

£HAITI

@On the Horns of a Dilemma: Military Repression or Foreign Invasion?

INTRODUCTION

In July thousands of terrified Haitians took to sea in flimsy boats. Most hoped to reach the United States (US), even though the government there is largely unwilling to receive them. Newspapers and televisions around the world were full of heart-breaking scenes of foundering crafts, drowning children and bedraggled survivors crawling exhausted onto Florida's tourist beaches.

The tiny of nation of Haiti was suddenly, albeit briefly, the centre of international attention. This grew as speculation mounted over whether the US would invade the country, ostensibly under an international umbrella, in an effort to stop the flow to its shores of the so-called "boat people".

Behind the recent tragedy of the "boat people" and the possibility of an armed invasion lies a long-term human rights nightmare. It is a nightmare that has driven tens of thousands of Haitians to flee their island homes in recent years.

Terror has spread through Haiti as its *de facto* military rulers continue their campaign of intimidation, arbitrary arrests and killings. Their aim has been to wipe out any support for President Jean-Bertrand Aristide, head of Haiti's first democratically elected government, ousted by a military coup in September 1991.

In recent months, hundreds of people have been extrajudicially executed by soldiers or their civilian adjuncts. Entire villages have been massacred. Increasingly, bodies have been mutilated to sow further terror.

With the political crisis caused by the threat of a US-led invasion, Amnesty International fears the Haitian military may use even more brutal tactics against the Haitian population, or that civilians may carry out reprisal killings against those they believe to have been responsible for human rights violations. AI is also concerned that human rights standards could be violated by invading forces. It fears that the experience of Somalia may be repeated, where unarmed civilians were killed by forces meant to be protecting their human rights.

This report examines the background to the current human rights crisis in Haiti. It highlights the plight of a people who face brutal repression at home, danger and rejection when they flee abroad, and the prospect of an armed invasion by foreign forces with all the abuses that could bring. The report ends with a review of actions that AI believes should be taken in order to protect human rights in Haiti.

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1.BACKGROUND

Haiti lies some 600 miles (970 kilometres) south and slightly to the east of Florida. It occupies approximately one-third of the Caribbean island Hispaniola, which it shares with the Dominican Republic. It was the first modern state of African origin and the first country in Latin America to gain independence.

In the second half of the eighteenth century, Haiti was one of Europe's most lucrative colonies: 50 percent of France's transatlantic commerce involved Haiti and nearly 20 percent of the French population depended on trade with Haiti for its livelihood. Today, Haiti is the poorest country in the Americas, its poverty a legacy of its long and tragic history. Haiti lies some 600 miles (970 kilometres) south and slightly to the east of Florida.

Haiti's current human rights crisis

Haiti's current human rights crisis can be traced back to 29 September 1991, when a military coup overthrew the democratically elected government of President Aristide. Since then, supporters of the ousted President (known popularly as *lavallassiens*¹) as well as other opponents of the *de facto* military government have been subjected to systematic and gross human rights violations. The military - led by General Raoul Cédras, Commander-in-Chief of the Armed Forces, and Police Chief Michel François -are effectively ruling the country, relying on threats, harassment and widespread repression to retain their grip. So far, the international community has seemed powerless to stop the carnage.

Immediately after the coup the military unleashed a wave of violent repression, particularly in poor communities where support for President Aristide had been strongest. Since then, thousands of people, including human rights monitors, trade unionists, journalists, members and leaders of popular, grassroots and religious groups, women and children have been victims of widespread and systematic abuses.

Some have been extrajudicially executed or detained without warrant and tortured. Others have been held in inhumane conditions in detention centres such as the Pénitencier National in the capital, Port-au-Prince. Many others have been brutally beaten in the streets or repeatedly threatened and harassed. Freedom of the press has been severely curtailed. Opponents or perceived opponents of the military regime and those who simply live in areas considered to favour President Aristide's return have had their homes and property destroyed. Extortion of money from civilians by the security forces and others working with them is endemic, as is corruption.

Those responsible for the human rights violations include uniformed military and police agents, *attachés* (civilian auxiliaries working with them), *chefs de sections* (rural section chiefs who are members of the military) and *zenglendos* (armed criminals believed to be operating under the control of the military).

A new political party, generally believed to be working closely with the military, has appeared on the scene in the past year. Originally called *Front révolutionnaire pour l'avancement et le progrès en Haïti*, Revolutionary Front for the Advancement and Progress of Haiti, it was ominously re-named in June 1994

¹*Lavalas*: Avalanche or tidal-wave; popular term for the political movement that supported President Aristide's candidacy.
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as the *Front révolutionnaire armé du peuple Haïtien*, Haitian People's Revolutionary Armed Front. Its acronym, "FRAPH", is pronounced like the French word *frappe*, meaning "punch" or "blow". FRAPH members have frequently been implicated in killings and other human rights violations.

