

**Summary Report of Phase II of National Lawyers Guild**  
**Delegation to Haiti**  
**April 12-19, 2004**

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#### I. OVERVIEW

On February 29, 2004, the democratically elected Haitian President Jean-Bertrand Aristide was overthrown and removed from power. As a result of continuing reports of serious human rights violations occurring in the aftermath of the coup d'état which removed President Aristide from power, the National Lawyers Guild determined to send a delegation to Haiti to investigate and report on the human rights situation.

The first phase of this delegation visited Haiti from March 29-April 5, 2004, and issued a summary report on April 11, 2004. In general, the delegation found the human rights situation to be grave with a near total lack of media attention, within and outside of Haiti, to the human rights abuses which were occurring. The delegation noticed a general sense of insecurity in people due to a number of factors, including: (1) killings; (2) curfews; (3) the lack of police or any form of working judicial system; (4) patrols of private, heavily armed militia; (5) the doubling or tripling of food and fuel prices; (6) the loss of value of the Haitian currency against the U.S. dollar, (7) lack of electricity in major urban areas; and, (8) the unauthorized return of the uniformed and armed soldiers of the Haitian Army that President Aristide decommissioned in 1994 for its historical oppression of Haiti's poor.

The first NLG delegation visited Port-au-Prince and areas to the south of the capital city, including Petit Goave, Grand Goave and Les Cayes. The delegation documented a wave of political violence directed at supporters of President Aristide, his party Fanmi Lavalas, and Haiti's elected authorities, and the repression of popular organizations that worked with the prior government to address basic community needs. The delegation concluded that the multinational force of 3,600 soldiers from the U.S., Canada, France and Chile, was not functioning to protect supporters of President Aristide or prevent killings, kidnappings, and arsons directed at his supporters. The multinational force was generally limited to guarding fixed positions or engaging in heavily armed patrols in the poorest areas. Its presence generally was seen as raising tensions in those areas rather than contributing to a sense of security. The initial summary report of Phase I of the NLG Delegation can be found in its entirety at [www.nlg.org](http://www.nlg.org).

Phase II of the NLG delegation was in Haiti from April 12-19, 2004. Consisting of two attorneys, three law students, and a photographer,<sup>1</sup> the delegation visited Port-au-Prince,

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<sup>1</sup> All participants in the delegation traveled to Haiti as volunteers. The participants of Phase II were: Bruce Nestor (attorney, Mpls., MN), Jennifer Van Bergen (attorney, Miami/Ft. Lauderdale, FL), Elizabeth Meyers (law student, CA), Kenavon Carter (law student, Austin, TX), Jennifer Wernersbach (law student,

Gonaïves, Cap-Haïtien, and Milot in the north of Haiti. Delegation members interviewed human rights lawyers, police officials, members of the multi-national force, political leaders of Fanmi Lavalas, officials of the new Haitian government, representatives of the U.S. embassy, journalists, leaders of popular organizations, religious leaders, leaders of the armed rebel movement, local elected officials, and many other Haitian citizens. Set out below is a summary of the key observations and findings of Phase II of the NLG Delegation, followed by a narrative description of some of the key interviews and findings of the Delegation.

## II. MAJOR CONCERNS

### A. General Concerns

#### **a. Human Rights Violations**

##### i. The emergence and continued presence of armed gangs including known human rights violators

The delegation found support for the reports of Amnesty International, Human Rights Watch, and the Quixote Center of the re-emergence of armed gangs comprised of previously-convicted human rights perpetrators.<sup>2</sup> In particular, the delegation visited a former garrison of the Haitian Army in Cap-Haïtien and observed there an armed group of approximately 120 men led by Michel Dieuseul, a former member of the Haitian military. Although Dieuseul stated that his group represented the reconstituted Haitian Army, that their purpose was to restore order and they had not committed any human rights violations, this claim was belied by several Aristide supporters who were in hiding in the area, who described human rights abuses and murders by these armed groups. In fact, the army has not been officially reconstituted, and has no recognized command structure. The delegation also documented a number of burned private homes and vehicles as well as burned police stations which witnesses said were destroyed by these armed individuals.

