20, in Pinson, the second communal section of Marchand-Dessalines, Jacky Satil, a member of the Association of Young Patriots of Pinson, was assaulted by a civilian attaché of the St. Marc army post named Sadel Alexis.**

Other Unlawful Politically Motivated Actions by the Military

Several disturbing examples of military lawlessness reflect a dissatisfaction with civilian rule and the exercise of fundamental liberties.

The Labadie Incident

The army's defiance of civilian government authority was illustrated in the attempt by members of the Council of State to visit Labadie, a rural section of Petite Rivière de l'Artibonite, in April 1990. Labadie was the site of the killing of three young members of the Labadie Youth Movement (MJL) on August 4, 1988. Witnesses described local military and civilian officials as having taken part in the shooting. Under the Avril military government, a military post had been set up in the village and the MJL had been banned under threat of violence.²⁹

On April 14, 1990, at the request of several dozen regional organizations, four members of the Council of State -- Chavannes Jeune, Dr. Gérard Blot, Carl Auguste and Marc Lamour -- traveled to Labadie to meet with local resident and to hear their grievances. Upon reaching the area, they were stopped by Sgt. Alexis Auguste, two soldiers and a number of civilian *attachés* (civilians affiliated with the army).

According to a member of the delegation, Sgt. Auguste told the Council members: "You do not have authorization to enter Labadie. Only Lt. Maxi Maxime [the commander of the nearby military post at Petite Rivière de l'Artibonite] can provide this." Prior to the arrival of the Council members, Auguste and his aides had fired gunshots near the school where the meeting was to be held to scare away would-be participants.

At a news conference several days later, Dr. Louis Roy, the president of the Council of State, told the press that Sgt. Auguste had said further: "I have heard about state counselors but the Council of

²⁹ See Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, *The More Things Change... Human Rights in Haiti*, February 1989, pp. 35-36.

State, I don't know what that is.... I have heard that a certain Mrs. Ertha Pascal Trouillot was President but this is not a thing that concerns me. I am a soldier, I receive orders from my superiors."

The incident was widely reported and broadly condemned, but military authorities are not known to have taken any disciplinary action.

Harassment of the Democratic Unity Confederation

The urban-based popular group, the Democratic Unity Confederation (*Konfederasyon Inite Demokratik*) (KID), which has played a prominent political role in 1990, was the target of concerted harassment in July. On July 24, KID organized a demonstration outside the Palace of Justice in support of efforts to arrest Roger Lafontant, the abusive Duvalier Interior and Defense Minister who had recently returned to Haiti. The protesters, some 150 in number, were threatened and, in some cases, beaten by a large group of Lafontant's supporters who were carrying sticks, rocks and guns. Although the Casernes Dessalines military barracks are directly across the street from the Palace of Justice, and police headquarters is only two blocks away, the military made no attempt to intervene.

According to journalist Huguette Herard:³⁰ "The youths of KID were demonstrating peacefully, placards in hand, shouting slogans, when, on the Rue du Centre, they crossed Lafontant's men, the majority of whom were armed: these men had created a wave of panic in the street by blindly throwing rocks and attacking passersby who refused to cry, 'Long live Lafontant.'" When the Lafontant supporters approached the demonstrators, she wrote, "witnesses have affirmed that the forces of order intervened very late, certain agents actually stood by impassive at this pitched battle."

After the scuffle had gone on for at least an hour, police arrested two KID members, Willie Elie and Jean-Rénel Desmangles, claiming that they had rocks in their vehicle. The two were jailed for two days at the police station of the 30th Company, widely known as the Cafeteria, where they were severely beaten, reportedly on the orders of Capt. Jacques François.

On July 28, KID leader Evans Paul was stopped by the traffic police and then detained when he failed to produce a driver's license. Paul explained that his license had been taken in November 1989 when he and two companions were arrested and severely beaten by then President Avril's Presidential Guard.³¹ Paul agreed to go to the traffic police headquarters to settle the matter. But on the way there, he said, a soldier, Astrel Pierre, urged him to pay up so he could be set free. When Paul refused, the soldier grew angry, hit him in the face and punched him in the head. At the police station, Paul was released by Capt. Dany Pierre François.³²

On July 30, police raided KID's Port-au-Prince office, purportedly in connection with the shooting that day by unidentified assailants of Wrt. Ofcr. Mayard Jean-Philippe and another man. The police

³⁰ "A quand la tolerance?" *L'Union*, July 25, 1990.

³¹ See Americas Watch, National Coalition for Haitian Refugees, Caribbean Rights and International Commission of Jurists, *Reverting to Despotism: Human Rights in Haiti*, March 1990, pp. 36-43.

³² "Le KID face à une police pro-Lafontant," *Haiti-Progress*, August 1-7, 1990.

arrested Wilfrid St. Juste, the KID receptionist, and another man who happened to be in the office. After they were released the following day, St. Juste told a representative of the National Coalition for Haitian Refugees that upon arrival at the 30th Company "Cafeteria" police station, the police hit him and the other man on the head with their rifle butts. Training their guns on St. Juste, some of the soldiers also forced him to lick their boots.

Harassment of the League of Former Political Prisoners

The League of Former Political Prisoners was the target of a campaign of police harassment in June. On June 6, the three lawyers who make up the League's legal commission were driving in the Carrefour Péan section of Port-au-Prince when they were stopped by an unmarked red pick-up truck carrying three uniformed policemen and three men in civilian clothes. Their car was searched and they were told to follow the truck to the offices of the Investigations and Anti-Gang Service of the Port-au-Prince Police, which they did. At the Service, they were questioned for about two hours, primarily about League Secretary General Gaston Jean-Baptiste.

The same day, the home of a man employed by the League as a driver was searched, and he, too, was questioned about Jean-Baptiste.

On June 8, members of the League met with the Service's Commander, Maj. Leopold Clerjeune, who assured them that they would not be bothered again. He explained that the police had discovered that certain unspecified accusations made against Jean-Baptiste were baseless.

But then, on June 19, following several days of anonymous telephone threats, a group of four armed men, including three in military uniform, made inquiries in the neighborhood of the League's office about the League's address. As the League's address is no secret, and Gaston Jean-Baptiste is widely known as the group's leader, this series of events was viewed as an attempt to intimidate the group.

Other Incidents of Military Violence

While politically motivated abuses give rise to special concern because of the fear that they reflect the army's attitude toward human rights and civilian rule, and thus may be indicative of its behavior on election day, other army violence with no obvious political connection continues to plague Haiti. In the cases that follow, the motivation behind abusive conduct is often personal or obscure. That disputes of this nature often give rise to arbitrary violence suggests the weakness of the Army High Command's efforts to create a disciplined, law-abiding force. Much of the fault in this regard must be placed on the army's all-but-complete failure to institute disciplinary proceedings against abusive soldiers. This failure of accountability effectively condones abusive behavior by sending a message that it will not be punished -- a message that is often heard far more clearly than the occasional army vows of respect for human rights.

There may also be cause for deeper concern. Since the fall of the Duvalier dictatorship, those intent on crippling any movement toward democracy and respect for human rights have often not had the strength to move openly against the political process. Instead, their tactic has been to resort to

violence against targets that were selected in seemingly random fashion, with the goal of creating a sufficient fear that Haitians would not dare to participate in political activity. This "insecurity," as Haitians have dubbed it, has often ebbed and flowed, rising when political tensions are high and falling, for example, when the representative of a potential source of international assistance was visiting Port-au-Prince. Under the Trouillot government, "insecurity" has not been more pronounced than in previous years. Nonetheless, particularly as elections approach, it remains necessary to scrutinize seemingly random violence to see whether it reflects a more profound pattern.

Killings by Soldiers Whose Identity is Known

The following cases involve murders committed by uniformed troops. In only one of these cases, indicated below, is disciplinary action known to have been taken by the military.

- o On May 6, in the town of Pont-Sondé, just north of St. Marc, Cpl. Jean Robert shot and killed Sainté Théluscart and wounded Vérité Isaac, for unknown reasons. He then ordered his deputy, Sonson, to arrest a man named Nènè. When Nènè resisted arrest, Sonson shot and killed him.**
- o On the night of June 30, in the St. Georges section of the southern town of St. Louis du Sud, soldiers from the military district of Aquin shot and killed 65-year-old Dieuseul Saint-Fort, a member of a local self-defense brigade, and arrested 11 other members of the group. The 11 were reportedly mistreated while in prison. The military action was reportedly in retaliation for a minor confrontation on May 28 between the Aquin commander and a member of the brigade. In protest against the killing and arrests, residents built barricades in the street, blocking traffic. The population of St. Georges also sent a letter to the Minister of Justice protesting the arrests and calling for prosecution of the soldiers, damages for the family of Saint-Fort and freedom for those arrested. They were joined in this by the Haitian Club of Lawyers for the Defense and Promotion of Human Rights, who called for an end to ill-treatment of the prisoners.³³**
- o On August 3, Méus Laroche, a 45-year-old vendor, was arrested at his home in the northern town of Plaisance. He was reportedly falsely accused by two individuals of being their accomplice in a theft of \$38,000 and of retaining \$20,000. Méus was tortured at army headquarters in Cap Haitien to force him to reveal the whereabouts of the money. He died in the Cap prison nine days later. A member of his family told the media, "They beat him on his testicles with a stick."**
- o On August 15, Michel Fontaine, 44, a farmer in Morne Molay in the tenth communal section of Picmy on the island of La Gonâve, was beaten to death by a deputy known as Leselòlò. Fontaine was arrested without a warrant following a complaint by a Mrs. Mercie-Vierge, who owed him \$30. The deputy began to beat him from the moment of his arrest, in the presence of his wife and daughter. When Fontaine's body was returned to his family, it bore signs of torture on the head, eyes and legs. Leselòlò was arrested, but it is not known what further disciplinary action was taken.**
- o On August 23, a 32-year-old man known as Chrismard was shot in the back and killed by section**

³³ "Insecurité" in Agence Haitien de Presse, July 2-7, 1990.

chief Charlin Monesty after he refused to let Monesty arrest him without a warrant. The shooting took place in Petite-Place Théard, the first communal section of Grande Saline, in the Artibonite. It stemmed from a land dispute between two families, the descendants of Louis-Charles Jean and Saül Jean.