The terror has led hundreds of thousands of Haitians to flee their homes, to live *en marronage* (in hiding). Tens of thousands of others have attempted to leave the country, either through highly restrictive processing at the US Embassy in Port-au-Prince, via applications for asylum lodged at other foreign embassies, or by taking their chances as "boat people" (see below).

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International involvement in Haiti's political crisis

The international community has made numerous attempts to address Haiti's political crisis, but all have thus far failed. An embargo originally imposed by the Organization of American States (OAS), which was transformed by the United Nations (UN) Security Council in June 1993 into a worldwide oil and weapons embargo, did force General Cédras to the bargaining table in July 1993. Then, under the so-called Governor's Island Accord which was agreed under the aegis of the OAS and UN, General Cédras and President Aristide pledged to cooperate fully in the peaceful transition to a democratic society which would guarantee respect for human rights. The agreement stipulated that a new police force, separate from the army, would be created with the President appointing its chief; that General Cédras would take early retirement; and that the President would nominate a Prime Minister. International involvement in Haiti's political crisis.

A principal part of the Accord was that President Aristide would return peacefully to power. However, as the time approached for his projected return on 30 October 1993, human rights abuses peaked once again. The *de facto* military regime and its supporters successfully created conditions which made it impossible for President Aristide to take office, and no firm date has since been set for his return. Widespread threats and attacks, directed particularly against President Aristide's supporters, continue to afflict Haiti.

As the date of President Aristide's projected return drew near, the military targeted his supporters. One of the many victims was Antoine Izméry, a businessman. On 11 September 1993 he arrived at the church where a mass was to commemorate five people who had died in a 1988 attack on the then Father Aristide as he said mass in a Port-au-Prince shanty town. Before the commemoration mass began, *attachés* burst into the church and threatened the priests: "All the blood which will be shed today will be your responsibility, you communists!"

One of the priests told AI what happened next: "Through the door at the back of the church, we see a military lorry pass by, immediately followed by another. Shortly afterwards, several people barge into the church.... The one that grabs my attention is wearing a red shirt, revolver in hand.... We remain there, frozen, observing the scene.... The man with the gun then takes out his weapon and asks 'Who is Izméry? Where is he?' The *attaché* standing to his right points at Izméry.... The *attaché* approaches him, threatens him with his gun to make him go out. Antoine Izméry hesitates and raises his arms.... The *attaché* raises his weapon in the air as if he is going to fire, he hesitates, probably realising that he is in a church. He then places his gun on Antoine Izméry's temple, forcing him to go out.

"The mass over...the parish priest comes to announce that the body of Antoine Izméry is lying in the street. We go out...and find the body lying a few feet from the church. Some 40 metres away, lies another man, killed in the same way by a bullet behind the ear.... The bodies are still warm, lying in a large sea of blood. I remain there, with another priest, praying for the two dead men. The street is empty....

"Nobody thought that the *attachés* would dare to kill Antoine Izméry so openly. We thought that they had come to arrest him as they had done so many times before.

"...an *attaché* comes and threatens [another priest]...the tension mounts...news arrives that the *attachés* have encircled the area.... Finally, 12 bodies are found around the city of Port-au-Prince on that same day, 11 September.... The *attachés* are rulers of the land...."

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Hopes that President Aristide would be able to return peacefully to Haiti were finally shattered when armed men shot dead his newly appointed Justice Minister, Guy Malary, on 14 October. His bodyguard and driver were also killed. The victims had been shot several times and each had a head wound as if finished off with a *coup de grâce*. After the killings, uniformed police officers took the bodies away, ordering journalists not to film.

Guy Malary was one of the first of President Aristide's newly appointed cabinet ministers to assume office in anticipation of the President's return. He had been at the forefront of a plan for new legislation to formally separate Haiti's army and police, a proposal opposed by the military leadership. He had also been involved in several high-profile human rights cases. Like most members of the new cabinet, he had received death threats.

Some blamed the Accord's failure on its lack of clarity regarding amnesty. The US and OAS/UN negotiators reportedly considered it necessary to secure an amnesty for the military leaders responsible for the September 1991 coup and subsequent human rights violations. They believed this was needed to convince them to step down peaceably. The Accord duly provided for President Aristide to grant such an amnesty within the terms of the Haitian Constitution. Several weeks before his projected return, President Aristide did issue an amnesty decree, which was to cover political offenses from the date of the coup until the date of the Governor's Island Accord. The US and UN/OAS negotiators however, reportedly pressed the Haitian parliament to adopt a draft law intended to cover all criminal offenses, including murder, "disappearance", torture and rape. The draft law was left open-ended so that in effect the Haitian military and police forces can continue to commit human rights violations, apparently confident that they will be exempt from prosecution under the draft amnesty law.