Human Rights Watch observed in February that “former members of the Haitian Armed Forces (*Forces Armées d’Haiti, FAd’H*), have been mobilizing around the border of the Dominican Republic in central Haiti for about three years” and “resent President Aristide for having dismantled the army in 1995.” Some FAd’H officers who were returned to

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NM), and Alan Pogue (photographer). Thanks to Ron Voss, Domond, Patrick, Janvier, Lyn Duff of Pacifica Radio, the NLG Executive Committee, and others who must remain unnamed.

<sup>2</sup> See Amnesty International, *Haiti: Perpetrators of past abuses threaten human rights and the reestablishment of the rule of law* (3 March 2004), <http://www.amnesty.ca/amnestynews/upload/AMR3601304.pdf>; Human Rights Watch, *Haiti: Recycled Soldiers and Paramilitaries on the March* (2 February 2004), [http://hrw.org/english/docs/2004/02/27/haiti7677\\_txt.htm](http://hrw.org/english/docs/2004/02/27/haiti7677_txt.htm); Melinda Miles, Co-Director (Haiti Reborn/Quixote Center), *Emergency Haiti Observation Mission* (March 23 – April 2, 2004), <http://www.haitireborn.org/misc/ob-miss-mar04.pdf>.

Haiti by the U.S. following their convictions in the Raboteau Massacre (1994) trial escaped from the National Penitentiary on February 29. These include three members of the FAd'H High Command during Haiti's 1991-1994 dictatorship, including Jean-Claude Duperval, the highest ranked soldier ever deported from the US to face human rights charges. Some FAd'H members founded the Revolutionary Front for Haitian Advancement and Progress (*Front révolutionnaire pour l'avancement et le progrès haïtien, FRAPH*) in 1993 and some FRAPH are among the leaders of the rebel forces, according to Amnesty International.

The delegation found corroboration of human rights violations in Cap-Haïtien, Gonaïves, and Port-au-Prince, and connections between these violations and the armed groups. Additionally, the delegation found support for the Quixote Center's conclusion that "the interim government has not even attempted to create the illusion that it is inclusive" and "appears to be implicitly supporting violent criminals-at-large, and resurgent military and paramilitary groups." In other words, the interim government is "condoning a large violent faction that is committing human rights violations."

These conclusions cause the NLG delegation deep concern.

ii. Continued repression, violence, and human rights violations towards Supporters of the Elected Government

In general, the delegation found continued repression, violence, and human rights violations towards supporters of the elected government. All persons the delegation interviewed who were in hiding identified themselves as supporters of Aristide or the constitutional government. These persons were in hiding because they feared for their lives or safety. These included a former national government official, a director of a community radio station, community and neighborhood leaders, a school teacher and administrator, and a graduate student. These persons testified that they knew of persons who were killed by the anti-Aristide armed gangs and also knew persons who had disappeared and/or gone into hiding.<sup>3</sup>

These findings support the conclusions of HRW, AI, and the Quixote Center that violence is directed largely at supporters of Aristide.

**b. Rule of Law**

i. Lack of adequate and properly trained police.

Corroborating other reports, the delegation learned from witnesses that police had been killed in several places, including Milot and Cap-Haïtien. Some locales had no police presence. Throughout the north from Gonaïves to Cap-Haïtien, police stations were either burned or abandoned and stripped clean. Furthermore, police officials in Port-au-

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<sup>3</sup> Note that a disappeared person is not necessarily the same as a person in hiding. A disappeared person may be dead or in hiding, and some of those in hiding are able to maintain contact with their support network.

Prince admitted that the police forces there were diminished and that several hundred policemen had been fired for unspecified reasons after the coup. There is a new police commissioner in Port-au-Prince who states that he is “working for the population” and to “do things like we are supposed to be doing,” but there are “a lot of bad police guys” still on the force.

