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HAITI

COUNTRY
DOSSIER

SECTION
2

March 1985

BRIEFING



Prisoners of conscience Detention without trial
Torture Ill-treatment of prisoners
Political killings by government agents Disappearances

This briefing is part of Amnesty International's worldwide campaign for the international protection of human rights.

Throughout the world thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and executions are widespread. In many countries men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses—taking place in countries of widely differing ideologies—demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and belief. This is the fundamental principle upon which the work of Amnesty International is based.

Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:

- it seeks the *release* of *prisoners of conscience*. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
- it works for *fair and prompt trials* for all *political prisoners* and on behalf of political prisoners detained without charge or trial;
- it opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victims.

Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

Amnesty International has an active worldwide membership, open to anyone who supports its goals. Through its network of members and supporters Amnesty International takes up individual cases, mobilizes public opinion and seeks improved international standards for the protection of prisoners.

Amnesty International's work is based on the United Nations Universal Declaration of Human Rights. The organization has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of African Unity and the Organization of American States.

Cover photograph: Women flee to avoid further blows from a Haitian police officer's baton. They were among several hundred people who gathered on a pier in Haiti's capital, Port-au-Prince, to greet returning refugees expelled from the Bahamas. Haitians have left the country in their thousands; allegations of brutal treatment and human rights violations by the police and the armed militia have been frequent under the rule of President for life Jean-Claude Duvalier.

(United Press International, 1980)

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briefing**



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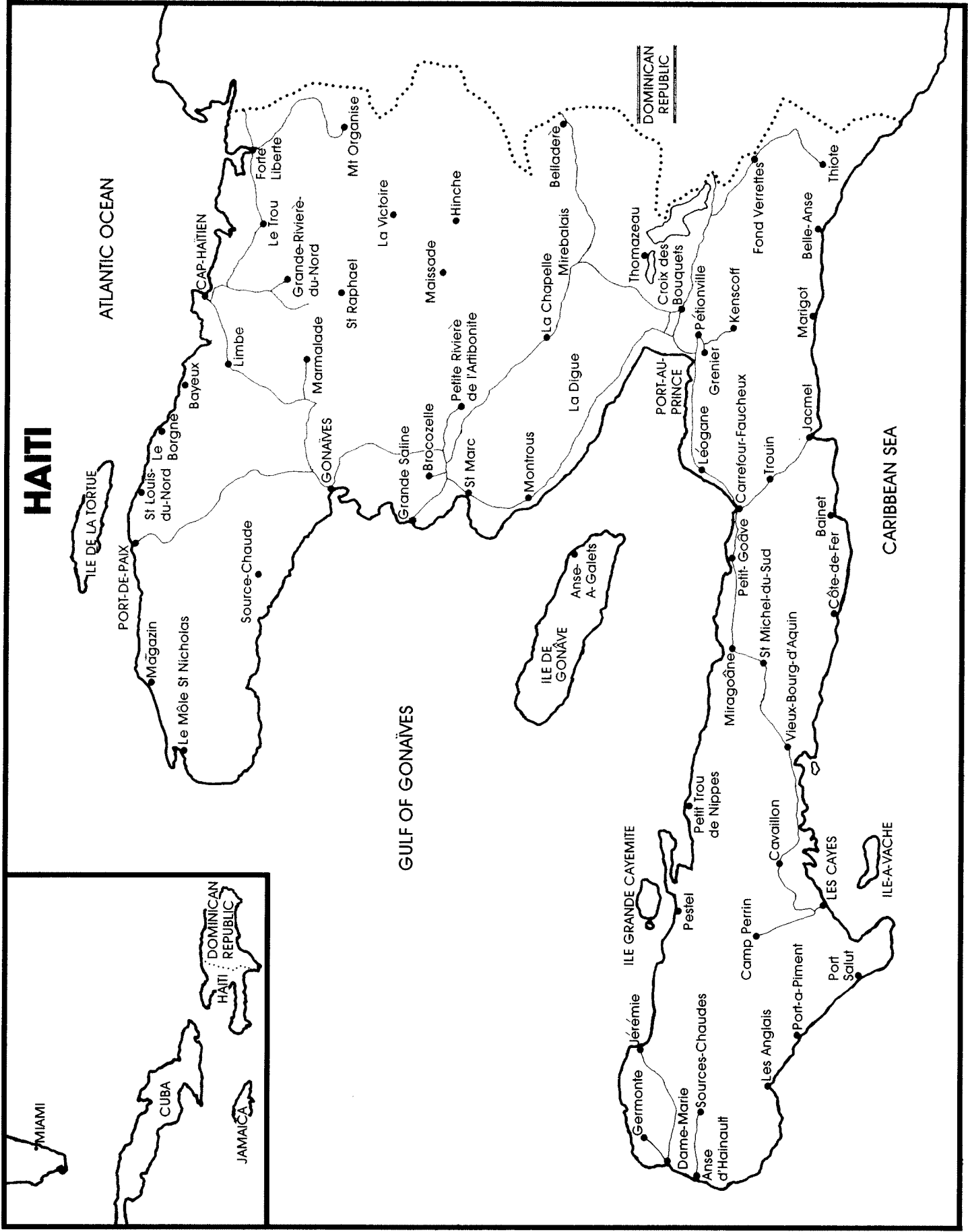
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Human rights violations in Haiti have concerned Amnesty International for many years. These violations include: the unacknowledged detention of political prisoners - including prisoners of conscience - for long periods, sometimes several years; political killings by government agents; "disappearances"; and the torture and ill-treatment of prisoners.

Although the Haitian Government has publicly stated its intention to ensure that the legal safeguards for detainees embodied in the Constitution are enforced, Amnesty International has continued to receive reports of human rights abuses from Haiti.

VIOLATIONS OF HUMAN RIGHTS IN HAITI

During the administration of the late President-for-life François Duvalier (1957-1971), human rights violations were widespread and indiscriminate. Thousands of people suffered arbitrary arrest, torture, "disappearance" and extra judicial execution. In 1971 François Duvalier's son Jean-Claude Duvalier took power, and until 1977 the pattern of human rights violations remained much the same.

However, since 1977 the perpetrators of human rights violations have been more selective in their choice of victim: most have been people in a position to influence public opinion, trade union organizers, and those suspected of being potential political opponents of the government or of having links with exile organizations. Journalists and leaders of newly-formed political parties, in particular, have faced imprisonment, house arrest, surveillance and exile.

Most instances of human rights violations known to Amnesty International have occurred in the capital, Port-au-Prince. However, short-term arrests, harassment and ill-treatment of detainees are reported to be frequent and widespread in the countryside also. In the great majority of cases when people suspected of being political opponents of the government have been arrested, the authorities have not officially acknowledged the detention. Prisoners are kept incommunicado, and are frequently ill-treated and sometimes tortured.

The pattern that emerges indicates that political detentions continue outside the framework of the courts, the Constitution and the law. At no point during the detention period do the courts intervene. The only exceptions to this rule have been when detentions have received wide international publicity.



Members of the President's armed militia are known throughout Haiti as the *tontons macoutes*. The militia is estimated to be some 9,000 strong. Its members, both uniformed and plainclothed, have been cited in numerous reports as responsible for violations of human rights including arbitrary arrests, torture and killings.

Other human rights abuses, such as torture, "disappearances" and political killings by government agents, are never dealt with by the judiciary. They remain uninvestigated, and relatives and friends never receive any explanation of what has happened to the victims.

There are a number of geographical, political and economic obstacles to the flow of information on human rights abuses in Haiti: there are few roads which are open all year round; only eight towns are part of a telephone network; and the Haitian press rarely publishes stories relating to human rights violations in the country.

Witnesses and victims are often unwilling to speak out for fear of reprisals.

However, information does find its way out through a number of channels, the most important of which are: relatives of the victims, church workers, and family and friends living outside Haiti. During those brief periods when press censorship within Haiti was less stringent, the news media published and broadcast allegations of human rights abuses. Such accounts have been found by Amnesty International to be consistent with other reports received directly by the organization.

Prisoners of conscience

Hundreds of political detainees have been held without charge or trial in recent years and almost all have been held without access to lawyers, relatives, or doctors. Long-term incommunicado detention, often unacknowledged by the authorities for long periods, is the pattern of political imprisonment in Haiti.

Arrests are usually carried out without a warrant, in violation of Article 24 of the 1983 Constitution, and prisoners are rarely brought before a judge within 48 hours as Article 25 stipulates.