The OAS/UN Human Rights Observer Mission

One of the few brakes on the Haitian security services, particularly in its early days in the country, was the OAS/UN International Civilian Mission, known in Haitian Créole as *Misyon Sivil Entènasyonal* (MICIVIH). MICIVIH was established at President Aristide's request and mandated to verify respect for human rights in Haiti. Its first group of civilian monitors was dispatched to the country in February 1993. In October the Mission left Haiti because of the escalating violence surrounding President Aristide's proposed return. MICIVIH returned in late January 1994 but with far fewer observers, who were largely confined to Port-au-Prince for security reasons. On 11 July 1994 MICIVIH was expelled by the *de facto* authorities on the grounds that its mandate had expired and that it "represented a threat to national security". In fact, its mandate had been renewed by the UN and AI rejected as absurd the contention that it represented a threat to national security. With the Mission gone, AI feared that Haiti had lost the last international monitoring presence which might have helped to prevent further excesses.

2.THE RECENT HUMAN RIGHTS SITUATION

Extrajudicial executions and mass killings

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The presence of MICIVIH provided a broader overview of the level of political killings in Haiti than had previously been possible. Between 31 January and 31 May 1994, for example, 254 killings were reported to the Mission in Port-au-Prince alone. Between the Mission's return at the end of January 1994 and its expulsion in July, a total of 350 extrajudicial executions or suspect deaths were reported to it. In this period the Mission's access to the countryside was greatly restricted, so the real death toll was undoubtedly much higher.

Many of the victims were individually targeted because of their support for President Aristide, such as Antoine Izméry and Guy Malary (see boxes). Others were killed when the military or their civilian adjuncts, the *attachés* or *zenglendos* carried out massacres in areas believed to be sympathetic to President Aristide. Increasingly, bodies of the victims have been mutilated, apparently to sow further terror.

The torching of Cité Soleil

Many children have been the victims of attacks on Cité Soleil, a shanty-town in Port-au-Prince, and on other poor areas throughout the country carried out by the military and their civilian supporters. During one such attack on Cité Soleil, on 27 December 1993, an estimated 70 people died. Among the victims identified as missing, dead or wounded, 16 were aged under 18; 13 of them under eight. The youngest victim was just one month old. ©Leah Gordon

As many as 70 men, women and children died when FRAPH members attacked a slum area of Port-au-Prince known as Cité Soleil in December 1993. Some burned to death in a fire started by FRAPH members; others were shot dead when they tried to escape the flames. Several people could only be reported as missing, as their bodies were never found. Reportedly, the military and police stood by while the Haitian fire department, which is under military control, either made no effort to fight the blaze or was prevented from doing so. The attack was apparently in reprisal for the death the previous evening of a militant FRAPH supporter; human rights sources in Haiti said that the shanty-town residents were not responsible for his death.

Repeated attacks on Raboteau, Gonaïves, Artibonite

Raboteau shanty-town in Artibonite department has been repeatedly targeted by the military. In November and December 1993, the town was raided by military and police looking for a local leader, Amio Métayer. They were unable to find him, so they arrested several other young men instead, including their intended target's younger brother, **Balaguer Métayer**, known as "Chatte". The young men were beaten upon arrest and again when taken to the notorious *Service d'investigation et de recherches anti-gang*, Anti-gang Investigation Service, a branch of the police popularly known as Anti-Gang². All the detainees were subsequently released with the exception of "Chatte" who remains in custody at the military barracks in Gonaïves. At the time of writing he was reportedly in very bad health as a result of torture. AI has been reliably informed that he has had no access to a doctor, a lawyer or his relatives.

Raboteau was again targeted in April 1994 by soldiers looking for Amio Métayer. Again unable to find him, they reportedly burned his house, ransacked other homes, beat fleeing villagers and arrested others, including Amio Métayer's father and sister. Those detained were released the following day. However, in

²Previously known as *Recherches Criminelles* (Criminal Investigations), its headquarters is located near the National Palace. Over the years it has been the scene of numerous deaths as a result of torture, ill-treatment or summary execution. Amnesty International August 1994 AI Index: AMR 36/33/94

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the early hours of 22 April soldiers accompanied by members of FRAPH surrounded Raboteau and fired their guns in the air. As frightened residents fled towards the beach, the combined patrol allegedly chased them, shooting at their backs and legs. Other soldiers and armed men reportedly fired on the fleeing villagers from the water and aimed at people sleeping in their boats.

Some sources reported that as many as 50 people were killed. It was difficult to establish a final death toll as the military are said to have burned bodies or dumped them in the sea, and many residents fled the area. The military maintained that those who died were killed in a gun battle between the army and "terrorists" loyal to President Aristide.

"Disappearances"

The practice of abducting people and making them "disappear" appears to be on the rise in Haiti. Because so many Haitians have fled into hiding it is not always possible to confirm that a missing person has in fact "disappeared". However, several people have clearly "disappeared" following arrest or abduction. Some have reappeared after having been tortured or subjected to cruel, inhuman or degrading treatment whilst being interrogated about popular organizations. According to UN/OAS observers, 91 "disappearances" were reported to them between 31 January and 31 May 1994, of which 62 could be identified as political. Twenty-eight of those reported abducted were later released; the rest remain missing, their families unable to determine their fate.

