

*A Report by
AMERICAS WATCH,
THE NATIONAL COALITION FOR HAITIAN REFUGEES
and CARIBBEAN RIGHTS*

November 1, 1991

HAITI

The Aristide Government's Human Rights Record

INTRODUCTION

The September 30 military coup d'etat in Haiti has thrust to center stage the human rights record of the ousted government of President Jean-Bertrand Aristide. The coup was less than a day old when its perpetrators began to justify the overthrow of the country's elected president by alleging human rights abuses under his rule.

The irony of this criticism, coming from troops who had just toppled a popularly elected government and murdered at least three hundred civilians, has been widely noted. Nonetheless, the charges are sufficiently troublesome to warrant a serious response -- all the more so because the military has since chosen Jean-Jacques Honorat, a leading human rights figure, as the prime minister of their provisional government. Until then perhaps Haiti's pre-eminent human rights monitor, Honorat has sought to justify the coup by comparing President Aristide's human rights record to that of Uganda's Idi Amin and Cambodia's Pol Pot.¹

The issue of human rights under President Aristide took on critical importance for Haiti's future when charges of abuse appeared to be taken up by the U.S. State Department. According to *The New York Times*, U.S. officials began "moving away from the unequivocal support they have voiced for the ousted Haitian President...citing concerns over his human rights record." Was it possible that Washington would withhold its support for the deposed president because of these charges? "American officials," the *Times* continued, "are beginning to quietly disclose a thick notebook detailing accounts of human rights abuses that took place during Father Aristide's rule" which "jeopardized his moral authority and popularity."²

At the time of the coup, we were completing an assessment of the Aristide

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¹ "Jean-Jacques le Juriste..." *Haiti en Marche*, October 23-29.

² Clifford Krauss, "In policy shift, U.S. criticizes Haitian on Rights Abuses," *The New York Times*, October 7, 1991.

government's human rights record as part of our long-standing monitoring of human rights in Haiti. Our evaluation is based on fact-finding missions to Haiti in February, March, April, June and September 1991, as well as extensive telephone contacts with sources in Haiti throughout the year. We issue this report now both to provide a concrete factual record for the debate over the Aristide human rights record as well as to contribute to improvements in the human rights practices of an Aristide government that might return to power in the future.

In providing what we hope is an honest and objective assessment -- setting forth both the setbacks and the advances for human rights under President Aristide -- we have no intention to lend our voice to those responsible for his ouster or to those working to prevent his return to power. In our view, President Aristide is the sole legitimate Haitian head of state. His overwhelming popular mandate -- over two-thirds of the vote in a free and fair election held less than a year ago -- can be matched by few if any leaders in the hemisphere. That mandate should not be dismissed lightly. While we recognize the need to correct the human rights shortcomings of the Aristide government -- and welcome international attention to these deficiencies -- we believe firmly that these failings cannot be used to justify committing yet a further, serious human rights violation by depriving the Haitian people of the right to elect their government.

Our conviction in this regard is only reinforced by the brutal military regime that has replaced President Aristide's government. The new regime's ruthlessness can be seen in the forty civilians killed in Lamentin, just south of Port-au-Prince, when soldiers seeking to avenge the murder of one or two troops went on a rampage, mowing down pedestrians and shooting into homes; in the at least three hundred civilians estimated to have been killed by soldiers during the few days of the coup and its immediate aftermath -- dwarfing the number killed by any means under seven months of President Aristide's rule; in the long list of independent radio stations which have been silenced by marauding soldiers; in the arbitrary arrest, and at times severe beating, of leading Aristide supporters; and in the warrantless raids on homes and offices of those deemed opponents of the military regime. As the U.S. Embassy in Port-au-Prince announced on October 24, 1991, there is reason for "profound concern" over "ongoing fundamental human rights abuses," including credible reports of indiscriminate killings, police harassment, illegal searches and looting of private homes and radio stations, arrests without warrants and detentions of persons without charges and mistreatment of persons in the custody of Haiti's de facto authorities."³

Our conviction that President Aristide must be returned to power is certainly not shaken by the charade of the National Assembly endorsing at gunpoint the army's choice for a new figurehead government. We recognize that various elements of Haitian society have their reasons for disliking President Aristide. The wealthy feared his talk of redistributing wealth. The established political class resented the priest-turned-candidate who transformed established political figures into distant also-rans. But disgruntled minorities, no matter how powerful, cannot snuff out the overwhelming mandate of the Haitian people. While the millions of Haitians who voted for Aristide may not have the international influence that the Haitian elite is now attempting to wield, their Election Day ballots should be influence enough to ensure that their considered judgment is respected. Certainly, a bunch of thugs brandishing Uzis should not be allowed to silence their voice.

³ Transcript provided by the Embassy.

Still, while affirming the duty of the international community to press firmly and effectively for the early restoration of the legitimate constitutional government of President Aristide, we believe that an assessment of the Aristide administration's record on human rights is appropriate, and that allegations of abusive practices under the Aristide government should be fully and carefully addressed. This report is devoted to that task.

* * *

The government of Jean-Bertrand Aristide compiled a record on human rights which showed much promise but which was also marked by certain troubling practices.⁴ His administration began to pay close attention to much-needed structural reforms in some of the institutions that had long been used to repress the Haitian people, particularly the army, the rural section chiefs, and the prison administration. The result was most visible in a dramatic decrease in violence by military and allied repressive forces. However, efforts to reform other institutions -- notably the criminal justice system -- were more sluggish. Popular frustration with dysfunctional legal remedies led many Haitians to take the law into their own hands. In a disturbing deviation from his stated commitment to human rights, President Aristide voiced a certain tolerance for this popular violence as a substitute for the profound reforms of the legal system that were needed.

Since 1986, the military has been the chief barrier to democracy in Haiti. As we have shown in earlier reports,⁵ Duvalierist forces, including former members of the Tontons Macoutes militia, have been able to block democratic progress only when they were able to secure the army's collaboration. When on rare occasion the army defended the democratic process and stood up against these forces, the violence was quickly quelled.

Under President Aristide, the generals who had controlled the army on behalf of past military regimes were pressured to retire, and a new generation of officers, believed to be committed to democracy, were promoted to take their place. A number of military men who previously had been dismissed from the army for opposing its brutal actions, or who had resigned because they refused to

⁴ It is beyond the scope of this report to discuss the achievements of the Aristide administration outside the realm of human rights. We note, however, that the progress that was made on the human rights front came despite such burdens as the Dominican government's summary expulsion of some three to five thousand "Haitians," and the resulting exodus of some sixty thousand more to Haiti. The Aristide government also devoted its energies to reducing corruption, addressing the needs of Haiti's poor and soliciting international aid to meet the country's many pressing problems.

⁵ See especially "In the Army's Hands: Human Rights in Haiti on the Eve of Elections," published in December 1990 by Americas Watch and the National Coalition for Haitian Refugees; and "The More Things Change...Human Rights in Haiti," published in February 1989 by Americas Watch, the National Coalition for Haitian Refugees, and Caribbean Rights.

commit violent abuses, were re-enrolled and promoted. A handful of soldiers were suspended from duty and even arrested following charges that they had killed or wounded civilians, denting the customary impunity enjoyed by the military for abuses against civilians.

As abusive commanders were transferred to obscure posts or dismissed, President Aristide went out of his way to woo rank-and-file soldiers and to shower praise on officers who appeared to support a role for the army in support of democracy. In response to popular demands, Aristide began dismantling the system of rural section chiefs. Pending the enactment of a law implementing the constitutional requirement that a civilian police force be established independent of the military, section chiefs were recast as "communal police agents" under the authority of the public prosecutor (*commissaire de gouvernement*). They were instructed to turn in their weapons, and an effort was undertaken to weed out the worst human rights abusers among them. The Justice Ministry also submitted to parliament a long-awaited bill to reform the security forces.

The Investigations and Anti-Gang Bureau of the Port-au-Prince Police, strengthened by the admission into its ranks of reform-minded officers, became increasingly effective in combatting the wave of violent and frequently politically motivated, crime that had swept Port-au-Prince and other cities since 1986. Prime Minister René Préval, in particular, insisted on ending violence by criminal gangs as a prerequisite to the establishment of democracy, gaining himself the reputation as the chief law-enforcement officer in Haiti.

The army was by no means thoroughly reformed. As this report shows, soldiers as well as police (who remained part of the army) continued to be responsible for some abuse of civilians, including killings. Moreover, the President's confidence in this new army turned out to have been misplaced, and there was apparently a swelling resentment that went unexpressed until it erupted in the coup of September 30. However, these failings do not detract from Aristide's profound commitment to construct an army that marched side by side with the Haitian people, instead of against them.⁶

Along with his reforms of the military, President Aristide announced the creation of a commission to investigate the major human rights crimes of the past and named a group of distinguished citizens to lead it. He saw to it that a number of individuals alleged to have directed killings and torture under past repressive governments were arrested -- albeit usually for the separate crime of plotting against the state -- and that warrants for the arrest of others were issued. In an important symbolic move, he closed Fort Dimanche -- long a center for torturing and murdering opponents of the reigning dictatorship -- and dedicated a museum to its victims on the site. Aristide's military predecessors had long promised but had never acted to shut down this infamous prison.

⁶ "I have a dream, a dream that is in the process of being realized," said Aristide on May 14 at the Military Hospital in Port-au-Prince, after he had successfully negotiated an end to a rebellion by rank-and-file soldiers at the Petionville Barracks. "This dream is that before the end of five years, the Haitian people will recognize that the soldiers (*se moun nan yo*) are their people, are their brothers, that they are going forward with them to make the country more beautiful. And that the soldiers, seeing how happy the people are with this unity, will feel proud." "Témoignage d'un soldat: l'état d'esprit à la base de l'armée," *Haiti Progrès*, June 12-18, 1991.

Overall, violence in Haiti of all sorts -- including criminal violence, killings by soldiers and violent rural land conflicts -- dropped conspicuously during President Aristide's tenure. From February 7 through the end of August 1991, twelve civilians were killed by soldiers, in contrast to twenty-six under the eleven-month government of Ertha Pascal Trouillot -- a drop due in large measure to Aristide's efforts to exert civilian control over the army and to weed out abusive army officials. Active intervention by the Aristide government to resolve land conflicts peacefully left a toll of six lives, compared to forty-seven under Trouillot. The drop was even more precipitous in the number of murders classified as common crimes. A survey of crime-related murders reported in the Haitian press reveals at least sixty such killings during the Trouillot period and fewer than ten during Aristide's government, reflecting the more aggressive police work initiated under Aristide. Only in the area of lynchings of presumed criminals did the number of killings hold steady.

In fits and starts, the Aristide Justice Ministry attempted to improve deplorable conditions inside the country's prisons. It also permitted large numbers of journalists to enter the prisons for the first time, so that all of Haiti could learn about the inhumane conditions in which the prisoners lived. However, serious problems remained.

