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# AMNESTY INTERNATIONAL NEWS SERVICE 141/93

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**ALGERIA: CORRECTION TO REPORTS REGARDING RACHID MIMOUNI AND AMNESTY INTERNATIONAL**

An Algerian man named Rachid Mimouni has falsely claimed to be the Vice President of the Algerian Section of Amnesty International, while making statements about the political situation in Algeria to television, radio and press in Algeria and France.

Amnesty International would like to make it clear that Rachid Mimouni is not and has never been Vice President of its Algerian Section and, as far as the organization is aware, has never been a member of Amnesty International.

It is important to note that all members of Amnesty International, including genuine members of the Algerian Section, are governed by a working rule which excludes nationals of any country from assessing or acting on cases of human rights violations or commenting on political developments in their own country in their Amnesty International capacity. This rule not only helps to ensure Amnesty International's impartiality, but also ensures that considerations arising from domestic politics do not interfere with Amnesty International's work on behalf of victims of human rights violations.

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#### HAITI: UPDATE ON AMNESTY INTERNATIONAL'S CONCERNS

##### **Amnesty International's concerns in the current context**

In recent weeks, Amnesty International has repeatedly expressed its grave concern at the deteriorating human rights situation in Haiti to the Haitian authorities, including Commander-in-Chief Cédras and Chief of the National Police Lt. Colonel Michel François. It has called for an immediate halt to extrajudicial executions and other violations, that inquiries be initiated into all such past abuses, their findings made public and those responsible brought to justice. Amnesty International has also stressed that commanders of the Haitian police and military must be held responsible for all abuses committed by all those, both military and paramilitary, under their command.

Amnesty International has simultaneously called on other governments to vigorously condemn the wave of human rights violations in Haiti in recent weeks, and to publicly state that they hold military and police officials responsible for the security of Haitians who have been subjected to threats and harassment by members of the paramilitary and military forces.

Amnesty International is also deeply concerned that those who attempt to flee to the USA in the wake of the new wave of violations can expect to face continued interdiction on the high seas by the US authorities, and subsequent return to Haiti, where their only option will be to face screening through the deeply flawed in-country-processing program. During a 20 October press conference in Washington to launch the organization's new campaign to stop extrajudicial executions and "disappearances" worldwide, the organisation's Secretary General Pierre Sané specifically called on the United States to do more to stop such abuses in Haiti, and not to turn its back on asylum seekers fleeing the killing fields there. Amnesty International also calls on other countries in the region to observe their obligations for the protection of refugees fleeing human rights violations in Haiti, and in this connection is disturbed by recent reports that the Dominican Republic might be forcibly returning people who would be at risk in Haiti.

##### **The current crisis in Haiti**

On 3 July 1993, President Aristide and Commander-in-Chief of the Armed forces, General Raoul Cédras, signed a UN-brokered accord (the so-called Governor's Island Agreement) for the return to office of President Aristide on 30 October 1993. Despite the fact that in agreeing to the accord, the parties had undertaken *inter alia* to promote and guarantee respect for human rights, the agreement was followed by a wave of human rights violations including threats, harassment, arrests, and the extrajudicial execution of supporters of President Aristide, widely interpreted as reflecting the Haitian military's bitter opposition to the agreement.

The wave of violations accelerated as the date of President Aristide's return drew nearer, in an apparent attempt by the military to impede or destabilise that return. Threats were made against those President Aristide had named to his cabinet, many of whom had returned to Haiti and attempted to take office. On 8 September during an attempt to re-instate Port-au-Prince Mayor Evans Paul, at least five people were killed and some 12 wounded by plainclothes auxiliaries to the army known as *attachés*. Subsequently, on 11 September, Antoine Izméry, a businessman and prominent supporter of President Aristide was pulled from a church and executed by *attachés* with a point blank shot to the head. Military and police personnel in the area made no attempt to intervene.

By October, it was estimated that at least 100 people had been killed since the Governor's Island agreement had been signed and many others threatened, assaulted, arrested and beaten up. Victims included journalists and human rights activists who had attempted to report incidents of human rights violations or who had attempted to exercise their right to freedom of expression by putting up posters, selling

papers or handing out leaflets in support of President Aristide. Those responsible were official military and police personnel as well as the para-military *attachés*.

A particularly alarming incident occurred on 4 October, when armed men attacked the home of Jean-Claude Bajeux, a well-known human rights campaigner and political supporter of President Aristide. Fortunately, neither Jean-Claude nor his wife Sylvie were at home, but their house was ransacked, two household employees were tied up and beaten, and a friend who came to see what was going on was shot and wounded.

Then, on 14 October came the murder by armed men in civilian clothes of Guy Malary, President Aristide's Minister of Justice, along with his bodyguard and driver. Malary had been at the forefront of a plan for new legislation to formally separate Haiti's army and police, a proposal which is opposed by Haiti's military leadership. He had also been involved in efforts to investigate some high profile human rights violations. Malary's killing outraged international opinion, and appeared to have been one factor in the decision to pull out the some 300 UN/OAS human rights observers then in the country; UN/OAS observers have been attempting to monitor the human rights situation in Haiti since February, 1993.

Since the departure of the UN/OAS human rights observers in October 1993, threats and intimidation against local human rights monitors have reportedly increased, and many have been forced into hiding. Reports have also been received that military and paramilitary forces have increased intimidatory actions against those believed to support President Aristide's return. In areas such as Port-au-Prince, the Central Plateau and the South, the military have for example reportedly been handing out fire-arms and machetes, and offering villagers money to carry out killings of supporters of President Aristide. Soldiers have also reportedly been repeatedly firing off their weapons as an intimidatory tactic, have gone running through poor areas threatening Aristide supporters, and have set fires in areas where those favouring his return reside. With the withdrawal of the UN/OAS observers, and the increased danger facing local human rights monitors, these reports are difficult to verify in detail, and there are fears that massacres could take place in the coming days with no one available to witness, record or attempt to halt them.