Killings by Unidentified Men in Military Uniform

The following cases involve murders committed by uniformed troops:

- o On the night of April 6, armed, uniformed men forced their way into the home of Anondieu Louisma in L'Estère, in the Artibonite, and shot him to death.**
- o Sometime between June 19 and 20, in the Carrefour section of Port-au-Prince, An unidentified soldier shot and killed Wilson Alenis (or possibly Alexis).**
- o On the night of July 1, Sgt. Albert Pagnol of the Port-au-Prince Fire Corps was shot to death by a group of armed men, two of them in military uniform. Pagnol had gone to the aid of a neighbor in the Cité Soleil section of Port-au-Prince.**
- o On August 4, in the Cité Boston zone of the Cité Soleil section of Port-au-Prince, Dérat St.-Pierre, 22, was murdered by a group of armed men, two of them wearing khaki army uniforms.**

Military Abuses in the Course of Land Conflicts

In addition to the March 12 Piate Massacre, described in section "The March 12 Piate Massacre" of this chapter, and the August 23 murder of a 32-year-old man known as Chrismaud, described in the "Killings by Soldiers Whose Identity is Known" section of this chapter, soldiers have committed abuses in the context of a number of other land conflicts. These included the following:

- o On July 13, section chief Norzil St.-Pierre arrested two men in Latapie, the first section of Grande Saline, a coastal town in the Artibonite. Five days earlier, on July 8, a group of men from Bas-Latapie (Lower Latapie), armed with machetes, had entered Haut-Latapie (Upper Latapie) and forced a large number of peasants -- close to 2,000 by one account -- to flee into the surrounding countryside. According to the Haitian Center for Human Rights, the aggressors are agents of a group of large landowners who include Bessie Dorsan, Dorsaint Pierre and Roger Charles. These men have been battling peasants in Haut-Latapie since 1986, trying to gain control of state lands there that have traditionally been worked by peasants. In November 1986, seven people were wounded in the conflict; in June 1989, at the behest of the landowners, military authorities burned down 14 houses and arrested several people; in September 1989, five more houses were burned down and five peasants were wounded.**
- o On July 18, section chief Jean-Lacoste Edouard arrested Rémy Pierre-Louis, reportedly on orders of Commander Maxi Maxime of Petite Rivière de l'Artibonite, because Pierre-Louis was involved in a land conflict with Alcy Nézifort. Pierre-Louis was imprisoned in St. Marc.**

- o On September 7, in Robuste, the second communal section of Petite-Rivière de l'Artibonite, the section chief, Inodile Fils, arrested Marc-Charles Marius because he was involved in a land conflict with a deputy known as Delvius.**
- o On September 12, in Grande-Raque, the third communal section of Marchand-Dessalines in the Artibonite, Louis Bonnet Alcius, a member of the Association of Young Progressives of Jean-Denis, was arrested by rural police deputy Fritz Dorsainvil, because of his involvement in a land conflict with a man known as Cubain, who belongs to the Garde-Champêtre family.**

Other Military Abuses

Soldiers have committed a host of other abuses, from arrests to beatings to theft to extortion. The wholly arbitrary and unlawful nature of many of these actions illustrates the depth of the sense of impunity felt by those under the army chain-of-command.

- o On March 14, section chief Présendieu Néthus of Cahos, in the sixth communal section of Petite Rivière de l'Artibonite, arrested Anondieu Constant and Cantave Constant, accusing them of sorcery.**
- o On March 15, Sgt. Jean Baptiste beat Darius Pierre at the military post in Pont-Sondé, accusing him of being a trouble-maker.**
- o At around 11:00 p.m. on March 21, in Brizard-Plassac, the third communal section of Petite Rivière de l'Artibonite, two armed civilian attachés of the Labadie military post, Eléodor Dorméus and a man known as Hubert, along with a sergeant from the post, forcibly entered the home of Ducange Bernard, roughed him up and accused him of unspecified wrongdoing.**
- o During the night of March 25, in Savanne-à-Roche, the third communal section of Petite Rivière de l'Artibonite, section chief Yvans Siméon, Sgt. Beruton and armed civilians fired rounds of automatic gunfire into the air, apparently to intimidate the population. Many inhabitants fled in fear.**
- o On May 24, section chief Monellus Joseph of Borchereau, the fifth communal section of Marchand-Dessalines in the Artibonite, arrested Luckner Dorval, accusing him of sorcery. One of Joseph's deputies, known as Sylvius, arrested another man, Dieurison Joseph, accusing him of using magic to cause the drought that was ravaging the area.**
- o On June 9, on the Boulevard Harry Truman in Port-au-Prince, a soldier named Eril Laguerre, dressed in civilian clothes, shot and wounded a passerby in the foot. He brought the victim (whose name is not known) to the hospital, where he was asked to pay for medical treatment. He argued with the hospital employees and then shot one, Gesner Joseph, in the groin.**
- o On June 13, in the Cité Soleil section of Port-au-Prince, police attached to the civil court of Port-au-Prince arrested Mrs. Garnier Réjouï, 66, in place of her son, Serge Réjouï, 18, whom they were seeking for allegedly breaking the arm of a young woman named Elange. Mrs. Réjouï was held for four days and freed after she pledged to pay Elange's family \$1,500.**

- o **On June 18, three soldiers from the military post at Pont-Sondé, in the Artibonite, arrested Canès Pierre. Pierre was freed later in the day after he paid one soldier, Lanier, a ransom of \$10. He was re-arrested later the same day and, in exchange for his freedom, had to pay another \$10 to a soldier nicknamed Ti Roro, \$10 to a soldier named Jean-Claude Charles, and \$20 to the Sergeant in charge of the outpost, Jean Robert.**
- o **On June 24, a farmer named Oxon Jeune was arrested in Colminy, the fifth communal section of St. Marc. The soldier who made the arrest, known as Marcel, who is stationed at the Liancourt army outpost, made Jeune pay \$20 for his freedom.**
- o **On June 28, in Pont Sondé, Cpl. Napoleon arrested Edner Estimé after Estimé became embroiled in an argument with a civilian attaché of the local military post named Jean Claude. Estimé was tied up and beaten before being freed two hours later.**
- o **On the evening of June 30, six armed men, five of them in military uniform, entered the home of Primeur Romain, in Bouzy, Anse à Veau. They stole some \$5000 and several valuable items.**
- o **On July 7 Section chief Philius Dézier of the northern town of Plaisance arrested a large number of peasants who had protested against lawless actions of the rural police. Many others went into hiding to avoid arrest.**
- o **At 6:30 p.m. on July 8, three men in olive green military uniform abducted Nicolas Noel from Portail St. Joseph in Port-au-Prince. They brought him to a secluded spot in Croix-des-Bouquets, where they beat him severely and stole \$450 dollars.**
- o **On July 12, five policemen from the Delmas military district (headquartered at the former Fort Dimanche) arrested Bens Bernard Jeune in Cité Soleil. The young man was beaten and jailed. The reason for his arrest is not known.**
- o **On July 23, in Cité Soleil, an unidentified soldier severely beat Prévil Desgranges and then arrested him and his wife. The reason for the beating and arrest are not known.**
- o **On August 1, a man in an olive green army uniform abducted Monchet Petit-Frère on the Rue Sans Fil in Port-au-Prince, roughed him up and stole \$200.**
- o **On August 2, Fresnel Desgranges, a member of former President Leslie Manigat's party, the Assembly of Progressive National Democrats, who was taking part in a demonstration in Petit Goâve against the government's decision to bar Manigat's entry into Haiti, was arrested by soldier Jean Brutus. He was jailed overnight in the Faustin Soulouque military post, where he was very badly beaten.**
- o **At 10:00 a.m. on August 3, Mourny Onès, 35, was shot and wounded by a man in military uniform on the Rue Muller in Port-au-Prince.**
- o **On August 6, in Sartre in the Delmas section of Port-au-Prince, two men in olive green army**

uniforms assaulted and raped Suze Merzier, 16. The victim had to be hospitalized.

