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# Issue Paper HAITI POLITICAL VIOLENCE AND STATE PROTECTION SINCE ARISTIDE'S RETURN May 1997

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## Table of Contents

[MAP](#)[GLOSSARY](#)[1. INTRODUCTION](#)[2. INSTITUTIONAL REFORMS](#)[2.1 Security Forces](#)[2.2 Human Rights Related Judicial Reforms](#)[3. POLITICAL VIOLENCE](#)[3.1 Violence Attributed to the Security Forces and Government Sympathizers](#)[3.2 Violence Attributed to Groups Opposed to the Government](#)[4. FURTHER CONSIDERATIONS](#)[NOTES ON SELECTED SOURCES](#)[REFERENCES](#)

## MAP

See original.

Source: Amnesty International: *Haiti: The Human Rights Tragedy; Human Rights Violations Since the Coup* (AI Index AMR 36/02/92).

## GLOSSARY

APN

National People's Assembly (Assemblée populaire nationale)

CNVJ

National Truth and Justice Commission (Commission nationale de vérité et de justice)

FAD'H

Haitian Armed Forces (Forces armées d'Haïti)

FMN

Multinational Force (Force multinationale)

FPI

Interim Security Police Force (Force de la police intérimaire de la sécurité)

FRAPH

Haiti Advancement and Progress Front (Front pour l'avancement et le progrès d'Haïti)

MANUH

United Nations Support Mission in Haiti (Mission d'appui des Nations Unies en Haïti)

MDN

Mobilization for National Development (Mobilisation pour le développement national)

MICIVIH

International Civil Mission in Haiti (Mission civile internationale en Haïti)

NCHR

National Coalition for Haitian Rights

PNH

Haitian National Police (Police nationale d'Haïti)

RAMIRES

Union of Dismissed Servicemen (Rassemblement des militaires révoqués)

UNMH

United Nations Mission in Haiti

Note:

English translations of the names of Haitian organizations are provided above purely for the reader's convenience. The English names given are not official since English has no official status in Haiti.

## 1. INTRODUCTION

The consensus among the sources used for this paper is that the human rights situation in Haiti has improved markedly since the democratically elected president, Jean-Bertrand Aristide, returned to the country in October 1994 following the intervention of a multinational force (FMN)<sup>[1]</sup> under American command (OAA 15 Mar. 1996, 6; United Nations 24 Jan. 1996, 4; AI Jan. 1996, 3; HRW 1995, 100; *The Washington Post* 8 Feb. 1996; Watson 21 Mar. 1996; *Le Monde* 7 Dec. 1996). Aristide's administration launched a programme of major institutional reforms, particularly in the security forces,

prisons and, to a lesser extent, the judicial system (United Nations 24 Jan. 1996, 11; *Country Reports 1995 1996*, 441; AI Jan. 1996, 3). Aristide's successor, René Préval<sup>[2]</sup>, has reportedly continued the democratic process initiated by Aristide (*Country Reports 1996 1997*, 474; Sullivan 27 Sept. 1996). In its July 1996 report on the Haitian police, the International Civilian Mission in Haiti (Mission civile internationale en Haïti—MICIVIH) notes with satisfaction that [translation] "the phenomenon of massive and systematic human rights violations that marked the coup period disappeared as soon as constitutional rule was restored in October 1994" (MICIVIH July 1996, 1).

However, Haiti is still confronted with some major problems (Sullivan 27 Sept. 1996; Watson 21 Mar. 1996; United Nations 24 Jan. 1996, 4). It continues to face serious economic difficulties (*The Washington Post* 8 Feb. 1996; *Le Monde* 9 Feb. 1996; *Haiti Info* 27 Jan. 1996; *Libération* 5-6 Apr. 1997, 6) and has experienced a sharp increase in crime (HRW 1995, 101; United Nations 24 Jan. 1996, 4; *Le Monde* 7 Dec. 1996). In addition, Haiti also faces political problems caused largely by the fact that some former members of the Haitian Armed Forces (Forces armées d'Haïti—FAD'H) and a number of paramilitary groups opposed to the democratic government have not been efficiently and systematically disarmed (HRW 1995, 101; AI Jan. 1996, 3; *L'état du monde 1996 1996*, 536; *Courrier International* 25-31 Jan. 1996, 17; *La Presse* 20 Aug. 1996b, B3; *ibid.* 17 Sept. 1996, A12; *Le Monde* 7 Dec. 1996). Sources also state that corruption remains rife in Haiti's judicial system (*Country Reports 1996 1997*, 475; United Nations 24 Jan. 1996, 4; PBI Sept. 1996; IPS 23 Feb. 1996), and that the new members of the Haitian National Police (Police nationale d'Haïti—PNH) lack adequate training, experience and equipment (Sullivan 27 Sept. 1996; Reuters 17 Mar. 1996; *La Presse* 30 May 1996, A12; *Le Monde* 7 Dec. 1996).

This paper outlines the major institutional reforms undertaken by the Haitian government since Aristide's return in order to establish the rule of law and provide security for its population. The paper also describes violent acts, which may have been politically motivated, by government security forces and by opposition groups. These groups include former FAD'H members, Tontons Macoutes and attachés,<sup>[3]</sup> who are loyal to the Duvalier family, and the Front pour l'avancement et le progrès haïtien (FRAPH). FRAPH is a neo-Duvalierist paramilitary group formed during the 1991 coup (*Le Devoir* 3 Jan. 1996, B5), and reportedly [UN translation] "terrorized the population of Haiti during the three years of the military dictatorship" (United Nations 24 Jan. 1996, 10). The paper includes violent acts committed by civilians where these acts may have been politically motivated. To the extent permitted by the information available, the paper also indicates how Haitian authorities have reacted to violence, and what measures they have taken to counter it.