These facts and the continued presence of armed gangs in the three cities visited by the delegation supports the view that the present police forces are inadequate. The delegation saw French armed forces meeting on the field at the Cap-Haïtien airport with a group of about 30-50 men whom we were told were new Haitian police recruits. It is not clear who trained these policemen.

As a matter of general policy, the NLG delegates believe that military training is and should be distinct from police training. The overlap of military “rules of engagement” with police arrest procedures may create a legal vacuum into which innocent persons may fall, as may have been evidenced by the testimony of five prisoners interviewed by the delegation. These prisoners, who were kept in the Port-au-Prince jail (not the National Penitentiary), had been picked up by U.S. Marines, accused of planning to shoot American soldiers, and taken for detention to the jail. The prison official did not know or question why the men were to be detained. There was no arrest warrant and the Marines were expected to return to interrogate the men, who claimed they were merely out drinking. (The delegation also interviewed a police official arrested with this group. This official carried an expired police identification card (a continuing problem in the system) and the Marines believed he was lying and beat him. Upon arrival at the jail, the man was recognized and released. He got six stitches to his head.)

ii. Lack of adequate judicial process.

The incident with the five jail detainees illustrates one present problem with judicial process. The Haitian Constitution, Article 26, requires that all detainees be granted a court hearing within 48 hours of arrest. A police official claimed that “No charges are brought because no charges need to be brought” against arrestees. This violates Articles 24-3 and 26, both of which require legally cognizable bases for arrests and detentions.<sup>4</sup> (The police commissioner clarified that he would arrest on one of two bases: (1) If he personally sees someone doing something wrong, or (2) a witness claims he saw it. In the latter case, the witness would be required to go to court to obtain an arrest warrant, and the police would then arrest the suspect.)

However, where members of the armed forces of the Multinational Interim Force (MIF) “arrest” individuals and deposit them with police, the question of proper legal process arises. While the delegation was told that U.S. Marines do not arrest people, the evidence was clear that *de facto* arrests by Marines were occurring and that these were without a warrant or showing of probable cause. While the delegation did raise this issue with the U.S. Embassy, we were not able to follow up or confirm that any of the detainees we

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<sup>4</sup> The police official also told the delegation on a Friday that the prisoners would see a judge on Monday. They had been arrested on Wednesday.

interviewed were in fact granted hearings or that any measures were taken to stop unlawful arrests by Marines.

The delegation did not further investigate the status of the judicial system.

### **c. Security**

#### **i. Persons in hiding.**

It was clear to all members of the delegation in every area of Haiti they visited that security for government supporters and members of popular organizations working for peasants' rights, democracy, and/or Aristide was severely lacking and that these persons continued to be in grave danger. In at one case, an entire family numbering three dozen people and including women (one of whom was pregnant and had been injured by an armed gang member), and young children, were in hiding. All of these persons expressed that they had been targeted by threats due to their engagement in lawful political activity.

In addition to the dangers these persons faced, the NLG is concerned about their inability to exercise their rights to free speech and political organizing.

### **B. Specific concerns**

#### **a. Incidents with U.S. Marines & French forces**

The U.S. component of the MIF is stationed in Port-au-Prince. Multiple witnesses described an incident that occurred on March 13 in which Marines fired upon and killed up to ten Haitians in Bel-Air, a poor section of Port-au-Prince. According to an official at the U.S. Embassy, the Marines thought they were being fired upon and returned fire. However, witnesses interviewed by the delegation consistently declared that there were no guns being fired, that they were having a demonstration with flares or fireworks. (One such interviewee was a 16-year-old male who was shot in the back by a Marine bullet.) It appears that American armed forces overreacted and used excessive force on this occasion.

More recently, since the return of the delegation, another incident occurred and was reported in the news. Others from Port-au-Prince described clashes with Marines -- for example, the five men held in jail, and a delegation driver described an incident where Marines surrounded a home he was caring for, demanded entry, and arrested him, based upon (he later learned) a false report from a vindictive neighbor.