There are clear indications that the judiciary does not act independently of the executive, and that decisions on whether and when to hold trials are taken on political grounds. Political opponents of the President are frequently detained without court order. The few who are brought before a court have usually had intense public and diplomatic pressure exercised on their behalf. International observers at such trials have reached the conclusion that the legal proceedings did not meet internationally recognized standards.

Recent arrests

A number of prisoners of conscience were detained during 1983 and 1984. Their constitutional rights appear to have been totally disregarded in most cases.

Many had links with the opposition party, the *Parti démocrate chrétien haïtien*, (PDCH), Haitian Christian Democrat Party, founded by former prisoner of conscience Sylvio Claude.

For example, Jacques St Lot and Paul Théodat, two of the co-defendants in the trial of Sylvio Claude, were rearrested in January 1983. They were kept in unacknowledged detention for seven months in the Casernes Dessalines (military barracks in Port-au-Prince, the capital), until 19 August 1983.

Maître Duplex Jean-Baptiste, a founder member of the independent *Ligue haïtienne des droits humains*, Haitian League for Human Rights, had acted as defence lawyer to Sylvio Claude. He was arrested with four other people on 9 May 1983. All five were released three months later without ever having been charged. Nicole Dagobert, said to be Sylvio Claude's assistant, and Orestes Léon, both allegedly PDCH members, were arrested in mid-1983. They were released in December 1983 having spent some six months in unacknowledged detention.

Former prisoners have stated that Nicole Dagobert was kept almost naked in solitary confinement in a dark and dirty cell in the Casernes Dessalines throughout her detention.

In November 1984 about 30 people were arrested throughout Haiti including agronomists, community development organizers and a Protestant priest. According to church reports, no official information was released about where they were being held or the reasons for detention, and several weeks later they had still not been brought before a judge.

Since 1982 the practice of arbitrarily placing people under house arrest and restricting their freedom of movement without any legal process has been evident. For example, Dr Hubert de Ronceray, a professor at the National University and a former government minister, was arrested in early July 1984, released two days later, and then confined to his home (see page 14).



Gregoire Eugène, pictured above, the founder of the *Parti social chrétien haïtien* (PSCH), Haitian Social Christian Party, and publisher of the magazine *Fraternité*, was arrested by police at his home on 18 June 1984 in Port-au-Prince and taken to the Casernes Dessalines. Copies of the latest edition of *Fraternité* were confiscated, as was his car and printing equipment. He was released the following day but restricted

to his home. Fifteen people who went to visit him were reportedly arrested and held overnight in custody before being released.

Clamp-down on opposition

On 7 May 1984 the Interior Minister issued two communiqués apparently contrary to provisions of the constitution. The first ordered the suspension of all newspapers and periodicals not officially authorized, and gave a reminder that the 1980 Press Law was still in force. This law, inter-alia, makes it an imprisonable offence to "insult the Head of State or the First Lady". It was after this communiqué was issued that orders were given against *Fraternité* and *Conviction* (the PDCH magazine).

The second communiqué banned all political activities and groups except "those of the President" until a law governing political parties came into force. There has been no indication as to when this law will be introduced.

Critics silenced

Several journalists were arrested in mid-1984, apparently because they had published material considered critical of the government. Dieudonné Fardin, editor of *Petit Samedi Soir*, was arrested on 18 June 1984 at the magazine's offices and taken to the Casernes Dessalines. He was released shortly afterwards. Pierre Robert Auguste, publisher of the weekly independent magazine *L'Information*, was arrested on the same day and also taken to the Casernes Dessalines. The most recent edition of his magazine was confiscated. He was released without charge on 20 June, but is said to have had his arm broken through being beaten in detention. Although no official reason was given for his arrest, it is thought that it may have been in connection with articles published in *L'Information* about anti-government protests which had occurred in May.

Arrested on return

Several Haitians living abroad who have returned to visit Haiti have been detained without charge in the past two years.

For example, Henri Lemarque, a Haitian-born US citizen, was arrested on 2 January 1983 and held in solitary confinement for 52 days in the Casernes

Dessalines without at any time being brought before a judge to rule on the legality of his arrest, as Article 25 of the Constitution requires. He later said he had been questioned about his suspected connection with groups of Haitian exiles in the USA and about a bombing which occurred on 1 January 1983 in Haiti, but given no explanation for his detention.

Yves Médard, a Haitian film director known by his professional name Rassoul Labuchin, who had lived for some years in Mexico, was arrested without warrant in Port-au-Prince on 29 August 1983. He later said that he was held in solitary confinement in the Casernes Dessalines until his release in October 1983. He was given no specific reason for his arrest but said he had been accused during interrogation of having "political ambitions".

Unacknowledged Detention

Among the prisoners of conscience held in Haiti are four members of the armed forces who have been in unacknowledged detention without charge or trial for more than five years. It is believed that the four are being held in the *Pénitencier national*, National Penitentiary, where former prisoners reported seeing them in 1982.

Bienvénue Théodore, an army sergeant, was arrested in July or August 1979. He was reportedly denounced by one of his soldiers – whom he had rebuked for saying he wanted to shoot all strikers during a labour dispute – brought before a general and accused of being a traitor and plotting against the government. In response to inquiries by Amnesty International the government denied in 1980 that he was being detained.

Jocelyn Bochard was reportedly arrested on 16 November 1979 after he had allegedly been in contact with a political leader in exile. He was reported to have spent five months in solitary confinement in a dark cell and to have been badly beaten before being transferred to the National Penitentiary.

Eric Alcindor, a marine, was reportedly arrested in August 1979 in possession of an opposition newspaper. He is said to have been held in solitary confinement in the Casernes Dessalines for two years before being transferred to the National Penitentiary.

Frank Maître who was stationed at the Casernes Dessalines was arrested in August 1979 and accused of belonging to the PDCH. His name was apparently found on a piece of paper in the pocket of PDCH leader Sylvio Claude, who was arrested at about the same time.



The Constitution

Jean-Claude Duvalier (pictured above) is President for life of the Republic of Haiti. He is also Head of State, Head of Government and Supreme Chief of the Armed Forces, the Police Force, and of the *Volontaires de la sécurité nationale* (VSN), the armed militia known commonly as the *tontons macoutes*.

The President of the Republic has the right to designate his successor, who, after ratification by referendum, in turn becomes the President for life.

These powers are conferred by the Constitution of Haiti, which was promulgated on 27 August 1983. It replaced the 1964 constitution which had been amended in 1971 to make possible the transfer of power from the dying François Duvalier to his son Jean-Claude.

Legislative power is vested in the *Chambre législative*, legislative chamber, which has 59 deputies each elected for a six-year term. However this meets for only three months each year, and for the other nine months the President for life "is endowed with full powers to pass decrees having force of law".

This power to pass laws during the annual nine-month recess is granted to the President under Article 216 of the 1983 Constitution, which institutionalised the already established practice. Previously, this power had been conferred on the President at the end of each annual legislative session by the passing of a decree.

It has also been regular practice to

suspend certain constitutional rights for this period. For example, during the 1979 recess the rights to personal freedom and security, to protection against house searches except in accordance with legally prescribed procedures, and the right of assembly were suspended.

The President also personally appoints the presidents, vice-presidents and judges of the *Cour de cassation*, the highest court in the country, and the *Cours d'appel*, appeal courts, and the presiding judges of the *Tribunaux de première instance*, courts of the first instance, and *Tribunaux de paix*, magistrates' courts.

The constitution sets forth a number of guarantees which appear not to be respected in practice. For example, Article 24 states that arrest and detention can only be carried out with a written warrant issued by the competent legal authority stating the reason for the detention. A copy has to be given to the accused person at the time of arrest (except when someone is caught *in flagrante delicto*, in the act).

Article 25 says that no one may be held in detention unless brought before a judge within 48 hours to rule on the legality of the arrest and to confirm and give reasons for the detention.

Article 43 of the Constitution states that Haitians have the right to organize trade unions. However in practice, trade unionists have in the past suffered systematic imprisonment and harassment and there are no openly functioning trade unions in Haiti at present.

In February 1979 Sylvio Claude stood as a candidate in the legislative selections in the Mirebalais constituency against Madame Max Adolphe, the head of the uniformed branch of the *Volontaires de la sécurité nationale* (VSN), the armed militia known commonly as the *tontons macoutes*.

His candidature was declared illegal by the government but despite agreeing not to stand, Sylvio Claude was arrested by the VSN on 22 February 1979 and taken to the Casernes Dessalines.

He later said that he was beaten with sticks and tortured with electric shocks on the soles of his feet. Two months later he was deported to Colombia. At no point was he shown an arrest warrant; neither was he charged nor brought before a judge.