## NOTES

[1] The multinational force, which had arrived in Haiti in September 1994 with the approval of the UN Security Council, was replaced in March 1995 by the United Nations Mission in Haiti (UNMIH), composed of 6,000 peacekeeping troops and 900 civilian police officers (*Country Reports 1995, 1996*, 441; *L'état du monde 1996 1996*, 523-537). In February 1996, at the request of the president-elect, René Préval, UNMIH's mandate was extended for another six months, but its size was reduced to 1,200 peacekeeping troops and 300 civilian police officers (*Keesing's* Mar. 1996, 40945; *The Washington Post* 1 Mar. 1996; *La Presse* 6 Mar. 1996, D12). In late June 1996, the Security Council again extended the mandate of the mission, which was from then on called the United Nations Support Mission in Haiti (Mission d'appui des Nations Unies en Haïti—MANUH) and consisted of 1,500 peacekeeping troops and about 100 police officers from the Royal Canadian Mounted Police (RCMP) (*La Presse* 20 Aug. 1996a, A1-A2; *The Toronto Star* 22 Aug. 1996). In late November 1996, a [translation] "new upsurge in the activities of former servicemen and members of extreme right-wing organizations" (*La Presse* 4 Oct. 1996, B6) led to MANUH's mandate being renewed until 31 July 1997, which is to be the final deadline for withdrawal (*La Presse* 6 Dec. 1996, B13; *Le Monde* 7 Dec. 1996). [\[back\]](#)

[2] René Préval succeeded Jean-Bertrand Aristide as the country's president on 7 February 1996, following his victory in a

democratic presidential election (*The Washington Post* 8 Feb. 1996; *Latinamerica Press* 8 Feb. 1996, 4). [\[back\]](#)

[3] The Macoutes and attachés are paramilitary groups that supported the Duvaliers and their military successors (IPS 12 Mar. 1996; OAA 15 Mar. 1996, 7). Sources often do not make any distinction among Macoutes, FRAPH members and FAD'H members but discuss the armed opposition groups in general terms. One source warns of the "danger of political reductionism involved in the incorrect exclusive use of the term 'macoute'" (PBI Sept. 1996). [\[back\]](#)

## 2. INSTITUTIONAL REFORMS

### 2.1 Security Forces

One of the Aristide administration's first decisions after Aristide's return to Haiti was the gradual elimination of the FAD'H (OAA 15 Mar. 1996, 6; IPS 26 Jan. 1996; CAD Dec. 1995, 24; *The Washington Post* 8 Feb. 1996), which was, according to *Country Reports 1995*, "long an instrument of repression and violence" under the military junta of Raoul Cédras (1996, 441; see also United Nations 24 Jan. 1996, 6). Although this decision will only become official at the end of the parliamentary session in 1999, sources indicate that the army has in effect already been demobilized (IPS 26 Jan. 1996; CAD Dec. 1996, 3; *Country Reports 1996 1997*, 474) and replaced by a new civilian police known as the Haiti National Police (Police nationale d'Haïti—PNH) (*Country Reports 1995 1996*, 441; Sullivan 27 Sept. 1996). The PNH was [translation] "born out of the desire to respect the provisions of the 1987 constitution and the need to create a new civilian police force that fully respects human rights" (MICIVIH July 1996, 1).

After the FAD'H was disbanded, all military officers above the rank of major were forced into retirement (*Keesing's* 1996, R50; OAA 15 Mar. 1996, 6). A provisional entity called the Interim Security Police force (Force de la police intérimaire de la sécurité—FPI), consisting primarily of former army soldiers, was formed (AI Jan. 1996, 4; OAA 15 Mar. 1996, 6). The US Justice Department's International Criminal Investigation and Training Assistance Program (ICITAP) was responsible for selecting and training the new PNH personnel (HRW 1995, 101; *Haiti Info* 13 Jan. 1996). A National Police Academy (Académie de la police nationale) was created, and as new recruits graduated from the Academy, they replaced members of the FPI (AI Jan. 1996, 4; *Country Reports 1995 1996*, 441). On 6 December 1995, the FPI was disbanded by presidential decree and the last of its members were incorporated into the PNH<sup>[4]</sup> (AI Jan. 1996, 4; United Nations 24 Jan. 1996, 5). Other security units, including the presidential guard, were also incorporated into the PNH (*Country Reports 1996 1997*, 474, 475).

In addition, the government created an inspector general's office for conducting inquiries into allegations of police abuses (United Nations 25 Jan. 1996, 5; MICIVIH July 1996, 3; see also *Country Reports 1995 1996*, 442); on several occasions, the disciplinary measures recommended by the inspector general have been implemented by PNH management (*Country Reports 1996 1997*, 476; *Latinamerica Press* 18 July 1996, 6; *La Presse* 5 July 1996, B3). As of July 1996, the PNH had reportedly disciplined 173 of its members (ibid.; *Latinamerica Press* 18 July 1996, 6).

In a report on the PNH's performance, MICIVIH states that [translation] "since the new police force took up its duties, the human rights situation has on the whole remained satisfactory. Violations of basic human rights [...] are now the exception and no longer the rule" (MICIVIH July 1996, 2). Nevertheless, as detailed in section 3.1 below, some PNH members have engaged in acts of political violence, including murders.

In addition to eliminating the FAD'H and setting up the PNH, Aristide has encouraged several communities to set up teams known as the *brigades de vigilance*; these brigades, composed of civilians,

have the task of assisting the police in protecting the populace and disarming former soldiers (AI Jan. 1996, 5-6; HRW 1995, 101; United Nations 24 Jan. 1996, 6; *Country Reports 1995* 1996, 443). However, a number of sources allege that the *brigades de vigilance* have sometimes engaged in acts of summary justice (ibid.; HRW 1995, 101; United Nations 24 Jan. 1996, 6).

## 2.2 Human Rights Related Judicial Reforms<sup>[5]</sup>

In order to improve the justice system, the Aristide government has taken a number of steps such as replacing various judges and state prosecutors and raising the salaries of the personnel involved in the administration of justice (AI Jan. 1996, 8; HRW 1995, 103; United Nations 24 Jan. 1996, 11). The government created the École nationale de la magistrature in July 1995, an establishment for training personnel involved in the administration of justice (ibid.; AI Jan. 1996, 8; *Country Reports 1995* 1996, 445), and some officials were sent to France for training (AI Jan. 1996, 8; Radio Métropole 13 Jan. 1997). The government also created an ombudsman's position for investigating abuses by justice officials, and allocated 20 per cent of the Justice Department's budget for compensating victims of human rights abuses under the Cédras regime (AI Jan. 1996, 8). In late 1996, René Préval's government was reportedly planning other major judicial reforms (*Country Reports 1996* 1997, 475). However, a representative of the New York-based National Coalition for Haitian Rights (NCHR) told the DIRB that to his knowledge no major judicial reforms had been implemented in Haiti since the beginning of 1997 (14 Apr. 1997) (NCHR 14 Apr. 1997).