There was little improvement in the sluggish pace of justice for either common criminals or those alleged to have plotted against the government, and detainees continued to spend many months in prison before being formally charged, let alone brought to trial. The few trials that did take place made evident that the judicial system remained as inept as ever and almost as corrupt.

In the countryside, the advent of elected government did not prevent the eruption of several bloody conflicts over land, usually pitting groups of peasants against each other with one side often backed by a large landowner. However, appeals by President Aristide and intervention by his ministers may have headed off more extensive bloodletting. Far fewer people were killed in such conflicts than under past governments.

These limited yet important advances in respect for human rights in Haiti have been largely overlooked by the international community in its focus on popular violence under President Aristide -- the practice known as "Père Lebrun,"⁷ the Haitian name for murder by necklacing with a burning tire. Indeed, the lynching of suspected criminals continued to be a problem under the Aristide government, as it had been under most of the governments since the downfall of the Duvalier dictatorship. The number of incidents of summary justice by crowds under Aristide was roughly equal to the number under the first seven months of the government of Ertha Pascal Trouillot, and considerably less than the surge of bloodletting that followed the failed coup attempt of January 1991, during the last month of the Trouillot government.

⁷ Père Lebrun, or Papa Lebrun, is a major retailer of automobile tires in Haiti. His television ads used to show him popping his head through one of his tires.

Of deep concern, however, was President Aristide's apparently ambivalent attitude toward such lynchings. Although his government on at least one occasion condemned popular violence and on at least another occasion arrested participants in such violence, President Aristide failed to lend his personal voice to these condemnations. The distinction was critical given President Aristide's tremendous personal moral prestige.

The absence of the president's voice was most urgently felt during the past summer, as crowds of Aristide supporters threatened the court trying those accused of plotting the overthrow of the civilian government in January 1991, and legislators engaged in a political battle for jurisdiction and power with the executive branch. Firm condemnations from the popular president would not only have radically curtailed the incidence of such violence and threats of violence but would also have gone a long way toward strengthening the legal institutions whose failure had bred the popular frustration that was fueling resort to Père Lebrun.

More troublesome, while President Aristide often spoke eloquently of the need to respect constitutional remedies and political pluralism, and of the importance of love, brotherhood and non-violence, he seemed to view Père Lebrun as a necessary evil -- particularly in two recent speeches described in greater detail below. To our knowledge, it was not until he was ousted from power that Aristide explicitly condemned lynching in public comments to the Haitian people.

This does not mean that we hold President Aristide responsible for inciting the threats and intimidation used by his supporters or the lynchings that did take place. We have seen no evidence to suggest that Aristide ordered these apparently spontaneous actions. But Aristide deserves strong criticism for failing to use his extraordinary moral authority with the Haitian people to instruct them in forceful terms that such methods have no place in a democracy. In this sense, responsibility for the killings is properly placed with Aristide.

Background: The Election of December 16, 1990

On December 16, 1990, almost five years after President-for-Life Jean-Claude Duvalier was overthrown, Haiti held its first free and fair elections.⁸ Since Duvalier's downfall Haitians had lived through three different military dictatorships and a short-lived civilian puppet regime, and were trying to survive under a weak and tumultuous provisional government headed by former Supreme Court Justice Ertha Pascal Trouillot.

President Trouillot's appointed nine-member Provisional Electoral Council sought extensive international monitoring and assistance for the elections. The United Nations and the Organization of American States sent several hundred representatives to Haiti to support and observe the elections. These

⁸ For a more complete account of the Haitian election, see "Haiti: The Birth of a Democracy; Report of the General Elections Held in Haiti on December 16, 1990," by Caribbean Rights, the National Coalition for Haitian Refugees, Americas Watch and the Lutheran World Federation.

forces helped to ensure that the elections were conducted successfully.

Father Jean-Bertrand Aristide, an extraordinarily popular Roman Catholic priest who had survived two attempts against his life by Duvalierist thugs, declared his candidacy for president at the end of October 1990, just days before the close of nominations. His decision to run electrified Haitians everywhere, and turned on their head widespread predictions of poorly attended, "managed" elections. Voter registration soared and with it excitement about the elections. There was only one significant incident of violence during the campaign: on December 5, about an hour after Aristide had spoken at a vast rally in the Port-au-Prince suburb of Petionville, one or more grenades were tossed into the large crowd still milling about. Eight people were killed and seventy wounded.

On Election Day, December 16, voters stood in line all over Haiti to cast their ballots for president, senators, deputies, mayors and members of Communal Administrative Councils. There was no violence and little intimidation. The army defended the integrity of the balloting. It was a day of awesome achievement for the Haitian people.

One day later, with spot returns counted, Aristide was projected, and then internationally acknowledged, as the overwhelming winner in the twelve-candidate field. When the Electoral Council's final tallies were made public on January 14, Aristide was shown to have secured 67.48 percent of the vote. His closest rival, Marc Bazin, obtained 14.22 percent.

Before he could take office, Aristide had to survive an attempted coup d'etat led by former Tontons Macoutes chief Roger Lafontant on January 6 and 7. But the people and the army proved loyal to their elected government.

On Inauguration Day, February 7, 1991, Aristide became Haiti's first popularly elected leader. His legitimacy was uncontested.

POSITIVE STEPS BY THE ARISTIDE GOVERNMENT

Extending Civilian Control Over the Military

President Aristide's attempts to transform the Haitian army into an institution that respected human rights and upheld democracy began with his inaugural speech.

"I love you, General Abraham," he told the army's commander-in-chief, Hèrard Abraham, as he announced the beginning of what he called "a marriage between the army and civilians." The new president promised to turn over to the military a six-million-dollar interest-free loan promised by Taiwan. But after gushing praise, especially for the army's peace-keeping role during the elections, Aristide asked Abraham for a favor in return: would he please retire six of the seven highest ranking generals in the army, and promote in their stead some of the colonels who had supervised security for the elections?

It seemed a masterful move. Indeed, Abraham, who himself had emerged as a hero by ensuring the Haitian army's support for the electoral process, complied. Within a week, Generals Gérard Lacrete, Serge St-Eloi, Acédius St. Louis, Fritz Romulus, Jean-Claude Laurenceau and Roland Chavannes, and Colonel Christophe Dardompré retired on full pensions. Colonel Raoul Cédras, who had headed the election security committee, was made a major general and army chief of staff.

General Abraham stayed on as army commander-in-chief until July 2, when in what was presumed to be another successful effort by Aristide to reshape the army, he resigned "for personal reasons" and Colonel Cédras was promoted to Brigadier General and named as interim commander-in-chief.

A small number of officers who were notorious for human rights abuses were transferred to obscure posts. A particularly abusive example was the army commander of Petite Rivière de l'Artibonite, Maxi Maxime.

A group of reform-minded officers and soldiers who had been dismissed under General Prosper Avril, or who had, in some cases, deserted the army rather than carry out retrograde orders, were reinstated and in some instances promoted. Among them were Pierre Chérubin, who was named chief of the Port-au-Prince Police, and several who became members of Aristide's personal security detail, including Dany Toussaint, who was promoted to captain, and Fritz Pierre-Louis, who became a lieutenant. Pierre-Louis was killed by soldiers who arrested President Aristide in the course of the coup.

Abolishing the System of Section Chiefs

The most significant administrative change undertaken by the Aristide government was the abolishment of the system of section chiefs (*chefs de sections*). These rural sheriffs, integrated into the army and reporting to the local sub-district commanders, had for decades been the real rulers of the rural sections of Haiti's rugged interior. They collected taxes, policed the villages with the aid of dozens of deputies, arbitrated land and personal disputes (for a fee), jailed and punished malefactors and decided what independent groups were allowed to operate in the section. The worst section chiefs kept their sections poor and cowed through extortion and violence.

In early April the Justice Ministry announced that Haiti's 555 section chiefs would be transferred from military to civilian jurisdiction, under Justice Ministry control. The renamed "communal police agents" would be accountable to local prosecutors. The section chiefs were ordered to turn in their arms and munitions but were assured that they would not lose their pension rights. The ministry also announced that those who were found guilty of corruption or other violations would be discharged.

Although the announcement was widely praised, putting it into practice proved more complex than anticipated, and a lack of guidelines for the transition added to the difficulties. Some of the old section chiefs slipped into their new posts and continued to operate in the old way. Peasant organizations -- including *Tet Kolé*, the Haitian group that has taken the lead in monitoring section-chief abuses -- objected to any of the former section chiefs staying on as communal police agents. They called for the training of a new police force to make a clean break with the coercive practices of the past. In other areas, the section

chiefs quit the vicinity, leaving it without any police force and allowing violent quarrels to thrive.

In June, reflecting problems that occurred in many parts of the country, members of the elected councils of towns and rural communal sections in southeastern Haiti wrote an open letter to Aristide's prime minister, René Préval, alerting him "to the problems we are facing relating to the procedure you decided upon for choosing the communal police agents." Among the problems cited were the former section chiefs' refusal to play any role in controlling crime because, they argued, "they no longer have firearms to use as instruments of intimidation against evil-doers...." As a result, the letter noted, "Banditry has increased considerably in the communal sections; landl thieves act with total impunity in the absence of the police." The council members noted that "conflicts have increased in the countryside between members of peasant groups" and that "in certain localities, there is even the threat of bloody tragedy, because of the excitement provoked by the business of choosing" the police agent. The letter writers recommended that the prime minister name the communal police agents himself.⁹

⁹ "Un cri d'alarme lancé au Premier Ministre," *Le Matin*, June 11, 1991.

Attempts to Curb Military Impunity

Under President Aristide, and the officers he induced the army to promote to positions of power, human rights abuses by soldiers against civilians decreased markedly. During the government's first seven months (February-August), twelve civilians were murdered by soldiers. By contrast, during the first seven months of the Trouillot government (March-September 1990), twenty-six civilians were killed by the military. Under prior military governments the figures were considerably higher.¹⁰

The decline in military abuses was due to the unprecedented steps taken by the Aristide government and military commanders to discipline soldiers accused of abusing civilians. Impunity for rights violations was no longer taken for granted.

This new approach was evident in the treatment of an incident in Montrouis in the lower Artibonite, where on March 9, two soldiers from the St. Marc garrison, reportedly trying to extort money from a 14-year-old peasant boy, killed him when he resisted. The population of the coastal town reacted by attacking and killing the soldiers and setting fire to the small army post in their town. Soldiers shot and killed another civilian in the fighting. After Prime Minister René Préval visited the scene, six soldiers were arrested and dozens of others disciplined. The arrest of soldiers for infractions against civilians had been unheard of in Haitian history. However, no civilians were arrested for lynching the soldiers.