- o On September 2, in Ville-Bonheur, near Mirebalais, Franck and Osias Romulus were wounded by gunshots fired by a civilian attaché stationed at the military post in of Mirebalais.**
- o On September 3, in the Delmas 31 section of Port-au-Prince, an unidentified soldier stationed at Fort Dimanche opened fire on a man named Blaise Antoine. The motive for the shooting was unclear, and Antoine, who reportedly was seriously wounded, has been reported missing.**
- o At 8:00 p.m. on September 4, on Fifth Avenue in the Bolosse section of Port-au-Prince, a military patrol on motorcycle fired a series of gunshots. Patrick Jean, 23, who was passing by, suffered a bullet wound. Five days later, at 5:00 a.m. on September 9, two armed individuals, one of them wearing a green army uniform, openly fired on passersby in the same area. Inalus Francois, 26, was shot in his right leg.**
- o On September 5, in Drouillard, just outside Port-au-Prince, 30-year-old Romain Désamour was shot in the leg by an unidentified soldier from the district of Croix-des-Bouquets.**
- o At 10:00 p.m. on September 17, on Delmas 33 in Port-au-Prince, 43-year-old Joachim Etienne was shot and wounded by three men, one of whom was wearing the blue uniform of the police.**
- o At 7:00 p.m. on September 17, on the Rue Pouplard in Port-au-Prince, a police patrol on motorcycle opened fire and wounded a woman by the name of Yolaine Dieubon.**
- o On September 23, following a quarrel with a man named Pierre Fieguin, a uniformed soldier belonging to the Casernes Dessalines fired several shots in the air and wounded Fieguin in the right leg. The victim was admitted to the Hospital of the State University of Haiti.**

The Failure to Pursue Criminal Investigations

The army, including its police section, has been either unable or unwilling to pursue criminal investigations in a series of politically sensitive cases involving charges of human rights abuse. Because of the high profile of several of these cases, this army and police inaction has significantly undermined the image of a military intent on upholding human rights and the rule of law. As noted, this failure to pursue these cases sends a message of impunity to soldiers tempted to commit abuses while it undermines public confidence in the prospect of elections being held free of the devastating violence of 1987.

The Case of Roger Lafontant

Nowhere was the weakness of the provisional civilian government and its judiciary more apparent than in its inability to convince the army to arrest Dr. Roger Lafontant, whose entry into the country on July 7 challenged the credibility of the Trouillot administration. At the height of his power, from July 1982 to September 1985, Lafontant was Minister of Interior and Defense under President-for-

Life Jean-Claude Duvalier.³⁴ Lafontant lost out in a power shuffle in late 1985, just a few months before the Duvalier regime toppled, when Baby Doc dismissed some of his most reviled henchmen in an unsuccessful effort to adopt a more liberal facade.

Lafontant's Abusive Past

Lafontant first made his mark in 1961, when as a medical student he helped the regime of François Duvalier crush a student-led general strike. He soon founded a student unit of the infamous Tontons Macoutes militia, and continued to be associated with the Macoutes throughout his career. In the 1970s, Jean-Claude Duvalier made him consul general in Montreal and then in New York. According to former exiles, he used those positions to spy on opposition activists.

From 1979 to 1980, Lafontant is believed to have headed the Tontons Macoutes, or as they were officially known, the Volunteers for National Security (*Volontaires de la Sécurité Nationale*) (VSN). Later, he was a member of the notorious political police known as the Detective Service (*Service Détection*) based at the Casernes Dessalines. He also served as a Special Councilor on security to Jean-Claude Duvalier.

During Lafontant's believed term as VSN chief, the Macoutes were responsible for several well-publicized abuses. On November 9, 1979, the first open human rights meeting ever held in Haiti, at the offices of the Salesian Fathers, was attacked by dozens of Macoutes. Lafontant is also thought to have instigated the November 28, 1980 crackdown on the nascent movement of dissidents, journalists and trade unionists. The attack brought an end to a brief period of liberalization under Jean-Claude Duvalier, attributed by many to pressure from the Carter administration. Lafontant and his associates are thought to have taken the November 1980 victory of Ronald Reagan, with his opposition to President Carter's human rights policy, as a signal that all restraints were off. Several dozen opposition figures were arrested, some were tortured and others were forcibly exiled.

In 1983, as Interior Minister, Lafontant stepped up recruitment for the Macoutes and announced plans for a VSN academy to train recruits aged 11 to 18. The heightened role for the VSN was manifested by the appearance of Duvalier's two-year-old son in a Macoute uniform, on July 29, 1984, at a celebration of the founding of the militia.

As Interior Minister, Lafontant is said to have personally presided over the torture and interrogation of Pierre Robert Auguste, the editor of a magazine called *L'Information*, in June 1984 in the Casernes Dessalines.

Pastor Antoine Leroy was one of some 35 intellectuals rounded up and jailed in November 1984. He told the press in Canada that he had been tortured by Lafontant during his imprisonment from November 7, 1984 to April 30, 1985. Lafontant, he maintained, once slapped him 54 times, beat him during several other sessions, and even made him eat his own excrement.³⁵ Lafontant himself appeared at the prison to free Leroy and the others, ordering two to leave the country. Another victim said Lafontant kicked him in the face.

³⁴ He also briefly served as Interior Minister from November 1972 to January 1973.

³⁵ "Retour du Godfather du Macoutisme, Lafontant et Régala Persona non grata," *Haiti en Marche*, July 11-17, 1990.

Political leader Sylvio Claude has charged Lafontant with direct responsibility for his April 1983 "psychological torture" by Secret Police Chief Col. Albert Pierre in the Casernes Dessalines.

Lafontant also played a central role in suppressing the independent press. On May 7, 1984, he ordered the suspension of all magazines and newspapers whose content was not approved in advance - a move that was not sanctioned even by the restrictive Constitution of the time. And he personally supervised the July 26, 1985 expulsion from Haiti of three priests, including the director of the Catholic Church's Radio Soleil, Father Hugo Trieste, a Belgian-born missionary who had served in Haiti for 20 years.

He also issued and signed a May 11, 1984 decree banning all political groups other than those backed directly by the regime, which had the effect of barring the conservative and previously tolerated Haitian Social Christian Party, led by Grégoire Eugène.

According to *Haiti en Marche*,³⁶ Lafontant was responsible for the torture under interrogation of Catholic lay worker Gérard Duclerville at the Detective Service of the Casernes Dessalines. Duclerville had founded a group called Catholic Volunteers and broadcast a regular program called Morning Mass on Radio Cacique. He was seized on December 28, 1982, tortured and, only after pressure from the church, freed on February 9, 1983. Duclerville needed hospital treatment, including skin grafts, as a result of his beatings.

Lafontant was a shameless defender of the abusive Duvalier dictatorship. In an October 1984 interview with the *Washington Times*, for instance, Lafontant said that President Jean-Claude Duvalier "has made a point of advocating human rights. He may be the only man in the world of his stature who is so devoted to the preservation of human rights right now... The Tontons Macoutes are loyal to Haiti, so they are loyal to the president. When he said the government will not tolerate violations of human rights, the Tontons Macoutes cheered. So that is one of their jobs now: to make certain human rights are protected."

The Reaction to Lafontant's Return

Roger Lafontant returned to Haiti after nearly five years' absence on an early morning July 7 flight from the Dominican Republic. His return had been rumored since the July 5 funeral of former Lt. Col. Paul-Rosny Casimir -- a requiem which had turned into a coming-out party for the Duvalierists.

Minister of Interior Joseph Maxi gave instructions to the immigration service to quarantine Lafontant at the airport, but these orders were disregarded by Capt. Patrick Bastien, the chief of airport security, who instead speeded up entry formalities by taking Lafontant through the airport's diplomatic salon. In the ensuing media uproar, Bastien said he had "never received any instruction from his superiors to proceed to arrest Roger Lafontant."

"I don't know why my instructions have not been observed," said Maxi.³⁷

³⁶ "Retour du Godfather du Macoutisme, Lafontant et Régala Persona non grata," *Haiti en Marche*, July 11-17, 1990.

³⁷ French, Howard, "Return of Paramilitary Chief Prompts Strike Call in Haiti," *The New York Times*, July 11, 1990.

On July 10, the Public Prosecutor, Bayard Vincent, issued a warrant to appear (*mandat d'amener*) for Lafontant. But the former minister's lawyers, Osner Févry, Lhérisson Alezi and Emmanuel Clersaint, challenged the summons as illegal and succeeded in persuading Judge Justin Fougère to annul it on July 12. Arnold Charles, the senior member of the civil court (*doyen*), overruled Fougère's decision, and on July 16 Judge Fougère was dismissed from his post by decree of President Trouillot.

Prosecutor Vincent issued a second warrant on July 13. This one explicitly ordered all police and army agents (*agents de la force publique*) to bring Lafontant before the Police Magistrate (*parquet*). The warrant cited articles of the Penal Code regarding attempts to destroy or change the government and to incite violence or civil war. In ostensible compliance with the warrant, the military carried out searches in several sections of Port-au-Prince on July 14 and 15, but failed to produce Lafontant.

Vincent issued a third warrant on July 16, and at the same time denounced the military and the justice system for complicity with Lafontant. In a July 18 statement, Justice Minister Pierre Labissière backed up his prosecutor and called on justices of the peace to cooperate with the police in executing the warrant.

Vincent soon began to receive threats against his life from Lafontant supporters. On July 18 and again on July 20, Vincent defended the validity of his warrant in stormy sessions before Judge Charles. A large and menacing group of Lafontant supporters gathered outside the court and attacked a group of peaceful pro-Vincent demonstrators.³⁸ At the final session, Charles recused himself from the case for reasons that are obscure. The confused affair was transferred to Judge Gérard Thomassini.