No eye-witness reports of incidents with French or Canadian forces (in Cap-Haïtien and Gonaïves, respectively) were heard by the delegation. The U.S. embassy official noted that there were different rules of engagement between the forces and that the U.S. forces were in the worst part of the country. The statement that Port-au-Prince is the worst part of the country is countered by the fact that while that city contains several neighborhoods

which house many Lavalas members, other parts of the country have suffered even greater levels of unrest and violence.

**b. Failures of the interim peacekeeping forces and/or interim Haitian government.**

- i. Failure to stop violence or bring rebels to justice for killings and human rights abuses.

Although the delegation did not witness any direct acts of violence, lawless and legally unaccountable armed gangs continued to operate in all three cities visited and none of their members had at the time of our visit been arrested or brought up on charges, despite widespread reports of killings and other human rights abuses by them.

Since the delegation returned to the U.S., news media reported the surrender of Louis Jodel Chamblain. The delegation remains extremely concerned about the circumstances of this surrender and whether the surrender of Chamblain to a government which has praised him as a “freedom fighter” is merely part of a process to pardon and rehabilitate this convicted human rights violator. Mr. Chamblain and his rebel allies, despite the surrender, appear to remain above the law: they effectively control large parts of the country, keeping the police and even international peacekeepers out of many areas. Under the law, Chamblain should have been arrested as soon as he entered the country, but he circulated openly for two months, with no attempts to arrest him. He turned himself in only under international pressure, and even then he first negotiated a deal with the *de facto* government. Minister of Justice Bernard Gousse declared that Chamblain “had nothing to hide,” which sent a signal, especially to prosecutors who are appointed by the Minister, that the Minister has already decided on the outcome.

Further, despite statements by a U.S. Embassy official who spoke off the record to the delegation that the U.S. government was working with the interim Haitian government to reestablish peace and bring wrong-doers to justice, armed gangs continue to operate openly in both Cap-Haïtien and Gonaïves without any intervention by the MIF. None of the other people convicted in major human rights cases have been arrested, including several members of the high command deported from the US, and Jean Pierre, a.k.a “Tatoune”, who is a leading power broker in Gonaïves. This compels the conclusion that they operate with the knowledge and sanction of the U.S. and Multinational Interim Forces. The delegation views this situation as intolerable and unacceptable and demands that the MIF immediately locate and disband all such unlawful armed gangs, arrests those who have been convicted or escaped pre-trial custody, and support prosecutions against those responsible for violence.

- ii. Failure to protect peasants and government officials, judges, activists, and supporters from armed gangs.

Parallel to the failure to stop violence or bring rebels to justice is the failure to protect peasants members of Lavalas, and officials who participated in previous prosecutions against human rights abusers. The delegation met with numerous Aristide supporters who were in hiding, and heard of many more who were in hiding, missing, or had been killed. One law student in hiding told of the deaths of a number of his friends, for example.

Evidence of inadequate protection was rampant. The former Mayor of Milot remarked that he and his colleagues wished the French forces would come to their area more frequently, actually engage with the population and establish working relations with judicial officials, police, and local elected officials. In all areas visited, the troops appear to be largely limited to routine patrols and to have little interaction with local inhabitants.

iii. Failure to pursue and capture those who escaped from prisons in February 2004.

As the rebels took cities throughout February, they freed all of the prisoners. Approximately 3,000 were freed overall, including many who were serving sentences or awaiting trial for serious human rights violations. There is no apparent effort being made to capture the escapees, among whom were persons convicted in the Raboteau Massacre trial. One report was that 128 of the 1,028 prisoners who escaped from the National Penitentiary in Port-au-Prince had been rearrested. However, this could not be confirmed and none of these allegedly rearrested prisoners were being held at the National Penitentiary.

iv. Failure to reestablish the judicial system.

There is a long history of judicial corruption in Haiti. The delegation has concerns, given the U.S. Marines' practice of arresting without a warrant or show of probable cause, that due process is undermined, and it is unclear whether judicial processes are tracking such cases.

v. Failure to adequately support police.