Elements of the new approach -- though, unfortunately, tempered with a substantial dose of the old -- could also be seen in the reaction to the deaths of five youths in police hands at the end of July. A lieutenant was arrested, and a captain was suspended from duty while an investigation was launched. However, the results of the investigation were never announced. (For further on these killings, see "Continuing Military Abuse," below.)

Toward Prison Reform

The Aristide government allowed unprecedented access by the Haitian press to Haiti's prisons and thus focused considerable attention on the conditions in which prisoners were held. The government's second minister of justice, Karl Auguste, seemed to take a particularly serious view of the problems in Haiti's prisons and began a number of constructive efforts for their improvement.

Haiti's prisons traditionally have been run by the military. Outside the capital, prisons are found inside army barracks. Typical conditions for prisoners, the overwhelming majority of whom are pre-trial detainees, have been characterized by beatings, severe over-crowding, lack of food, co-mingling of minors and adults, and inadequate sanitary and medical facilities. In the recent past, deaths from torture and

¹⁰ These figures are taken from the monthly list of human rights violations in Haiti published in *Haiti Insight*, the bulletin of the National Coalition for Haitian Refugees. They are gleaned from several sources in Haiti. Killings for which the culprit was not known to be a soldier are presumed to be the work of civilians.

starvation were virtually routine in some detention centers.

Early in its term, the Aristide government formally transferred prison administration from the military to the Justice Ministry. The public prosecutor was the titular head of the prison, which made gaining access to the jail easier for visiting human rights delegations, but soldiers continued to serve as prison guards and the warden was an army officer.

Aristide demonstrated a commitment to prison reform by visiting the National Penitentiary in one of his first acts as president-elect. On December 28, 1990, he spoke with the inmates and listened to their complaints. He promised that all prisoners would have their cases heard, and that those who were wrongfully confined would be released. He announced: "Starting next February 7 [Inauguration Day], we are going to fight so that justice reigns in this country. Each and every case will be studied."¹¹

Aristide was not the only official of the new government to visit the penitentiary. In sharp contrast to their predecessors, both of Aristide's justice ministers paid visits to the prison early in their terms.

After a visit to the National Penitentiary shortly after Aristide's inauguration, Bayard Vincent announced that \$10,000 a month would be made available to purchase food for the prisoners and that a section of the Ministry of Social Affairs would be delegated to handle the logistics. He also announced that the Haitian Red Cross would be donating 65 beds to the prison. Vincent spoke of the need for "uniform" treatment of all prisoners and admitted that there were no decent prisons in the country.¹²

Our representatives visited the National Penitentiary on May 1, 1991, in the company of then public prosecutor Anthony Alouidor. We found conditions in the prison essentially unchanged from those observed during previous visits.¹³ The prison held 896 inmates that day, Alouidor said. Of these, 227 were under investigation -- that is they had not yet been formally charged with any crime. About one quarter of the remaining 669 had been arrested prior to February 7, 1991, and their status was unclear. The rest, he said, had either been convicted of a crime or had been formally charged with one and were awaiting trial.

The section for male common prisoners, the largest in the prison, held some 700 inmates. Food was inadequate; open sewers spewed filth into the compound when it rained; there were large garbage dumps inside the facility; rats, mice and insects plagued the prisoners; and most prisoners were forced to sleep on the ground.

The delegation found nine boys between the ages of 14 and 17 living in the midst of the adult prisoners; this, too, was a continuation of past prison practices. The boys were released when this was brought to the prosecutor's attention.

¹¹ "Pas d'amnistie, mais une justice égale pour tous," *Haiti en Marche*, January 2-8, 1991.

¹² "en bref," *Haiti Progrès*, March 27-April 2, 1991.

¹³ Previous visits had been conducted under the governments of General Prosper Avril, General Henri Namphy and the Namphy-led National Governing Council.

The delegation heard complaints from prisoners that they were still subject to beatings by guards. They were told that in mid-April, a detainee had been beaten to death in the National Penitentiary after he tried to escape. The public prosecutor first denied knowing about the incident but later admitted that it had occurred and that the inmate had died from his injuries.

The delegation encountered several men who had been deported from the United States after serving a criminal sentence there. These men had been taken into custody at the Port-au-Prince airport and brought to the prison without any legal formalities.¹⁴

Aristide's second justice minister, Karl Auguste, visited the National Penitentiary on May 22 together with Prime Minister Préval. Auguste, too, listened to many prisoners' complaints and spoke at length with Roger Lafontant, Marjorie Robbins and Serge Beaulieu, all in prison on charges of attempting to overthrow the government. He pledged to work toward improving detention conditions. Auguste told the press that he had called on the Division of Public Hygiene of the Health Ministry to fix the prison's latrines and announced that he was going to hire a private company to rid the prison of mosquitos and rodents. He denied seeing any evidence that prisoners were being beaten.

On June 3, Prime Minister Préval visited the prison in Petionville, where he said he saw evidence of very bad conditions. He promised that the Ministry of Justice would address the just complaints of the inmates.

On June 13, Auguste visited the prisons in Petionville and Croix des Bouquets. According to a Justice Ministry press release, Auguste and the chief of the ministry's Detention Service, Raoul Elysee, interviewed detainees and evaluated the facilities. They found the cells in the Petionville prison to be seriously deficient -- poorly ventilated and lacking basic necessities. The toilets functioned poorly, no food or medical care was provided to the prisoners, and boys as young as twelve were kept in the cells.

Later the same day, the minister's party visited the headquarters of the Military Department of the West in Croix des Bouquets. This prison, the ministry reported, had fewer detainees, the majority of whom were apparently serving sentences of several months for theft. No minors were discovered in this prison.¹⁵

Several days after these visits, Auguste announced that the detention section of the Ministry of Justice would be spending 60,000 gourdes (US\$ 12,000 at the official rate of exchange) a month to improve

¹⁴ The practice of jailing such deportees -- usually for several weeks -- had begun in 1990 under the Trouillot government and apparently continued under the Aristide government. The police defend the practice as part of their fight against crime. According to information obtained in September 1991 from the Haitian Human Rights Center (CHADEL), even deportees whose only offense was entering the United States with a fraudulent visa were being detained for several days in prison for questioning upon their return to Haiti.

¹⁵ The account of Auguste's visit to the prisons in Petionville and Croix-des-Bouquets is taken from "Visite du ministre de la justice á la prison de Petion-ville et de la Croix-des-Bouquets," Agence Haitienne de Presse, 74th Summary of National News, June 10-15, 1991.

the food available to inmates in the National Penitentiary. (This is virtually the same sum that had been promised by Bayard Vincent. It is not clear whether Vincent's food-supply program had ever been implemented.)

Auguste also announced his intention to reduce the population of the National Penitentiary from nine to six hundred. A commission was created to review the cases of all prisoners. Auguste vowed to correct the prison authorities' failure to maintain a register recording each prisoner's name, age and sex, the time and date of detention, and the reason for detention. He recognized the need to segregate juvenile from adult inmates, though noting that inadequate facilities made this goal difficult to meet in the short term. And he pledged to establish a corps of civilian wardens trained in the requirements of United Nations standards governing the treatment of prisoners.

It was evident that under Auguste, the Justice Ministry was making a serious attempt to improve prison conditions, at least in detention centers in or near the capital. But these efforts had not yet borne much fruit, as was apparent from the early September 1991 report by the United Nations expert on Haiti, Bruni Celli. Celli spent a week in Haiti investigating human rights conditions. He visited the National Penitentiary and the prison in St. Marc, and reported that conditions in both prisons were extremely bad from the point of view of hygiene, food and medical care. During the time of his visit, he said, the National Penitentiary had more than one thousand inmates; not a single bed could be found in the St. Marc prison; and lengthy detention without trial continued to be the norm.

Seeking Justice for Past Crimes

Although "justice" was a watchword of the Aristide campaign, the new government moved slowly in shedding light on the major human rights crimes of past years. On February 25, less than three weeks after Aristide's inauguration, the Ministry of Information announced the formation of a commission to address "current burning" human rights concerns, including "the massacres at Jean Rabel, Danti and Labadie, and the conditions of detention in the prisons." The commission was to be made up of the ministers of justice, social affairs, agriculture, and planning. Choosing the ministers themselves, who had so many other pressing concerns, seemed to doom the commission from the start. And, in fact, this commission never seems to have gotten off the ground.

On August 23, a second commission was announced.¹⁶ Five independent figures were named as members: Necker Dessables, director of the Catholic Church's human rights division, the Justice and Peace Commission; Jean-Claude Bajoux, the director of a leading human rights group, the Ecumenical Center for Human Rights; Lucien Pardo, a respected politician from the Artibonite region; and two young activists from popular organizations, Patrick Henry and Georges Moises. Bajoux and Pardo's identification with KONAKOM, a political party often at odds with Aristide, seemed to underscore the commission's independence.

¹⁶ The second commission was modeled after a commission that had been decreed in October 1990 by President Trouillot but never constituted.

The second commission's mandate was to investigate the major human rights crimes of the period 1986 to 1990, that is, the period from the fall of the Duvalier dictatorship through the election of Aristide as president. It was to have a four-month term, renewable as necessary. In a September interview, Necker Dessables told our representative that there was strong interest among the members in extending the mandate to include the crimes of the Duvalier period. He informed us that the government had allocated office space to the commission but that a budget was still in the works.

The lack of a working commission throughout Aristide's tenure did not prevent action from being taken against a number of individuals believed responsible for abhorrent crimes in the past. Nikol Poitevien, a major landowner implicated in the July 23, 1987, massacre of hundreds of peasants in Jean-Rabel in Haiti's Northwest, was arrested in March 1991. Five other suspects in the Jean Rabel massacre, the largest mass-killing in recent Haitian history, were arrested in April but quickly released for purported lack of evidence. In a May interview, members of *Tet Kolé*, a peasant organization active in the Jean Rabel area, said the others were released under pressure from influential individuals in the region. Poitevien had not yet gone to trial when the Aristide government was overthrown.

On the fourth anniversary of the Jean-Rabel massacre, Prime Minister Préval, Justice Minister Auguste and Agriculture Minister François Severin traveled north to commemorate the terrible incident. In a speech at the scene, Auguste promised that all those who had taken part in the massacre would be arrested, judged and convicted.

