

amnesty international

HAITI

A Summary of Amnesty International's Concerns under the Administration of President Ertha Pascal-Trouillot

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SUMMARY

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In its document "Haiti - A summary of Amnesty International's concerns under the administration of President Ertha Pascal-Trouillot", Amnesty International raises issues of concern to the organization since March 1990, when the present Administration took power following the resignation of President Prosper Avril.

Amnesty International is concerned that despite government assurances that human rights violations were "a thing of the past", reports of abuses similar to those that occurred under previous administrations, including arbitrary arrests, ill-treatment and shootings and killings by the police and military forces have continued to be received by the organization. Those arrested without warrant and detained without charge or trial for short periods have included journalists, peasants, leaders and members of grassroots organizations and human rights workers. Most of those arrested were subjected to severely beatings, and at least four people died as a result of ill-treatment. Shootings and killings of civilians forces have happened, in some cases, as the security forces tried to disperse demonstrations; in others, the army shot at peasants involved in land disputes. Other cases involved the apparent arbitrary shooting of suspected criminals without warning by the police. The emergence of "death-squad" type attacks of a more political nature, in which the security forces have allegedly been involved, has also been a matter of concern to Amnesty International. In one such occasion in June, a member of the Haitian Government and a trade unionist were killed after four gunmen, two of whom were wearing military uniforms, stormed into a meeting between government officials and popular organizations.

The government's failure to investigate human rights violations under the present and previous administrations and to bring those responsible to justice has also been a matter of serious concern to Amnesty International. The organization believes that failure to prosecute those responsible for human rights violations has contributed to the impunity with which widespread abuse and to violent crimes continue to be committed.

This report summarises a 6-page document (2676 words), *Haiti: A Summary of Amnesty International's Concerns under the Administration of President Ertha Pascal-Trouillot* (AI Index: AMR 36/09/90), issued by Amnesty International in December 1990. Anyone wanting further details or to take action on this issue should consult the full document.

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the Administration of President
Ertha Pascal-Trouillot**

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I. INTRODUCTION

On 10 March 1990 President Prosper Avril, who came to power following a military coup in September 1988, resigned following weeks of popular discontent and widespread protests. The government's departure was apparently motivated in part by its failure to take action to prevent widespread human rights abuses, including arbitrary arrest, ill-treatment and extrajudicial executions, and to put an end to the phenomenon referred to by Haitians as "*l'insécurité*", insecurity. *L'insécurité* referred to the daily acts of violence directed against all sectors of the population carried out by unidentified, heavily armed men, believed in many cases to be linked to the security forces and to members of the former *Volontaires de la sécurité nationale* (VSN), National Security Volunteers, commonly known as "*tonton macoutes*".

The government attracted widespread national and international criticism following the arrest by the Presidential Guard in November 1989 of three well-known opposition leaders, Evans Paul, Jean-Auguste Meyzieux and Marino Etienne. The three were shown on Haitian television the day after their arrest; their faces were severely bruised and swollen from the beatings they had received. Those responsible for their ill-treatment remain unpunished. Further, in January 1990 over 20 prominent political leaders were arrested, including Dr Louis Roy, President of the Council of State, several presidential candidates for the December 1990 elections, journalists and human rights activists. Most were severely ill-treated and some were subsequently deported. Others were released in February, when the government declared an amnesty for those accused of crimes against the security of the state. Leaders of popular and human rights organizations were harassed and their houses searched. Several independent radio stations were raided. The January clampdown on opposition leaders provoked worldwide condemnation of President Avril's government and raised questions both in Haiti and abroad about his intentions to allow free and fair elections.

The new government, sworn in on 13 March 1990 and headed by Supreme Court Judge Ertha Pascal-Trouillot, was composed of a president, a cabinet of ministers and a *Conseil d'état*, Council of State. The Council of State, comprising representatives of different sectors of the population and nine of Haiti's departments, excluding Port-au-

Prince, has the power to veto power the President's decisions. The new government was mandated to organize prompt elections. Presidential, congressional and local elections were finally scheduled for 16 December 1990, with a transfer of power to take place in February 1991.