One of the most recent cases involves 24-year-old **Janne Toussaint**, who has been missing since 19 June 1994. She was apparently taken into custody by eight men who came to her flat in Port-au-Prince and took her away in a black car. Some of the men were in military uniform, others, apparently *attachés*, wore civilian dress. Her husband, Levius Toussaint, had been granted asylum in the US in 1993 after he was arbitrarily arrested and beaten because of his activities as a broadcaster and journalist during President Aristide's administration. He is one of the few people to have successfully applied for asylum in the US via in-country processing. Levius Toussaint has remained a vocal critic of Haiti's current military government and fears that his wife may have been "disappeared" in reprisal.

In the days immediately following the expulsion from Haiti of the UN/OAS mission, AI received further reports of "disappearances". They included **Moïse Paul** and **Emile Georges**, who "disappeared" on 16 and 18 July 1994 respectively, both from Cité Soleil. Human rights groups in Haiti believe they may have been abducted because of their activism in pro-Aristide popular groups.

Torture

Torture continues to be widespread in Haiti and beatings upon arrest are standard practice. Victims are usually targeted because of their political views or activities, particularly those who support President Aristide's return.

Trade unionist **Cajuste Lexius**, for instance, was arrested and severely beaten by the police on 23 April 1993 along with **Phabonor St.Vil** and **Saveur Auréus** (also given as Orilus). All were members of the *Centrale Générale des Travailleurs* (CGT), General Workers' Union, one of Haiti's largest independent trade unions. They were arrested as they toured Haitian radio stations to distribute a press release calling

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for a general strike in support of President Aristide's return. On 26 April all three were transferred to *Anti-Gang*, where they apparently suffered further ill-treatment. Cajuste Lexius, who was unconscious for two days as a result of beatings, was transferred to a military hospital where he was treated for kidney failure and multiple open sores on his buttocks. He had been unable to walk or eat because of the torture he had endured, including the infamous "*djak*" whereby a baton is wedged under the knees and over the arms of the victim, and the prisoner is then repeatedly beaten. He was released from hospital on 21 May 1993. Phabonor St.Vil and Saveur Auréelus also required medical attention when they were released on 29 April 1993. Amnesty International assisted in obtaining the necessary care.

Arbitrary or illegal arrests

Arbitrary arrests are reported almost daily in Haiti. Most are carried out without warrants or outside the hours prescribed by the Constitution for those not caught in *flagrante delicto*. Often, the detainees are held without being brought to the judicial authorities for longer than the constitutionally permitted 48 hours. In the past year, the merest expression of support for President Aristide has been cause enough for people to be seized in their homes or on the streets and brutally treated. For example, two young men, **Jean Dominique** and **Jean-Marie Exil**, were arrested in Port-au-Prince in July 1993, beaten and held for several days simply because they were putting up posters to mark President Aristide's 40th birthday.

Threats, harassment and intimidation

Threats, harassment and intimidation are daily realities for those who attempt to express themselves freely or collaborate in any sort of association viewed by the authorities as a real or potential threat to their power. Just one example is the case of **Jean** (not his real name), a member of the *Front National pour le changement et la démocratie* (FNCD), National Front for Change and Democracy, which supported President Aristide in the 1990 elections. Jean has also worked closely with those attempting to report on human rights issues in Haiti. Soldiers first came looking for him a few days after the September 1991 coup. He was not at home and his family were threatened with reprisals if they did not reveal his whereabouts. He went into hiding in Port-au-Prince, but a week later a uniformed soldier turned his machine-gun on him and seemed about to shoot. He escaped and kept constantly on the move. An *attaché* caught up with him in August 1993 and wounded him in the head. In May 1994 he was threatened by someone he believed to be either an *attaché* or a member of FRAPH who called him a *lavallassien*. On 30 May he was again threatened when undercover agents penetrated the offices of religious workers who compile human rights information. As a result, Jean decided to seek asylum abroad. He is currently in hiding in fear of his life.

Journalists attempting to report abuses carried out by the authorities have also been targets of threats and harassment. In August 1993, for instance, **John Smith Dominique Prien**, an employee of *Radio Plus*, a private radio station in Port-au-Prince, escaped over a back wall when his home was attacked by over a dozen soldiers. Shots were fired into his courtyard, while soldiers beat on the doors with their guns and threw stones on to the roof. He had previously received threats from the military because of his radio work and believed the attack on his home was related to recent broadcasts by *Radio Plus* concerning increased repression in Port-au-Prince.

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Several news people who were present when Antoine Izméry was forced out of a church at gunpoint and murdered in September 1993 reported being roughed up by *attachés*. They included photographers **Daniel Morel** of *Associated Press* and **Hans Bazard** of the weekly newspaper *Haiti en Marche*. The latter said that the *attachés* who assaulted him also confiscated his camera, case and press card before chasing him from the area and threatening that he "would be hearing from them again". In the same incident **Wilson Suren**, a reporter for the *Haitian News Service*, was detained for about three hours.