In anticipation of the anniversary, a number of common graves where the bodies of victims of the massacre had been unceremoniously dumped were excavated. Delegations of peasants from Haiti's nine departments took part in a ceremony in Jean Rabel on July 22. A symbolic funeral mass was held on July 23 in the Church of St. Jean Baptiste in Jean-Rabel.¹⁷

A few days later, the Jean-Rabel police arrested two others accused of participating in the massacre: Patrick Lucas and Loudy Hérard, the former section chief of Djondjon, the seventh communal section of Jean-Rabel. According to state-run radio, Justice Minister Auguste, following interviews he conducted in Jean-Rabel, had asked the local justice of the peace to issue arrest warrants for a number of people implicated in the massacre, but most succeeded in eluding the police. Lucas and Hérard, accompanied by their lawyers, appeared before a judge in Port-de-Paix on July 26. After questioning they were jailed in Port-de-Paix.¹⁸

In separate matters, the Aristide government in its first several months issued warrants for the arrest of Franck Romain, the former mayor of Port-au-Prince who is widely believed to have masterminded the massacre of parishioners at the Church of St. Jean Bosco in September 1988, and Williams Regala,

¹⁷ "23 juillet 1987-23 juillet 1991: Quatre années après," Agence Haitienne de Presse, 80th Summary of National News, July 22-27, 1991.

¹⁸ "Peasant Massacre Suspects Arrested in Jean Rabel," Radio Nationale, July 26, 1991, as reported in Federal Broadcast Information Service.

defense minister under the abusive government of Henri Namphy. Romain, however, had been granted political asylum in the Dominican Republic, and Regala was also believed to be living abroad.

Many figures from previous regimes who were widely believed responsible for human rights abuses were sought not for these crimes but on charges stemming from their alleged actions during the Aristide period. Two prominent allies of former dictator Prosper Avril were arrested on March 26 and charged with "plotting against state security" and attempting to overthrow the civilian government. Evidence supporting the charges against ex-Information Minister Anthony Virginie St-Pierre and former Fort Dimanche commander Isidore Pongnon was not made public. Numerous accusations have been made against Pongnon, especially for directing the torture of prisoners in his custody at the infamous detention center, but these charges were not pressed.

The public prosecutor at the time, Anthony Alouidor, also issued a summons to Colonel Joseph Baguidy in connection with the same plot. The former commander of the Police's Criminal Research Bureau (*Recherches Criminelles*), Baguidy is a prime suspect in the 1987 murder of presidential candidate Yves Volel and an often-accused participant in acts of torture, but no charges relating to these actions were filed.

Even given the limited scope of these charges, the military was at first apparently displeased by the sight of civilian authorities issuing a warrant against a high military officer. Later, however, the army itself moved against Baguidy, ordering him to return to Haiti from the Dominican Republic where he had been dispatched as a military attaché by the Trouillot government. When he did not return the army, in a ground-breaking move, court-martialed him in absentia for desertion, sentencing him in August to two years in prison.

Daniel Narcisse, another close associate of Prosper Avril, was arrested on July 13 for allegedly plotting to overthrow the government. Narcisse had headed the Commissariat for Overseas Haitians under the Avril government. Arrested at the same time, and allegedly involved in the same plot, were Antonio Paul (brother of deceased Colonel Jean-Claude Paul), Major Wilner Louis of the Haitian Marines, and a half-dozen others. At a press conference Police Chief Chérubin presented 46 molotov cocktails which he said had been seized at various homes.

None of those arrested for allegedly plotting against the state was ever brought to trial, and the evidence against them that was made public was not terribly convincing. At the time of the coup, it remained unclear whether these were valid prosecutions. What was clear, however, was that the decision to pursue charges of coup plotting to the exclusion of pressing charges for past human rights abuses fueled popular frustration with the legal system as a mechanism for confronting violence.

Creating a Civilian Police Force

The 1987 Haitian Constitution mandates the creation of a police force under the jurisdiction of the Ministry of Justice. Haiti's police force has historically been a division of the army and no Haitian president before Aristide had taken any steps to form this separate force.

In August Minister of Justice Karl Auguste submitted a bill to parliament outlining the creation of a separate police force. The bill was never made a part of the public record, hindering public debate that might have helped to break the legislative deadlock over the bill which evolved behind closed doors.

According to a copy made available to us privately, the bill envisioned a centralized force under the jurisdiction of the Justice Ministry with a command structure similar to the army's. The bill called for the establishment of an "administrative" and "judicial" branch of the police. The administrative branch would be responsible for traditional policing duties including riot control. It would include six units: penitentiary, anti-riot, firefighting, traffic, anti-gang and -narcotics, and anti-contraband. The judicial police would be composed of the public prosecutor and his deputies (*commissaires de gouvernement* and *substituts de commissaires*), investigative magistrates, justices of the peace, and officers and police agents as defined in the criminal code.

Advocates of greater civilian control over the police objected to the bill because it allowed for civilian oversight only at the pinnacle of the hierarchy, where the Justice Ministry would replace the Defense Ministry as the supervising agency, while retaining a military chain-of-command within the police department. On the other hand, many in the army and the police objected to any form of submission to civilian authority.

In response to those who said the bill did not go far enough, the legislators developed an alternative plan which would have had the police report not only to Justice Ministry officials but also to local elected officials. However, the plan was criticized for creating a complex and overlapping chain of command. The dispute over the bill had not been resolved at the time of the coup.

The President's Personal Security Guard

There has been considerable speculation in Haiti about the *Service de Sécurité du Président* (SSP). President Aristide has said that he sought to create a small, well trained security force to assure his personal protection. As a popular civilian president in a country traditionally ruled by the army, his nervousness about his own safety was not surprising. Yet extravagant rumors have likened the SSP to the brutal Tontons Macoutes militia created by François Duvalier as a counterweight to the army. The SSP's existence became a bone of contention between the president and the army, and was cited by the military after their coup as one of their chief grievances.

What was this SSP? As the interview below makes clear, it consisted of some thirty men -- soldiers and civilians -- who received training in security techniques from a handful of French and Swiss police officers. It seems that the wild charges about the force were deliberately invented to stir up resentment against the president among army troops -- that, in fact, the SSP should have been no more an affront to the army than the civilian U.S. Secret Service is to the Pentagon. The army's unwillingness to accept the SSP was yet another example of its refusal to submit to civilian authority.

In an October 6 interview with Radio Canada,¹⁹ Laurent Walpen, the chief of the Geneva police, explained his role in training this security corps and providing advice on the formation of a civilian police force:

"When I came to Haiti in the month of June, I realized that the people, after all the suffering they had been through, had an enormous need for security....It was this that persuaded President Aristide to ask the French first, and then the Swiss for advice on setting up this civilian, democratic police force that would respect human rights.

"So, it was in this context that the Geneva police undertook an exploratory mission at the beginning of June; and in the course of the month of September, two officials from the Geneva police, and then a third, went to Haiti for two and a half weeks. Their mission was the following: first of all, it was to provide training for the personal security guard (*garde rapproché*) of the President, who felt threatened (and the events have shown that he was not wrong.) Next, he asked to be counseled on protective measures, especially architectural, to take for the security of official buildings. In the longer term, we would have proposed the creation of a police academy that he hoped would be open to women, and finally, proposed to him new structures for the national police."

Asked by the interviewer whether the Swiss were training a "personal militia" for Aristide, Walpen replied:

"It's absolutely false. The mission of our collaborators was to train the personal security guard of the president. This guard was not a private militia; besides it was made up of civilians and military personnel. The commander of the guard was himself a major in the army, a physician/major who, naturally, as a function of his role as a doctor, did not have immense experience with the problems of security and protection of people. We trained (as the French did before us) for some three months. We had just completed the training of the personal security guard of the president. We trained some thirty persons...."

"This story of the personal militia is absolutely unknown to our trainers. They never had the impression that President Aristide was forming a parallel militia; they went there at the request of the President in a very traditional mission of collaboration, as they have in other countries."

Asked by the reporter to comment on the source of the Haitian army's discontent, the Geneva police chief said:

¹⁹ Transcript excerpted from "Le chef de la police de Genève dément formellement la création d'une milice par Aristide," *Haiti Progrès*, October 9-15, 1991, and confirmed in an October 23, 1991 telephone interview with Marcel Vaudroz, press officer for the Geneva police.

"I think this is very simple. You must know that in Haiti there has only been but one real and true power: the army...with its excesses, its exactions, its abuses that we know about. Clearly, if a civilian police force had been created, the army would see its power amputated, because its mission would be reduced to the protection of the state...."

"Now, for the army to lose this police power, was to lose a great part of its prerogatives, and beyond that the fact that President Aristide had dismissed a certain number of military officials was doubtless of a nature to irritate the military. It is possible that the presence of police officers from Geneva in Haiti could have been the crystallization, the demonstration for the military, that President Aristide wanted to move from talk into action and create a civilian police."

ONGOING ABUSES UNDER PRESIDENT ARISTIDE

Popular Violence

One product of this dysfunctional legal system as a means for addressing human rights abuse was a rise in popular violence, as Haitians simply took the law into their own hands. Under President Aristide, no progress was made in combatting the practice of summary justice, or lynching. Lynching of suspected criminals continued to occur at approximately the same pace as it had under most of the Trouillot government's tenure.

Threats of lynching also became a tool used by some supporters of the Aristide government to intimidate opposition politicians. Although no one was ever killed by the large crowds that gathered on several instances to support the Aristide government, several members of Parliament were roughed up, the offices of a trade union were burned down and those of a popular organization looted. President Aristide did not publicly discourage this activity, and his government rarely intervened.

In addition, both explicit and implicit threats of lynching had the effect of discouraging lawyers from defending unpopular figures.

Haiti's long history of entrenched lawlessness -- dominated by corrupt dictators, presidents-for-life, and military strongmen, backed by a cowed and ineffectual judicial system, and sustained by police forces that answered only to the army -- has bred resort to "popular justice" as the only form of redress for the overwhelming majority of the population without access to or confidence in the courts.

Since the fall of the Duvalier dynasty, "*dechoukage*," or uprooting, in which people take the law into their own hands, has been a recurrent form of alternative "justice," and until recently, it was the only kind of "justice" people ever experienced on their behalves.

In 1986, when Jean-Claude Duvalier fled Haiti and was replaced by a military junta, hundreds of Tontons Macoutes were believed killed in retaliation for twenty-nine years of oppression. By contrast, only two Duvalierist leaders were ever brought to trial and convicted.

In September 1988, a few days after military-backed gunmen killed thirteen people and wounded more than seventy at a mass in Father Aristide's Church of St. Jean Bosco, soldiers promising reforms launched a coup d'etat and a surge of *dechoukage* began again. Some of those alleged to have murdered in the church were executed in the streets. Once again, the new regime of General Prosper Avril failed to substitute any justice in the courtroom.

By 1990, *dechoukage* had become such a common feature of political upheaval in Haiti that many of Aristide's detractors said they feared that his victory in the December elections would lead to a repeat of the popular killings of 1986 and 1988. The lack of any significant prosecutions under the interim Trouillot government only heightened the potential for violence. In fact, election day and many days after were tranquil.