Sylvio Claude returned to Haiti later in 1979 and announced the foundation of the PDCH, the Haitian Christian Democrat Party. On 26 August he held a political meeting in the party offices which was attended by several hundred people. Three days later the party's headquarters was raided by armed civilians. Sylvio Claude managed to escape and made his way to a radio station where he broadcast a statement about the suppression of the PDCH, in which he detailed how he had been tortured in detention in February.

Later that day he was again arrested, together with six other PDCH members. He was held in the Casernes Dessalines until mid-October and then transferred to the National Penitentiary. He went on hunger-strike and on 7 November was finally charged with "subversive activities".

No case to answer

On 10 March 1980 a judge of the Port-au-Prince *Tribunal civil*, civil court, stated that there was no case to answer and ordered Sylvio Claude's immediate and unconditional release. However, the authorities refused to release him.

Once more Sylvio Claude went on hunger-strike. On 1 April he was taken to Port-au-Prince airport and attempts were made to force him onto a plane. He resisted vigorously, succeeded in stopping the attempted deportation, and was returned to the National Penitentiary. On 24 April he was moved to a psychiatric hospital.

On 30 April Sylvio Claude was freed. Reportedly, he had been taken to see President Duvalier earlier that month, who had said that he was



Opposition leader's six-year ordeal

Sylvio Claude, founder and leader of the opposition Christian Democrat party, has spent most of the last six years in prison, under house arrest, or in hiding. Members of his family have been detained on a number of occasions, two of his daughters have been beaten while under arrest and several of the family are now in exile.

This case illustrates many aspects of political detention in Haiti.

worried about Sylvio Claude's personal safety if he were released and suggested that he leave the country.

He was arrested once more in mid-October 1980. His rearrest marked the beginning of a new wave of repression in Haiti. Several PDCH members and sympathizers were arrested that October, including Marie-France Claude, his daughter and Vice-President of the PDCH.

On 28 November 1980 police and security forces launched a series of raids which resulted in the detention of many independent journalists, human rights activists, lawyers, doctors and trade unionists. That evening, armed security forces entered and occupied *Radio Haïti Inter*, arresting all staff members present. The same happened at *Radio Métropole* and *Radio Cacique*.

The editors of the independent weekly *Petit Samedi Soir* – Pierre Clitandre and Jean-Robert Hérard – were arrested, as were several journalists working for *Regard* magazine.

PDCH members were held, as was Grégoire Eugène, leader of the Haitian Social Christian Party, whose party magazine *Fraternité* was closed down.

Police statement

The then Chief of Police, Colonel Jean Valmé, issued a statement about the arrests on 30 November:

"National and international Communist agitators connected with the media have been carrying out subversive activities for several months both in the capital and certain provincial towns in order to create a climate suitable for the perpetration of terrorist and criminal acts... Faithful to its duty of ensuring the security of lives and property, the police have, in a series of raids, succeeded in dismantling a network of agitators, some of whom have now gone into clandestinity..."

Many of those arrested were deported, including Pierre Clitandre and Jean-Robert Hérard. Others were released without charge but 26 were kept in detention accused of arson and terrorist offences.

On 9 December 1980 invited journalists were taken by police to the sites of two alleged arson attacks, and presented with four detainees who "confessed" to the alleged offences. The four later stated that the "confessions" had been extracted under torture and threats by the police.

First trial

Sylvio Claude and his 25 co-defendants, the majority of them adopted prisoners of conscience, were finally brought to trial on 25 August 1981 in Port-au-Prince.

The defendants had not been arrested according to the law: no arrest warrants had been produced, except that Sylvio Claude had been served with an arrest warrant once in prison, and they had not been brought before a judge within the 48 hours stipulated by Article 17 of the 1971 Constitution then in force.

The trial was attended by independent observers who reported that it failed to meet internationally recognized standards in several respects.

The trial was announced at very short notice. The 26 defence lawyers, who were appointed by the court only four days before the trial, were given no access to prisoners. Only five turned up at the trial and four of these withdrew soon after the trial began. The court agreed to their being replaced by independent lawyers attending the trial on their own initiative, but they had no time to prepare the defence case.

The accusations formulated by the public prosecutor, and contained in the examining magistrate's indictment, were mostly vague and not supported by evidence. For example, a 60-year-old peasant, Thermitus Myrtil, was accused of having given Sylvio Claude's daughters Marie-France and Jécelyne money to incite demonstrations. There was no explanation proffered as to how much money was involved, when it was transferred, or what was done with it.

Lack of evidence

No evidence whatsoever was presented against half the defendants. Sylvio Claude was accused of being the mastermind behind an alleged plot to

overthrow the government, but the evidence brought forward was unsubstantiated.

During the trial itself, prosecution witnesses failed to identify those accused of being involved in two of the alleged arson attacks. According to reports, not all the jury members understood French, the language in which the court proceedings were conducted (most Haitians speak Creole), and some allegedly had family connections with court officials and the security forces.

At the end of the trial, which lasted for 20 hours, the 26 prisoners were found guilty of arson (Article 356 of the Penal Code) and of plotting against the internal security of the state (Articles 65-67).

Twenty-two were sentenced to 15 years' imprisonment with hard labour.



Sylvio Claude and his daughter Marie-France Claude who has been forced to live in exile.

Four were sentenced to one year's imprisonment and were released shortly afterwards as they had already been held in detention for a year.

Following an appeal by the remaining 22 defendants, the *Cour de cassation* (appeal court) quashed the 15-year sentences on procedural grounds in February 1982 and ordered a re-trial. This took place on 27 and 28 August 1982.

Again, international observers from the Lawyers' Committee for International Human Rights, an independent human rights group, reported that the trial did not conform to internationally recognized standards and stated that it took place in "an atmosphere of armed

intimidation, with up to 60 security police, armed with rifles and submachine-guns, in front of and inside the court".

All the defendants were accused of "conspiring to set fires in a variety of places with the conscious objective of overthrowing the government". However, according to the observers, "there was no direct evidence against 20 of the defendants. There was only limited hearsay evidence against Sylvio Claude, and direct but highly suspect evidence against defendant Michel François". (*Violations of Human Rights in Haiti: June 1981-September 1982*, A Report to the Organization of American States, Lawyers' Committee for International Human Rights, November 1982.)

This time the defendants were sentenced to six years' imprisonment. However, on 21 September 1982 President Duvalier signed a law granting full pardon to Sylvio Claude and his co-defendants.

Restrictions

Their freedom was conditional however, according to Sylvio Claude, who stated that they had been taken to police headquarters before their release and told that they were under house surveillance; they could not go outside Port-au-Prince without prior permission; every 72 hours they had to sign a register at the police headquarters; and they could not join any political or religious association. The surveillance guards had instructions to arrest, and if necessary shoot, if any of the conditions were broken.

On 28 December Sylvio Claude and his daughter Marie-France were again arrested. Marie-France Claude was released later the same day, while Sylvio Claude was released after about 48 hours.

In January 1983 Sylvio Claude managed to escape surveillance and went into hiding. His hideout was eventually discovered and he was re-arrested on 9 October and taken to the Casernes Dessalines where he was held without charge or trial for 77 days. Before his release on 24 December 1983 he is said to have been badly beaten. From then until mid-March 1984 he was reportedly under constant surveillance. On 4 July police raided his home to arrest him. He was not there at the time, and again went into hiding. One of his daughters who was at home was reported to have been badly beaten.