Shortly after Antoine Izméry's killing, an anonymous telephone caller threatened employees of *Radio Caraïbes* that "After Izméry, it will be your turn..." ["Après Izméry, ce sera votre tour..."]. The day before, on 10 September 1993, some 20 *attachés* armed with guns and grenades reportedly entered the premises of *Radio Caraïbes* and threatened everyone present. They said the station had made a mistake by announcing the names of the *attachés* present at the City Hall attack on Evans Paul on 8 September (see below). The Director of *Radio Caraïbes*, **Patrick Moussigac**, was later forced to flee the country.

In June 1994, in a further effort to muzzle the press, the authorities announced that foreign journalists could no longer leave Port-au-Prince without a special permit; any foreigners found in so-called strategic zones set up around police and military bases, airports and communications centres as well as along the coast or near the border with the Dominican Republic would be deported. In early August, three US journalists were expelled for filming too close to the Port-au-Prince airport. Their driver and interpreter were detained at the National Penitentiary. (See appendix 1)

Property damage, extortion and corruption

Corruption and extortion have become a way of life for Haiti's security forces and their supporters. Corruption is also rampant in the judicial system and judicial connivance with the executive and military makes it impossible to seek reparation before the courts. The ordinary citizen is left with no recourse but denunciations to local or international human rights organizations, and no protection other than hiding or paying ransom money.

As a result, testimonies received by AI concerning other serious human rights violations almost always contain allegations that the victim's possessions were seized or destroyed by their assailants or that the victim was forced to pay a bribe to be released after arbitrary arrest.

For example, in April 1994, after a wedding at a church in the Carrefour district of Port-au-Prince, the pastor asked **Paul** (not his real name) to go and buy food and drinks. When Paul returned, he was assaulted and threatened with death by two men, one of them armed. The pastor, who lay bound on the floor, was accused of holding *lavalas* meetings and was also beaten and threatened. His wife was raped in a separate room. The assailants then left, taking two video recorders, cash and the pastor's wallet and glasses.

Abuses against women and children

No one is safe in Haiti at the moment. Even the most vulnerable, including pregnant women and small children, have been targeted for appalling human rights violations.

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Four-year-old **Jocelyne Jeanty** was one such victim. Her arms and hand were injured when she was savagely clubbed by a mixed patrol of soldiers and *attachés* who descended on her village, Raboteau, in December 1993. Fourteen children between the ages of four and 15 were among those assaulted. Two people died: **Evallière Bornelus** apparently drowned when he attempted to flee; and **Louisiana Jean**, an elderly woman, died of shock. No one is safe in Haiti at the moment. Even the most vulnerable, including pregnant women and small children, have been targeted for appalling human rights violations.

Another particularly brutal attack was carried out against 32-year-old **Alerte Belance**, a market vendor and the wife of a well-known supporter of President Aristide. Both had been repeatedly threatened by the military because of their political beliefs. On the night of 16 October 1993, FRAPH members seized Alerte Belance when they couldn't find her husband. She was taken to a deserted area outside Port-au-Prince known as *titanyen*, which is often used as a body dump. There, her captors slashed her repeatedly with a machete across her nose, mouth, ears and arms, and then left her for dead. Miraculously she survived, despite losing her right forearm and the hearing in her severed right ear. Doctors were able to re-attach part of her tongue, which had also been sliced off in the attack. Hospital staff hid her when members of FRAPH came to the hospital where she was being treated, in order, as she says, to "finish her off." She is now a refugee abroad, with her husband, a welder, and their three children.

Women political activists or those related to known supporters of President Aristide have been victims of rape and sexual assault. Those responsible, including soldiers and police, as well as *attachés* and *zenglendos*, have operated with complete impunity. Despite the reluctance of victims to denounce such crimes, the available statistics indicate that such abuses have been increasing in recent months. By October 1993 the UN/OAS human rights observer mission had documented only a handful of cases of soldiers raping women. Between the end of January 1994 and May 1994, however, it recorded 66 rapes of a political nature committed by the military and its auxiliaries. Victims included 10 minors and one woman who was six months pregnant. Similarly, an Inter-American Commission on Human Rights mission to the country in May 1994 documented 21 incidents of rape committed by the military, *attachés* and members of FRAPH between January and May 1994. *Solidarité des Femmes Haïtiennes*, Haitian Women's Solidarity, has also received numerous accounts of politically motivated rapes. In just one raid carried out by the army on shanty-town areas of Port-au-Prince in March 1994, some 40 women were reportedly raped, including an eight-year-old girl and a 55-year-old woman. In only one instance was the victim raped by fewer than three men. A typical victim was 27-year-old **Mathilde**. According to her testimony, given in June 1994, she was at home with her three sons (her husband, a supporter of President Aristide, had already been killed) when four uniformed men burst in and raped her. As a result, Mathilde lost the baby she was carrying.