Dechoukage resurfaced only after former Tontons Macoutes leader Roger Lafontant tried to take away Aristide's electoral victory a month before his inauguration. On January 6, at the first word of the attempted coup d'etat, crowds went into the streets, built barricades and demanded that the army move against the plotters. Dozens of people were killed in battles between Lafontant supporters and loyal civilian and military groups. Nobody knew how deep Lafontant's support ran, and mobs attacked others alleged to be supporting him, sometimes mutilating and burning them alive. One target was the conservative archbishop of Port-au-Prince, François Wolff Ligondé, an Aristide opponent. He escaped, but the Vatican's representative in Haiti was nearly lynched, and several church buildings were destroyed. At least thirty people were killed in Port-au-Prince in such incidents over three days.

Lafontant and his cohorts were captured and jailed, and trials were prepared. But the dream that began on December 16, of a Haiti that could choose its leaders in peaceful elections instead of through violence, had been tarnished.

The Lafontant coup left many Haitians believing that only popular vigilance could keep the Aristide government in power. Given Haiti's inexperience with democratic pluralism, many Aristide supporters were unable to distinguish lawful criticism of the president or his appointees from the destabilizing efforts of Tontons Macoutes or coup-plotting soldiers. They viewed the need for popular mobilization -- including the threat of violence -- as a necessary tool to deter further military or right-wing adventurism.

Unfortunately, this arguably defensive use of the threat of popular violence gave way increasingly to an offensive use -- not against enemies of democracy but against legitimate political opponents of President Aristide. The Aristide government's first seven months in office were marked by ongoing friction between the executive branch and the majority of legislators in the two-chamber parliament. The root of the conflict, according to most observers, was less ideology than competition for power and jobs. Parliamentarians who were members of the National Front for Change and Democracy (FNCD), the coalition which had sponsored Aristide's candidacy, were disappointed when Aristide appointed a government of close associates, many of them without political experience, while passing over the political parties and leaders who had campaigned with him. Aristide rubbed salt in their wounds when he proceeded to replace Supreme Court judges and make other important decisions without consulting the legislature.

At first, the legislators manifested their dissatisfaction by bickering with the executive, delaying approval of executive appointments and summoning ministers to appear before the chambers. But as the stand-off continued, members of parliament began to call for Prime Minister Préval's resignation. As the battle heated up, with some Aristide supporters viewing criticisms of Préval as attacks on the president, the galleries above the legislative chambers filled daily with hostile spectators, some of whom shouted threats of Père Lebrun at legislators who criticized the government. Members of parliament complained but there was no apparent tightening of security.

In August, as the Parliament threatened a vote of no confidence against the Préval government, threats against the legislators reached a fever pitch. Géla Jean-Simon, a deputy from Vallières, was beaten by demonstrators as he left the Legislative Palace on August 6. During the night of August 7, a crowd stoned the home of Turneb Delpé, a senator and FNCD leader, breaking windows and objects inside the house.

Attacks by pro-Aristide groups were not confined to the legislature. On August 13, a mob burned down the headquarters of the Autonomous Federation of Haitian Workers (CATH). CATH is headed by Jean-Auguste Mesyeux, the spokesman for Operation Windstorm, a campaign which had called for the government's resignation.

According to some reports, it was the same mob which then looted the offices of the Democratic Unity Confederation (KID), the political base of Port-au-Prince Mayor and FNCD leader Evans Paul. The mob later stoned the mayor's office.

The same day, a crowd of 2,000 demonstrators massed around the parliament, threatening to lynch legislators if they voted to censure the prime minister. Josué Lafrance, a deputy from Port-de-Paix, was badly beaten, and Franz Monde, vice-president of the Chamber of Deputies, was attacked.

On this occasion, the Aristide government took some steps to end the violence. Police interceded with tear gas to break up the violent crowd, according to Radio Galaxie.²⁰ The following day, Minister of Information Marie Laurence Jocelyn Lassegue issued a communique that distanced the government from the previous day's violence, expressed sympathy for the victims, and called on the population to respect one another's rights.²¹

Lawyers Intimidated From Taking Controversial Cases

One by-product of the popular hatred of Lafontant and the killing of Duvalierists following his coup attempt was that no lawyer could be found to take the plotters as clients. In a January 28 letter, Jean-Jacques Honorat, executive director of the Haitian Center for Human Rights (CHADEL) and currently prime

²⁰ "Police Use Tear Gas to End Demonstration 13 August," Radio Galaxie, August 14, 1991, as reported in Federal Broadcast Information Service.

²¹ "Government Urges Respect," Radio Metropole, August 16, 1991, as reported in Federal Broadcast Information Service.

minister of the military-backed Haitian government, solicited assistance from the international community "to ensure that some kind of protection be given to any lawyer who might be willing to provide his/her professional services" to defend Roger Lafontant and his cohorts. Honorat stated: "Let me remind you that I have no personal sympathy for the individuals involved. I was ten years (1964-74) on Roger Lafontant's hit list when he was a Tonton Macoute commandant." Yet, Honorat stressed, "No one can deny these people their right to due process and to have access to an attorney. It so happens, however, that no lawyer has thus far accepted to take their cases. Given the threat of 'dechouka', ...all lawyers contacted for or by the culprits have turned down the request..."²²

Attorney Lherisson Alezi, a public prosecutor under Jean-Claude Duvalier who had represented Lafontant in 1990 and other Duvalierists including Luc Desir and Samuel Jeremie in earlier years,²³ declined to defend Lafontant against the coup charges. "In any other country, I would accept to defend him," he said. "But in Haiti with these people who don't understand anything, I will not agree...because the people can do anything to you, can *dechouker* you even for exercising your profession."²⁴ Regardless of whether such a statement was motivated in part by political antipathy toward the new government, the climate at the time in fact was not conducive to lawyers working without fear of persecution.

In the end, most of the defendants in the case received court-appointed lawyers with whom they were able to confer only a few days before the trial. Lafontant refused to accept an appointed lawyer. Two defendants, Marjorie Robbins and Serge Beaulieu, were able to obtain private lawyers a few months after their imprisonment.

Even outside the case of Roger Lafontant and his co-defendants, the atmosphere of intimidation affected lawyers representing unpopular clients. We spoke with several such lawyers during an April visit to Haiti:

- o Moyse Senatus, a practicing attorney and human rights advocate, said he received telephone threats for taking up the defense of former Provisional President Ertha Pascal-Trouillot, after her arrest on April 4.
- o Raymonde Joseph, an attorney who is the widow of slain human rights leader Lafontant Joseph, described "all lawyers" as afraid to take controversial cases.
- o Arnold Charles, the chief judge of the Port-au-Prince court, said he feared that the Aristide government was promoting violence by not acting decisively to stop the "dechoukage." Charles felt that most lawyers were intimidated from taking controversial cases.

²² Letter to William O'Neill, Lawyers Committee for Human Rights.

²³ *Haiti en Marche*, January, 1991.

²⁴ "Lafontant et certains de ses complices comparaissent devant le tribunal civil," *Haiti Progrès*, January 23-29, 1991.

President Aristide took no public stance against the intimidation of lawyers.

Lynchings Under the Aristide Government

A survey of human rights violations during the Aristide government's first seven months in office (February 7 through the end of August) turns up twenty-five instances of people killed by mob lynching.²⁵ By comparison, during the ten months of the government of Ertha Pascal Trouillot, at least seventy-five people were lynched, although some thirty of these were killed in *dechoukage* after the attempted coup d'etat by Roger Lafontant in early January 1991 was put down, and some twenty more were murdered on January 27, following a false coup rumor. Apart from the January killings, there were twenty-six cases of mob lynchings recorded from April 1990 through the end of the Trouillot term – virtually the same number as under the Aristide government.

As for the mob killings that took place during Aristide's tenure, several involved soldiers and a former section chief who were turned upon by crowds for allegedly killing civilians or associating with an accused killer.

- o On June 2, in St. Michel de l'Attalaye in the Artibonite, the former section chief, Mérés Joachim, shot and killed Dieulibon Narcisse, a member of the elected administrative council of the section (*Conseil d'Administration de la Section Communale*, or CASEC), reportedly because Narcisse had opposed Joachim's attempts to reassert his lost authority in the village after the abolition of the office of section chief. In retaliation, on June 3, a group of villagers seized a soldier named Dornévil Jean, who they said was a follower of Joachim, beat him, and burned him alive. On June 4, members of the local population captured and killed Joachim himself.**
- o On March 9, two soldiers based in Montrouis in the Artibonite, Rony Pierre and Dorélus Mirabeau, shot and killed fourteen-year-old Phanor Méranus after he refused to give them the \$150 he had obtained for selling a pig. The local population, in turn, chased the soldiers. The soldiers took refuge at the small local military post, where they opened fired on the crowd, killing a man known as Lebreton. Enraged, the crowd burned down the post and killed the two soldiers. Following a visit to the scene by Prime Minister Préval, six soldiers from the St. Marc garrison were arrested for having disobeyed orders and fired into the crowd when they were dispatched as reinforcements to Montrouis.**
- o On June 23, Sergeant Raymond Tassy, who was stationed at the Toussaint L'ouverture Barracks in Gonaïves, was killed with machetes and stones and then burned in Bois-neuf, a section of Terre-Neuve, twenty miles north of Gonaïves. He had been attending the funeral of one of his sons, and he publicly accused a local woman of causing the son's death through witchcraft. When the woman,**

²⁵ These figures are derived primarily from the monthly bulletin, "Situation des Droits de l'Homme en Haiti," published by the Haitian Center for Human Rights (CHADEL), the director of which, Jean-Jacques Honorat, has become prime minister of the military-sponsored government. Many of the incidents were also recorded elsewhere.

Jeunice Dufrene, was found dead, Tassy was believed to have killed her.

In one case, there was no immediate or specific crime that the victim was alleged to have committed. On July 29, the day of the trial of former Tontons Macoutes chief Roger Lafontant, and the anniversary of Duvalier's annual Tontons Macoutes parade, two thousand local residents demonstrated in the streets of the Artibonite town of St. Marc to *dechouké*, or uproot, alleged Duvalierists in the region. Some carried machetes, gasolines and matches. As the *dechoukage* progressed, two alleged Duvalierist bandits, Joseph Saint-Hilaire and Anatyle Ovilma, were hacked and burned to death by crowds in La Voûte, the fourth section of St. Marc. More than twenty houses were also destroyed. In this case, the police arrested and jailed twelve people involved in the violence.

In the case of the other eighteen popular killings that took place under Aristide's presidency, the victims were civilians believed by the crowd to be common criminals. Often, they were surprised in the act of committing a crime, such as when two armed men were caught and killed by bystanders at the state industrial park outside Port-au-Prince after they had allegedly killed security guard Hubert Déliceon on June 23, or when alleged criminal, Dieudonné Desir was hacked to death by inhabitants of Petite Rivière de l'Artibonite on June 5.