In October 1994, the Haitian parliament granted an amnesty to those who had engaged in anti-state activity under the previous regime (OAA 15 Mar. 1996, 9; United Nations 24 Jan. 1996, 8). However, this amnesty did not apply to people who had committed human rights violations (ibid.). In December 1994, a National Commission of Truth and Justice (Commission nationale de vérité et de justice—CNVJ) was created by presidential decree with the mandate of investigating human rights violations committed under the Cédras regime (AI Jan. 1996, 11; United Nations 24 Jan. 1996, 13; IPS 21 Mar. 1996). The Commission published a 1,200-page report in October 1996<sup>[6]</sup> (IPS 2 Oct. 1996), but *Country Reports 1996* states that the Justice Department ignored the report's recommendations and did not provide compensation to victims of violence (*Country Reports 1996* 1997, 475; see also HRW 1996, 105 and *Le Devoir* 26 Feb. 1997, A11). However, in January 1997, IPS reported that several military personalities accused of human rights violations would go on trial in May 1997 (IPS 29 Jan. 1997).

In early 1995, the government pushed through a law banning paramilitary groups such as FRAPH (OAA 15 Mar. 1996, 7; AI Jan. 1996, 6), and in October 1995 it announced the creation of a special unit charged with investigating the political assassinations that have occurred in Haiti over the last 10 years, particularly under Raoul Cédras' military regime (*Country Reports 1995* 1996, 443; Watson 21 Mar. 1996).

Despite the measures taken by the government, according to some sources, the administration of justice is still problematic (AI Jan. 1996, 9; PBI Sept. 1996). *Country Reports 1996* states that "although independent in theory, in practice the judiciary is weak and corrupt" (*Country Reports 1996* 1997, 475; see also AI Jan. 1996, 8; IPS 23 Feb. 1996). In addition, the slow reform of the justice system is further hindered by the lack of financial resources, especially in the rural regions, where, according to Amnesty International, justice is for all practical purposes virtually non-existent (Jan. 1996, 8).

Some sources report that people no longer have confidence in the judicial apparatus and the police and prefer to settle their differences among themselves (*Le Monde* 7 Dec. 1996; see United

Nations 24 Jan. 1996, 5). Chenet Jean-Baptiste, the secretary general of a coalition of Haitian NGOs (IPS 21 Mar. 1996), states that [translation] "there can be no talk of democracy in a country where justice has been replaced by impunity" (*Le Monde* 7 Dec. 1996). On several occasions, civilians have taken the law into their own hands by attacking suspected criminals (United Nations 24 Jan. 1996; OAA 15 Mar. 1996, 10; AI Jan. 1996, 9). Although the authorities have denounced these vigilante actions (OAA 15 Mar. 1996, 10; United Nations 24 Jan. 1996, 5; AI Jan. 1996, 9), they have made virtually no effort to prosecute the responsible parties (ibid.; HRW 1995, 101).

The fear of reprisals by former servicemen has reportedly made some judges reluctant to prosecute criminals, as well as making witnesses leery of testifying in public (United Nations 24 Jan. 1996, 9; see also HRW 1995, 102). In July 1996 the Port-au-Prince criminal court was compelled, reportedly because of the prosecutor's incompetence or a corrupt jury member, to acquit two of the people charged with assassinating Justice Minister Guy Malarly<sup>[7]</sup> on 14 October 1993<sup>[8]</sup> (*Country Reports* 1996 1997, 475; *Le Devoir* 25 July 1996, A5; United Nations 24 Jan. 1996, 9; EFE 24 July 1996). According to a Haitian newspaper, a judge was bribed into releasing an individual suspected of torturing people under the former regime (*Haiti Info* 13 Jan. 1996). The judge reportedly fled after Port-au-Prince ordered his arrest (ibid.). The judicial system was also criticized for the actions of another judge, who, citing [UN translation] "'insufficient evidence'," ordered the release of 14 persons suspected of criminal activity (United Nations 24 Jan. 1996, para. 32). The judge was arrested for accepting bribes to release the suspects (ibid.).

## NOTES

[4] A detailed discussion of the PNH's structure and composition can be found in the MICIVIH's July 1996 publication "La Police nationale d'Haïti et les Droits de l'Homme," available at IRB Regional Documentation Centres. [\[back\]](#)

[5] Additional information on the structure and operation of the Haitian justice system can be found in the May 1996 MICIVIH report entitled "Le Système judiciaire en Haïti: Analyse des aspects pénaux et de procédure pénale," available at IRB Regional Documentation Centres. [\[back\]](#)

[6] The CNVJ report can be accessed on the Internet at <URL: <http://www.nchr.org/reports.htm> >. [\[back\]](#)

[7] Shortly before his assassination, Guy Malarly had been appointed justice minister by exiled President Aristide and was drawing up a plan to separate the police from the armed forces upon Aristide's return to Haiti (AI Jan. 1996, 15). [\[back\]](#)

[8] Another suspect in the Malarly assassination case had been freed from prison in September 1995 in unclear circumstances (AI Jan. 1996, 16). [\[back\]](#)

## 3. POLITICAL VIOLENCE

### ***3.1 Violence Attributed to the Security Forces and Government Sympathizers***

A January 1996 Amnesty International report cites a US journalist who claimed that 80 political opponents had been assassinated since Aristide's return in October 1994; however, the report adds that the US embassy in Port-au-Prince stated that "there was no evidence indicating that the killings were politically motivated acts committed by Aristide supporters" (AI Jan. 1996, 10). In September 1995, MICIVIH had recorded the summary executions—in circumstances that seemed to rule out robbery as a motive—of some 20 people, including former FRAPH members, attachés (civilians who collaborated with the police and army during the former regime) and businessmen and businesswomen (ibid.; see also *The Washington Times* 28 Mar. 1996; United Nations 24 Jan. 1996, 5). According to Human Rights



Watch, a special unit created by the government in October 1995 (see section 2.2 above) was to investigate these murders (HRW 1996, 106).