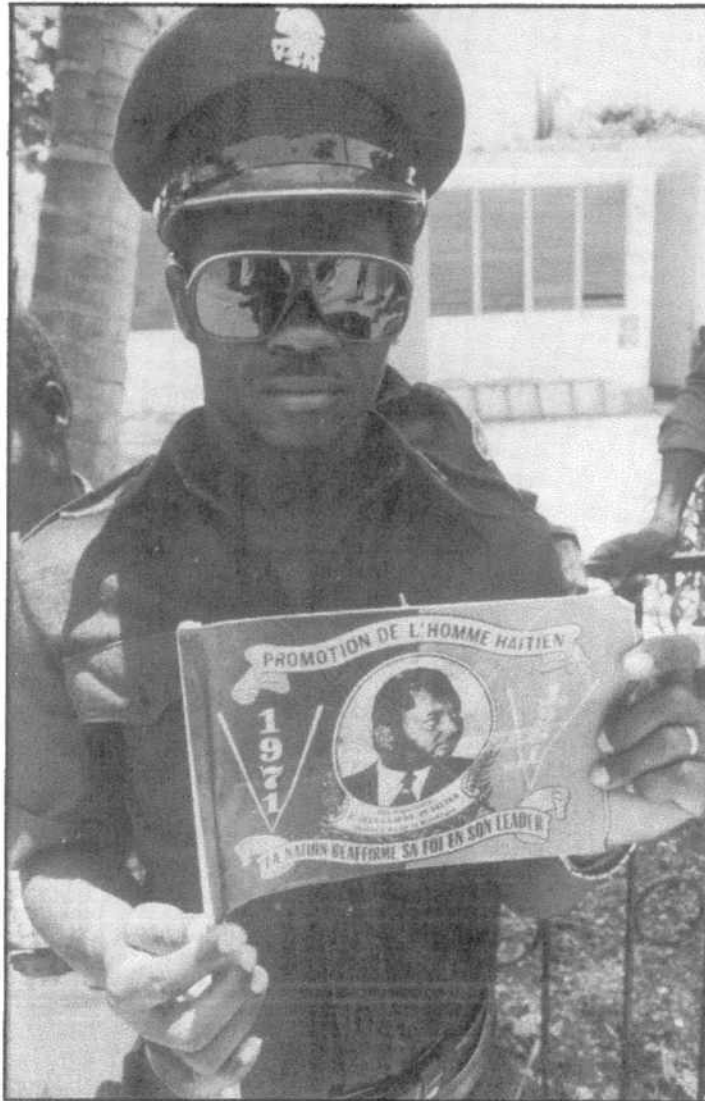
The Creole words *tontons macoutes* ("bogeymen") are used throughout Haiti to refer to the *Volontaires de la sécurité nationale* (VSN), Volunteers of National Security, an armed militia responsible directly to the President, whose members are reported to be the main agents of political repression.

Established by the late President François Duvalier in the wake of two brutally suppressed invasions in the late 1950s, this volunteer militia soon took on many of the tasks of the army and police force. Until 1962, despite its widespread activity, it had no legal existence; in November 1962 François Duvalier issued a decree creating the VSN. This states that members are directly responsible to the President; unsalaried; trained by army officers, but not part of the armed forces; and may carry arms at any time that circumstances demand.

Today there are an estimated 9,000 members of the VSN. Some wear a blue denim uniform and are known as *miliciens*, militiamen. Others, particularly those who undertake surveillance work, are plainclothed. It is generally believed that members of the government, including ministers, are VSN members.

Over the years there have been reports that the VSN were to be reformed or even disbanded. However the VSN are still much in evidence and have barracks throughout Haiti. Their existence was reaffirmed in Article 209 of the 1983 Constitution which, places them under the control of the President of the Republic, as are the armed forces and the police.

VSN activities from 1958 to 1977 were characterized by their extreme brutality. During the 14 years of François Duvalier's Presidency and the first six years of his son's government thousands of Haitians were killed, tortured, arbitrarily imprisoned or made to "disappear". Incidents such as the massacre of hundreds of people in the city of Jérémie in 1964, when entire families were reported to have been killed by the VSN after a failed invasion, have not been forgotten. By 1977, after 20 years



President's armed militia

of repression, political opposition, trade unions, student organizations and the independent press had all but disappeared.

The year 1977 saw some change. Jean-Claude Duvalier reactivated certain political institutions, and the repression of suspected opponents became more selective. For instance, in 1979 and 1984 legislative elections were held and in 1983 the first municipal elections in 25 years took place. However, with the exception of one deputy in the 1979 election, no opposition candidate was allowed to stand for election.

In recent years the VSN have apparently concentrated their efforts on keeping a close watch on local communi-

ties. Close surveillance and arbitrary arrest have been frequently reported to Amnesty International as being used to intimidate and harass those suspected of anti-government activities.

As a former prisoner who had been detained in 1980 told Amnesty International "If it is a VSN who has put me in prison, he can release me when he wants to, that is the problem . . . If he wishes to keep me in for three months, he keeps me in for three months; if he wishes to keep me in for two months, he keeps me in for two months, just like that."

Because VSN membership is unpaid, members often depend on what they can obtain from the local population for their living. In its 1982 report to the Organization of American States, the Lawyers' Committee for International Human Rights states:

"In Port-au-Prince the security forces extort excessive taxes from small merchants or seize their merchandise. Haitians interviewed report that *macoutes* sometimes simply enter stores and take what they want while refusing to pay.

"In the countryside, where 80% of Haiti's population resides, security forces extort cash or crops and seize land with virtual impunity. . . Resistance to demands of the security forces, whether for cash, goods, crops or personal favor, will only

bring greater difficulties and arbitrary punishment."

Although complaints of brutality by the VSN are rarer now than before 1977, Amnesty International continues to receive serious allegations of ill-treatment amounting to torture and believes that the practice is widespread. The following report is typical.

In September 1983, near Saltadère, 12 people were arrested in separate incidents by four members of the VSN on suspicion of smuggling. According to testimonies from some of those arrested, one 23-year-old farmer was repeatedly hit in the face. The VSN then passed a stick between his arms behind his back,

with his hands tied in front and proceeded to beat him. Another of those arrested, a 54-year-old farmer, was allegedly told to lie face downwards on the ground and was then beaten with a stick across his back and legs.

Amnesty International has also received occasional reports of killings by the VSN. For example, on 21 November 1980 St Ange Alexis was allegedly killed by the VSN. According to these allegations, two VSN members knocked on his door on the night of 20 November, woke him up, and proceeded to beat him before taking him to the VSN barracks in Moron, a



town near Jérémie in southern Haiti, without telling him why he was being arrested. There he was allegedly killed by a blow to the head with a stick.

Human rights work halted

The work of the only independent human rights group in Haiti was brought to an almost total halt by a violent raid by the VSN. *La Ligue haïtienne des droits humains*, the Haitian Human Rights League, was founded in May 1978 by 20 people including lawyers, businessmen, teachers and a priest to promote respect for human rights and basic freedoms.

On 9 November 1979 a meeting called by the league to discuss the human rights situation in Haiti was violently disrupted by men believed to be *tontons macoutes* (members of the VSN). Over 40 people were reportedly injured, including staff of foreign embassies in Port-au-Prince who were attending the meeting, and the league's President Maître Gerard Gourgue, who was speaking at the time of the attack. Radio journalist George Michel died later from head injuries received during the attack. Several of the Salesian Fathers, in whose school the meeting was held, were also beaten up.

Use of torture and ill-treatment

The torture and ill-treatment of detainees in Haiti has been regularly reported to Amnesty International since President for life Jean-Claude Duvalier took office in 1971.

Despite the difficulties of obtaining information, testimonies received from former detainees and their families and from ex-members of the Haitian army or security forces who have sought asylum in other countries, portray a disturbing picture of continued use of torture and ill-treatment of prisoners in Haiti.

It is the practice in Haiti to hold political detainees in incommunicado detention for long periods. This facilitates torture and ill-treatment, as does the fact that arrests are not publicly acknowledged by the government, except on rare occasions. There appear to be no legal limits to the length of time a detainee may be held incommunicado. Relatives are not officially informed of the arrest or told where the detainee is being held. In many cases fear of persecution prevents families persisting in inquiries.

Torture is not explicitly prohibited in the 1983 Constitution as it was in the previous constitution. In March 1984, when Haiti's human rights record was the subject of attention in connection with the granting of US aid, President Duvalier wrote to the Chief of Staff of the Armed Forces telling him to issue instructions forbidding torture, but the practice of holding suspected opponents in incommunicado and unacknowledged detention continued, as did reports of ill-treatment.

Most political detainees are arrested without warrant either by the *Service détectif* (SD), the civilian secret police, or by the VSN. The headquarters of the SD is in the military barracks in Port-au-Prince called the Casernes Dessalines which most testimonies received by Amnesty International cite as the place where torture took place.

Reports have also cited military barracks or police stations in other places, including the town of Cayes in the southern part of the country and Croix des Bouquets on the outskirts of Port-au-Prince. Furthermore, it is alleged that *Chefs de Section*, local police chiefs, run small detention centres, sometimes in their own homes, where prisoners are ill-treated.

Amnesty International has not been able to record a single instance in which a complaint made about torture and ill-treatment has been investigated by the Haitian authorities.

Testimonies

Evans Paul, a journalist with the independent *Radio Cacique* and director of a theatre group, was arrested on 16 October 1980 at Port-au-Prince airport when he arrived from the USA.



He was held incommunicado in the Casernes Dessalines for 10 days before being released without charge.

"I was hit in the face. I was slapped. Fingers were poked in my eyes and my ears were beaten with the lower part of the palm near the wrist. It's a demoralizing sort of punishment which makes you lose your calm.