Aristide's Responsibility for Popular Violence

What responsibility does President Aristide bear for attacks by his supporters on opposition parliamentarians? For anonymous threats against attorneys of unpopular clients? For the lynching of presumed criminals?

We cannot hold Aristide responsible for inciting reprehensible actions by his followers since the violent crowds acted quite spontaneously. Indeed, police acted to restrain mobs or make arrests on at least two occasions noted above, on July 29 in St. Marc and on August 13 in Port-au-Prince. But Aristide deserves blame for choosing not to use his exceptional moral authority to speak out forcefully against this violence. In our view, much of the violence could have been avoided had Aristide personally condemned it publicly and unequivocally.

While Aristide occasionally spoke against Père Lebrun in interviews and conversations, his public speeches were more ambiguous. For instance, after the February 13 lynching of Richard Vincent Emmanuel, a Haitian-American engineer who had been mistaken for a criminal, Aristide intervened on a radio talk show to express his sympathy to Emmanuel's widow. He affirmed his determination to see justice done in the case,²⁶ and deplored all violence. What he did not do was to take the opportunity to call on Haitians in specific terms to cease taking justice into their own hands.

Most disturbing is that on two occasions Aristide seemed to endorse the practice of Père Lebrun. Aristide has a masterful command of his mother tongue, Creole, and is expert at the practice of "*voje*

²⁶ As of mid-September, no progress had been reported on the case.

pwèl," or speaking with double and triple meanings, enabling him to direct different messages at different audiences or sectors of society. He rarely works from a printed speech and, translations of his speeches often do not convey their subtle subtext. Still, we believe that the two speeches quoted below have been fairly interpreted as condoning popular violence.

On September 27, just two days before the coup that would topple him began, Aristide made a speech that was widely understood as a bitter attack on Haiti's elite for not investing in the country and an encouragement of the practice of Père Lebrun, although the speech contained no explicit mention of the practice of necklacing. Sources close to President Aristide contend that the tone of this speech was influenced by information he had received about the impending coup d'etat. Aristide, referring to wealthy Haitians who refuse to help Haiti's poor majority, repeatedly urged his listeners not to "neglect to give him (or her) what he (or she) deserves."²⁷

"If you *know* in the original Creole -- meaning either the plural form of "you" or "we" I catch a thief, if you catch a false Lavalassien (referring to the popular movement responsible for Aristide's election), if you catch someone who doesn't deserve to be there, don't neglect to give him what he deserves.

"Your tool is in your hand. Your instrument is in your hand. Your Constitution is in your hand. Don't neglect to give him what he deserves.

"Your equipment is in your hand. Your trowel is in your hand. Your pencil is in your hand. Your Constitution is in your hand. Don't neglect to give him what he deserves.

"Article 291 (of the Constitution, which bars from public office for ten years all torturers, 'zealous' Duvalierists, and embezzlers of public funds) is always on our minds. It says: No Macoutes, no Macoutes!

"Don't neglect to give him what he deserves. Three days and three nights you're keeping watch in front of the National Penitentiary.²⁸ If someone escapes, don't neglect to give him what he deserves.

"Throughout the four corners of the country, we are watching, we are praying, we are watching, we are praying, when we catch one of them, don't neglect to give him what he deserves.

"What a beautiful tool! What a beautiful instrument! What a beautiful appliance! It's beautiful, it's beautiful, it's pretty, it looks sharp! It's fashionable, it smells good and wherever you go you want to

²⁷ Our translation of transcript which appeared in "Retour probable d'Aristide en Haïti," *Haïti Observateur*, October 2-9, 1991.

²⁸ A presumed reference to Roger Lafontant, who had begun to serve a life sentence in the penitentiary for attempting to overthrow the government. He was murdered two days later in his cell as the coup was beginning under circumstances that remain obscure.

smell it..."

The second speech often cited to demonstrate Aristide's support for Père Lebrun was made on August 4 to a large gathering of secondary-school students. In the speech, Aristide seemed to express support for Père Lebrun as a guarantee of courtroom justice. The speech was made a few days after the trial in which Roger Lafontant and his associates were found guilty of plotting against the state.

In an early July interview with Anne-Christine d'Adesky, published in "Interview" magazine,²⁹ Aristide had offered a rationale for his support of popular pressure on the courts:

"I expect justice, backed up by the force of the judiciary, despite its current institutionalized corruption. The people must become a force of credibility, capable of exerting legitimate pressure on the judicial system, but without threatening it, so that when the judge knows that the people are there, united, awaiting justice, the judge can feel strengthened to render justice and not succumb to the weight of money or the pressures that will come upon him."

In commenting on the July 29 incident, however, Aristide went well beyond any legitimate call for popular vigilance over the legal system. During the trial of Lafontant and his accused co-conspirators, a crowd of two thousand had gathered around the courthouse, chanting and calling for a life sentence for Lafontant. A few people carried tires on their heads. Lafontant thereafter received a life sentence, even though the Haitian legal code allows a maximum of only fifteen years for those found guilty of plotting against state security, the offense with which Lafontant was charged.³⁰

On August 4, Aristide spoke with approval of the crowd's actions:

"When they spoke of 15 years inside the courthouse, according to the law," Aristide said, "outside the people began to clamor for Père Lebrun, because the anger of the people began to rise a little. That's why the verdict came out as a life sentence."³¹

The following is the pertinent remainder of that August 4 speech (Aristide's remarks are in boldface; the students' responses are in standard type):

"Was there Père Lebrun inside the courthouse?"

²⁹ "Haiti: Titid! President Jean Bertrand Aristide Interviewed by Anne-christine d'Adesky," October 1991.

³⁰ Ironically, if Lafontant had been charged with torture or murder, which most Haitians believe he committed when he was interior minister under Jean-Claude Duvalier, he would have been eligible for the maximum sentence. Again, the legal system's failure to satisfy popular longings for justice for violent abuses of human rights seems to have fueled Haitians' tendency to take justice into their own hands.

³¹ Transcript from "President Aristide Addressed Youth Rally," Radio Metropole, August 5, 1991, as reported in Federal Broadcast Information Services.

"No."

"Was there Père Lebrun outside the courthouse?"

"Yes."

"Did the people use Père Lebrun?"

"No."

"Did the people have the right to forget it?"

"No."

"Don't say its me who said it. Père Lebrun or a good firm bed, which is nicer?"

"Père Lebrun."

"For 24 hours in front of the courthouse, Père Lebrun became a good firm bed. The people slept on it. Its springs bounced back. They were talking inside the courthouse with the law in their hands; the people also have their own pillows. They have their little matches in their hand, they have their little gasoline not too far away. Did they use it?"

"No."

"That's because the people respect the Constitution. But does the Constitution tell the people they have a right to forget little Père Lebrun?"

"No."

"Then, when they know inside what was going on outside, inside they had to tread carefully (literally, walk on thirteen so as not to break fourteen!)"

"Fourteen is the masses of the people. The masses have their own tool, their own secret way, their own wisdom. When they spoke of fifteen years inside the courthouse, according to the law, outside the people began to clamor for Père Lebrun because the anger of the people began to rise a little. That's why the verdict came out as a life sentence.

"The people, who respect the law, who uphold the Constitution, when they heard 'life in prison' they forgot their little matches, little gasoline and little Père Lebrun.

"Did the people use Père Lebrun that day?"

"No."

"But if it hadn't gone well, wouldn't the people have used Père Lebrun?"

"Yes."

"That means that when you are in your literacy class and you are learning to write 'Père Lebrun,' you are learning to think about Père Lebrun, it's because you have to know when to use it, how to use it and where to use it.

"And you may never use it again in a state where law prevails (that's what I hope) as long as they stop using deception and corruption. So, that's what they call real literacy!"

Speeches given by Aristide on other occasions gave very different messages. In April, in addressing members of popular organizations in the southern city of Les Cayes, the president said:

"The law is the law, which means that it is the people who have the power to organize, together with the military, and with the civilian authorities. From the moment that a Macoute makes trouble, it's not enough to talk about it. That's what we used to do, but now we are in power! If you live in the city of Cayes, gather your courage, and go to the colonel or the commander in an organized way, with discipline and respect, and say what you have seen or heard and what the danger is. Then you will see the reaction of the commander...He knows that the role of the army is to reestablish order everywhere, and if the Macoutes create disorder, the Haitian army and the people, organized and disciplined, will step on the feet of the Macoutes..."

"Your force will be the strongest -- a force tied to legality and which must follow the law -- that the country will position itself as a legal force, a democratic force."³²

At the March 23 funeral of Fritz Dor, a Miami-based journalist and activist who was killed during a robbery, Aristide said, "This evening, we say to the *zenglendos* (the name given by many Haitians to violent, repressive forces), whoever they are, that we declare war on them, a war to put an end to them once and all. To declare war on the *zenglendos* means that we are going to use the law to combat all the criminals...who block the road to democracy."³³

³² "Aristide aux Cayes: rencontre avec les organisations populaires et appel à la 'bourgeoisie nationaliste,'" *Haiti Progrès*, April 24-30, 1991.

³³ "Port-au-Prince: dernier hommage au militant Fritz Dor." *Haiti Progrès*, March 27-April 2, 1991.

It is unfortunate but understandable that Aristide's speeches in support of Père Lebrun have overshadowed other speeches in which he advocated lawful redress for abuse. In our view, it was not enough for the president to balance one speech condoning Père Lebrun with another that, without referring to Père Lebrun, suggested that the law should be respected. As the head of state ultimately responsible for upholding the law and human rights, President Aristide had a duty to refrain from any statement that could be understood to support Père Lebrun, and to speak out firmly and consistently against this barbaric practice. His failure to fulfill this duty is a serious blemish on his human rights record.

The Continuing Weakness of the Justice System

The Aristide government during its seven months in office was able to make only limited progress in reforming the country's moribund and corrupt judiciary. The Justice Ministry's reform efforts were hampered by a high turnover in its senior posts. President Aristide first appointed as justice minister Bayard Vincent, a former Port-au-Prince public prosecutor (*commissaire de gouvernement*) who had won praise for his efforts in 1990 to have Roger Lafontant arrested. Vincent resigned in May 1991, saying he accepted some of the responsibility for a scandal that sent his own appointed public prosecutor, Anthony Alouidor, to prison. While Vincent was not publicly accused of wrongdoing, Prime Minister Préval implied that he had tolerated gross negligence by failing to exercise surveillance over Justice officials.³⁴

Karl Auguste, a legal councillor to Prime Minister Préval, became the new justice minister. On May 22, Alouidor was replaced as public prosecutor by Josue Pierre, who in turn resigned less than two months later, on July 4. No new prosecutor was named through the time of the coup. With this rotation of senior personnel in the Justice Ministry, little was done to address the deep flaws in Haiti's legal system.