While the delegation did learn that French peacekeeping forces in Cap-Haïtien were meeting with new police trainees, the delegation does not view military training as appropriate for police trainees and it is unknown to what extent police training is in fact being conducted by the military. It is also clear, however, that in Cap-Haïtien, where armed gangs still operate (and where the police station was burned), and in outlying areas such as Milot, where the police were killed, that more support needs to be given to police, both in terms of military peacekeeping and in terms of training.

### III. Narrative Reports

Set out below is a summary of the key observations and findings of Phase II of the NLG Delegation.



## Port-au-Prince

The Guild delegation attempted to meet with the newly appointed Minister of Interior and Security. Although the Minister was not available, his office was occupied by a number of former officers in the Haitian military, including Colonel Henry Robert Marc-Charles, Colonel Daniel Louis, and Colonel Laureore Apollos. Fred Brutus, another member of the newly appointed Cabinet, was also present. Marc-Charles was a close associate of Raoul Cedras during the period of the 1991-1994 coup and is believed to have accompanied Cedras to the meetings at Governors Island in New York for negotiations with U.S. officials. Marc-Charles has also been indicted in a peasant massacre of March, 1990. These observations, combined with the delegation reports from Cap-Haïtien and the reports of other delegations to Haiti, demonstrate the close links between the newly installed government in Haiti and former military officials. It is clear that the disbanded Haitian Army sees this coup as an opportunity to formally reconstitute itself, either as an independent body, or by being incorporated into the structure of the Haitian National Police.

Delegation members interviewed a number of Lavalas and social action activists in the poorer neighborhoods of Port-au-Prince. A typical series of events was related by a Bel-Air neighborhood leader of a social action party, KOREL. Prior to the coup, he had been one of three neighborhood leaders for KOREL. He would help to mediate disputes, collect money for persons needing medical help, and run food distribution and literacy programs. The night of April 16, his cousin had been arrested by armed men who had been looking for this leader of KOREL. Family members had since been to the police station and morgue and could not obtain any information about who had detained the cousin or his current status. He reported that the U.S. Marines routinely patrolled Bel-Air, known as a Lavalas stronghold, and would arrest people and search homes using dogs. He stated that the Haitian National Police would detain people in the street, make them lie down, and then arrest those individuals who were pointed out by informers as being Lavalas supporters. He supported the arrest of actual criminals, including the re-arrest of the over 1,000 escapees from the National Penitentiary, but stated that the persons now being arrested had committed no crimes. The other two neighborhood leaders of KOREL were in hiding and not living in the neighborhood any longer.

This KOREL leader also described an incident he personally witnessed that occurred on March 12 in Bel Air involving the U.S. Marines. He was talking with his aunt at church when he saw a flash in the sky. He stated that persons in the neighborhood had been organized to demonstrate and sing and dance. Then he heard gunshots. He hid because he saw Marines in approximately seven Humvees coming. The Marines put glow sticks around the necks of the dead in the street. Around 5:00 a.m., he located the body of a friend, Ti P, and hid it. He says that the Marines took about twelve bodies away. He only knew two of the persons killed. He said that "Aristide was never a bad man and that under Aristide, he was able to attend school.

LouLou Chery, Secretary General of CTH (Confederation of Workers in Haiti), one of the largest workers organizations in Haiti was interviewed by the delegation in Port-au-Prince on April 13. Mr. Chery maintains contact with eleven different Haitian labor groups about the political crisis: artists, teachers, drivers, farmers, sellers, young women, etc. Before the crisis, the CTH had a general meeting. It passed a resolution to approve CARICOM's plan for a political settlement and to have President Aristide and the opposition talk. President Aristide had agreed to CTH's resolution prior to the coup.

CTH planned to host a trade union conference after the delegation left on April 29-May 1, 2004. It was also planning to march and to protest the current political situation. However, CTH tries to include all political parties and as head of CTH, Chery is not openly vocal about his political position.