"My conclusion," Vincent told a reporter, "is that the police don't want to arrest Lafontant."³⁹

In a legal blitz the likes of which Haiti's courts have rarely seen, Lafontant's lawyers also filed complaints on behalf of their client against Vincent, one for "forgery and fraud" and another for "abuse of authority and power." They also filed complaints against US Ambassador Alvin Adams because of remarks he made about Lafontant, and against Gen. Lacrête, chief of the army High Command. Before the month of July was out, these suits had succeeded in tying up the already timid legal authorities and turning the straightforward issue of Lafontant's summons into a bewildering legal jumble.

Lafontant's lawyers sent a memo to Army Commander-in-chief Gen. Hérard Abraham, asking him to instruct members of the army "to conform to the strictest disposition of the Constitution" and to recognize the Judge Fougère's order voiding the summons for Lafontant. There was no public response from Abraham. A high army official told the *Agence Haitienne de Presse* that the police were still looking for Lafontant and that they believed him to be hiding outside the capital under the protection of supporters.

But the army's inability to find Lafontant was given little credence by most Haitians, as they

³⁸See section "Harassment of the Democratic Unity Federation" in this chapter

³⁹ Howard French, "Boldly, Duvalier Bullies Step From the Shadows," *The New York Times*, July 20, 1990.

continued to tune his voice in on the radio and to hear rumors of his whereabouts. Suspicions that the army was actually refusing to enforce the summons Lafontant grew in September, when Lafontant began to make public appearances around the country. According to press reports, he attended a meeting in Pont-Tambour, a section of St. Marc, on September 8, and soon thereafter visited Gonaïves and Cap-Haïtien, where posters, leaflets and even t-shirts bearing the slogan, "Here is the Leader of National Reconciliation, the Apostle of Peace, Dr. Roger Lafontant," were conspicuous all over town.

But these brief appearances proved only a rehearsal for Lafontant's so-far-unimpeded return to Haitian public life. On October 13 and 14, hundreds of Duvalierists gathered at the Club Vertaillis in Port-au-Prince for a political convention. Lafontant arrived under armed, uniformed, military escort, and was proclaimed the leader of a new party, the Union for National Reconciliation.

A few days later, Lafontant marched up to the Departmental Electoral Office in Port-au-Prince and officially filed his candidacy for president.

The Santos Hotel Killings

The June 21 assassination of Council of State member Serge Villard and activist Jean-Marie Montés, during a meeting at the Santos Hotel between the Council and members of certain popular groups, was an ominous turning point for the Trouillot government. Followed as it was by the army's failure to conduct a credible investigation, it cemented the differences between President Trouillot and the Council of State, and led eventually to a total breakdown in relations. The Santos killings also appear to have contributed to the reinvigoration of the Duvalierist sector in Haiti. As noted, it was in early July that the Duvalierists made their first major public appearance in four-and-a-half years -- at a funeral for a former military officer which was openly billed as a rejoinder to the funeral for Serge Villard.

The June 21 attack was led by three gunmen, two in military uniform.⁴⁰ Council of State member Serge Villard was shot three times and died three days later, on June 24. He was a 66-year-old businessman and represented the private sector on the Council. Jean-Marie Montés, a young organizer, was killed on the spot. A third man, 29-year-old trade unionist Emmanuel Magny, was badly wounded.

A fact-finding mission from the National Coalition for Haitian Refugees and Americas Watch, which was in Haiti on the day of the attack, reached the scene of the killing an hour after it occurred. We learned that the assailants had entered the grounds of the former Santos Hotel, in the affluent Pacot section of Port-au-Prince, at about 10:35 a.m. Now called the Foyer Solidarité, the hotel houses a news service, the *Agence Haïtienne de Presse* and has often been the site of gatherings of Catholic Church activists and others.

One of the witnesses to the attack was a policeman, Louis Desert, who had been standing guard directly across the street at the closed offices of the Commissioner for Overseas Haitians. Although he had been carrying a machine gun, Desert told us that he had been too afraid to attempt to stop the men, either before or after the shooting. "The men were carrying heavy weapons. I didn't want them to shoot

⁴⁰ Many news reports have mentioned four attackers, two in uniform, but eyewitnesses interviewed by representatives of Americas Watch and the National Coalition for Haitian Refugees spoke of only three men.

me. I was very close to them so I stayed calm, I stepped back. I went to take refuge there," he said, pointing to a nearby building. "Scarcely had I reached there when they started shooting."

Another eyewitness with whom we spoke, Eugene Jean, a former reporter for Radio Soleil and the official newspaper *L'Union*, was at the Santos for a meeting with the news service there. He reported to us:

"I went out to see a guy who takes care of the grounds. It was then that I saw two soldiers coming in with one civilian. The civilian called to me. "He said, 'Buddy, come over and talk to me.' He asked me if I knew Dr. Roy," [the president of the Council]. "I said, 'No I don't know. I'm here for the *Agence Haitienne de Presse*.' He said, 'Well, I need Dr. Roy. Do you see Dr. Roy?'"

Jean then walked out of the hotel. Shortly after, unable to find Roy, the men opened fire at the Santos entrance, Jean said. They then ran from the hotel grounds, continuing to fire their guns, until they reached a nearby corner.

A dozen police officers arrived on the scene at about 11:00 a.m. -- after the wounded had been taken away, but while the body of Jean-Marie Montés still lay on the floor of the Santos vestibule. The police did not stay long. They left the body where it lay, took the names of some witnesses, but did not attempt to question anybody about the shooting. They also failed to offer protection to several other members of the Council who were still at the hotel. Nor did the army provide any protection to Council member Villard, who had been taken to the Canapé Vert hospital. The hospital was required to hire its own private security firm.

In the aftermath of the attack, many people remarked at the government's low-key response. On the day of the killing, the government issued a short statement, signed by the Minister of Information, saying that it "energetically deplores and condemns the attack...and presents its ardent and sincere condolences" to the victims and their relatives. President Trouillot herself did not comment until two days later, on June 23, when she spoke about violence incited by sectors hostile to change and called for renewed efforts to forge unity but never referred directly to the Santos attack or its victims. After Villard's death, the government declared two days of national mourning.

In the months since June 21, the police have made no further announcement about the case. Our only clue as to the status of any possible investigation comes from an August 7 statement issued by the Council of State, which noted that it had received a report from the Ministers of Justice and Interior concerning the Santos attack. According to the statement, the Ministers had noted that, seven weeks after the killing, "the judicial and police investigations were stalled *à piétinement* to a sorry degree and were still in their preliminary phase." The Council added: "The deficiencies, omissions and/or obstructions show, on the civilian as well as the military side, an obvious incompetency and a lack of political will to resolve this case." The Council noted the parallel between the lack of progress on the Santos case and the failure to pursue criminal cases against Roger Lafontant and Williams Régala, noting that on all three fronts, "it remains evident that civilian and military authorities display laxity, a willingness to obstruct justice and a total scorn for popular demands."⁴¹

⁴¹ Communiqué du Conseil d'Etat, published in *L'Union*, August 9, 1990.

The next word on the Santos case came in October, when a group of US investigators from Washington, Miami and Puerto Rico arrived in Haiti to assist police and judicial authorities in their investigation. The team, accompanied by Prosecutor Bayard Vincent, the Justice of the Peace for the eastern section of Port-au-Prince, André Normil, and the head of the police's Investigation and Anti-Gang Service, Maj. Claudel Josaphat, visited the scene of the crime on October 3. "We hope to have the collaboration of everyone in order to shed light on this tragedy," one of the Americans said.⁴²

Failure to Execute Other Arrest Warrants

In April 1990, Public Prosecutor Bayard Vincent issued warrants for the arrest of several former soldiers, including Delius Joseph and Faustin Miradieu, for the severe beating of popular leaders Marino Etienne, Evans Paul and Jean-Auguste Mesyeux on November 1, 1989.⁴³ The warrants were based on formal complaints filed by the three victims. In a June interview, Vincent told representatives of Americas Watch and the National Coalition for Haitian Refugees that he had given the warrants to the police's Investigation and Anti-Gang Service, and that Maj. Leopold Clerjeune, then the chief of that unit, had told him that he had been unable to locate the former soldiers.

Vincent also told Americas Watch and the National Coalition for Haitian Refugees that he had submitted to army headquarters (*Quartier General*) warrants for three soldiers still in active service, Bismark Jean-Pierre, 2nd Lt. Fritz Pierre, and Wrt. Ofcr. Joseph Alpinald, all of whom were accused of participating in the November 1, 1989 beating of three opposition leaders. However, as far as he knew, the army had done nothing in response.⁴⁴

The army's inability to apprehend the authors of crimes against government opponents contrasts with its swift action in the case of three former soldiers who were said to have fired shots in the neighborhood of army headquarters on June 5, in what was believed to be a challenge to the army hierarchy. The three men, dressed in olive-green uniforms and bearing automatic weapons, were promptly seized. The next day, the army issued a communiqué identifying them as St. Armant Alisme, Marc Sonel Louis-Jean and Francisque Jean-Mary. All three had been discharged from the army in 1988 and 1989 for nonpolitical misconduct. Jean-Mary, for example, had been dismissed for armed robbery and drug trafficking. The army announced that the three were turned over to the Investigation and Anti-Gang Service.