Two of the victims—lawyer, right-wing politician and Aristide opponent Mireille Durocher Bertin and her client Eugène Baillergeau—were killed in Port-au-Prince on 28 March 1995 (AI Jan. 1996, 10; *Country Reports 1995* 1996, 442). An investigation conducted by the US Federal Bureau of Investigation (FBI) reportedly revealed that several individuals with close ties to the Haitian government were involved in these and a number of other murders (ibid.; *The Washington Times* 28 Mar. 1996). These suspects are reportedly former members of the FAD'H who had been incorporated into the FPI (ibid.). The head of the PNH investigations department, Danny Toussaint, resigned on 16 January 1996, claiming that he was not being allocated the resources necessary to perform his duties (Radio Métropole 18 Jan. 1996; *Keesing's* Feb. 1996, 40896). Some sources have suggested, however, that his resignation was due rather to the fact that the FBI suspected him of involvement in Durocher Bertin's murder (ibid.; Radio Métropole 18 Jan. 1996; *Haiti Info* 27 Jan. 1996). A 23 August 1996 article stated that no arrests had been made in connection with the murders of Durocher Bertin and other opposition figures (Deutsche Presse-Agentur 23 Aug. 1996). According to *Country Reports 1996*, the police investigation had still not made any progress as of late 1996 (*Country Reports 1996* 1997, 476).

On 7 November 1995, Aristide's cousin Jean-Hubert Feuille, a member of the National Assembly, was killed by unidentified attackers (AI Jan. 1996, 9; United Nations 25 Jan. 1996, 5; *Country Reports 1995* 1996, 443). While robbery has not been excluded as a motive, Gabriel Fortune, a survivor of the attack and also a member of parliament, has reportedly stated that the assassination was the work of presidential advisors who were afraid their "corruption" would be exposed (ibid.; see also Radio Signal FM 22 Feb. 1996). Aristide blamed former servicemen for the murder (CWS 1996, 15) and ordered a disarmament campaign (AI Jan. 1996, 9; United Nations 25 Jan. 1996, 5).

According to *Country Reports 1996*, the number of political killings by people with close ties to the authorities was slightly higher in 1996 than in 1995 (*Country Reports 1996* 1997, 475). On 30 May 1996, Erla Jean-François, the mayor of the small northwestern town of Chansolme, was shot as she was about to get into her parked car near the Port-au-Prince wharf (EFE 30 May 1996; Reuters 4 June 1996). Robbery has been cited by one report as the motive for this murder (Reuters 4 June 1996), but another indicates that a member of the palace guard may have been involved in the crime (*Country Reports 1996* 1997, 476).

On 20 August 1996, two politicians, pastor Antoine Leroy and Jacques Fleurival, both members of the Mobilisation pour le développement national (MDN)<sup>9</sup>, were killed by armed commandos (AFP 20 Aug. 1996; ibid. 10 Sept. 1996; Reuters 20 Aug. 1996; Sullivan 27 Sept. 1996; *Country Reports 1996* 1997, 475). According to several reports, the two men were killed by members of the presidential guard (*LAWR* 3 Oct. 1996; *La Presse* 7 Oct. 1996, A10; AFP 10 Sept. 1996; ibid. 6 Oct. 1996; *Le Monde* 28 Aug. 1996) "apparently in the course of an illegal arrest" (*Country Reports 1996* 1997, 475), but Prime Minister Rosny Smarth has denied that the government was involved (AFP 10 Sept. 1996). These killings took place one day after armed men had attacked the presidential palace, the parliament building and the main police station (*Latinamerica Press* 22 Aug. 1996; see section 3.2 below).

Troubled by this escalating violence, US authorities sent about 50 Marines to Haiti on 21 August 1996 (ibid.; *Le Devoir* 22 Aug. 1996, A5; *The Washington Times* 22 Aug. 1996; *The Toronto Star* 22 Aug. 1996; *LAWR* 5 Sept. 1996, 397). The US government then persuaded the Haitian president to purge the presidential guard of various elements including his personal security chief, Joseph Moïse,

and Moïse's deputy, both suspected of involvement in the murders of Leroy and Fleurival (*Keesing's* Oct. 1996, 41263; *La Presse* 17 Sept. 1996, A12; *The Economist* 21-27 Sept. 1996, 47; *The Washington Post* 14 Sept. 1996; Sullivan 27 Sept. 1996). On 13 September 1996, the US sent some 30 security agents to Haiti to protect President Préval (*Keesing's* Oct. 1996, 41263; *La Presse* 17 Sept. 1996, A12; *The Economist* 21-27 Sept. 1996, 47; *Le Monde* 7 Dec. 1996; *The Washington Post* 14 Sept. 1996), who had reportedly received death threats after dismissing members of the presidential guard (*LAWR* 3 Oct. 1996; see also *The Boston Globe* 16 Oct. 1996). Préval ordered an investigation into the murders of Leroy and Fleurival (HRW 1996, 104) but on 12 December 1996, US president Bill Clinton sent him a letter voicing his concern over the slow progress of the investigation (*The State Journal-Register* 5 Feb. 1997). According to a Human Rights Watch report published in late 1996, the investigation had not yet resulted in any charges being laid in connection with the murders (1996, 104).