Abuses reported after the expulsion of the UN/OAS Observer Mission

As the UN/OAS Observer Mission prepared to withdraw from Haiti, reports were received that the bodies of at least 12 unidentified young men had been discovered in three shallow graves at Morne-à-Bateau, a small town south of Port-au-Prince. All had been shot in the head. As villagers in the Morne-à-Bateau area had not heard gunfire, it is believed that the bodies may have belonged to some of the 21 young men who had recently been extrajudicially executed in Port-au-Prince.

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A few days after the Mission withdrew, there were other grim discoveries, including two unidentified decapitated heads found in an open sewer in Port-au-Prince. Another mass grave was reportedly discovered at Merger, near Route Nationale number 2. Residents said the bodies of 12 young men had been discovered; as in the case of those found at Morne-à-Bateau, they too had apparently been shot and killed elsewhere.

There were also clear signs that with the Mission gone, the military was determined to end local human rights reporting. Shortly after MICIVIH withdrew, **Father Hugo Triest**, a Belgian priest and long-time champion of human rights in Haiti, reported that in the week the Mission was expelled he and his colleagues were threatened three times at gunpoint by men in plain clothes who objected to the human rights work Father Triest had been doing.

On 19 July the security forces struck again. This time uniformed police and their plain clothes auxiliaries attacked a building where a pro-democracy group was due to meet, apparently hoping to find Evans Paul, the popular mayor of Port-au-Prince, and Senator Turnep Delpé, the leader of the group. Neither man was there, but others present were arrested, though apparently later released. Evans Paul was elected mayor in the same electoral contest that brought President Aristide to office: he was forced into hiding following the coup. Five members of his political group were killed by the military and *attachés* on 8 September 1993 at a ceremony at City Hall intended to re-install him as mayor.

On 1 August another politician was targeted. **Reynolds Georges**, a former Senator who had vociferously supported the military authorities, was shot and wounded in the Delmas area of Port-au-Prince by a carload of police and soldiers firing automatic weapons. The attack came only days after Reynolds Georges changed tack and criticized General Cédras and his backers on CNN television and in the foreign press. When Reynolds Georges' wife, Marie-Hélène, denounced the attack on her husband on Haitian radio, police accused her of "provocation" and "invited" her to present herself at police headquarters. The entire family has gone into hiding in fear of their lives.

Reports were also received that uniformed police and *attachés* attacked and beat a group of people waiting to file applications for asylum in the US. Three of those queuing were allegedly detained and taken to an unknown destination.

The situation of Haitian asylum-seekers

Many of the tens of thousands of Haitians who have fled their country in the past three years have tried to go to the US. Others have fled to elsewhere in the region - to Canada, the Bahamas and the Dominican Republic. Some have obtained asylum; most, however, have been returned to Haiti. Thousands are currently held at the US naval base at Guantánamo Bay, Cuba, uncertain about their future. Many Haitians have also fled further afield, to South America and Europe. In mid-1992, however, Switzerland and France imposed new visa requirements restricting their entry.

Most of the thousands of Haitians who headed for the US by sea following the September 1991 coup were intercepted by US Coast Guard patrols before reaching US territorial waters. The patrols were allowed to do this under a bilateral US-Haitian agreement dating from 1981. The asylum-seekers were taken to the US naval base at Guantánamo and "screened" by officials of the Immigration and

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Naturalization Service (INS) of the US Department of Justice to ascertain whether they were likely to have a claim for asylum and so could proceed to the US to submit their claim. In AI's view, these "screening" procedures did not fully meet international standards as they lacked essential safeguards such as access to legal advice and an effective appeal. However, the system did allow for around 11,000 of the 35,000 intercepted to proceed to the US to lodge claims. The rest were returned to Haiti.

AI knows of several people who were victims of human rights violations, including extrajudicial execution, after being returned to Haiti from Guantánamo. One example is **Oman Desanges**, founder and President of the *Association des Jeunes Progressistes de Martissant*, Young Progressive Association of Martissant, a neighbourhood committee. Following attempts by soldiers to arrest him a few days after the September 1991 coup, he fled Haiti by boat in February 1992. He and his family were intercepted at sea by the US Coast Guard and taken to Guantánamo, where they were "screened in" to go to the US to lodge an asylum claim.

Despite this, apparently as a result of a mistake, Oman Desanges and several of his relatives were returned to Haiti in May 1992. On 26 January 1994, Oman Desanges' body was discovered near the international airport in Port-au-Prince, with his arms bound, a cord around his neck and a red handkerchief around his arm reading "President of the Red Army" and "*Indigent (destitute) Lavallassement*". His eyes had been gouged out, an ear cut off and his stomach split open. Two days earlier, he had been taken into custody at his home in Martissant, Port-au-Prince, by soldiers accompanied by *attachés*. While in their custody he had reportedly been blindfolded, beaten, knifed and then shot dead.