"Almost without a break, several people with sticks took over and gave me a severe beating. A man known as 'Baron' or 'nég marron' came into the room and said 'But he's too comfortable here. Wait a minute.' Then he took a nylon thread and tied my wrists behind my legs (the scars are still visible). He pushed a long stick behind my legs and arms. I was like a ball. I felt as if my body was going to break everywhere. At that point I was beaten with sticks. At one point I felt as though I were going to die.

"They gave me something to drink. Then they started again even worse. The skin on my buttocks had been torn

Testimonies continued

away. The blood was running down. They weren't put off. On the contrary, you could say that the sight of my blood excited them even more. When I was on the point of dying, they untied me and dragged me to a dark cell. You couldn't see anything."

Opposition members

Many members and supporters of the PDCH, the opposition party founded by Sylvio Claude, have been arrested and held incommunicado in the past five years. Among those arrested in October 1980 was Ernst Benjamin. Here is his testimony:

"On Thursday, 16 October 1980 . . . we were taken to the SD (*Service détectif*) Department of the political police of Jean-Claude Duvalier's government and beaten. Colonel V . . . took charge of the operation himself. When I was led before him he began to be abusive, shouting filthy remarks at me. Then he began to interrogate me about my electoral campaign, starting with the founding of the party (the PDCH), and ending with the mass demonstration which was planned to take place in October 1980.

"A torturer called G. . . hit me eight times on my right ear with the palm of his hand and four times on my left ear. Blood was running from my ears when the Colonel ordered him to use a stick. I was then beaten with a stick by a second lieutenant. On the orders of the Colonel, G. hit me continuously while I was standing up. He stopped when I was about to soil my trousers. I was led out of the torture room for a moment in order to tie the bottoms of my trousers with string so that the Colonel's interrogation and torture room would not get dirty.

"Once back in the room, the Colonel ordered the torturer to tie my body into a kind of ball shape by tying my feet and placing a stick behind my knees and at the top of my forearms. I was hit about 150 times with the stick and just as I had stopped shouting and was about to lose consciousness, I heard the Colonel shout 'Enough'.

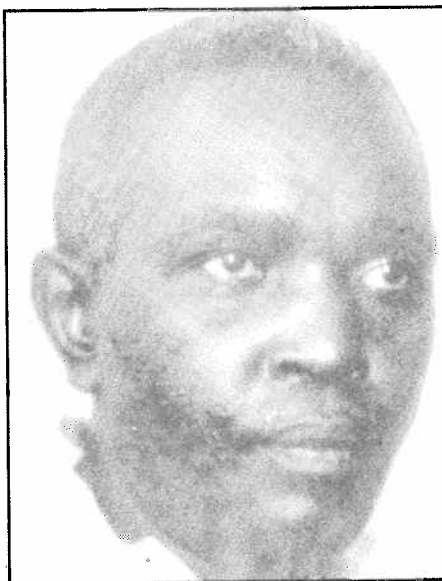
"At this point blood was coming from my ears, my wrists were bleeding profusely, and my buttocks, which had swollen up to my waist, were bleeding slightly all over. That night of 16 October I felt I was dying. I spent two

months and four days there, being interrogated under torture six times. I was beaten, given electric shocks, and made to stand to attention for prolonged periods. This last torture would make anyone confess like an automaton.

On 20 December 1980 the physical torture ended when I was taken from the cell in the Casernes Dessalines and transferred to the National Penitentiary."

Preacher beaten

On 28 December 1982 Gérard Duclerville, a lay preacher, was arrested. He was held in solitary confinement without charge in the Casernes Dessalines. Amnesty International considered him to be a prisoner of conscience, as it believed he had been arrested solely on account of his work with the poor.



"When I arrived at Casernes Dessalines, it was around 11 o'clock when they brought me before . . . the Chief of Police in Haiti . . . He said: 'Jack him up for me.' That's how I found out what the jack torture is all about. They jacked me up and started raining blows on me with a baton. I must tell you brothers and sisters that I must have been hit 70 times with the baton. At some point I felt it was too much for me and I couldn't stand any more. I said to them: 'You guys, instead of torturing me like that, it would be better if you just killed me and get it over with. . .'"

He was released on 7 February 1983 following appeals by the Catholic Church in Haiti, Haitian League of Human Rights, and a number of international organizations, including Amnesty Inter-

national. The government-appointed National Human Rights Commission also reportedly intervened on his behalf. Gérard Duclerville is said to have needed hospital treatment, including skin grafts, as a result of the beatings.

On 27 January the Haitian Bishops' Conference and the *Conférence haïtienne des religieux*, Haitian Conference of Religious Orders, issued a pastoral letter in which they stated: "Today it is the turn of Gérard and those whose names we do not know, but tomorrow it will be ours, yours, mine, somebody else's. Whenever a man is being degraded and tortured, the whole human race is being degraded and tortured."

Some sectors of the church, in particular the Haitian Conference of Religious Orders, had made previous attempts to raise awareness of human rights. Such attempts have been met with growing hostility by the government. In November 1982 it was reported that the Minister of Foreign Affairs and Religions, Jean-Robert Estimé, had formally warned six Roman Catholic priests that criticism of the government would no longer be tolerated. On 23 November the Haitian Conference of Religious Orders sent a letter to its members saying that there was a campaign of intimidation against the church.

Trade union leader held

Yves Richard, a trade unionist and Secretary General of the *Centrale autonome des travailleurs haïtiens*, Autonomous Confederation of Haitian Workers, gave the following account of his arrest in 1980:

"I was arrested without warrant at 10 a.m. during a meeting I was holding at the office of the Salesian Fathers with 35 workers from the textile company NESDAN. Without warning, a group of *tontons macoutes* burst in, and, without more ado, started beating up the workers. Fellow trade unionist Simeon Jean Baptiste was killed by a bullet from the guns of the *tontons macoutes* of Jean-Claude Duvalier. I was taken with the other workers to the Casernes Dessalines where we were interrogated under torture and for the first time accused of being arsonists and communist agitators. From that moment I was kept completely separate from the other workers and transferred to the underground cells hidden below the National Palace."

'Disappearances'

Large numbers of Haitians "disappeared" in the years before 1977: after being taken into custody the authorities denied any knowledge of their detention and their families and friends were unable to find out where they were held or what had happened to them.

On 21 September 1977, to mark the twentieth anniversary of the Duvalier family coming to power, 104 political prisoners were amnestied by the government. Many had been held without charge or trial for up to eight years. The government then stated that there were no more political prisoners in Haiti.

However, Amnesty International knew of a number of other political prisoners for whom the government had not accounted: they had effectively "disappeared". Based on information from other prisoners, Amnesty International compiled a list of over 100 prisoners whose detention was never officially acknowledged and who are feared to have died in detention or to have been executed before the amnesty.

Other prisoners were last seen alive at the time of the amnesty. For example, Rochambeau Nestor, a teacher, was arrested in January 1969 on suspicion of belonging to a left-wing political party. He was never charged or brought to trial, and the authorities denied holding him. He was last seen by fellow prisoners in cell 7, Fort Dimanche prison, in September 1977.

Luc Deselmours and Cérés D'Accueil were arrested in 1976. They were last seen, apparently in good health, in Fort Dimanche prison in September 1977. There are allegations that they were executed shortly after the 1977 amnesty.

The number of "disappearances" and deaths in custody has decreased considerably since 1977. However the practice has not stopped.

For example, Joseph Pardovany, a 40-year-old mechanic, was one of several people arrested in Bon Repos in the outskirts of Port-au-Prince around 9 September 1983 by police officers apparently trying to locate Sylvio Claude. Joseph Pardovany's arrest has never been acknowledged and his current place of detention is not known.

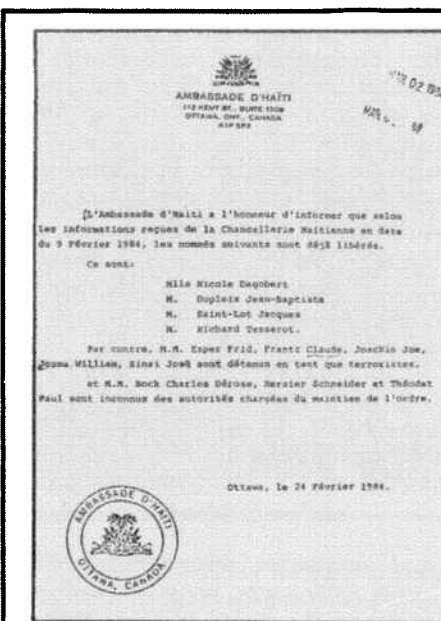
Other "missing" prisoners include Labbé Remy, a lawyer who was detained on 8 January 1982 by two armed men, and Wilson Pierrelus, an actor and language teacher, arrested on 16 April 1982.