According to *Country Reports 1996* and a report published in late January 1997 by Human Rights Watch and two other groups,<sup>[10]</sup> in isolated incidents, FPI and PNH members have used torture to interrogate suspects, some of whom have died as a result (*Country Reports 1996/1997*, 476; HRW/Americas 22 Jan. 1997, 2; see also *Country Reports 1995/1996*, 442). In June 1996, police officers reportedly summarily executed one prisoner and fatally tortured another (*Latinamerica Press* 18 July 1996, 6). In addition, Human Rights Watch states that in late June 1996, four prisoners died at the hands of PNH members in the Croix-des-Bouquets police station (HRW 1996, 104). In August 1996, three people suspected of theft were apparently executed by members of a security force attached to the Port-au-Prince mayor's office (*Country Reports 1996/1997*, 475, 476). Prison guards have reportedly beaten inmates in order to discipline them (AI Feb. 1996, 8; United Nations 25 Jan. 1996, 4). MICIVIH reported in July 1996 that there were 86 allegations of police mistreating prisoners in the first few months of 1996 (MICIVIH July 1996, 2), and *Country Reports 1996* states that such allegations continued to be made throughout 1996 (*Country Reports 1996/1997*, 476). MICIVIH added that it had [translation] "received a number of allegations that inmates had been given electric shocks at a Port-au-Prince police station" (July 1996, 2) and that it planned to investigate these allegations (AFP 6 Aug. 1996). The victims of this kind of mistreatment were reportedly [translation] "gang members accused of killing police officers or taking part in armed robberies" (*ibid.*).

On 2 February 1997, in Les Cayes, a masked police inspector killed a former Les Cayes municipal candidate, Léonel Montalvo Lexy, before being killed himself by police (Radio Métropole 3 Feb. 1997; Radio Signal FM 13 Feb. 1997). A few days later, a southern MP, Gabriel Fortune, claimed that there was a "network of evildoers" working in the Les Cayes police station (*ibid.*). According to Fortune, six police officers belonging to this gang were responsible for the execution of "several political personalities" (*ibid.*). He also stated that the inspector-general is investigating these killings (*ibid.*).

A few cases of PNH members killing or wounding civilians have been reported; for example, on 23 November 1995, in the Port-au-Prince shantytown of Cité-Soleil, a PNH officer killed a six-year-old girl when he shot at a bus after an altercation with its driver (AI Jan. 1996, 5; *Le Devoir* 3 Jan. 1996, B5; United Nations 24 Jan. 1996, 6). In the violence that followed, three other civilians were reportedly killed (*ibid.*; AI Jan. 1996, 5) and three police officers were apparently injured (*ibid.*).

On 10 January 1996, a ten-year-old girl was killed and three other people were injured when police shot at a crowd demonstrating against electricity being cut off in Estère, north of the capital (Radio Métropole 12 Jan. 1996; AFP 12 Jan. 1996). Also in January 1996, the police reportedly beat and injured three peasants who were squatting on land in Milot (IPS 28 Feb. 1996). On 16 January 1996, a young woman was killed in an altercation with police in Cité-Soleil; this incident led to clashes between the police and the population (*Le Devoir* 18 Jan. 1996, A5; *Haiti Info* 27 Jan. 1996). However,



it is not clear what caused the violence originally and who was responsible for it (ibid.; Radio Métropole 16 Jan. 1996). On 6 March 1996, in another incident in Cité-Soleil, at least eight people died in clashes between police and a group called Armée rouge (Red Army) (*Keesing's* Apr. 1996, 40992; Reuters 17 Mar. 1996; *LAWR* 28 Mar. 1996, 144; see also section 3.3 below). The same day, Pierre Denize was appointed head of the PNH and in turn immediately appointed a new inspector-general, Luc-Joseph Eucher, to investigate the incident (Reuters 17 Mar. 1996; Watson 21 Mar. 1996). *La Presse* also reported that on 11 November 1996, on Gonave Island, a police officer shot and killed a man while attempting to arrest him (*La Presse* 13 Nov. 1996, C7). When the enraged crowd reacted by trying to set fire to the police station, the police had to seek the help of UN forces to restore order (ibid.).

According to a Human Rights Watch/Americas report, PNH members have been responsible for the deaths of at least 46 civilians since the PNH was created in July 1995 (HRW/Americas 22 Jan. 1997, 2). Most of these deaths reportedly occurred as a result of extrajudicial executions or the use of excessive force by the police (ibid., 2). The report states, however, that the abuses committed by the PNH members do not apparently stem from any official policy of tolerating police violence against the population, and that 24 PNH members, of whom 13 have been charged with murder, are being prosecuted (ibid., 2, 3). No police officer has as yet been convicted of murder (ibid., 3).

### **3.2 Violence Attributed to Groups Opposed to the Government**

There were constant rumours in 1996 of a planned coup by former members of the army and paramilitary forces (CWS 1996, 8; *La Presse* 20 Aug. 1996b, B3). On 12 April 1996, two opposition figures, Michel François and Frank Romain, were arrested in the Dominican Republic on charges of conspiring to overthrow Préval (*La Presse* 16 Apr. 1996, A19; Reuters 16 Apr. 1996; CWS 1996, 9). They were reportedly later granted political asylum in Honduras (ibid.; Reuters 22 Apr. 1996). On 18 May 1996, two radio stations were attacked and a journalist was shot; Radio Haiti linked these incidents to a "systematic plan by the military [...] to divide [...] the country" (CWS 1996, 4). On 28 May, the Haitian police issued an order to find Prosper Avril, president of the military government from 1988 to 1990, and Eddy Moïse, an activist with the radical organization Front des militants réunis (AFP 28 May 1996). Moïse was arrested on 30 May 1996 along with an accomplice (Reuters 3 June 1996). The fact that the two men had photos of police officers in their possession led the authorities to suspect them of involvement in the murders of five police officers in May 1996 (ibid.). In July 1996, André Armand, an official with a veterans' association called Rassemblement des militaires révoqués (RAMIRES), was killed shortly after he had exposed a plot by former military personnel to assassinate Préval and Aristide (*La Presse* 23 July 1996, B3; *Le Monde* 28 Aug. 1996; PBI Sept. 1996). Patrick Élie, a former Aristide government minister who was arrested by US authorities for carrying illegal weapons, also reportedly warned of a [translation] "plot to kill President René Préval and his predecessor Jean-Bertrand Aristide and overthrow the elected government" (*La Presse* 20 Aug. 1996a, A1-A2).

