

Election 1984: Duvalier Style

A Report on Human Rights in Haiti
Based on a Mission of Inquiry

Americas Watch
Lawyers Committee for International Human Rights

March 1984

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INTERNATIONAL HUMAN RIGHTS

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This report was prepared by Michael S. Hooper, Esq., Executive Director of the National Coalition for Haitian Refugees. It is based upon a week-long visit by Mr. Hooper to Haiti in January 1984. This was Mr. Hooper's seventh visit to Haiti. He was accompanied by Brenda Pillors, an aide to Congressman Edolphus Towns, who represented the Congressional Black Caucus Task Force on Haitian Refugees. Mr. Hooper and Ms. Pillors met with Haitian lawyers, human rights advocates and several former political prisoners, including Sylvio Claude, who was detained under house arrest. They also met with representatives of the United States Embassy and other foreign diplomatic personnel in Haiti. Requests for meetings with Haitian officials, including the Haitian Secretary of the Interior, Roger Lafontant, and the Minister of Foreign Affairs, Jean-Robert Estime, were refused.

INTRODUCTION

In 1983, the Reagan Administration placed increasing emphasis on elections as a crucial indicator of a country's respect for the fundamental human rights of its citizens. Regrettably, this emphasis was sometimes accompanied by reduced concern for traditional human rights indicators, such as respect for the right to life, freedom from arbitrary detention, humane treatment of prisoners, and freedom to express one's views. While this broader development is cause for serious concern, we nonetheless share the Administration's view that the holding of meaningful elections is one important criterion in any human rights evaluation. It is in this context that a human rights mission, sponsored by Americas Watch and the Lawyers Committee for International Human Rights, was sent to Haiti just prior to the legislative elections held on February 12, 1984.

This report examines the environment in which these elections occurred. Were political parties permitted to form and function in Haiti without harassment? Could parties and citizens communicate their views through public assemblies? Was the press free to disseminate information and to cover all points of view? These questions seemed important because, as Secretary of State George Shultz recently

said about proposed elections in Nicaragua, "an election just as an election doesn't really mean anything . . . The important thing is that if there is to be an electoral process, it be observed not only at the moment when people vote, but in all the preliminary aspects that make an election really mean something."

MISSION FINDINGS

We found that the circumstances in which elections were held in Haiti, in Secretary Shultz's words, involved a denial of "all the preliminary aspects that make an election really mean something." Among these circumstances, we note:

* On October 9, 1983, Sylvio Claude, President of the Haitian Christian Democratic Party, and several of his party members were detained incommunicado for the sixth time in five years. On November 14, 1983, Mr. Claude was severely beaten, as he had been on several previous occasions. His detention without explanation followed the announcement that his party would contest the municipal and legislative elections. Through arrests, detentions without explanation, beatings and other official harassment, the Haitian Christian Democratic Party and its two newspapers (Conviction and Verite sou Tambou) have been effectively eliminated.

* Throughout November and December 1983, law professor Gregoire Eugene, the head of Haiti's only other opposition party, tried unsuccessfully to obtain a visa to return to Haiti to contest the election, as President-for-Life Jean-Claude Duvalier

had assured all citizens they could. Dr. Eugene had been forcibly exiled from Haiti along with some 25 other journalists, lawyers and politicians in November-December 1980. This mass exiling, illegal under Haitian law, followed a secret police crackdown in November 1980 that resulted in the arrest without explanation of approximately 135 people.

* Press freedom and freedom of expression do not exist in Haiti. Despite specific guarantees under the Haitian Constitution and international law, no opposition or independent newspapers, magazines or radio broadcasts are allowed in Haiti. Freedom of the press is curtailed by state security legislation and a series of press laws that include a highly restrictive act passed in September 1979 and amended in March 1980 providing for prior censorship and harsh penalties for those deemed to have insulted the Duvalier family, the government or its allies. Under these circumstances, it was impossible for candidates to discuss issues important to the elections or for citizens to learn of differing views. In fact, except for the publication of brief biographies of the candidates, there was virtually no discussion of issues during this campaign.

* The actual arrangements for the February 12, 1984 legislative elections permitted widespread fraud. Persons could register in the same district under more than one name. After registration it was possible for a candidate's organization to "buy up" a number of voter registration cards and simply vote them on election day.

* On election day, February 12, 1984, there were 309 candidates for the 59 legislative seats in the Haitian Chamber of Deputies. Of those candidates known to knowledgeable observers, none were considered opposed to or even independent of the Duvalier government. However, United States diplomatic personnel asserted that one candidate was independent of the regime, and repeatedly cited his candidacy as evidence that these elections were legitimate. This candidate, Serge Beaulieu, ran against the incumbent in the small city of Cavaillon in southern Haiti. Embassy officials said that the fate of Beaulieu's candidacy would indicate whether the Haitian government was actually making a serious effort to conduct meaningful elections.

In fact, Beaulieu's "independent" campaign was continually harassed. In the days just prior to the election, his headquarters were twice ransacked. He and some of his supporters were threatened with arrest. Beaulieu's car was riddled with bullets and he was forced eventually to seek sanctuary in a convent the day before the elections, along with a Newsweek correspondent whose driver and translator had been arrested earlier that day. Beaulieu was not elected.