Many of the continuing flaws in the judicial system were evident in the high-profile trial of Roger Lafontant. Lafontant had held several high posts under François and Jean-Claude Duvalier. As Interior Minister under Jean-Claude Duvalier he supervised the infamous Volunteers for National Security (VSN), or Tontons Macoutes. Lafontant returned to Haiti from self-imposed exile in July 1990, and set about reviving Duvalierism as a political force in Haiti. Then public prosecutor Bayard Vincent issued a warrant for Lafontant's arrest but the police declined to serve it and Lafontant paraded with increasing boldness around the country. He organized a political convention, formed a political party and declared himself a candidate for the presidency. When he was ruled off the ballot for technical reason by the electoral council, Lafontant denounced the elections as a fraud.

On January 6, 1991, Lafontant and a small band of cohorts kidnapped President Ertha Pascal Trouillot at her private residence, brought her to the National Palace in an armored vehicle and forced her to broadcast a resignation statement. Lafontant announced that he had assumed the provisional presidency of the country.

³⁴ Alouidor was fired on May 17 and ultimately arrested for permitting a justice of the peace, Emmanuel Vital, to escape justice. Vital had been ordered to issue an arrest warrant for one Dieumaitre Lucas and allegedly accepted a bribe to let Lucas go.

The announcement galvanized the people of Port-au-Prince to take to the streets to block the coup. The massive civilian effort to save the newly won democracy is widely credited with convincing the army to demonstrate its loyalty to the constitutional process. By mid-day on January 7, Lafontant and his band had been arrested.

The conspirators were held in the National Penitentiary until their trial at the end of July. Apparently fearful of the possibility of escape, prison authorities kept Lafontant in chains for some time. All the defendants were held incommunicado during at least the first two months of their imprisonment. Lawyers who had represented Lafontant in the past declined to take the plotters' case for fear of popular retaliation. Court-appointed lawyers saw their clients for the first time only three days before the trial.

The trial was held in Port-au-Prince's *Palais de Justice*, with Judge Arnold Charles, the criminal court's most senior judge, presiding. Because the post of chief public prosecutor was vacant, three assistant prosecutors handled the case. The jury deliberated for one-and-a-half hours before returning a guilty verdict against all defendants at 8:00 a.m. on July 30, capping a marathon twenty-two-hour trial. Roger Lafontant and twenty-one co-defendants were convicted of conspiring against the state for their attempted coup d'etat of January 6 and 7.

The conduct of the trial left much to be desired. The prosecution limited the questioning of witnesses, mostly soldiers, to the identification of the accused and a description of their actions in the presidential palace during the coup attempt. The information given simply rehashed what already had been widely circulated in the press. There was no attempt to explore the planning of the coup, which might have implicated high army officials. Nor was much information offered to demonstrate the responsibility of individual defendants.

One of the trial's few surprises was the motion submitted by former President Trouillot asking to be excused from testifying. She had been expected to be a key witness for the prosecution, describing her kidnapping by the defendants on January 6, but in a sworn statement Trouillot declared that testifying could imperil the civil suit she herself had filed against Lafontant. No details were ever made public about this civil suit, nor was it ever explained how testifying in the criminal case would impair any civil proceeding. The former president was not required to testify.

Lafontant and seventeen others were sentenced to life at hard labor, Haiti's maximum penalty under the 1987 Constitution. But Article 64 of Haiti's Penal Code states that the maximum sentence for plotting against the state (*complot and attentat contre la surete d'etat*) is fifteen years. Four of the defendants received ten-year prison sentences.

The Haitian media and political leaders widely criticized the trial. The most common reproach was that the trial failed to elicit testimony that might have implicated high-ranking military officers. Others who believe former President Trouillot herself to have been involved in the plot were disappointed that evidence of this did not emerge. Still others pointed out that the accused men had only a few days to consult with their appointed lawyers, that witnesses conferred among themselves in the courtroom, and that a circus atmosphere prevailed throughout the proceedings. The audience often interrupted the trial

participants, intimidating lawyers for the accused without rebuke from the presiding judge. The trial was also often interrupted by cameras and sound-system operators under the direction of Information Minister Marie Laurence Lassègue. Twice the proceedings were suspended when crowds outside, who were watching on television monitors, lit up tires and threatened to move on the courtroom as the accused were called to testify. Justice Minister Auguste acknowledged the weakness of the work done by the investigating judge who had prepared the indictments, but said he was pleased that the government had been able to conclude the trial successfully.

Two of Lafontant's accused co-conspirators were granted a separate trial because they had challenged the charges against them in court: Marjorie Robbins, the sole woman in the case, and Serge Beaulieu, the only alleged conspirator who was not arrested at the National Palace. In September an appeals court refused to drop the charges against them.

Robbins, 34, Lafontant's secretary and press spokeswoman, argued that she was present in the palace on the night of the coup only "in a paid professional capacity." Lafontant, she said, had telephoned her and asked her in the middle of the night to come to the palace as his employee; she complied. The judge ruled on September 10 that her story was not credible.

Serge Beaulieu's case was more complicated. The authorities' failure for many weeks to make public the charges against him led the New York-based Committee to Protect Journalists to question his detention.

Beaulieu, 53, had worked as a reporter for many years but was also deeply involved in politics. He was appointed an ambassador at large by François Duvalier, and twice ran for office as a quasi-independent candidate in showcase elections sponsored by Jean-Claude Duvalier. He ran and was elected to the Chamber of Deputies in the fraudulent elections of January 1988 which carried Leslie Manigat to the presidency.

In April 1988, Beaulieu started a Port-au-Prince radio station, Radio Liberté. Most Haitians describe his broadcasts as "hate-filled" and say he fomented violence. Calling himself the "leader of the national majority," he helped kindle a short-lived Duvalierist revival in mid-1990, when Roger Lafontant returned to Haiti from abroad. Beaulieu was present at Lafontant's political convention last fall, but never formally allied himself with Lafontant and instead claimed to have created his own political party, the National Authentic Party. He recently told reporters, "Lafontant is my enemy."

On January 7, 1991, Beaulieu sought refuge in the Petionville army post when he learned that a mob was planning to attack his house. Many alleged Duvalierists were killed in the aftermath of the coup. He was then arrested by the police. It was not until several months later that he was publicly charged with being an accomplice in the coup by way of making financial contributions and inciting people to rebellion.

On September 10, in a glaring example of the judiciary's weakness, the appeals court that was considering Beaulieu's challenge to his prosecution said it was rejecting Beaulieu's appeal because the people must have had a reason for setting fire to his house after the coup. "Those who burned down his

house put him in the same basket with the putchists."

Beaulieu and Robbins, together with those convicted for participating in the January coup attempt, were freed following the ouster of the Aristide government.

Few others were brought to trial during the Aristide government's seven months in power. Efforts to reform and speed up the snail-like pace of justice in Haiti appear not to have made much difference.

Haiti's criminal code calls for ordinarily holding only two criminal-court sessions, or *assizes*, a year in each of Haiti's nine departmental capitals. During the most recent criminal-court session in Port-au-Prince from April 16 to 22, 1991, only four cases were on the docket, although hundreds of prisoners, jailed on various charges, were awaiting trial. Two of the scheduled cases were dismissed. Two others, both politically motivated crimes, resulted in convictions. The convictions were in the following cases:

- o Elysée Jean-François, the only person arrested for participating in the St. Jean Bosco killings, was found guilty and sentenced to life at forced labor, the maximum penalty.
- o The trial of Marc-Antoine Lacroix, accused of killing seven young people in the Martissant section of Port-au-Prince during unrest on March 10, 1990, was scheduled for April 16, 1991. When hostile spectators threatened to lynch Lacroix and attempted to wrest him from the hands of the police, the trial was rescheduled for April 22. When the defense attorney failed to appear on the 22nd, the trial was rescheduled for the July criminal court session, during which Lacroix was found guilty and sentenced to life imprisonment.

To our knowledge, there were similarly few trials in provincial courts. For example, during a criminal-court session in the northern city of Port-de-Paix from July 22 to 25, 1991, only four cases were tried.

Ongoing Military Abuse

The most serious case of human rights abuse by soldiers during President Aristide's tenure occurred in Port-au-Prince in July, when the bullet-ridden bodies of five young men -- one who had been publicly executed by the police and four who had been taken into police custody -- turned up in the public morgue. While the initial response by the government and police authorities encouraged expectations that the case might prove a watershed -- with the truth about the incident discovered and the guilty punished -- no known progress had been made in the police investigation at the time of Aristide's overthrow.

The five -- brothers Stevenson and Bastien Desrosiers, who were 18 and 16 years old; Walky Louis, 19; Schiller Pierre, 16; and Jacques Nélio, 24 -- were killed on or shortly after the night of July 26. The police claimed that they were *zenglendo* bandits attempting to escape, while several of the victims' parents described their sons as the innocent victims of police murder.

Some of the facts of the case remain murky, but the testimony of several witnesses is clear about how the incident began. On the evening of July 26, in the parking lot of the Lalue Supermarket on the Route de Delmas, an argument began between four young middle-class high school students who were driving a Toyota and a group of policemen. One of the policemen, who was believed by some bystanders to be Colonel P. Cantave Neptune, the chief of the Investigations and Anti-Gang Service of the police, shot and killed the driver of the car, Stevenson Desrosiers, on the spot.

Twenty-four-year-old Jacques Nélio had just come out of the drug store across the street. Witnessing the shooting, he called out, "Abuse, abuse! You can't do that any more!" He was seized by the police and removed from the scene in a police vehicle, along with the three surviving young men, and the body of Stevenson Desrosiers.

The next day, the youths' Toyota was found, with blood-stained seats, behind the building of the Haitian-American Sugar Company, outside Port-au-Prince. Their bodies, bearing multiple bullet wounds and signs of other abuse, turned up in the morgue at the main public hospital. The parents of the Desrosiers brothers immediately denounced the killings and appealed for justice. They were quoted extensively in the media, and President Aristide met with them and expressed concern about the incident.

A police lieutenant, Richard Salomon, was arrested, and Colonel Neptune was suspended from duty, while the police announced the launching of an investigation. However, police officials, including the police chief, Colonel Pierre Chérubin, publicly contended that the five youths had been armed and dangerous, and that the killings had taken place in an effort to protect the populace from them. No witnesses to the execution of Stevenson Desrosiers or the arrest of the other young men had noted any armed resistance.