Tragic cases such as this happened against a background of political manoeuvring in the US. On 24 May 1992 President George Bush issued an Executive Order stating that all Haitians intercepted at sea outside US territorial waters would be returned directly to Haiti, without any consideration of their asylum claim. When President Bill Clinton took office in January 1993, he continued this policy despite campaign promises to end it. During the two years the policy was in force, Haitians intercepted by the US Coast Guard were returned to Haiti without even a cursory attempt to identify those who might be at risk there, in violation of the internationally-recognized principle of *non-refoulement* and the obligations of the US under Article 33 of the 1951 Convention relating to the Status of Refugees.

An incident which occurred in February 1994, involving 64 Haitian asylum-seekers intercepted inside US territorial waters³ and returned to Haiti, was described in an affidavit by a former US Coast Guard interpreter. The Haitians were residents of Cité Soleil who had fled following the December 1993 attack on their homes described above. According to the interpreter, the asylum-seekers told him that "in December 1993 every last one of their homes in Cité Soleil had been violated in some way, burned out, their parents and relatives killed by military and *attachés* who were killing, burning and ransacking and violating them and their neighbours, terrorizing and intimidating them, and that is why they fled.... When I told the Haitians they were going back to Haiti, some seemed in shock, others cried, all were extremely upset. Many talked of jumping overboard."

The US Government responded to criticisms of its policy by saying that Haitians fearing human rights violations could apply for asylum through the in-country processing (ICP) system, initially based in Port-au-Prince and later extended to two provincial locations. However, this system did not provide fundamental safeguards such as the right to appropriate legal advice and to an effective review of the case

³Not provided for in the May 1992 Executive Order which applied only to Haitians intercepted outside US territorial waters
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if the application is rejected. In any case, in the situation prevailing in Haiti, those most at risk are afraid of drawing attention to themselves by telephoning or going to the office where applications are dealt with, a process usually requiring several visits. Moreover, people claiming asylum under this procedure were given interview dates up to several months ahead, depending on how their applications were categorized, and many applicants were detained and subjected to abuses while waiting for interview.

By early 1994, so many people were applying for protection that procedures were introduced for vetting the preliminary questionnaires completed by applicants. Only those falling into certain categories were considered - others were not even interviewed.

AI knows of several people who applied for asylum under the ICP system who were turned down even though they or their relatives had been victims of human rights violations. One example concerns the family of **Elie Zéphir**. Elie Zéphir, 29, a former employee of President Aristide's government and a democratic activist, was reportedly abducted and killed by *attachés* in November 1993. Shortly after, a US-based refugee centre applied to the authorities responsible for operating the ICP system on behalf of Elie Zéphir's relatives, asking for refugee protection for them under the ICP system. The next month, in December 1993, FRAPH members reportedly came looking for Elie Zéphir's nephew and brother, and threatened another relative. The threats were apparently reported to the ICP authorities, yet in March 1994 the family's asylum claims were rejected by the INS.

In May 1994, partly as a result of continued international and domestic criticism of the policy of forcible returns, US President Bill Clinton announced that Haitian asylum-seekers intercepted at sea by the US Coast Guard would no longer be summarily returned direct to Haiti, but would be allowed to present their asylum claims on board US vessels, or in other countries in the region. AI considered this change a step in the right direction, but was not convinced that the new procedure would provide asylum-seekers with a hearing that included all essential safeguards required by international standards.

In mid-June, under an agreement negotiated with the Jamaican Government, arrangements were made to conduct asylum hearings on USS *Comfort*, moored off Kingston, Jamaica. Around 600 Haitians were accepted under this system, in most cases for asylum in the US, and around 1,700 returned to Haiti. At the beginning of July, in a further change of policy, the US Government announced that Haitians intercepted at sea would be offered a choice of being taken to so-called "safe havens" in the region or returning to Haiti. They would no longer be offered hearings to identify those qualifying for asylum in the US. During July the US Government negotiated with other governments in the region to provide such protection, with the asylum-seekers in the meantime being taken to Guantánamo. However, by the end of July few countries had agreed to do this even in principle. So far as is known, no practical arrangements have been made to transfer Haitian asylum-seekers to other countries or territories. By early August, around 16,000 were held at Guantánamo.

AI considers it a positive development that Haitian asylum-seekers are offered protection until conditions allow for their return, and that the US Government's policy of forcible return has ceased. It remains concerned that Haitian asylum-seekers may not now have any opportunity for a proper hearing of their asylum claims, and that those wishing to seek asylum in the US are denied access to legal options they would have if they could seek asylum in the normal way. AI is also urging all governments to ensure that no asylum-seeker who expresses a fear of return to Haiti should be required to return there unless a fair

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and thorough examination of the individual case, with all necessary safeguards, establishes that he or she would not be at risk there.

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Invasion threats and state of siege

The mass exodus of "boat people" in June and July 1994, apparently in response to the short-lived change in US policy regarding asylum-seekers, raised the political temperature in the US, both among those wanting to see an end to the excesses of Haiti's military government, and those concerned about the flow of Haitians to US shores. This, combined with the expulsion of the UN/OAS observer mission in July and the approach of the first anniversary of the flouted Governor's Island Accord, led the US to reactivate earlier efforts to gain support at the UN and elsewhere for an armed intervention in Haiti.