⁴² "Des investigateurs americains au secours de la justice et de la police Haitienne" Agence Haitienne de Presse, 38ème resumé de nouvelles nationales, October 1-6, 1990.

⁴³See Americas Watch, National Coalition for Haitian Refugees, Caribbean Rights and International Commission of Jurists, *Reverting to Despotism: Human Rights in Haiti*, March 1990, pp. 36-43.

⁴⁴Marino Etienne told us that he had also filed complaints against the three above-named soldiers. According to Etienne, all three had been transferred to posts in small towns and cities far from Port-au-Prince, perhaps, he implied, to keep them out of the public eye.

The Civilian Government

President Trouillot has adopted a hands-off policy toward the army which will set a difficult precedent for any future civilian government. Despite the broad national support that her government initially enjoyed, and the public's distaste for military rule, the President has sought no reforms from the military and has made no known criticisms of its excesses and inadequacies. For example, the government decided not to attempt to shift control over the police and prisons from the army to the civilian Justice Ministry, as mandated by the 1987 Constitution, but opted to leave this to an elected government -- a decision which may have lessened tensions in the short run but which bequeaths a troubling track record to the next civilian government.

Although a few steps have been taken under the Trouillot administration to lay the groundwork for prosecutions of individuals responsible for some of the major human rights crimes of recent years, not one case has come to trial. The government's failure in particular to bring to justice any of those responsible for the November 29, 1987 election-day massacre has dogged its efforts to organize new elections. Popular leaders have argued that the Haitian people will not vote in large numbers if they must risk their lives because the assassins of November 1987 are still at large -- an argument that appeared to have considerable force until the candidacy of Father Aristide seemed to galvanize large segments of the Haitian population. Again and again, political parties, peasant organizations and civic groups have called for the arrest of those responsible for the election-day murders, as well as such notorious crimes as the September 11, 1988 massacre of 12 worshippers at the Church of St. Jean-Bosco,¹ and the killing of hundreds of peasants in Jean Rabel in July 1987.² While the military is responsible for executing any warrant issued for the arrest of these murderers, and for carrying out investigations, civilian authorities must order investigations and arrange for the authors of crimes to be formally charged. (Insofar as current members of the army or police are responsible for crimes, however, the military can institute disciplinary proceedings on its own.) In this regard the Trouillot administration must share some of the blame for the army's impunity on human rights matters.

During our June 1990 mission to Haiti, we spoke with the chief civilian government officials responsible for carrying out the functions of justice: Minister of Justice Pierre Labissière, Minister of Interior Joseph Maxi, and Port-au-Prince Public Prosecutor (*Commissaire de Gouvernement*) Bayard Vincent. They described their few successes and their substantial frustrations.

The appointments of Labissière and, especially, Maxi had been welcomed by Haitian democrats. Labissière had been the vice president of the 1987 Provisional Electoral Council (CEP) which had attempted to organize credible elections in the face of army and Duvalierist terror. Maxi was the president and a founding member of Haiti's first human rights group, the Haitian League for Human Rights, established in the late 1970s. In November 1989, he had been forced into hiding when the President at the time, Gen. Prosper Avril, cracked down on the opposition and sent teams of soldiers from his Presidential Guard to Maxi's home. However, given their history of commitment to human rights and the high expectations that it inspired, their tenure has been disappointing.

A common thread in our interviews with Labissière, Maxi and Vincent was their frustration at

¹ See Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, *The More Things Change...Human Rights in Haiti*, February 1989, pp. 42-46.

² See Americas Watch and National Coalition for Haitian Refugees, *Haiti: Terror and the 1987 Elections*, November 1987, pp. 27-29.

being unable to make the system work. They complained that in the absence of a police force that serves the Justice Ministry – the current police force, as noted, remains part of the army, despite a constitutional edict to the contrary – they were dependent on the military to assist in the conduct of investigations and to make arrests.

The military, of course, is not the only problem. A complex and archaic court system disperses responsibility for investigating and prosecuting criminal violations among several different officials. When on rare occasion a prosecution is initiated, it often faces delays because criminal courts are in session for only two brief periods each year. For instance, during the session of July 9-25, 1990, thirteen cases were scheduled for trial, one on each day. As *Le Nouvelliste* pointed out,³ "The list of 13 cases to be heard does not include the burning cases of Marc-Antoine Lacroix or Elysée Jean-François which have been widely talked about this year." As discussed below, Lacroix, a former police attaché, was arrested for killing seven people on March 10, and Jean-François was arrested on April 13 and accused of taking part in the Sept. 11, 1988 murders at the church of St. Jean Bosco.⁴

The civilian government can point to a few cases of politically motivated violence in the last nine months in which it has pursued criminal prosecution. While the crimes in each case were quite serious and clearly merited prosecution, the individual defendants have been relatively low-ranking individuals whose arrest is unlikely to have been read as a threat to the authors of political violence in Haiti.

Prosecutions for Human Rights Abuses

Elysée Jean-François

Elysée Jean-François, a man accused of taking part in the massacre of at least 12 people at the Church of St. Jean Bosco on September 11, 1988, was arrested on April 13, 1990, Good Friday, after he was recognized by participants in a religious march. He had been throwing stones at the marchers, some of whom summoned the police to arrest him.

On April 23, several survivors of the St. Jean Bosco massacre gave evidence against Jean François in Port-au-Prince civil court before Prosecutor Bayard Vincent. Sonny Lefort pulled up his shirt to show the judge a long scar on his abdomen, the result, he said, of being stabbed by Jean-François as he tried desperately, while already wounded, to leave the church. Marie-Maude Jeune identified Jean-François as one of the murderers.⁵

³ "Treize affaires aux prochaines assises criminelles," *Le Nouvelliste*, June 28, 1990.

⁴ See Americas Watch, National Coalition for Haitian Refugees and Caribbean Rights, *The More Things Change... Human Rights in Haiti*, February 1989, pp. 42-26.

⁵ Eric Sylla, "Actualités en Bref," *Le Matin*, April 25, 1990.

Marc-Antoine Lacroix

On March 10, the day of Avril's downfall, Marc-Antoine Lacroix, a civilian attaché working as a photographer for the Anti-Gang and Investigations Service of the Port-au-Prince Police Department, opened fire on a group of people who were "uprooting" (dechouké, in this case, vandalizing and destroying) his house in Martissant, a suburb of Port-au-Prince. He killed seven people.

According to the Haitian Center for Human Rights, which assisted relatives of the victims in bringing charges, Lacroix, accompanied by several men in uniform, opened fire on the crowd that was pillaging his house, killing Gesner Caréus Junior, Max Poly, Pressoir Desruisseaux, Kesner Antonio Salomon (age 14), March Solite (age 18), and two others whose names are not known.

He was arrested and brought to the National Penitentiary. On March 19 and 21, the families of the victims and their lawyers gave depositions to the police. On May 29, the investigating judge, Jean-Claude Siclait, ordered Lacroix sent to criminal court to be tried. On June 11, his lawyer appealed this decision, but on July 19, the Court of Appeals rejected the appeal, so he will be kept in prison until the next criminal court session. On October 3, Vincent told a reporter that Lacroix's trial would take place in the criminal court session of either December 1990 or in July 1991. But the case could be delayed, he explained, because there were other, even older and equally serious cases that had not yet been tried.⁶

The Minister of Justice

Justice Minister Labissière told us that unless he receives complaints from victims or witnesses to a past abuse -- even if the fact of the abuse is well known -- he cannot initiate prosecution. Given this obstacle, the Minister said, he was trying to use available legal procedures to make clear that the government did not want past crimes to go unpunished. He cited, for example, the government's invitation to victims of human rights violations to bring suits against those responsible. Since, for the most part, victims have not come forward, Labissière disclaimed any power to pursue these crimes. He made the same point with regard to abusive section chiefs: he can prosecute them only if people press charges against them.

Labissière acknowledged that it is the prosecutor's duty under the law to conduct criminal investigations once charges are fixed. However, he noted, the prosecutor as a practical matter must rely on the police to do the legwork required in most criminal investigations. If the police, who are part of the army, do not follow the prosecutor's directions, there is little he or the Minister can do. When questioned about the government's decision not to begin to develop a police force that reports to the Justice Ministry, Labissière made reference to the government's provisional nature.

⁶ "Le Jugement de Marc-Antoine Lacroix en decembre 90 ou peut-etre en juillet 91, selon le commissaire du gouvernement," Agence Haitienne de Presse, 39ème resume de nouvelles nationales, October 8-13, 1990.

According to an article in the government daily *L'Union*,⁷ on June 25, four days after the Santos attack and three days after our meeting with him, Minister Labissière met with the public prosecutor, two substitute prosecutors, four investigating judges and nine justices of the peace in what was described as an attempt to strengthen their ability to respond to crime and violence in the capital. Labissière told the newspaper that he had underscored the responsibility of these officials to investigate all crimes while at the same time acknowledging that they lacked the means to carry out investigations. Labissière also announced that a new agreement was soon to be concluded between the Ministry of Justice and the police which would clarify the support and cooperation that the police would be expected to give to all judicial authorities. The next day, June 26, the Ministers of Justice and Interior issued a joint communiqué announcing that, following instructions from the President, they had that day held a meeting with the prosecutor and "certain members of the Armed Forces of Haiti" with a view toward "determining the most urgent measures to take to check the acts of violence and terrorism creating a real climate of insecurity in the country...." However, there was no mention of an accord on police cooperation with investigations, nor, to our knowledge, has such an accord been reached.