II. AMNESTY INTERNATIONAL'S CONCERNS

The change of government did not bring about a corresponding change in the human rights situation in the country. Reports of human rights violations similar to those that had occurred under previous administrations, including arbitrary arrests, ill-treatment and shootings and killings by the police and military forces have continued to be of concern to Amnesty International. Amnesty International has also been concerned that the failure of the government to investigate human rights violations under successive administrations and to bring those responsible to justice has contributed to the widespread abuses and the continuation of the violent crimes that ravage Haiti on a daily basis. Although in many cases it has been difficult to discern an apparent political motive in these attacks and assassinations, which have touched every sector of Haitian society, Amnesty International is concerned that evidence increasingly points to the security forces as the authors of many of these crimes. Likewise, former "*tonton macoutes*" have been blamed for many of these attacks. In a few cases Amnesty International has received reports of arrests and judicial proceedings against members of the security forces and others for armed robberies, shootings and killings. However, many of the perpetrators of these crimes remain unpunished, adding to an apparent escalation of abuse. Amnesty International is also concerned at the apparent emergence of better organized "death-squads", also reportedly linked to the security forces. These carry out attacks of a more political nature, such as the killings of Council of State member Serge Villard and trade unionist Jean-Marie Montes in June, and of teacher Mariano Delaunay and anti-Duvalierist activist Gérard Gaetjens in July.

Amnesty International also continued to receive reports of extremely harsh prison conditions in the *Pénitencier National*, National Penitentiary, St. Marc, Gonaïves, Cap-Haïtien and in other detention centres throughout the country. Many inmates were reportedly severely ill because of malnutrition¹, poor hygiene and lack of medical treatment. Many had been detained for several months without charge or trial, and some had not even been informed of the reasons for their detention. Beatings of detainees by prison staff were also reported in several prisons. Moreover, the organization received reports that children were being kept in the *Pénitencier National* in the same harsh

¹ Food is generally not provided by the prisons, and inmates have to rely on their families for their daily meals.

conditions as adults. In at least one case a 14-year-old child had been held for several months reportedly for attempting to leave the country.

The authorities have reportedly admitted that prison conditions are severely sub-standard; however, few improvements have been noticed.

Below is a summary of Amnesty International's concerns in the run up to the elections of 16 December 1990. The cases portrayed are examples and should not be considered an exhaustive list.

A. *Apparent arbitrary arrests by police and military forces*

Scores of people, many of whom were prisoners of conscience, continued to be arrested without warrant and detained without charge or trial for short periods, both in Port-au-Prince and the countryside. Victims of such arrests included leaders and members of grassroots organizations, human rights workers, journalists, peasants and those protesting against abuses by the local authorities. In many reported cases, the arrests were the result of disputes between the detainee and a local official; in others, arrests were carried out with the object of extorting money from the person arrested. Peasants involved in land disputes were also arrested when the local authorities took sides in the dispute. Real or suspected opponents of the local authorities suffered the same fate. For example, in March 1990 Agita Morrissette was reportedly arrested and held for a few days by the military commander of Petite Rivière de l'Artibonite, for trying to organize a demonstration in favour of the new government. Four others from Aquin, department of the South, were arrested in the same month; they were beaten and accused of taking part in demonstrations against the administration of President Avril. Elie Garsonville, mayor of Vallières, North-West department, was reportedly arrested on 2 April by the local military authorities and beaten, allegedly for having ordered an inquiry into past abuses committed by the same authorities who arrested him.