On 31 July the Security Council meeting in special session passed Resolution 940 (1994). This authorized the formation of a multinational force under unified command and control "to use all necessary means to facilitate the departure from Haiti of the military leadership and the prompt return of the legitimately elected President as well as the restoration of the legitimate authorities of the Government of Haiti", as called for in the Governor's Island agreement. The resolution also provided for a multinational peace-keeping force for Haiti, once a "secure and stable environment" had been secured.

In response, Haiti's *de facto* government declared a state of siege suspending all constitutional guarantees. It issued a decree warning the Haitian media to "avoid the diffusion of all alarmist or tendentious news" and not to allow themselves to become "instruments of foreign propaganda". The media was warned that they could lose their licences and have their installations seized by the military authorities if they were judged to have infringed the new decree. In another special decree issued on 2 August, the authorities warned that all journalists and particularly foreign journalists risked arrest if they entered the special strategic zones set up by the government in June.

The US also took further steps to tighten the UN-imposed embargo, which was already having a greater impact - particularly on the poor. Many sources reported that the Haitian military and their supporters were in fact profiting from the embargo through their involvement in smuggling.

At the time of writing the human rights crisis in Haiti continues, with its people trapped on the horns of a dilemma. They are caught between fear of an invasion with the civilian casualties and human rights abuses that could bring, and the repression and violations they have suffered at the hands of the current military authorities.

3. AI'S RESPONSE TO THE CRISIS

Past AI actions

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Over the years, AI has repeatedly appealed to the Haitian authorities to bring an end to the gross and systematic human rights violations to which the Haitian population has been subjected. It has made clear that to stop the cycle of violence, the perpetrators of such violations must be brought to justice wherever they may be. Accordingly, it has appealed to all countries not to allow any perpetrator to enjoy impunity on their territory.

AI has also repeatedly made clear to US officials the need to ensure that Haitian asylum-seekers be accorded a full and fair hearing of their asylum claims as required by international standards.

AI's current concerns, actions and recommendations

AI is doing all it can to prevent or minimize human rights violations by both the current Haitian authorities and those who might seek reprisals against them.

It is also working to prevent or minimize human rights violations by any force that might invade the country.

AI is continuing its work to ensure proper treatment of refugees and to prevent forced returns without safeguards. It is campaigning to ensure that those responsible for human rights violations are brought to justice and that an effective program of international action is developed to improve the human rights situation in the country in the long term.

To further these aims AI has made clear through communications to US and Haitian officials as well as by public statements that while it takes no position on the question of military intervention, it is concerned that the political crisis represented by the threat of invasion could lead to increased violations by the Haitian military as well as reprisals by the Haitian population.

AI has also expressed to the US authorities and the OAS and UN Security Council members its concern that in the context of an invasion, internationally recognised human rights standards could be violated by the invading forces, particularly those relating to the use of force and firearms. It has called on the relevant parties to take preventative measures to ensure that increased violations do not occur, whether or not an invasion takes place.

Following the adoption of Security Council Resolution 940, AI made clear its deep disappointment that the measure made no mention of human rights protection in the context of any eventual invasion.

AI has also called on both the OAS and the UN to produce timely public reports on the human rights situation in Haiti, including any violations committed in the event of military intervention, and to ensure a high degree of transparency and access for human rights observers. It recommends that one step toward stopping human rights violations in Haiti would be the return of international human rights observers to monitor and report on any abuses.

The organization has lobbied key governments to ensure that any perpetrators of human rights violations do not enjoy impunity, whether they remain in Haiti or attempt to flee abroad.

It has also called on the international community to monitor the human rights situation closely in Haiti if an invasion takes place and regardless of who then assumes power. AI has warned that even if the current

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de facto government is replaced by others, refugees abroad should not be returned unless it can be determined on an individual basis that they will not be at risk in Haiti.

AI will, of course, continue to produce its own reports on the human rights situation in Haiti.

What you can do

Haiti is in crisis, caught between a military administration responsible for gross and systematic human rights violations and the threat of armed invasion. AI is campaigning to increase awareness of the appalling situation in Haiti in order to mobilise people. If concerned individuals around the world act together, they can make a difference.

- Contact the AI section in your country and ask how you can help. You may be able to take part in public events, petitions, appeals and lobbies of your government in order to raise support for Haitians in Haiti as well as those who may be living in your country.
- Tell others about Haiti. Distribute this report and future AI publications on Haiti. Raise the issue of human rights in Haiti in any groups or organizations of which you are a member. Write letters to parliamentarians in your country, urging them to lobby for AI's recommendations to be implemented.

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Appendix 1: A letter from Haitian journalist **Colson Dormé** thanking AI for intervening on his behalf. He had been covering a pro-government demonstration in February 1993 when he was struck on the head and thrown unconscious into a truck by several men reported to be members of the security forces. He was released after six days in detention during which he was badly beaten. He now lives in South America as a political refugee.