On August 8, independent Radio Metropole reported that five policemen, including Captain Neptune and Lieutenant Salomon, had appeared before the commission investigating the killings. The radio said other people, including the victims' parents, would also testify.³⁵

During a day-long ceremony on September 11, 1991, marking the anniversary of the 1988 massacre at his church of St. Jean Bosco, President Aristide responded to questions about the murder of the five young men. Asked about why the investigation was taking so long, he expressed confidence in the police:

"Today or tomorrow, the results of the investigation will have to be delivered to me. And my wish, my hope, based on the information that I have, leads me to believe that there is a good chance that Lieutenant Chacha [Salomon], Captain Neptune, and Colonel Chérubin will be given the normal and legal opportunity to begin to once again lead the struggle against the *zenglendo*, as they led it before."³⁶

³⁵ "Five soldiers appear before Military commission," Radio Metropole, August 8, 1991, as reported in Federal Broadcast Information Service.

³⁶ Rodrigue Louis, "Le président Aristide en larmes devant le Tribunal populaire," *Haiti Observateur*, September 18-25,

The president, speaking of the logistical problems confronting the police, also intimated that a resurgence in banditry at the time was related to Neptune's suspension.

Aristide's response was rightfully criticized as an unjustified attempt to take the heat off his then-allies in the police. In fact, Captain Neptune had been credited with doing much to stem the crime wave in the country. His men, as noted above, had made numerous arrests, broken up several alleged criminal gangs, and arrested some prominent supporters of past regimes on charges of plotting against the government. But Aristide was clearly wrong to point to police accomplishments to justify an apparently clear case of police abuse.

Military resistance to civilian authority was demonstrated in a May 7 confrontation at the National Penitentiary. Monique Brisson, a practicing attorney and former legal adviser to President Aristide, went to the prison with a court order to obtain the temporary release of five inmates who were scheduled to appear before a judge.³⁷ She was told by a prison official, Warrant Officer Yves Perrin, that the prisoners would not be released because the prison commander was not present. Brisson, in turn, told the prison official, "It is your job to obey the orders of the Justice Ministry." The official responded that he answered to the military, not to civilians. In the argument that followed, Perrin slapped Brisson and threw her to the floor. Bloody, she was locked up in a cell for several hours.

Brisson filed a complaint against the officer but, she said, he failed to show up for five scheduled hearings, effectively blocking her legal action. Before the coup, she was optimistic that Perrin would be found guilty, but added that she had been threatened in the courtroom by people she described as military personnel in civilian clothing. Thereafter she went to court under police protection.

The army, for its part, announced in May that it had set up a commission, headed by Lieutenant Colonel Néoclès P. Arné, to investigate the incident.

- o In the early morning hours of March 18, after capturing an alleged criminal, Exumé Jean, residents of the Delmas 48 neighborhood notified the 22nd Company of the Delmas Military District and asked that he be arrested. Instead, a group of soldiers from the post arrested four members of the local block association: Edner Jacques, the president, and Mercurieu Cicéron, Astel Hyppolite and Dieunor Hyppolite. The officers made the four lie on the ground and then walked on them. Jacques was also beaten with a baton on his knees and hips; Dieunor Hyppolite was punched in the head and was bleeding through the ears; and Cicéron had four teeth knocked out and was bleeding through his nose and left ear.**
- o Army officials from the military district of Lamentin, on the outskirts of Port-au-Prince, shot and wounded four people and severely beat several others during a demonstration on August 23 on**

1991.

³⁷ Telephone interview with Monique Brisson on September 25, 1991.

Route de Carrefour. The police attacks occurred during a demonstration by some 100 members of the "Assembly of Carrefour Militants" (RMK), who had gathered to demand various governmental reforms in Carrefour. The demands included the firing of two Carrefour officials and the arrest of Carrefour's Lieutenant Guillaume, who allegedly had opened fire on pro-Aristide demonstrators on January 27. (Lamentin was also the site of a massacre following the September 30 coup, in which the army responded to the killing of one or two soldiers by a local crowd by firing randomly at pedestrians and into homes, killing an estimated forty.)

Land Conflicts

Land conflicts continued to plague the fertile Artibonite region in the early months of the Aristide government. In two major conflicts, the military was not known to have played an active role, either in investigating the violence or in attempting to stop it by bringing those responsible to justice. In two other cases, the military contributed to the violence. Beginning in June, however, the Aristide government intervened actively to curtail such violence.

The two incidents in which the military played a passive role were the following:

- o** A land conflict in Habitation Blain, in the first communal section of Petite Rivière de l'Artibonite, between the heirs of Adam Simon and Nicolas Jean-Baptiste, led to recurring violence in 1991. Rochemy Toussaint was killed on February 1 in Habitation Blain in connection with the conflict. On February 16, a group of peasants armed with machetes and guns, supporters of the heirs of Nicolas Jean-Baptiste, invaded a twenty-seven-acre plot of disputed land. Three people were gravely wounded: Fanel Silencieux, Marius Cinéus and a woman known as Anette. Twenty homes and a considerable amount of livestock were damaged. The attackers also stole one thousand dollars from the home of Mrs. Saint-Charles Cius. Jocelin Georges of Blain was killed on June 4 when the conflict flared up. On June 21, a group from Blain, armed with guns, machetes and tear gas, entered Habitation Brizard and pillaged three hundred homes, confiscated livestock and shot and killed Dieudonné Louis. One of the Blain group, Yves Altéant, also died in the gunfire.
- o** Three houses were burned and six people injured in a bloody confrontation on March 16 between the peasants of Upper Lakou and Lower Lakou in Latapie, in the first communal section of Grande-Saline. Lapot Philius was wounded on his left arm by a machete; Boutin Pierre and Mérité Pierre were stoned and injured in the head; and Samuel Nicolas, Exant Joseph and Saint-Jacques Noel suffered minor injuries. Two days later, on March 18, both groups of peasants went to the Ministry of Justice in Port-au-Prince to report the incident. Residents of Upper Lakou said that four people from Lower Lakou -- Exant Cyprius, Geffrard Joseph, Cémoine Philistin and Dumé Noel -- had started the dispute. These four were jailed, though no formal charges were brought against them, and they were released on March 28. Meanwhile, in Latapie, three residents of Lower Lakou, Vanyo, Chesnel and Esnel Noel, avenged the arrest of their fellow villagers by beating Francklin Valcin, a resident of Upper Lakou.

Soldiers intervened with unjustified violence against civilians in two other incidents:

- o **In an episode stemming from a land conflict, a group of soldiers from the Gonaïves barracks and civilians carrying machetes, led by Second Lieutenant Renaud, marched into the Parc-Cheval neighborhood of l'Estere in the Artibonite on June 17, ransacked eleven homes and stole thirty goats and eight pigs. The following day, soldiers in l'Estere opened fire on a group of citizens who had come to the military post to discuss the incident. Dorcéus Dort was killed and Irec Stinvil, 36, was wounded and hospitalized in Deschapelles.**

- o **On July 1, four civilians and a soldier were killed in confused circumstances in the Cerca-Carvajal section of Cerca-la-Source, in the Central Plateau, in a dispute that had its roots in an argument about land use. A group of people from Cerca-Carvajal protested the June 28 arrest of Ducange Joseph and Anel Bélizaire in connection with a legal dispute over a field on which local youths played soccer. The protestors blocked roads with burning barricades and threw stones at the local military post. One soldier was stoned to death and eight were wounded. The soldiers retaliated and shot and killed four of the demonstrators and wounded six.**

A wave of violence in late June led President Aristide to launch an impassioned radio appeal for an end to the killing:

"While we wait for the creation of the National Institute of Agrarian Reform and a solution...to these land problems, I ask each brother and each sister in the Artibonite to use their machetes to work the land and not to wound their fellow creatures. Those who have firearms, whether soldiers or civilians, should not to use them to kill....No one should kill over a land conflict."³⁸

Also in late June, a delegation made up of Prime Minister Préval and the ministers of agriculture and justice spent several days in the Artibonite, visiting towns where there had been outbreaks of violence and conflicts over land, in an attempt to assess the problem and bring peace to the region. Such a tour was without precedent under previous governments. The ministers met with various parties to the conflicts and left soldiers in some spots to keep the peace. Perhaps as a result of these efforts, there were no major incidents of violence in the region in August and September.

* * *

This report was written by Anne Fuller, associate director of the National Coalition for Haitian Refugees, and edited by Kenneth Roth, deputy director of Human Rights Watch, the parent organization of Americas Watch. Fact-finding investigations were conducted by Jocelyn McCalla, NCHR's executive director; Mary Jane Camejo, an Americas Watch research associate; and Victor Cuffy, executive secretary

³⁸ "Aristide met en garde les organisateurs de tueries pour les conflits terriens dans l'Artibonite," *Le Matin*, June 22-24, 1991.

of Caribbean Rights. Additional research assistance was provided by Ellen Zeisler, NCHR research/administrative associate.

Americas Watch and the National Coalition for Haitian Refugees have been monitoring human rights in Haiti since 1983. This is their twelfth report on Haiti, the fourth with Caribbean Rights.

Americas Watch was established in 1981 to monitor and promote observance of human rights in Latin America and the Caribbean. The chair is Peter Bell and the vice-chairs are Stephen Kass and Marina Kaufman. Its Executive Director is Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel; Director of San Salvador Office, David Holiday; Representative in Santiago, Cynthia Brown; Representative in Buenos Aires, Patricia Pittman; Research Associate, Mary Jane Camejo; Associates, Clifford C. Rohde and Patricia Sinay.

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The National Coalition for Haitian Refugees is composed of 47 legal, human rights, civil rights, church, labor and Haitian community organizations working together to seek justice for Haitian refugees in the United States and to monitor and promote human rights in Haiti. Its executive director is Jocelyn McCalla and its associate director is Anne Fuller.

Caribbean Rights is a coalition of human rights organizations from the Bahamas, Belize, Guyana, Haiti, Jamaica, Puerto Rico, and St. Vincent and the Grenadines, with headquarters in Barbados. Its chair is Caleb E. Morales de León, its executive secretary is Victor Cuffy, and its coordinator is Wendy Singh.

Other reports issued on human rights in Haiti include the following:

Americas Watch and the National Coalition for Haitian Refugees, *In the Army's Hands: Human Rights in Haiti on the Eve of the Elections*, December 1990.

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

Americas Watch and the National Coalition for Haitian Refugees, *Human Rights in Haiti: One Year Under Prosper Avril*, September 1989.

Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, *The More Things Change...Human Rights in Haiti*, February 1989.

Americas Watch and the National Coalition for Haitian Refugees, *Haiti: Duvalierism Since Duvalier*, October 1986.

Reports on abuses against Haitians in the Dominican Republic include the following:

Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, *Half-Measures: Reform, Forced Labor and the Dominican Sugar Industry*, March 1991.

Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, *Harvesting Oppression: Forced Haitian Labor in the Dominican Sugar Industry*, June 1990.

Americas Watch, the National Coalition for Haitian Refugees and Caribbean Rights, *Haitian Sugar-Cane Cutters in the Dominican Republic*, November 1989.

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