Former members of the armed forces and paramilitary groups reportedly possess a considerable stock of arms and illegally import arms and munitions into Haiti (*Courrier International* 25-31 Jan. 1996, 17; *La Presse* 17 Sept. 1996, A12; *Le Monde* 7 Dec. 1996). On 29 March 1996, two Haitians, Serge Contave and Gesner Champagne, were arrested in Miami as they were preparing to send a shipment of arms and munitions to Haiti (CWS 1996, 5; Radio Métropole 12 Apr. 1996). In late April 1996, police reportedly seized munitions stashed in the residence of Philippe Biamby, who had been a general in Raoul Cédras' regime (*La Presse* 30 Apr. 1996, B4; Radio Métropole 29 Apr. 1996). In September of 1996, two individuals who had landed at the Port-au-Prince airport on a flight from Miami were arrested for possession of illegal arms (PBI Sept. 1996). In early October 1996, a search conducted by police in the residence of Emmanuel Constant, a former leader of the FRAPH paramilitary

group, revealed a cache of automatic arms and grenades as well as a "well-defined" plan to assassinate Préval and Aristide (*The Boston Globe* 16 Oct. 1996).

On several occasions the authorities have arrested politicians and other opposition figures on charges of involvement in subversive activities; for example, on 10 September 1996, Carmen Christophe, who had been the mayor of Port-au-Prince under Prosper April's military government, was arrested on charges of [translation] "subversive activities" and "plotting against state security" (*Radio Galaxie* 11 Sept. 1996). She has vehemently rejected these accusations (*ibid.*). A few days earlier, former MP and MDN opposition party member Deus Jean-François had been arrested in Petit-Goâve on charges of [translation] "subversion" (*AFP* 10 Sept. 1996). On 28 September 1996, police arrested two leaders of a group of demobilized soldiers on charges of preparing a coup and plotting the assassination of several top government officials (*The Atlanta Journal and Constitution* 6 Oct. 1996). This reportedly brought to about 50 the number of former soldiers arrested between April and September 1996 (*ibid.*).

A source reported in March 1996 that "along the border with the Dominican Republic, thousands of Tontons Macoute and former soldiers from the dissolved army [were] wait[ing] for the [...] mandate of the [UN] forces to expire" so that they could return to Haiti (*IPS* 12 Mar. 1996).

The Haitian government has asked the US to extradite Emmanuel Constant, the founder and leader of the former paramilitary group FRAPH, who is wanted on murder charges in Haiti (*IPS* 20 June 1996; *La Presse* 20 June 1996, E1). Constant, who had been held in detention in the US for a while on immigration-related charges, was released on bail on 14 June 1996<sup>[11]</sup> (*Dunkel* 5 Sept. 1996; *IPS* 20 June 1996).

On 3 June 1996, about 100 former soldiers demonstrated in front of the parliament building to demand payment of salaries for the 20 months since the disbanding of the army (*Reuters* 3 June 1996). On 19 June 1996, some 300 former soldiers demonstrated in front of the presidential palace and the US embassy as well as in other parts of Port-au-Prince, protesting against their dismissal and threatening to take up arms (*CWS* 1996, 8; *Radio Signal FM* 20 June 1996). On 19 August 1996, men wearing former Haitian army uniforms attacked the presidential palace, the parliament building and the main police station in Port-au-Prince with hand grenades and automatic weapons, killing a young bootblack as he tried to escape and wounding at least two other people (*Le Monde* 21 Aug. 1996; *Latinamerica Press* 22 Aug. 1996, 7; *La Presse* 20 Aug. 1996a, A1-A2; *Deutsche Presse-Agentur* 23 Aug. 1996; *Le Devoir* 22 Aug. 1996, A5). According to Préval, shots were also fired in the direction of former president Aristide's residence (*ibid.*). On 22 August 1996, another attack was reported, this time against the national television station (*Reuters* 22 Aug. 1996; *LAWR* 5 Sept. 1996, 397; *Keesing's* July-Aug. 1996, 41223).

Some sources claim that the objective of the 19 August attack was to secure the release of a number of prisoners, including General Claude Raymond, a former Duvalierist minister charged with terrorism and [translation] "subversion" (*La Presse* 20 Aug. 1996a, A1-A2; *Deutsche Presse-Agentur* 23 Aug. 1996; *Latinamerica Press* 25 July 1996, 7). Several days before the attack, the police had raided an MDN meeting and arrested 19 MDN members, including 16 former servicemen (*Reuters* 21 Aug. 1996; *Le Devoir* 22 Aug. 1996, A5; *The Toronto Star* 22 Aug. 1996; *Latinamerica Press* 22 Aug. 1996, 7). They were all charged with committing violent acts against the government (*ibid.*). Préval blamed antigovernment elements, including former soldiers, for the 19 August attack (*The Toronto Star* 22 Aug. 1996; *Deutsche Presse-Agentur* 23 Aug. 1996; *LAWR* 5 Sept. 1996, 397; *AFP* 10 Sept. 1996; *Keesing's* July-Aug. 1996, 41223). He ordered the arrest of MDN chief Hubert de Ronceray and former general Prosper April (*ibid.*; *LAWR* 5 Sept. 1996, 397; *AFP* 10 Sept. 1996).

Some observers such as Joseph-Emmanuel Charlemagne, the Port-au-Prince mayor and a Lavalas supporter, and Evans Paul, a former Port-au-Prince mayor, have suggested that the 19 August attack was carried out not by former soldiers but rather by the Haitian authorities themselves, in order to justify their arrests of political opponents (Reuters 21 Aug. 1996; LAWR 5 Sept. 1996, 397).

A spokesperson for the United Nations Support Mission in Haiti (Mission d'appui des Nations Unies en Haïti—MANUH), Eric Fault, stated that the 19 August attack was not as [translation] "serious" as the press made it out to be, and that it did not threaten the stability of Préval's democratic government (LAWR 5 Sept. 1996, 397; *La Presse* 20 Aug. 1996a, A1).

In late August 1996, soldiers who had served under the former regime published a list of demands, including the release of those of their comrades who had been jailed after the attack against the presidential palace, as well as financial compensation for their dismissal in 1995 (PBI Sept. 1996; IPS 6 Sept. 1996). Prime Minister Rosny Smarth responded to these demands by publishing a communiqué stating that the government, with the help of the international community, was drawing up a plan for compensating the former soldiers (ibid.; AFP 10 Sept. 1996; PBI Sept. 1996).