The Public Prosecutor

Port-au-Prince Prosecutor Bayard Vincent made a number of efforts to bring to justice people charged with politically sensitive human rights crimes. Most were thwarted by the military's inability or refusal to enforce summons for these individuals. In Chapter III, we outlined the lack of military cooperation that Vincent encountered in seeking to bring to justice Roger Lafontant and to arrest several soldiers the November 1, 1989 beating of three popular leaders. Earlier in this chapter, we described cited several so far more successful prosecutions of political violence that are under way.

Serge Beaulieu

Vincent pointed to the pursuit of one other case as an example of his effort to halt political violence. In early April, Vincent summoned Duvalierist leader Serge Beaulieu for questioning because, according to the *Agence Haitienne de Presse*, his radio station was inciting people to violence, crime and sedition every night. Beaulieu responded to the notice through his lawyers by claiming immunity as a member of the short-lived Manigat Parliament. He claimed that the Parliament was the only body empowered to pursue any offense he might commit.

Williams Régala

When Williams Régala returned from the United States to make a public appearance at the July 5 funeral of former Col. Paul-Rosny Casimir, Haitians were outraged. Former Maj. Gen. Régala had served as Minister of Interior and Defense from the fall of the Duvalier dictatorship in February 1986 until the overthrow of the Namphy military government in September 1988. He is widely believed to have played a role in instigating the election-day massacre of November 1987.

⁷ "Nouvel accord entre la Police et la justice," *L'Union*, June 27, 1990.

In a statement issued in the name of the Electoral Council on July 5, 1990, CEP President Jean Robert Sabalat addressed the perceived threat to the electoral process posed by Régala's return:⁸

The Provisional Electoral Council is profoundly troubled by the unexpected return to the national soil of ex-General Williams Régala, member of the National Governing Council in 1987, Minister of the Interior and National Defense of this same government, at the precise moment when the CEP is preparing to officially open electoral operations with the delivery of the [electoral] law to the Executive for its promulgation.

The CEP, mindful of its heavy responsibilities, has the duty to call the attention of the Haitian people and responsible authorities to the danger constituted by the presence of this sinister figure in Haiti.

It is worth mentioning that the entire nation and international opinion still remember that General Régala, right arm of Henry Namphy, was behind the events that surrounded the sabotage of the elections of 1987 and the massacre of voters on November 29, of which he was the principal instigator. We remember:

- 1) his refusal to provide security to the CEP**
- 2) his guilty silence on the burning down of the CEP office on Rue Pavée, the Salomon Market, the printing press responsible for printing ballots, etc.**
- 3) his silence on the numerous attacks perpetrated by armed bands (protected by the police force under his command) against the offices of registration and voting.**
- 4) the sabotage and destruction of numerous radio stations known for their independence and support for the electoral process, notably Radio Soleil, Radio Cacique, Radio Antilles, Radio Haïti-Inter, Radio Lumière, Radio Métropole, etc.**
- 5) the interdiction of vigilance brigades, the persecution of their members, and the massacre of youths at Carrefour Feuilles.**
- 6) preventing the distribution of electoral materials by refusing to grant authorization to CEP helicopters to fly over the national territory to transport the materials.**

For all these reasons the CEP, conscious of the profound disquiet created as much among its members as in the population so thirsty for change and democracy, launches an appeal to the responsible authorities (in the Executive and the Council of State) and expects that they will take concrete and rapid steps capable of preventing the repetition of the crimes committed in the course of the 1987 electoral period. The arrival on the national soil of ex-General Régala at the moment when there is a climate of rampant insecurity that worsens every day, is certainly a sign of the return of other henchmen of violence working and manoeuvring in the border areas.

⁸ Letter published in *L'Union*, July 9, 1990, under the headline, "Le CEP s'interroge."

In one way or another, this return constitutes a serious threat to the electoral process that can only take place in a climate of peace and security.

The CEP urges the Haitian people to forcefully protest the public return of this dangerous enemy of the fatherland.

In addition to the grave accusations against him voiced by the CEP president, Régala has been charged by politician Bernard Sansaricq with helping to organize the 1964 massacre of more than a dozen members of the Sansaricq family, including young children, in the city of Jérémie. Sansaricq first made the accusation in 1986, after the fall of Jean-Claude Duvalier, and an inquiry into the event was opened by then Justice Minister François Latortue. Régala admitted being in Jérémie during the period but said that his only role was as part of a military campaign to destroy a band of guerrillas. He ordered the case shut in 1987.

On July 13, 1990, Sansaricq announced that he had filed a formal complaint against Régala with Prosecutor Bayard Vincent. In addition to charging the former general with taking part in the 1964 murders, Sansaricq accused Régala of twice attempting to have him assassinated in August 1987, and of being "the architect of a climate of terror" at the time in Haiti's southwest in which he said, "dozens of peasants" had been bludgeoned to death. Sansaricq also held Régala responsible for the death of a peasant named Clédanor Antoine, who had been beaten to death in Duchity by soldiers, allegedly for having briefly hid Sansaricq at a time when he had gone underground.⁹

Despite the Sansaricq complaint, and a highly successful general strike on July 11 held to press for the arrest of Régala and Roger Lafontant, no legal action of any sort is known to have been taken against Régala.

The Minister of Interior

As Minister of Interior, Joseph Maxi found he had less power than he had expected. In all recent previous administrations, one minister had held both the interior and defense portfolios, but under President Trouillot, defense went to a retired military officer, former Col. Jean Thomas.

One of Maxi's first efforts was a March 27 decree ordering all civilian attachés of the prefectures, which had just been ordered closed, to turn in their weapons within 72 hours. Since there had been no public report of the success of this effort, we asked Maxi about it. He told us that it had been a failure in part because he was never given a list of attachés so he had no way of enforcing his order. The list was only one example of various types of information that should normally have been available to the Interior Minister but had been kept from him by the police and the army.

We asked Maxi why he had not taken a more active role following the May 31 massacre in Pèrodin.¹⁰ He told us that he had met with the Minister of Defense about the killings. One outcome of the

⁹ "Plainte contre l'ex-général Régala," Agence France Presse, *Le Matin*, July 14, 1990.

¹⁰ See Chapter 3

meeting, he claimed, was the army's announcement that five section chiefs in the Artibonite had been dismissed.¹¹ Maxi had no knowledge of which section chiefs had been involved. He acknowledged that he had little cooperation from the army on questions of rural abuses.

Maxi enthusiastically described the potential of a new system in which delegates would be installed in each of Haiti's nine departments as civilian representatives of the President and Interior Minister. Part of the problem in the countryside, he explained, was that with the abolition of prefectures, which were hated repressive structures that employed undercover agents or attachés, the civilian government had no representative outside of Port-au-Prince. The delegate would serve this role, reporting directly to the Interior Minister. The delegate would be able to make recommendations to local military commanders and to the Minister about the removal of abusive section chiefs. Maxi was unable to say why the delegates would have any greater success in influencing the military than had the civilian Interior Minister. While there has been at least one report in the Haitian press of a delegate being inaugurated, at the end of November the system did not appear to be functioning.

The Council of State

The Trouillot administration has been largely unresponsive to requests by the Council of State to satisfy popular demands for prosecution of figures charged with major human rights crimes.

For example, as noted, after an April 23 visit to the scene of the riot in Cabaret,¹² the Council recommended to the President that a commission of respected, impartial citizens be established to inquire into the events and to present its findings within 15 days.¹³ The commission was never established, according to the Council, because "after several exchanges of letters between the Ministry of Justice and the Council of State, it was finally proposed to the latter to form a commission composed exclusively of members of the Council of State to consider the following cases: April 26, 1986, November 29, 1987, Jean Rabel, September 11, Piate, Labadie, Cabaret. It is clear that such a proposal could not but delay an investigation into the case that is recent and much easier to illuminate than the others."¹⁴

The Council next proposed the creation of two commissions, one to consider incidents that took place under prior governments and the other to deal with current abuses. No action was apparently taken on this proposal. But on October 15, the Ministry of Information announced that the government had ten days earlier decreed the creation of a commission charged with investigating the causes and circumstances of the major human rights violations of the post-Duvalier period. According to the announcement, a five-member "Investigation Commission," "drawn from the most representative sectors of the country, known for their courage, their credibility, their honesty, their impartiality, their moral authority," was to be designated by Presidential decree for a duration of four months, "renewable

¹¹ See page Chapter 3

¹² See page Chapter 3

¹³ "Le Conseil d'Etat demande une commission d'enquête sur un incident entre civils et militaires," *Le Matin* (Agence France-Presse), April 25, 1990.

¹⁴ "Bilan de l'incapacité à satisfaire les revendication populaires," *Le Matin*, June 10, 1990.

as needed."