Members of popular organizations continued to be the victims of arbitrary arrest, ill-treatment and harassment. In March four members of the *Mouvement des Paysans de Baptiste* (MPB), Baptiste Peasants Assembly, were arrested by local military authorities, reportedly for being "*fauteurs de troubles*" (trouble makers). They were subsequently released. MPB members have under previous administrations been accused of being "communists", and subjected to harassment and arbitrary arrest. In April two members of the *Assemblée Populaire Nationale* (APN), National Popular Assembly, were arrested in Trou du Nord, in Haiti's North-East department, apparently because they had refused to participate in a government-sponsored march to support national reconciliation. Logique Paris and Narcisse Orellien, members of the peasant organization *Tèt Kollè*, Heads Together, were arrested in June 1990 in Mahotièr, North-West Department, and severely ill-treated after they protested the arrest of two others. Two members of the *Mouvement des Jeunes de Labadie* (MJL), Labadie Youth Movement, were arrested in May reportedly on account of their membership of the group.

In May radio reporter Tony Vergniaud was arrested and beaten by soldiers in Port-de-Paix while investigating reports of a local judge's involvement in corruption. Arrested under the orders of the judge he was investigating, he was released the same day after the intervention of the Minister of Justice. In June four members of the *Ligue des Anciens Prisonniers Politiques Haïtiens* (LAPPH), League of Former Political Prisoners, were arrested, interrogated and released uncharged shortly afterwards. They were only freed after they had agreed to reveal the address of LAPPH's Secretary General, whose house was later searched without a warrant.

B. Torture and ill-treatment of detainees

Most of those arrested, including children, claimed they had been beaten, and ill-treatment by police and security forces continued to be widely reported both in the capital and the countryside. In at least four cases, ill-treatment resulted in death. On 2 April Sélius Joseph was reportedly beaten to death by the local *chef de section*, (rural police chief), and his deputy in Belle-Fontaine, 4th communal section of Kenskoff. Subsequently, Elistin Justin was badly beaten by soldiers when peasants gathered outside the military post to protest about Sélius Joseph's death. In August Méhus Laroche, a 44-year-old businessman accused of robbery, was arrested reportedly without a warrant at his home in Plaisance, Northern Department. He was severely beaten with sticks during his interrogations at the police headquarters in Cap-Haïtien. He died nine days later at Cap-Haïtien penitentiary. Michel Fontaine, a 44-year-old farmer, was arrested without a warrant in Morne Morlay, La Gonâve district, on 15 August, reportedly following a complaint from a woman who owed him 30 US dollars, and severely beaten in front of his wife and daughter by a deputy *chef de section*. His body, later returned to his family, showed signs of severe ill-treatment to the head, eyes and legs. The deputy *chef de section* was subsequently arrested, but no information has emerged as to any legal proceedings that may have been taken against him.

C. Shooting and killing of civilians by the the security forces and "death squads"

Uniformed police and military forces were responsible for the ill-treatment, shooting and killing of scores of civilians, contrary to the United Nations Code of Conduct for Law-Enforcement officials. Most of the incidents happened within the first months of the new government. Some of the abuses occurred during pro-government demonstrations in the weeks following President Avril's departure. Others occurred during popular protests against the deteriorating economic conditions and against abuses by local authorities, or as a result of land conflicts in rural areas where the local authorities had taken sides in the dispute. Reported incidents included the shooting of several people (some estimates suggest as many as 15) in Borgne when local military personnel reportedly opened fire

to disperse a demonstration called by the *Mouvement des Paysans du Borgne*, Borgne Peasant Movement. The demonstration was to celebrate the fall of the government of former president Avril. Eye-witnesses reported that the shooting started as Jude Faustin, the movement's Secretary, was speaking to the crowd. Several arrests were also reported. In Port-Sondé, a sergeant was reported to have opened fire on a group of young demonstrators on 22 March. The same officer had also allegedly beaten some of the demonstrators and threatened to arrest others.

In April one soldier and two civilians were killed in Cabaret as troops dispersed demonstrators protesting against high electricity bills. Although the circumstances in which the killings occurred are not clear, most reports have indicated that soldiers fired shots in the air to disperse the demonstration and beat some of the demonstrators. The demonstrators reportedly responded by throwing stones at the soldiers. The soldiers then apparently opened fire on the crowd. When one soldier, who had apparently fatally wounded two protesters, ran out of ammunition, demonstrators ran towards him and stoned him to death. In the following two days, it was reported that troops from the military barracks at Arcahaie and Croix-des-Bouquets carried out at least 30 arrests and burned over 30 houses. Many of those arrested were reportedly ill-treated.