The year 1996 was also marked by a number of violent incidents directed at government supporters and police officers (*Country Reports 1996 1997*, 476; *La Presse* 12 May 1996, A7). On 8 January 1996, a pro-Aristide MP, Harry Marsan, was injured when he was shot in the face near the Haitian parliament (Radio Métropole 9 Jan. 1996; *Haïti Progrès* 21 Jan. 1996; *Keesing's* Feb. 1996, 40897). On 17 May 1996, the mutilated corpse of Joanes Lacombe, an employee of Prime Minister Rosny Smarth, was discovered in Smarth's residence in Les Cayes (Radio Métropole 17 May 1996; CWS 1996, 9-10). A spokesperson for the prime minister said that it was a politically motivated murder (ibid.). On 22 May, in Champagne, two members of the National People's Assembly (Assemblée populaire nationale—APN) were physically attacked by "*sans mamans*"<sup>[12]</sup> loyal to a Duvalierist judge (CWS 1996, 3).

Between March and August 1996, 6 to 12 police officers were reported murdered in Haiti (HRW 1996, 103; *La Presse* 12 May 1996, A7; *Country Reports 1996 1997*, 476). Haitian authorities claimed that these murders were part of a plot to undermine the democratic process and sabotage the police force's work (AFP 28 May 1996; *La Presse* 30 Apr. 1996, B4; AFP 3 May 1996; Xinhua 28 May 1996; Reuters 23 June 1996).

On 6 March 1996, Marie Christine Jeune, a policewoman who had criticized the armed gangs, was kidnapped in Cité-Soleil and executed (Reuters 23 June 1996; Radio Métropole 19 Mar. 1996). The same day, Étienne Rudolph, another police officer, was killed in Carrefour (CWS 1996, 4). In late April 1996, two PNH officers were shot and killed by unidentified assailants in Port-au-Prince (Radio Signal FM 29 Apr. 1996; *La Presse* 30 Apr. 1996, B4; AFP 3 May 1996), and several days later, yet another police officer was murdered (ibid.). On 5 May 1996, police officer Berthony Chery was killed by armed men near his home in Cité-Soleil (CWS 1996, 4). On 19 May, in Baptiste, located about 100 kilometres from the capital, an armed gang ransacked and set fire to a police station and freed a number of prisoners (CWS 1996, 4). On 27 May 1996, Valcourt Désir, an inspector of police, was shot and killed while he was driving his car in Port-au-Prince (Xinhua 28 May 1996; CWS 1996, 3). In Port-au-Prince as well, on 18 June 1996, PNH officer Jean Victor Sera was shot and killed as he was getting off a bus (Radio Signal FM 19 June 1996; CWS 1996, 2; Reuters 23 June 1996). On 12 August, armed men killed two police officers in the Croix-des-Bouquets region, located north of the capital (AFP 13 Aug. 1996). On the night of 29-30 August, a US police instructor of Haitian origin who was working for ICITAP was shot and killed by armed men at his Port-au-Prince residence (ibid. 30 Aug. 1996).

According to Préal and PNH officers, the perpetrators of these murders were former servicemen, Tontons Macoutes or armed bandits (*La Presse* 12 May 1996, A7; AFP 13 Aug. 1996).

## NOTES

[10] Entitled "The Human Rights Record of the Haitian National Police," the report, published by Human Rights Watch/Americas, the National Coalition for Human Rights (NCHR) and the Washington Office on Latin America (WOLA), is available at IRB Regional Documentation Centres. [\[back\]](#)

[11] Constant has admitted to being a former US Central Intelligence Agency (CIA) agent (Dunkel 5 Sept. 1996; IPS 20 June 1996). [\[back\]](#)

[12] A National Coalition for Haitian Rights (NCHR) spokesperson in New York explained that this Creole expression refers to terrorists (NCHR 14 Apr. 1997). [\[back\]](#)

## 4. FURTHER CONSIDERATIONS

Some analysts question the ability of the national police to protect Haitian democracy and maintain law and order in Haiti (IPS 12 Mar. 1996; CWS 1996, 10; Reuters 13 Dec. 1996). According to one source, "the PNH has difficulty protecting its own members" (CWS 1996, 10), and Haitian Prime Minister Rosny Smarth has reportedly acknowledged that Haitian police officers do not have the necessary training to handle the situation adequately (IPS 12 Mar. 1996). On several occasions, a lack of confidence in the judicial system and the police has led people to take the law into their own hands (United Nations 24 Jan. 1996, 5; AI Jan. 1996, 9). Some sources report that suspected military regime sympathizers or *zenglendos*<sup>[13]</sup> have been attacked by crowds (AI Jan. 1996, 9; United Nations 24 Jan. 1996, 5). In March 1995, 45 suspects were reportedly stoned to death by civilians, and in July of the same year, 18 other suspects reportedly suffered the same fate (ibid.). When the mayor of Chansolme was murdered in late May 1996, the town's residents responded by dragging seven suspects out of the local police station and killing them (Radio Signal FM 31 May 1996; Reuters 4 June 1996). According to various estimates, 2 to 30 former soldiers were killed by unidentified assailants in August and September 1996 (*Country Reports* 1996 1997, 476). The authorities rarely took measures to punish these acts of violence (ibid.).

In the shantytown of Cité-Soleil, there are several armed groups whose allegiance is not known (IPS 12 Mar. 1996; Radio Métropole 25 Mar. 1996; IPS 8 May 1996). Some residents believe that most of the armed civilians are former attachés or FRAPH members (AI Jan. 1996, 7; *Le Devoir* 3 Jan. 1996, B5). In June 1996, Eric Falt, a UN spokesman, estimated that there were fewer than 100 bandits in Cité-Soleil, and PNH chief Pierre Denize stated that these bandits were mainly involved in the drug and arms trades as well as in selling stolen vehicles (Reuters 23 June 1996).

In early 1997, the media reported that the shantytowns of Port-au-Prince were rife with violence and danger (Reuters 27 Feb. 1997; *La Presse* 28 Feb. 1997, E2; Radio Métropole 3 Mar. 1997; *La Presse* 14 Mar. 1997; *Libération* 6 Apr. 1997, 6; AP 15 Mar. 1997). The rival gangs in the capital, particularly in Cité-Soleil (ibid.; Reuters 27 Feb. 1997), have claimed numerous civilian victims and are causing much concern (ibid.; AP 15 Mar. 1997; *La Presse* 28 Feb. 1997, E2; ibid. 14 Mar. 1997; *Haïti Progrès* 26 Feb.-4 Mar. 1997, 7).