## **Background**

On the night of 29 to 30 September 1991, troops violently overthrew the democratically elected government of President Jean-Bertrand Aristide. President Aristide had taken office on 7 February 1991 after having been elected in December 1990 with over 67 per cent of the popular vote. Initially arrested following the coup, President Aristide was eventually permitted to go into exile in Venezuela as a result of negotiations between the military and the French, Venezuelan and US Ambassadors. The days immediately following the coup were marked by wide-scale repression, particularly in poor communities, where support for President Aristide had been strongest. Soldiers deliberately and indiscriminately opened fire into crowds, killing hundreds of people, including children.

Since then, Amnesty International has continued to receive reports of grave and systematic human rights violations, directed at President Aristide's political supporters, and focused in many cases on women's groups, peasant development groups, trade unions, church groups and youth movements. Many hundreds of people have been extrajudicially executed or detained without warrant and tortured. Many others have been brutally beaten in the streets, and others forced into hiding. Tens of thousands have fled Haiti; many of them have attempted to reach the United States of America (USA). Current US policy with respect to the refugees is to interdict them on the high seas whatever their intended destination and forcibly return them to Haiti without any hearing of their asylum claims and in direct contravention of international law. Haitians can apply to the US embassy to be resettled in the US under the in-country processing (ICP) program. However, the ICP program cannot be regarded as a substitute for the right to seek asylum: people in danger are unlikely to risk drawing attention to themselves by telephoning or going to the office where applications are processed, and those claiming asylum under the ICP program have been given interview dates as long as seven months ahead and, even before the latest upsurge in violence, there have been several reported cases where such applicants have been detained and subjected to abuses while waiting for interview. In any case, an asylum application lodged at an embassy cannot provide the fundamental safeguards that would be provided in an asylum procedure established in conformity with international standards dealing with refugee protection - safeguards such as the right to appropriate legal advice and to an effective review of the case if the application is rejected. The ICP program is, therefore, no substitute for the right to seek and enjoy asylum, set out in Art 14.1 of the Universal Declaration of Human Rights, which has effectively been denied to them by the US authorities' action in intercepting and summarily returning to Haiti those who leave the country by sea.

The policy of the US Government to return to Haiti those who are intercepted at sea is a gross violation of the fundamental principle of *non-refoulement*, binding on all states, which is the bedrock of the international system of refugee protection. This flouting of international

**law and denial of Haitians' right to flee and seek asylum can raise only increased concerns in light of the recent upsurge of severe human rights violations including extrajudicial execution, "disappearance" and torture.**

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**INTERNAL FOR VERBAL RESPONSE ONLY: QUESTIONS AND ANSWERS ABOUT AMNESTY INTERNATIONAL AND UN/OAS OPERATIONS IN HAITI**

**Q. What is Amnesty International's reaction to the withdrawal of the UN/OAS civilian human rights observers?**

**A. Amnesty International is concerned that effective, impartial human rights monitoring must take place in Haiti. It is also naturally deeply concerned at the conditions which led the observers to leave, including the escalating level of human rights violations directed in some cases against Haitians, who like the observers, had been trying to monitor and report on the human rights situation in the country.**

**Q. Was the UN/OAS mission successful in preventing human rights violations?**

**A. Unfortunately, human rights violations continued to be reported during the mission's presence in Haiti. It can only be supposed however that without the mission's presence, the human rights situation could well have been significantly worse in the past, and, that it may now deteriorate still further if they are unable to return to resume their monitoring functions.**

**Q. What is Amnesty International's view on the exclusion thus far of the police and military component of the UN mission?**

**A. It is Amnesty International's understanding that the military personnel intended to participate in the UN mission had no human rights mandate or role. With respect to the police monitors, Amnesty International understands that they were to have had a role in training the Haitian police in human rights protection and observance. Amnesty International believes training for police in human rights and humanitarian law is important and could contribute to restoring respect for human rights and the rule of law in Haiti. In particular such training should include measures such as non-lethal methods of crowd control and proper ways to arrest and detain criminal suspects. Generally, it would urge that any personnel involved in the attempt to restore respect for human rights and humanitarian law in Haiti be themselves trained in and comply with both fields of law.**

**Q. Does Amnesty International support President Aristide's return to Haiti?**

**A. It is not Amnesty International policy to take positions as to which form of government should be implemented in any given country. However, in signing the Governors Island Agreement, the signatories to it pledged to cooperate fully in a peaceful transition to a society in which all Haitians would be able to live in a climate of respect for human rights. Conditions agreed toward that end included the return to Haiti of President Aristide on 30 October 1993, the agreement of Commander-in-Chief Cédras to take early retirement, and the adoption of a law establishing a new Police Force, with the President of the Republic to appoint its new Commander. Amnesty International would naturally be concerned about any action or failure to act which would be contrary to the spirit of the agreement's stated aim of restoring respect for human rights in the country.**

**Q. What is Amnesty International's view with respect to the amnesty which is to be granted by the President under the Governor's Island Agreement?**

**A. In signing the Governor's Island Agreement, signatories to it agreed that an amnesty would be granted by the President of the Republic within the framework of Article 147 of the Haitian Constitution. This article provides that the President can accord amnesties only with respect to political matters, and only in accordance with the law. Currently, it appears that the final terms of any eventual amnesty are not yet known. With respect to any amnesty that should eventually be granted in Haiti, Amnesty International's general policy would remain unchanged, that is, it believes that in Haiti, as elsewhere, any persons responsible for past human rights violations must be brought to justice.**