Apparently arbitrary shooting of suspected criminals

Amnesty International has also been concerned at recent reports that, in their efforts to stop the ongoing crime wave, police have shot without warning and in several cases killed suspected criminals they were chasing, or who were allegedly caught in *flagrante delicto*, rather than arresting them.

"Death-squad"-type killings

Amnesty International has also been extremely concerned at what appears to be the emergence of "death-squad" attacks of a more political nature. In some cases, the attackers have been linked to the security forces. In June four gunmen, two of whom wore military uniforms, shot and killed Council of State member Serge Villard and trade unionist Jean-Marie Montes and wounded politician Emmanuel Magni during a meeting between the Council of State and popular organizations. The assailants arrived at the meeting looking for Dr Louis Roy, President of the Council of State, who was instrumental in drafting Haiti's 1987 Constitution. Serge Villard had played a prominent role in incorporating Article 291 of the Constitution, which bans those who held government office during the Duvalier regime to stand for election. In September a United States Federal Bureau of Investigations' team arrived in Haiti to investigate the incident, but by the end of 1990 no findings had been made public. In July Mariano Delaunay, 33, a teacher and founder of a night school for the poor, and member of the St-Jean Bosco Catholic community, was killed by a gunman whom witnesses identified

as an army sergeant. Mariano Delaunay was a member of the St.-Jean Bosco Catholic Community of Father Jean-Bertrand Aristide, a vocal critic of the Duvalier administration and a presidential candidate in the December 1990 elections. In September 1988 the St.-Jean Bosco church was attacked and burned; at least 12 people were killed and 70 were injured. No investigation has, to Amnesty International's knowledge, been opened into the killing of Mariano Delaunay. On 29 August Gérard Gaetjens, an anti-Duvalier activist and businessman who had returned to Haiti in 1986 after 20 years in exile, was shot to death by a group of five armed men outside his son-in-law's house in the Port-au-Prince suburb of Musseau. The armed men reportedly left, firing into the air. On 26 November 1987 Gérard Gaetjens had chained himself to the statue of Capois-La-Mort in Port-au-Prince to protest against the violence that was eventually to wreck the 29 November 1987 elections. As in the previous case, the government is not known to have opened an investigation into his killing.

D. Lack of investigations into human rights abuses

Despite announcing inquiries into several cases of human rights abuses, including arrests and the dismissal of some officials implicated in abuses, the government has apparently made no serious efforts to prosecute those responsible for human rights violations. In April judicial proceedings were initiated against one of those allegedly responsible for the killings at the St-Jean Bosco church in September 1988 but by the end of November no progress was evident. In mid-1990 Roger Lafontant and Williams Régala, prominent members of the government of deposed President Jean-Claude Duvalier who were allegedly responsible for gross human rights violations, returned to Haiti. The government issued a warrant for their arrest, which was overturned on appeal. The *Commissaire du Gouvernement* (Attorney General) then issued a second arrest warrant; however, the security forces reportedly refused to carry it out, and at the time of writing both Roger Lafontant, who had been nominated as presidential candidate for the *Union pour la Réconciliation Nationale* (URN), Union for National Reconciliation, but was later disqualified by the electoral board, and Williams Régala, remained at large.

In May Amnesty International met with a number of government officials, including President Pascal-Trouillot, and raised several issues of concern to the organization. Amnesty International was informed that human rights violations were "a thing of the past" and that several *chefs de section* had been dismissed because of their involvement in human rights abuses. Amnesty International followed up on these talks with correspondence, in which the organization requested details about the measures taken by the government to put an end to human rights violations and about any investigations opened into particular cases. No response was received.