William Josma, an engineer, and an adopted prisoner of conscience, was arrested in April 1981. He had been a candidate for Moron, Jérémie Province, in the 1979 legislative elections but was among those forced by the government to withdraw. After his arrest he was taken to the Casernes Dessalines and then transferred to the National Penitentiary.

Former political prisoners detained in the National Penitentiary at the same time as William Josma state that in January 1982, at the time of an invasion by Haitian exiles of a small island off the northwest coast, he was taken away in handcuffs from their section of the Penitentiary and not seen again. They say that the police had accused him of being involved in the invasion.



Although the government acknowledged his detention in February 1984, it has provided no information about his whereabouts or state of health either to his family or to Amnesty International. Fears for his safety continue.



"The Haitian Embassy has the honour to inform you that according to information received from the Haitian Government on 9 February 1984 the following have already been released: Nicole Dagobert, Dupleix Jean-Baptiste, Saint-Lot Jacques and Richard Tesserot. On the other hand Esper Frid, Frantz Claude, Joachim Joe, Josma William and Sinai José are detained as terrorists, and Rock Charles Dérose, Hersier Schneider and Théodat Paul are unknown to the authorities responsible for law and order."

According to Amnesty Inter-

national's information, however, Rock Charles Dérose, known also as Jerome Jean, was arrested in the presence of witnesses on 12 November 1981. He was reportedly trying to form a trade union at his workplace. He is reported to have been tortured in the Casernes Dessalines and taken from there by security forces. He has not been seen since.

Although the authorities acknowledge in this letter that they have detained William Josma, he has not been seen since January 1982 and there are grave fears for his safety.

Furthermore, despite this official denial of any knowledge of "Hersier"

Schneider (real name Schneider Merzier), he was arrested, together with Frid Esper and Frantz Joachim, on 17 January 1983. For 18 months the three men were held completely incommunicado, and their families could obtain no information about them. In September 1984 they were tried, together with Frantz Heraux and Eugene Nazon, and all five were sentenced to life imprisonment with hard labour for offences against the internal security of the state.

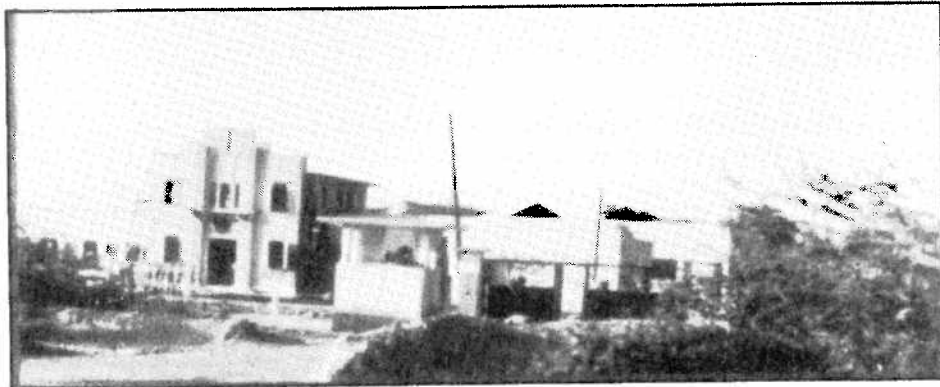


Dérose

'Disappearances' continued

Joseph Jeanty was arrested in mid-1979 on his return from a visit to the USA. He was taken to the Casernes Dessalines and then transferred to the National Penitentiary. In January 1980 the Haitian Government informed Amnesty International that he had been charged with using false travel documents and that "the proceedings against him are following their normal course." However, Amnesty International believes that the real reason for his arrest was the suspicion that he had had contact with Haitian exiles in the USA. Since January 1980 there has been no further news of him.

Dieugrand Fleurimond and Leon Defournois, two peasant farmers from Maissade, were reportedly denounced to the authorities as having had contact with Haitian opposition groups in the Dominican Republic, where they had lived before returning to Haiti. They were arrested in February 1979 and then taken to the National Penitentiary. In January 1980 the Haitian Government informed Amnesty International that Dieugrand Fleurimond had been caught by Customs officials while trying to bring a motor cycle into Haiti illegally. It also stated that both had been charged with illegal entry and that their cases had been referred to the appropriate court on 4 December 1979. Since then, however, there has been no further news of either prisoner and the government has failed to respond to inquiries about them.



The notorious Fort Dimanche prison where over 150 inmates died in the mid-1970s.

Deaths in custody

A large number of prisoners died in detention in Haiti between 1971 and 1977 as a result of untreated illness, inadequate diet and poor conditions.

The *Report on the Situation of Human Rights in Haiti*, published by the Inter-American Commission on Human Rights (IACHR) of the Organization of American States in 1979, includes a list of 151 names of prisoners who died in Fort Dimanche prison from 1974 to 1976. Tuberculosis was blamed for 77 of the deaths, and diarrhoea for 22. Death as a result of either of these is a clear indication of inadequate medical care.

In 1978, the Haitian Government admitted that some deaths had occurred in prison because "some individuals were unable to accustom themselves to the prison regime".

However, it did not reply to the IACHR's subsequent request for the names of those who had died.

Fort Dimanche prison is apparently no longer used as a detention centre, and since its closure Amnesty International has not received reports of political prisoners dying because of prison conditions, with one exception. Robert Thélusma died in detention in the National Penitentiary in April 1982. Amnesty International had received reports while he was still alive that he had been beaten and ill-treated. Shortly before his death it was reported that his own doctor had been allowed to see him and had recommended an urgent surgical operation. However, the authorities would not allow him to be admitted to a hospital, and he was left for a further 15 days without any medical treatment. One morning he was found dead in his cell.

"Boat-people"

Thousands of Haitians live in exile, many driven by harassment and poverty to leave their home. In particular, thousands have set out in small boats for the USA in illegal attempts to leave Haiti.

If such illegal would-be emigrants are apprehended by the Haitian security forces they face harsh treatment:

"The *tontons macoutes* took us to a small prison (a house) in Port Aleki and put us in a cell. They made each of us give ten gourdes (US\$ 2.00). After paying, we asked for food. We had not eaten on the boat due to the bad weather. Our request was refused

and instead we were tied up with cords. Afterwards, we were made to walk to the town of Jean-Rabel, which took 11 hours. When we arrived at the prison in Jean-Rabel late at night, we again asked for food and water. We were not given any until the next day. We were taken from the prison in Jean Rabel on a big truck to the Casernes Dessalines in Port-au-Prince.

"There, 10 of the men from the boat were beaten up in front of us. Their bodies were bruised and bloody. Upon seeing this, we, the women, started crying. The authorities told us that if we did not stop crying they would beat and kill us. They told us that we were 'kamokin' (opponents of the regime) who were trying to leave

the country in order to go abroad and talk against the government..."

This account comes from a woman who tried to leave Haiti in 1981 with 75 other Haitians. Their attempt was stopped by bad weather. She was arrested by VSN members who had been waiting for the boat to return to shore. After several weeks in detention she was released and managed to reach the USA.

This testimony is consistent with others seen by Amnesty International and has been further corroborated by the evidence of former prisoners in the National Penitentiary who have stated that large numbers of people were detained there for having tried to leave Haiti illegally.

Political killings by government agents

Between 1971 and 1977, in the early years of President Jean-Claude Duvalier's administration, a number of political detainees were secretly executed without any legal proceedings having been followed. In most cases the detentions had never been acknowledged by the authorities. Despite government denials, former prisoners from Fort Dimanche prison consistently allege that summary executions took place between 1974 and 1976. The execution area was said to be in a wooded area about 50 metres from the rear wall of the prison.

Among those believed to have been executed is Marie-Thérèse Féval, a member of the illegal communist party and former broadcaster, arrested in November 1975, who had been in hiding for a number of years. Both her father and sister had been harassed and arrested. Her father died shortly after his release from prison, reportedly as a result of torture inflicted on him during his detention. Her sister is said to have been executed by firing-squad in 1970. According to former prisoners, Marie Thérèse Féval was secretly executed in March 1976. She had been adopted by Amnesty International as a prisoner of conscience.

In January 1982 a small group of Haitian exiles invaded the Ile de la Tortue, a small island off the northwest coast of Haiti, and occupied the garrison there. Government troops subsequently regained control of the post and those occupying it fled. A number of people were arrested in the ensuing search. *Le Matin*, a Haitian daily newspaper, stated that three men were being interrogated in the Casernes Dessalines: Richard Brisson (a journalist from *Radio Haiti Inter* who had previously been arrested, tortured and deported from the country in late 1980), Louis Emil Celestin and Robert Mathurin. The government later announced that the three had "died as a result of their wounds" although they were reported to have been seen in custody apparently in good health. A fourth man, Julien Boigris, is also reported to have been detained in connection with the invasion. Amnesty International believes that these four men were summarily executed after having been tortured.