The Commission was charged with "throwing light on the causes and circumstances of the tragic events that occurred in Port-au-Prince on April 26, 1986, November 29, 1989, September 11, 1988, June 21 at the Santos, and June 29, 1990 in Petionville and those that took place in Labadie, Piate, Cabaret and Pèrodin" and "reporting the main people responsible to the justice system."

The Investigation Commission was also, "during the full duration of its existence, invested with the power to intervene in all cases of serious crimes and offenses committed in whatever part of the country...."

The Commission's specific assignments are:

- a) to gather complaints and grievances from the victims of the crimes and offenses committed in the course of the aforementioned events;**
- b) to gather all information from possible witnesses to the events;**
- c) to summon for the purposes of investigation all persons accused by witnesses or by the victims themselves. If the person summoned refuses to comply, a warrant to appear will be issued to him by the public prosecutor or the local justice of the peace, upon the request of the Investigation Commission. In the course of its work, the Investigation Commission has the power to compel the public prosecutor to issue whatever summons are necessary to attain the goals assigned to it.**
- d) to conduct house searches.**

In late November, there had still been no word of anyone being named to the Commission.

The Council has pressed for more aggressive pursuit of political violence in other ways as well:

o The Council proposed "the dissolution of the prefectures and the disarming of civilians attached to different corps of the police and public administration." The prefectures were done away with but, according to a statement from the Council in June, "the disarmament order, while given, has not had any result."¹⁵

o The Council pressed for legal action against the "civilian or military" authors of violence. The statement, issued in June, noted the "sluggishness of justice and the impunity which certain groups who operate throughout the national territory seem to enjoy," making reference to the Council's unsuccessful efforts to organize an investigation into the April events in Cabaret.

o The Council also called unsuccessfully for the separation of the police and the army and the placement of the police under the jurisdiction of the Ministry of Justice, the shifting of section chiefs

¹⁵ "Bilan de l'incapacité à satisfaire les revendications populaires," *Le Nouvelliste*, June 10, 1990.

from the military command to the Ministry of Interior, and army support and training for neighborhood groups (*comités de quartiers*) which would work with the police to protect their neighborhoods from crime and violence.

Rise in Summary Justice

The Trouillot regime's failure to fulfill the Haitian people's hopes for justice led to a troubling wave of incidents in which people took justice into their own hands.

In April, the Haitian Center for Human Rights reported 11 cases in which mobs killed suspected criminals, assassins or "attachés" (undercover civilians working for the military). In May, the number of such killings was five, in June two, in July three, and in August one.

The connection between failures of the justice system and popular lynchings were exemplified by a July 2 incident in Desarmes, a section of the Artibonite town of Verrettes. A man named Luc Eliasse was captured by townspeople, who charged him with removing a corpse from its tomb. The people turned Eliasse over to the police, who brought him before Judge Sylva Narilus to be charged. The judge, however, disregarding proper legal procedures, turned Eliasse over to the crowd, who lynched him by setting fire to a tire placed around his neck. (This form of lynching is called "Père Lebrun" in Haiti, after a local tire salesman who ran television commercials where his head popped up in the center of one of his tires.)

United States Policy

Human Rights in Haiti

Washington's vigorous support of free elections in Haiti in 1990 has been a welcome change from the policy of the Reagan and early Bush administrations. Through late 1989, the US administration seemed to possess an unwavering trust in the Haitian army to create an environment of respect for human rights in which free and fair elections could be held. Despite persistent evidence of more repressive intentions on the part of Haiti's military rulers, the State Department at best remained silent and at worst openly defended its abusive allies. Since early November 1989, however, the Bush administration has demonstrated greater willingness to speak out in general terms against continuing violations of human rights, and has communicated to the Haitian army in no uncertain terms its opposition to any military action to topple the Trouillot government or to interfere with the holding of elections. Still, the administration has been unwilling to criticize the army directly and in August it temporarily reverted to the disastrously mistaken path of 1987 by pressing for the renewal of military aid.

Much of the credit for the new US policy goes to its main exponent, Ambassador Alvin Adams, who from the moment he set foot on Haitian soil could not have acted and sounded more differently from his lackluster predecessor, Brunson McKinley. Taking the trouble to learn Creole before his appointment, Adams on his arrival in Haiti invoked the proverb, "*Bourik chaje pa kanpe*" (a loaded donkey cannot stand still), which was widely understood to refer to the Haitian people's frustrated desire for free and fair elections. Although Ambassador Adams insisted that he was referring only to his personal goals in taking office, Gen. Avril took the speech as a slap in the face and initially turned Adams away when he came to present his credentials.

A certain fascination with this new type of ambassador took hold in Haiti, and Adams became known in newspaper headlines and casual conversation by the sobriquet *Bourik chaje*. His activist role also earned him enemies on the far right: to *Le Petit Samedi Soir*, Adams's pro-democracy and anti-Duvalierist stance meant foreign interference in Haiti's affairs. Some objections of this nature were occasionally heard as well in the left-wing press, but for the most part Adams's widely acknowledged interference was viewed as beneficial by those hoping that, this time, Haiti might succeed in holding free and fair elections.

Ambassador Adams was instrumental in persuading Gen. Avril to bow to the growing opposition, step down and finally leave Haiti. In March 1990, Marc Bazin, a leading presidential candidate, told reporters that the US Embassy "played a role, a very positive role" in the events leading to Avril's resignation. US embassy officials at the time denied taking direct part in negotiating Avril's departure, but acknowledged, according to *The Miami Herald*,¹ that Adams "had encouraged the opposition to unite in order to bring about democratic change in Haiti."

According to a report in *The Washington Post*² on the day after Gen. Avril stepped down, "Avril decided to resign as president barely 48 hours after an extraordinary private meeting with the U.S. ambassador...." The account continued:

¹ Don Bohning, "Protests force Haiti's ruler out," *The Miami Herald*, March 11, 1990.

² Lee Hockstader, "US Envoy Spoke With Avril of Nixon's Final Days Before Haitian Resigned," *The Washington Post*, March 12, 1990.

"In an hour-long meeting Wednesday (March 7), Ambassador Alvin P. Adams told Avril that like Nixon, he had lost the confidence of key sectors of the country....In a highly personal conversation, Adams also spoke to the general about the capacity for overcoming loss. Adams mentioned the death of his 25-year-old son in the USS Iowa explosion last year and the evacuation of his wife, who is Vietnamese, from her native land. Two days later, Avril summoned Adams to his home and informed the ambassador he had decided to quit."

The United States offered strong political support to the new President, Supreme Court Justice Ertha Pascal Trouillot. In May, she became the first Haitian leader since Paul Magloire in the 1950s to be invited to the White House, where she met with President George Bush, Secretary of State James Baker and other officials. Three months later, President Trouillot was visited by Vice President Dan Quayle, the highest-ranking US official to come to Haiti in 30 years.

In late March, only a few days after President Trouillot's inauguration, Sally Groom Cowal, Deputy Assistant Secretary of State for Inter-American Affairs, visited Haiti and declared, "We are convinced that a freely elected government, chosen by the Haitian people through elections held under international supervision, will provide the best means to reach the goals of respect for human rights and economic development long desired by the people of this country....We strongly hope that there will be rapid progress on the electoral timetable and electoral preparations, and we hope to help this process."³ Ambassador Adams frequently reinforced this position, saying, for example: "The alpha and the omega of our policy in Haiti is to promote a normal electoral process. This is the essential goal of our efforts here."⁴

Criticisms of human rights abuses, usually linked to their effect on the electoral process, were also more frequent than in past years. After a brutal attack on a group of nuns less than a week after President Trouillot took office, the US embassy issued a statement condemning "in the most energetic terms the act of barbarous violence committed during the past weekend against the Saint Rose of Lima School by unknown aggressors." The statement went on: "There is no place in the midst of the Haitian democratic process for the perpetration of such acts of violence....This incident draws attention to the perils that threaten the democratic process in Haiti, and underscores that it is important not to permit this process to be diverted by violent acts of this nature."⁵

Following the assassination of Council of State member Serge Villard, the embassy issued a statement which not only deplored the murder and offered condolences, but also, in a step that the Bush Administration has taken far too infrequently in other countries, called for prosecution of the perpetrators. It said: "Once again, we urgently call on the competent authorities to apprehend those responsible for the criminal attack at the Hotel Santos, to bring them to trial and to take all necessary

³ *Le Nouvelliste*, March 27, 1990.

⁴ Huguette Herard, "Adams Parle," *Le Matin*, April 17, 1990.

⁵ "Les Etats-Unis condamnent la violence," *Le Nouvelliste*, March 20, 1990.

legal measures in order to protect the democratic electoral process that the country has launched."⁶

Ambassador Adams has frequently invoked the importance of investigating and bringing to justice those responsible for violent attacks. For instance, in a July 4 speech, he said: "When acts of violence are committed, the judicial authorities, together with the military authorities, must do everything, I repeat, everything, to the extent the law allows, to bring those responsible for such violence before the courts."⁷

The administration's concern about the army's loyalty to President Trouillot's civilian government and the electoral process was made explicit during Vice President Quayle's brief August 9 visit to Haiti. With extraordinary frankness, the Vice President told a group of high-ranking officers assembled to meet him at the palace, "My message is: no coups, no murders, no threats and instead, free and fair elections that will bring honor to the brave people of Haiti."⁸

These public pronouncements have been extremely important in making clear to the Haitian military that, this time, the United States will brook no deviation from the path to a secure electoral environment and the free and fair election of a new civilian government. Nonetheless, the administration's policy toward Haiti has not been uniformly positive. Most notable, since the advent of the Trouillot government, has been an unwillingness to hold the army directly responsible for particular abuses. While the Haitian military must by now clearly understand that the administration expects it to stop the violence and punish those responsible, Washington and the embassy in Port-au-Prince have refrained from explicitly condemning soldiers or uniformed troops for the acts of violence that they continue to commit. As this report documents, there is no shortage of abuses directly attributable to soldiers for which the administration might have noted the army's involvement. The administration's failure to take this step has helped the army evade responsibility for its direct role in much of the violence and thus has facilitated a continuation of army abuse.