Several days after the elections, newly appointed United States Ambassador Clayton McManaway was quoted as saying that the elections were not democratic. He added, "we were disappointed that in some areas such as Cavailon and Gros Morne the electoral process was not respected, that some candidates were not allowed to freely campaign, and that in some instances foreign observers were restricted in their access to the electoral process."

BACKGROUND

Throughout its history, Haiti has been ruled by authoritarian governments and has suffered political instability, serious human rights violations and economic deprivation. The "Duvalier Era" of two successive Presidents-for-Life, now in its 27th year, did not initiate economic dislocation, poverty, starvation and disease, and the family is not the first ruling elite to pursue policies that neglect the most elemental needs of Haitian citizenry.

What the Duvaliers have added has been violent political repression that has instilled stark terror in the Haitian people. Francois Duvalier's Ton Ton Macoutes are the notorious symbol of this system of terror. This unpaid force that preys on the population economically as well as politically has all but eliminated the rule of law through extralegal executions, torture, arbitrary arrests, prolonged detentions, and other gross human rights abuses.

When nineteen-year-old Jean-Claude Duvalier formally succeeded his father in 1971, there was no meaningful distinction between the total personal power of the Duvalier family and the Haitian government. The legislature merely rubber-stamped bills handed down by the President-for-Life. The press was the mouthpiece of the national Palace. Opposition political groups and labor unions were completely crushed. Corruption was, and is, pervasive.

RECENT DETERIORATION IN RESPECT
OR FUNDAMENTAL HUMAN RIGHTS

The crackdown on journalists, lawyers and human rights activists that began in November 1980 continues unabated. Independent journalists and politicians have been imprisoned, forcibly exiled or silenced; human rights groups have been forced to disband or to go underground; and an informal and infant trade union movement has been crushed. The official and semi-official Haitian security forces have continued to arrest or detain without charge or explanation persons perceived to be opponents by the Duvalier government. In August 1982, a series of arrests occurred in Port-au-Prince that resulted in the detention without charge or explanation of some 35 persons in one of Haiti's political prisons. Well-known lawyers, engineers, and economists were included among those held incommunicado and naked in isolation cells. Several were threatened and physically abused.

In late 1982 and early 1983, the Haitian government began a campaign of intimidation against the Catholic Church. Just prior to the meeting in Port-au-Prince of the Central American Bishops, and after the announcement of the visit of Pope John Paul II, the secret police detained without charge a young Catholic lay worker, Gerard Duclerville. Twice he was severely beaten during interrogation in the Casernes Dessalines, and at one point the Government announced that he

had died. He was finally released on February 9, 1983 after two and a half months of imprisonment. No explanation was given for his detention, torture or eventual release. The newly-appointed governmental Commission on Human Rights neither investigated this incident nor issued any statement of concern at the time that Duclerville was being repeatedly and severely beaten.

In March 1983, the government detained at least eight other persons incommunicado. They have yet to be charged, and Haitian authorities have not officially acknowledged their detention. Authorities refuse to confirm their location.

On May 9, 1983 five persons "suspected" of being affiliated with either the Haitian League for Human Rights or the Haitian Democratic Party were detained without explanation or charge and held for over three months.

OPPOSITION POLITICAL ACTIVITIES:
THE CASE OF THE HAITIAN CHRISTIAN DEMOCRATIC PARTY

On October 9, 1983 Sylvio Claude, President of the Haitian Christian Democratic Party, and three or four other party members were detained without charge or explanation in the Casernes Dessalines. This detention represents the sixth time in less than five years that Claude has been imprisoned. Claude was held for most of this period incommunicado, and was denied all visits and any contact with lawyers from the Haitian League for Human Rights. Food provided by his family was withheld from him, and he was forced to live on the meager prison rations of watery corn meal and bread served once a day. As has occurred in the past, Claude was severely beaten on November 14, 1983.

Viewed in the context of Claude's previous detentions, this incident exemplifies the Duvalier regime's complete intolerance of opposition political activity. In the legislative elections held in Haiti in 1979, Sylvio Claude was a candidate in the Mirabalais constituency. He ran against Mme. Rosalie Adolph, who, with her husband, headed the Ton Ton Macoutes under Francois Duvalier. During this time, meetings of Claude's supporters repeatedly were broken up by military police and the Ton Ton Macoutes. Claude's candidacy was declared illegal and he was interrogated,

tortured with electric shocks and beaten senseless in the Casernes Dessalines by Lt. Mont Desire and Lt. Julien, both under the command of Colonel Jean Value, Chief of the Service Detectif. Colonel Albert Pierre also participated.

Following the demand of the Haitian League for Human Rights that Claude either be charged before a judge or released, Claude was initially released, but then was re-arrested and forcibly deported to Colombia on May 5, 1979. He was allowed to return to Haiti some three weeks later, but again was detained without explanation for several days upon his return.