A week of violence in Cité-Soleil in late February 1997 reportedly left at least 10 people dead and dozens injured, and was marked by more than 100 houses being set on fire (Reuters 27 Feb. 1997; IPS 5 Mar. 1997; see also *Haïti Progrès* 5-11 Mar. 1997, 1). The police do not know how the armed gangs

were able to acquire their impressive arsenal of pistols and automatic weapons (Reuters 27 Feb. 1997). At least 35 people, including three police officers, were reportedly killed in a three-week period in February and March 1997 (*La Presse* 14 Mar. 1997; Reuters 13 Mar. 1997). Violence in Cité-Soleil in late March and early April reportedly left at least 40 people dead (*Libération* 6 Apr. 1997, 6).

The authorities have been criticized for their [translation] "inaction" (*La Presse* 14 Mar. 1997; *Haïti Progrès* 26 Feb.-4 Mar. 1997, 7; *ibid.* 5-11 Mar. 1997, 1, 18). In early March, some 100 police officers were posted to Cité-Soleil to restore order (IPS 5 Mar. 1997). However, according to one source, [translation] "the new national police [...] is incapable of maintaining law and order" (*Libération* 6 Apr. 1997, 6). Canada has decided to extend its peacekeeping mission in Haiti to the end of 1997 (AP 26 Mar. 1997), and the UN is also considering extending the mandate of its forces in Haiti (IPS 27 Mar. 1997).

Most of the victims of recent violence have been members of armed gangs, but some political figures have also been targeted (Reuters 2 Apr. 1997). For example, Charles April, chief of security in Haiti's Justice Department, was killed on 11 March 1997 by two unidentified assailants (*Deutsche Presse-Agentur* 11 Mar. 1997; AP 11 Mar. 1997b; *The Washington Times* 12 Mar. 1997). The same day, Senator Mehu Milius Garçon's car was attacked near Cité-Soleil (AP 11 Mar. 1997a; *The Washington Times* 13 Mar. 1997; Reuters 12 Mar. 1997). Garçon escaped with minor injuries, but his chauffeur was killed (*ibid.*).

According to Haitian police, armed criminals are responsible for these recent acts of violence (IPS 14 Mar. 1997). About 15 of them have been arrested (*ibid.*). A *New York Times* article states that it is not possible to determine with any certainty whether the latest wave of violence is political or criminal in nature, or a mixture of the two kinds (*New York Times* 24 Mar. 1997). Some observers think that there is a split within the Lavalas movement caused by a power struggle between Aristide and Préval (AP 24 Mar. 1997).

In addition to the increased violence in Port-au-Prince in 1997, the Haitian authorities must also face the public's dissatisfaction with Prime Minister Rosny Smarth's economic policies (IPS 15 Jan. 1997; *Latinamerica Press* 30 Jan. 1997). In January 1997, grassroots organizations organized demonstrations calling for Smarth's resignation (*ibid.*; IPS 15 Jan. 1997). Three demonstrators were injured when police intervened (*ibid.*).

Elections for the renewal of the senate and the designation of territorial assemblies took place in Haiti on 6 April 1997. One of the election observer missions, the International Republic Institute (IRI), noted a low turn-out, which it believes is the result of frustration and disillusionment among voters (*Radio Signal FM* 8 Apr. 1997).

For updates on Haiti please consult the REFINFO database and sources available at Immigration and Refugee Board Regional Documentation Centres.

## NOTE

[13] *Zenglando* is a Creole word meaning "bandit" (PBI Dec. 1996). [\[back\]](#)

## NOTES ON SELECTED SOURCES

### Church World Service (CWS):

A New York-based nongovernmental organization with about 40 offices throughout North America. Its

goal is to provide aid to refugees and develop refugee aid programmes.

***Haïti Progrès:***

An independent, left-leaning Haitian weekly published in Port-au-Prince and New York (*World News Media* 1991, 211).

**International Civil Mission in Haiti (Mission civile internationale en Haïti—MICIVIH):**

MICIVIH, a joint United Nations and Organization of American States mission, maintained about 60 observers in Haiti in 1996. Their task was to monitor the human rights situation and provide technical assistance to the Department of Justice and the police. MICIVIH has published several press releases as well as reports on the PNH and the Haitian justice system. MICIVIH continues to provide information on Haiti.

**National Coalition for Haitian Rights (NCHR):**

The New York-based NCHR, a coalition of 42 US and Haitian organizations, was founded in 1982 with the goal of promoting the rights of the Haitian community and Haitian refugees in the United States and elsewhere in the world. The NCHR is also interested in the human rights situation in Haiti and has published several reports on this topic.

**Radio Galaxie, Radio Métropole and Radio Signal FM:**

Three independent Haitian radio stations in Port-au-Prince. These stations broadcast in Créole and/or French, however, English translations provided by FBIS and the BBC were used as references for this paper.

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- \_\_\_\_\_. 13 December 1996. BC Cycle. Nicole Volpe. "Crowds Protest After Gangsters Kill Six in Haiti." (NEXIS)
- \_\_\_\_\_. 22 August 1996. BC Cycle. Nicole Volpe. "Haiti Television Station Attacked in Latest Violence." (NEXIS)
- \_\_\_\_\_. 21 August 1996. BC Cycle. Nicole Volpe. "Haiti Rocked by Armed Attacks, Marines Arrive." (NEXIS)
- \_\_\_\_\_. 20 August 1996. BC Cycle. "Opposition Politician Killed in Haiti." (NEXIS)
- \_\_\_\_\_. 23 June 1996. BC Cycle. Nicole Volpe. "Haiti Police Killings Seen as Destabilizing Effort." (NEXIS)
- \_\_\_\_\_. 4 June 1996. BC Cycle. "Preval Asks Haitians to Fight Gangsters." (NEXIS)
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[Top of Page](#)

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