More important than this conspicuous silence has been the administration's explicit endorsement of the army through the first request for US military aid to Haiti since the bloody cancellation of the 1987 elections. Just before the Quayle visit, the Bush administration proposed to provide Haiti with \$1.2 million in military aid. According to the proposal dated August 3, which was sent to the Senate and House Foreign Affairs and Appropriations Committees, the funds would "be used to provide the Haitian Army with necessary non-lethal equipment and training to aid it in preserving internal order during the election period...and preventing a coup against the Trouillot government."

Much of the money was to go to training, in both Haiti and the United States. According to the proposal, "approximately \$400,000 will be required to fund...training teams which will address current shortfalls in Haitian Army (FADH) capabilities in the areas of communications, transportation, maintenance, medical and basic security skill. They are focused especially to address needs that the FADH will face during the upcoming election period." Other monies were to cover mattresses, medical

⁶ "L'ambassade des Etats-Unis deplore la mort de Mr Villard," *Le Matin*, June 27-28, 1990.

⁷ Speech by Ambassador Adams on July 4, 1990, *Le Matin*.

⁸ Philip Shenon, "Quayle Warns Haiti to Hold Fair Elections," *The New York Times*, August 10, 1990.

supplies and spare parts for vehicles, aircraft and boats. The sum of \$200,000 was earmarked to pay for 75 jeeps, 90 pick-up trucks and five ambulances, apparently surplus, used vehicles.

Washington sources familiar with Haiti described the aid request as a bribe to the army to buy its support for the elections, a sort of carrot to accompany Dan Quayle's big stick. This approach had been tried and had failed before, most notably in 1987, when Washington's provision of military aid despite ongoing army abuses was read by many as tolerance of those abuses and a factor contributing to the election-day carnage. Rather than attempt such an ill-concealed bribe, the administration should have stated clearly that there would be no aid to the Haitian army as long as it continued to commit violent abuses and to tolerate such actions by others.

Under the terms governing such requests, Congressional committees had two weeks to raise objections to the aid. Although the request at first appeared likely to meet no resistance, the Senate Foreign Relations Committee, in the end, wisely rejected it. In an August 16 letter to Defense Secretary Richard Cheney,⁹ ten of the Committee's 19 members said that "in light of the poor track record of the Haitian military, the virtual absence of professionalism within its ranks, and the overall deterioration in the current situation, to provide such assistance would send the wrong signal to the Haitian military at this critical juncture." The Committee members called instead for multilateral election-security assistance, which could include US funding, "done as part of the ongoing efforts by the United Nations, the OAS, CARICOM and other international observers."

The administration also appears to have resorted to deception in supporting its aid request. The original memorandum requesting the aid stated that "CEP President Sabalat and prominent Haitian political leaders have also urged non-lethal US election security assistance to the Haitian army." But in a telephone interview with the National Coalition for Haitian Refugees, Sabalat categorically denied ever seeking such aid. He said he had requested security assistance for the elections from international bodies but never from any individual countries.

Concern about the military's commitment to the elections appear to have been evidenced once again in an October 30 statement by the US Embassy. Congratulating the Haitian people on the highly successful voter registration, the communiqué went on to make the urgent request that "the Armed Forces and the police of the Republic of Haiti respect their promises to furnish full security for the electoral process in the country...Only a process free from fear can produce an elected government that is credible and will put an end to Haiti's isolation and bring it all the advantages of an association with the family of elected democratic governments." The statement may have been an oblique allusion to the army's failure to arrest Roger Lafontant, and have been prompted by fears that the recently announced candidacy of the radical priest, Father Jean-Bertrand Aristide -- a perceived threat in some conservative circles -- would prompt the army to allow a repeat of 1987.

In an important move at a potentially explosive moment, Ambassador Adams went out of his way to stress that the Aristide candidacy had not swayed the United States from its support for the elections. In mid-November, shortly after Aristide had entered the race, Adams told reporters that the United States "is ready to work with the future Haitian President, whoever he his, if he attains the presidency following

⁹ Don Bohning, "Senate committee rejects aid proposal for Haiti's election," *The Miami Herald*, August 18, 1990.

free, credible and honest elections." Unfortunately, Adams then undercut the significance of his statement by cautioning that "Haitians have a historic and important choice to make" and then employing the Creole proverb, "*Aprè bal, tanbou lo!*" (After the dance, the drums are heavy). Adams's use of the proverb was widely understood to be a warning to Haitians to think through the consequences of an Aristide presidency.

The United States allocated over \$70 million in aid to Haiti in 1990, with \$41 million of this going to private, non-governmental organizations for development related projects. The Haitian government was to receive a total of \$18 million in direct "food assistance" over a six-month period beginning in May, and \$10 million was released to the Haitian government in August as Economic Support Funds, mainly to cover the cost of oil imports.

A total of some \$6.5 million has been earmarked for election assistance, but only \$2 million of this goes directly to the Electoral Council (through the United Nations, as Haiti requested) to cover its expenses. The rest is supporting the monitoring efforts of the OAS and funding voter-education projects and the like developed by such groups as the National Endowment for Democracy and the International Foundation for Electoral Systems.

Interdiction and Deportation

One element of US policy that has remained unchanged for more than nine years is the practice of interdicting Haitians who are attempting to flee their country by boat and forcibly returning them to Haiti. Instituted in 1981 by Reagan administration this policy has led to the forced return to Haiti of more than 22,000 refugees.

The Haitian Migrant Interdiction Operation, recast in 1988 as the Alien Migrant Interdiction Operation, is based on an agreement with the government of President-for-Life Jean-Claude Duvalier that allows the US Coast Guard to intercept on the high seas Haitian vessels believed to be heading to the United States with what the agreement terms illegal migrants. Once intercepted, the Haitians are transferred to a Coast Guard cutter, where they are usually briefly interviewed by an officer of the Immigration and Naturalization Service (INS) before being shipped back to Haiti. Only six among the more than 22,000 Haitians interdicted have been allowed to pursue claims for asylum on US soil. Washington has continued to maintain that poor human rights conditions are not a factor in the dangerous trek undertaken by the Haitian boat people in unseaworthy, wooden sailboats.¹⁰

The agreement between Haiti and the US has never been ratified by Congress. Although individual legislators have at times criticized the program, and hearings on it were held in 1989, Congress has largely acquiesced to the policy in silence. Every aid package to Haiti since the inception

¹⁰ For more on US interdiction policy, see Anne Fuller, "Injustice on the High Seas," March 1989, available from the National Coalition for Haitian Refugees. See also Lawyers Committee for Human Rights, "Refugee Refoulement: The Forced Return of Haitians under the US-Haitian Interdiction Agreement," March 1990. In October 1990, seven Haitian and Haitian-American organizations filed a petition with the OAS Inter-American Commission on Human Rights, seeking a finding that the interdiction operation violates international laws.

of interdiction has included funds for "drug and migrant interdiction." Congress has never appropriated more than \$2 million for such tasks, but the cost of the Coast Guard/INS operation has been significantly higher, averaging \$30 million a year since 1982.

In May 1990, it was learned that 43 Haitian who had reached US shores only to be placed in an INS detention camp and then deported after at times more than a year in custody were then jailed in the National Penitentiary upon their return to Haiti. Many but not all had been boat people. Haitian military authorities initially claimed that the deported Haitians had been detained as part of an investigation into the use of false visas and passports. But interviews by the Haitian Center for Human Rights revealed that the prisoners had barely been questioned at all. Most of the 43 were freed after media attention and protests in the United States and Haiti.

But deportees continued to be arrested upon their arrival at Haiti's Maïs Gaté Airport. Those detained were mainly people who had been deported from the United States because of a criminal record. Haitian authorities justified the detentions as a preventive measure because, they claimed, the wave of violent crime in Haiti was attributable to Haitians who had turned to a life of crime in the United States and continued this profession upon return to Haiti. Needless to say, there was no legal basis for such arrests, nor did Haitian authorities even attempt to secure arrest warrants or file formal criminal charges. The Haitians deported from the US had all served whatever US sentence had been imposed; at least two interviewed in October -- Rochefort Mazain, convicted of trespassing on property of the State of Florida, and Moliere Choute, convicted of using false identification -- had spent more time in prison in Haiti than they had in the US.

The Haitian army's imprisonment of deportees is a poor mask for its inability or unwillingness to identify and apprehend the real culprits behind the wave of violence in Haiti. By continuing to deport Haitians to meet such arbitrary detention, the United States has become complicit in their mistreatment, in violation of its duty under US and international refugee law.