On August 26, 1979, known Ton Ton Macoutes in civilian clothes infiltrated and disrupted a meeting of the Haitian Christian Democratic Party. The Haitian government used this "disturbance" as a justification for the arrest of Claude and many of his party members. Claude subsequently was held in prison without charge or explanation under harsh conditions for more than three months.

On November 28, 1980, the Haitian military police undertook the mass arrest of perceived opponents of the Duvalier government. Within several days, more than 100 persons were detained and imprisoned without explanation and formal charges. All of those who were arrested were initially held incommunicado and none was allowed access to lawyers or visitors. Following their arrests, these people

were first taken to the Casernes Dessalines for interrogation. In early December 1980, sixteen of these detainees were forcibly exiled from Haiti without ever having been charged with any crime or given any explanation for their imprisonment or expulsion.

One of those arrested was Haiti's only other opposition political leader of national reputation, Maitre Gregoire Eugene, leader of the Social Christian Party and publisher of the monthly periodical, Fraternite. Approximately 30 other sympathizers of Claude's Haitian Christian Democratic Party were also arrested, and some were eventually charged and tried in August 1981. A number of those arrested in November 1980 are still held in the National Penitentiary without charge or explanation.

On August 26, 1981, nearly nine months after the mass arrests of November 1980, the government of Haiti brought 26 persons to trial before Judge Menan Pierre-Louis in the Central Courthouse in Port-au-Prince. Eleven of the defendants were members of the Haitian Christian Democratic Party (PDCH), including Claude. Two others were journalists imprisoned during the mass arrests of November 1980.

The trial, which violated a number of procedural rights guaranteed by the Haitian Constitution and international law, lasted for nineteen hours on a single day and night. All of the defendants were sentenced to fifteen years of hard labor, and the other four sentenced to one year in prison. The

Haitian League for Human Rights labeled the verdict a "judicial scandal of unbelievable proportions," charging that no credible evidence had been presented by the government. On February 26, 1982, the Court of Appeals announced that it had overturned and annulled the lower court's decision due to procedural flaws and a technical sentencing error. The retrial of the remaining twenty-two defendants -- whose date was never publicly announced despite repeated requests from the defense lawyers and international legal organizations -- took place on August 27, 1982. It occurred in an atmosphere of armed intimidation, with up to 60 security police bearing rifles and submachine guns posted in front of and inside the court. Many family members of the accused were barred from the courtroom, and one of Sylvio Claude's sons was physically ejected from the court in the presence of an international legal observer. According to members of the Port-au-Prince Bar who attended the trial as observers (but did not represent any of the parties), the vast majority of the men who packed the large courtroom were security force members or their relatives and friends, all dressed in civilian clothes.

Throughout the trial, the government prosecutor shouted down the defense lawyers and the defendants. The government prosecutor also frequently shouted at the presiding judge, Theophile Jean Francoise, and often appeared to intimidate him. Throughout most of the last five hours of the trial,

(which ended at 6:50 a.m. on Saturday, August 28th), a majority of jurors were asleep, as were the court clerks responsible for transcribing the proceedings. With no mention of prosecutorial misconduct or the lack of credible evidence against the defendants, all were found guilty as charged and sentenced to the maximum of six years in prison.

On September 22, 1982, the 25th anniversary of the "Duvalier era," President-for-Life Duvalier granted all twenty-two defendants' request for amnesty. The defendants have been allowed to return home, but some cannot leave their homes and all are under constant surveillance.

As noted above, Claude was harassed by the security forces continuously following his presidential pardon and release from prison. Claude was never allowed to resume any political activities, and was even prevented from sustaining his family economically. In February of 1983, Claude was threatened by security force members so frequently that he chose to flee Port-au-Prince and go into hiding to protect himself.

CONCLUSION

Applying the criterion articulated by Secretary of State Shultz, the February elections in Haiti were not meaningful: "all the preliminary aspects that make an election really mean something" were strikingly absent in the period preceding elections. The only two opposition parties in Haiti have been decimated. The leader of one -- Sylvio Claude -- was arrested and beaten in the months leading up to elections. When the leader of the other -- Dr. Eugene Gregoire -- sought to return to Haiti from his forced exile in the U.S. so that he could contest elections, he was barred from entering the country.

Continuing arrests and detention of persons perceived to oppose the Duvalier government have fostered a climate of fear in which the democratic process has little meaning. And had meaningful electoral choices been available, the Haitian citizenry would have been hard-pressed to make informed choices since press freedom simply does not exist in Haiti.

Under these conditions, the recent elections in Haiti were a mockery of the democratic process.

The Americas Watch is a citizens organization that promotes human rights in all countries of the Americas and strives to make human rights a significant component of U.S. foreign policy. Founded in 1981, its Chairman is Orville H. Schell and its Vice Chairman is Aryeh Neier.

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The Lawyers Committee for International Human Rights is a public interest law center that promotes compliance with internationally recognized human rights law and legal principles. It was founded in 1975. Its Chairman is Marvin E. Frankel, its Executive Director is Michael H. Posner and its Deputy Director is Diane F. Orentlicher.