VSN killings

Reports of arbitrary killings by the VSN continue to reach Amnesty International. According to testimonies by former VSN members, the *tontons macoutes* sometimes justify killings by describing the victim as a "kamokin" (traitor), or saying that the person has "said bad things against the government".



Members of the VSN militia

Individual cases are difficult to document because relatives and witnesses are usually too afraid to speak out for fear of reprisals. Typical of the reports received is the following.

In January 1980 in Miragoâne, southwest Haiti, Joseph Décimus was reportedly arrested by a plainclothes VSN member whom he had refused entry to his home, dragged and beaten all the way to the police station and there beaten again. He was reportedly released later only after paying a sum of money. Joseph Décimus died a few days after his release apparently as a result of the injuries he received at the time of his arrest. No investigation was ever conducted into his death as far as Amnesty International is aware.

To the best of the organization's knowledge, hardly any complaints of

killings by the VSN have been investigated by the authorities.

Police killings

Amnesty International has also received reports of extrajudicial executions at *Recherches Criminelles* (police headquarters). According to a former soldier's sworn testimony, dated 1983: "the manner of execution has often been as follows: the prisoner would be strangled and killed at *Recherches Criminelles* by the use of a special cloth designed or used for this purpose . . . The body would be put into a car . . . taken at night into an area of Port-au-Prince where there were a lot of thieves, and then the body, after having been shot, would be dumped . . . The intention was to make it appear that the murdered persons had been thieves . . ." This testimony is consistent with that given by former police officers interviewed by Amnesty International.

Death penalty

Although death sentences have been passed in recent years, Amnesty International has recorded no judicial executions. The death sentences have either been commuted to imprisonment or not carried out.

In January 1981, for example, it was reported that five members of the army sentenced to death in 1978 had been fully pardoned, and that three other people sentenced to death in July 1977 had had their sentences commuted.

The most recent death sentences of which Amnesty International is aware were imposed in 1982 on two men convicted of murdering a French national. Their sentences were commuted in January 1983 to 20 years' imprisonment and further reduced in January 1984 to 10 years.

According to the constitution, the death penalty may not be imposed for political crimes except high treason (Article 39), although the anti-communist law of April 1969 punishes by death those convicted of "communist activities". Amnesty International knows of no one convicted under this law. Certain criminal offences including some categories of murder, currency forgery and arson, carry the death penalty.

Execution is by firing-squad.

Harsh conditions in prisons

Political prisoners endure harsh conditions in Haitian prisons. Many are taken to the military barracks in Port-au-Prince (the Casernes Dessalines), where they are held in squalid cells, often naked and in complete isolation.

The National Penitentiary in Port-au-Prince is the other main prison used to hold political detainees. Amnesty International has also received reports of political detainees being held in prisons in Hinche, Cap Haïtien, Léogane, Les Cayes, and other towns.

The Casernes Dessalines

The Casernes Dessalines is apparently the main centre for the detention and interrogation of people suspected of anti-government activity. Although the barracks is under military administration, the Chief of Police usually conducts interrogations. The Casernes Dessalines also houses the SD (civilian secret police).

Political detainees taken to the Casernes Dessalines are held in damp, dark and dirty cells, either naked or dressed only in their underwear. Detainees leave the cells only once a day, early in the morning, for a shower. There is said to be no furniture at all in the cells, only a dirty mattress on which the prisoner sleeps and a paint tin which serves as a toilet.

Prisoners are allowed no visits whatsoever and are kept completely isolated. No reading materials or correspondence are permitted and the prisoners do not work. They are not allowed to communicate with each other and if caught doing so are likely to be beaten.

Their diet consists of three meals a day but quantities of food are very small.

There is no regular medical treatment in the barracks. Yves Médard (see

below), said that he and other prisoners were visited by a doctor in 1983 but he understood it was the first such visit for almost a year. No medical examinations were undertaken, although some prisoners were given medicine after describing their ailments. The most common medical problems are intestinal, caused by the poor prison diet and insanitary conditions.

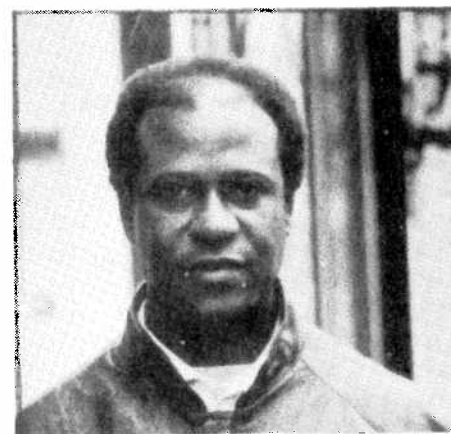
Most of the reports of ill-treatment or torture of political prisoners received by Amnesty International name the Casernes Dessalines as the place where it has occurred.

From the Casernes Dessalines political prisoners are sometimes sent to the other main detention centre in Haiti, the National Penitentiary. Other detainees have been set free without a word of explanation; less fortunate prisoners have "disappeared".

Testimonies

Yves Médard, a Haitian film director who had lived for some years in Mexico, was arrested without warrant in Port-au-Prince in 1983 and held incommunicado for 10 days.

"On Monday 29 August I was at home. All of a sudden, two men arrived at the house, dressed in civilian clothes. [One of them] showed me a piece of paper. I could see the name of Colonel Albert Pierre typed at the bottom and underneath was his signature.



"I started to read it and tried to tear it up. He said, 'Be careful, do not make things worse for yourself'.

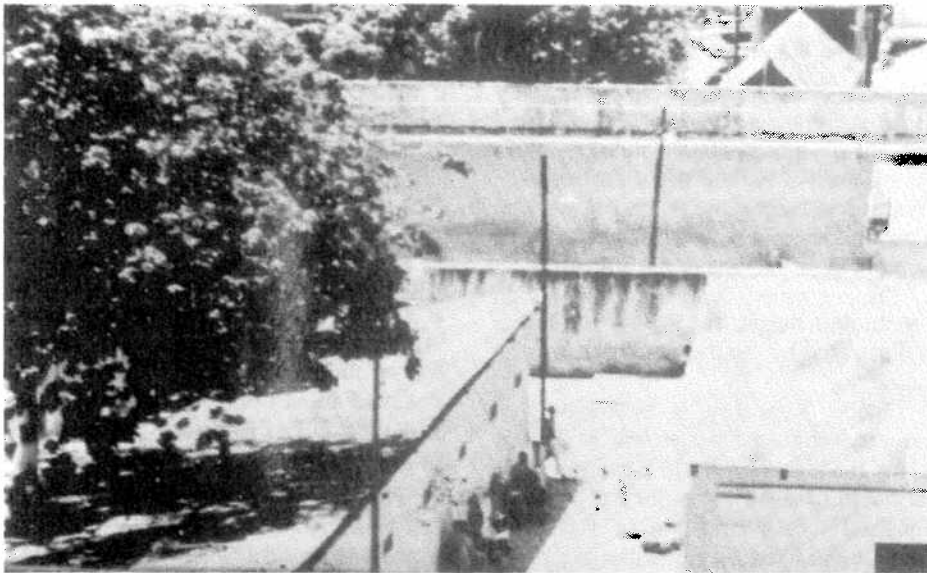
"We arrived at the Casernes Dessalines at around 7 o'clock. They asked my name. I was taken to a room marked No. 1 where there were clothes and shoes. He told me to undress. I did so, being allowed to keep only my underpants on. He said 'O.K., we'll take you to your room'. We arrived at a cell which was marked No. 12. He opened the door and said: 'There is your room', and he closed the door . . . and he went away. There were no interrogations. No questions.

"In the cell was a small, very dirty mattress. There was blood on it. I thought it was blood because of the awful smell. I had to turn it over to be able to sleep.

"There are 20 cells upstairs, at ground level. Downstairs there are 12 underground cells. It is very hard there . . .



The military barracks known as the Casernes Dessalines. Located near the National Palace, it is one of Port-au-Prince's largest buildings. Most of the testimonies Amnesty International receive allege that torture takes place inside these prison walls.



The National Penitentiary, the main prison in Haiti.

"People are brought in and let out but not all of them. For example if they think someone is in contact with another, he is held a few days, receives a few blows with a stick. If they find out he really knows nothing, he is freed. But there are some who are there to stay. There are the supporters of Sylvio Claude, and those of de Ronceray because they say he is a candidate for the Presidency . . ."

Frank Blaise

Frank Blaise, a 70-year old former teacher and agronomist who had been living in the USA for about 15 years, returned to Haiti in June 1983. He was arrested without warrant on 25 August and taken to the Casernes Dessalines where he was kept in solitary confinement for 77 days. He was given no official reason for the detention.

"I was in my wife's home town – Petit Goâve – at the time. A lieutenant came with two heavily armed guards. He told me that he had a 'message' for me. The 'message' turned out to be a jeep which was waiting outside to take me to the Casernes Dessalines.

"I was taken to Port-au-Prince. There was a sub-officer there dressed in khaki who took down my name, age and the places which I had visited while teaching in the Congo. I replied to these questions. I was made to stay sitting on a bench for three to four hours. After that I felt completely exhausted. At about midnight or 1 am

I was taken to another place. There I was made to take off everything except my underpants, and put into a very damp and dirty cell full of mosquitoes.

"The next morning I was taken to a washroom alone. Prisoners are made to wash one at a time. Then I was taken to see the sub-lieutenant to ask him why I had been arrested. He could not tell me why.

"I found (imprisonment) very hard – especially because of my age.

"The food . . . in the morning we were given a glass of chocolate with a small



piece of bread. At midday, we were given rice and beans. Only beans – no meat or vegetables; people were always hungry.

"In the cell itself was only cement. Damp black cement. A small mattress and a container for our faeces near where we slept. . . The prisoners had to wash out the containers in the morning.

"It was very hard. I could not sleep because of the tension caused by being kept in a dark cell."

National Penitentiary

The *Pénitencier national*, National Penitentiary, is the main penal institution in Haiti, housing both ordinary and political prisoners, men and women.

Although Amnesty International does not collect information on ordinary criminal prisoners, it is generally believed that most of them have not been charged or tried, but are kept for undetermined periods of time subject only to the arbitrary decision of the police, the VSN, the armed forces or members of the government. Often their release appears to depend on when or whether they can pay a bribe.

A number of political prisoners are being held in the National Penitentiary and in some cases their detention has never been acknowledged by the government.

The prison regime is reported to be less harsh than in the Casernes Dessalines. Some prisoners are known to have been allowed visitors; when Sylvio Claude was held in the National Penitentiary he was even allowed a visit by international observers. This, however, was exceptional.

Cells in the National Penitentiary are multi-occupied and there is a serious overcrowding problem. Some prisoners have stated that they were forced to share a cell measuring 12ft x 12ft (3.6m x 3.6m) with some 40 to 50 other prisoners. The cell contains no furniture except a mattress for each prisoner and a tin used as a toilet. Prisoners are allowed out of their cells for some time during the day which they spend in a small walled yard adjoining the cell.

Prison food is similar to that in the Casernes Dessalines, that is, it is reported to be badly prepared and inadequate in quantity.

Those prisoners who receive visits are able to supplement the prison diet with food brought in to them by relatives or friends. However, families may not be able to afford to do this, or the prisoner may not be allowed any visits.

There is little if any medical treatment available within the National Penitentiary. Reports suggest that relatives of the prisoners, if they are able, contact a doctor outside the prison who makes a diagnosis on the basis of the symptoms and signs described, and writes a prescription. The family then takes the medicine to the prisoners. Amnesty International knows of one political prisoner who died in the National Penitentiary because of lack of adequate medical treatment.

President's statements

On 3 March 1984 President Jean-Claude Duvalier wrote letters to the Minister of Justice and to the Chief of Staff of the Haitian Armed Forces, about the protection of human rights in Haiti. In the letter to the Chief of Staff, the President gave instructions to "strictly prohibit members of the Armed Forces to attack the physical or moral integrity of any individual, particularly using torture in any of its forms", to bring any detainee suspected of criminal acts before a judge within 48 hours of arrest, and to produce a legal warrant at the time of arrest.

In his letter to the Minister of Justice, President Duvalier asked him to "work scrupulously for the respect of the principle of *habeas corpus* and of all other constitutional provisions concerning the rights of accused persons, questioning and interrogation procedures, procedures for imprisonment for failure to meet contractual liability and for preventive detention."

However, since the publication of those letters in the Haitian press, a number of people have been detained in violation of the principles referred to by the President and reports of the ill-treatment of prisoners have continued to reach Amnesty International. Indeed, it has been reported that two priests were arrested in late May 1984 for translating the letters from French into Creole.

Amnesty International wrote to the President in June 1984 pointing out that despite his published statements, 40 named prisoners on a list submitted with the letter "were arrested without warrant, have been held in detention without charge, have not been brought before a judge and have been denied legal counsel. Their prolonged incommunicado detention

and solitary confinement appear not only to violate provisions of Haitian legislation but also international human rights instruments which Haiti has signed." (Haiti is a signatory to the American Convention on Human Rights of the Organization of American States.)

The continued disregard of the Haitian constitution despite the President's letters is illustrated by the case of Dr Hubert de Ronceray.

Dr de Ronceray, a professor and former government minister, was arrested on 4 July 1984. Dr Hubert de Ronceray is the president of the Committee on Conventions and Recommendations of UNESCO (the United Nations Educational, Scientific and Cultural Organization), a committee which investigates reports of certain human rights violations from all over the world. He is also director of the

private *Centre haïtien d'investigation en sciences sociales* (CHISS), Haitian social science research centre.

Dr de Ronceray was released without charge after three days, but the CHISS administrator, André Laviolette, who was arrested on 26 June, also without warrant, remained in detention, as did Dr de Ronceray's driver, Joseph Simon, who was taken into custody on 5 July. Dr de Ronceray was confined to his home; André Laviolette was released only on 3 October, and Joseph Simon was believed to still be in incommunicado detention in the Casernes Dessalines in early October 1984.

The arrest of Dr de Ronceray is believed to be due to two published interviews in which he criticized social injustices and the administration. The other two men are believed to have been arrested solely because of their links with him.



A magistrates' court in Port-au-Prince.

Government response

On 27 November 1979 – 20 days after the VSN attack on the Haitian Human Rights League – the government announced the creation of the Human Rights Division of the Ministry of Foreign Affairs. It was to coordinate the government's human rights activities and those of local or international groups which had complaints or inquiries.

Amnesty International is not aware of any initiative taken by the Human Rights Division to promote or protect human

rights in Haiti. It ceased to function in 1982.

On 4 August 1982 the *Chambre législative*, legislative chamber, approved a law creating the *Commission nationale des droits de l'homme* (CNDH), National Human Rights Commission, with nine members appointed by the President. The first nominations included a journalist, a doctor, two bishops and a former *député*, deputy.

According to the law, the CNDH may at any time inquire into reports of violations of human rights brought to its attention. In reporting to government ministries, the Commission is to make

recommendations and suggestions regarding the promotion and protection of human rights.

The role of the Commission is limited to receiving complaints about human rights violations and making recommendations to the competent authorities. It meets weekly and, in a few instances, seems to have had some influence in obtaining the release of political prisoners. However, there has been no evidence that the Commission has had any significant impact on the number or type of violations reported to Amnesty International, and in cases of political significance (such as that of Sylvio Claude) it appears to have been particularly ineffective.

Information from Amnesty International

This briefing is part of Amnesty International's publications program. As part of its effort to mobilize world public opinion in defence of the victims of human rights violations, Amnesty International produces a monthly Newsletter, an annual report, and reports, briefings and other documents on countries in all quarters of the globe.

Amnesty International attaches great importance to impartial and accurate reporting of facts. Its activities depend on meticulous research into allegations of human rights violations. The International Secretariat in London (with a staff of 150, comprising some 30 nationalities) has a Research Department which collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcriptions of radio broadcasts, reports from lawyers and humanitarian organizations, as well as letters from prisoners and their families. Amnesty International also sends fact-finding missions for on-the-spot investigations and to observe trials, meet prisoners and interview government officials. Amnesty International takes full responsibility for its published reports and if proved wrong on any point is prepared to issue a correction.

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Amnesty International Newsletter

This monthly bulletin is a regular update on Amnesty International's work: reports of fact-finding missions, details of political prisoners, reliable reports of torture and executions. It is written—without political bias—for human rights activists throughout the world and is widely used by journalists, students, political leaders, doctors, lawyers and other professionals.

Amnesty International Report

This annual report is a country-by-country survey of Amnesty International's work to combat political imprisonment, torture and the death penalty throughout the world. In describing the organization's work, the report provides details of human rights abuses in over 100 countries. It is probably the most widely read—and most influential—of the many reports published by Amnesty International each year.

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