Chery disapproved of the way that Aristide was removed from power. However, given the time that has passed, he now accepts the reality of the situation. He would welcome Aristide back only if it would not bring more violence. Chery believes that the majority of Haitians disapprove of the current political situation, but remain silent because they do not have a political voice. He stated that unless this silent majority obtains a voice, there is no way to talk of peace. He believes that Haiti will have to take care of its own problems, rather than having outside intervention.

### National Penitentiary

The Guild delegation visited the National Penitentiary in Port-au-Prince on two occasions. On the first visit, the delegation met with an inspector who showed a list of approximately 50 people currently being held. The delegation was able to view this list for less than five minutes. He stated that on February 29<sup>th</sup>, 1,028 prisoners had escaped from the Penitentiary and that 128 of these people had been recaptured since their escape but were not being held at the Penitentiary. He did not state where these recaptured prisoners were being held. The first meeting was held late in the day and the inspector stated that the delegation could not tour the prison that day but could return at any other time to do so and see the conditions under which prisoners were being held. No U.S. Marines were observed at the Penitentiary during this visit, although the delegation did not have access to the prison beyond an outer office area.

Three days later, on April 17<sup>th</sup>, the delegation returned to investigate reports from family members that five Lavalas supporters had been arrested the previous night and were being beaten at the prison. Outside the prison, a U.S. armored vehicle was parked with two Marines. A third Marine then emerged, with plastic handcuffs around his belt, and the vehicle left. One Marine confirmed that U.S. forces did arrest people who were "Chimers." He appeared to believe that *Chimeres* were merely gang members and,

contrary to general usage, did not appear to associate them as Aristide supporters.<sup>5</sup> He also stated that the Marines were there to “support the newly elected President.”

Inside the prison, another Marine was in the Inspector’s office. After initially receiving permission to tour the prison, the Inspector had a conversation with the Marine, Corporal Pierre (a Haitian-American from New Jersey) and we were informed that one-half of the prison was under the exclusive security control of the U.S. military and we could not enter that portion of the prison. Corporal Pierre repeatedly told the delegation that the U.S. forces did not arrest persons and bring them directly to the prison. He would not confirm whether or not the U.S. forces were guarding prisoners in the section of the prison under their control. Relatives then started visiting the prison to bring prisoners their evening meal. One relative reported that a family member had been arrested the previous night by U.S. Marines and was at the prison. When confronted with this information, the Marines on duty confirmed, without explicitly stating it as fact, that they were holding prisoners. The delegation was unable to receive permission from officers supervising the Marine detachment at the prison to visit the area under U.S. control. Amnesty International reports that U.S. officials confirmed in early April that just under 40 persons were being held in U.S. custody, including Jocelerme Privert, the former Minister of the Interior. These prisoners are being held in U.S. custody and access to the prisoners is controlled by the U.S. Marines, not by the Haitian authorities.

### Gonaïves

Gonaïves is often identified as the place where the coup started. Amiot Metayer was a local leader who sometimes supported Lavalas, and has been implicated in violent acts against both supporters and opponents of the elected government over the last five years. Metayer had been jailed in July 2002 for his participation in earlier violence, but was broken out of prison in August, 2002. He was killed last September, and his friends believed he was murdered under direction of Aristide. Immediately following the discovery of Metayer’s body, his brother, Buteur, took up arms and led a rebellion, declaring he would root out all Lavalas supporters. Mirroring the violence that took place during the Raboteau massacre of 1994 in that village which is situated near Gonaïves, victims claim that Buteur’s “Gonaïves Resistance Front” (GFR) burned houses and are responsible for numerous deaths.<sup>6</sup>

Delegation members visited Gonaïves on April 14 and interviewed several victim/witnesses of house burnings that took place on October 27, 2003. All witnesses interviewed by the delegation were anti-Aristide and believed that the house burnings were committed by the government because they came in police cars.

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<sup>5</sup> The Quixote Center report, cited above at footnote 1, states: “Many refer to these actors as *chime*, but this term has many meanings and is often used to stigmatize people from impoverished neighborhoods or slum areas.” For their excellent discussion of this term, see their report at page 14.

<sup>6</sup> These reports are substantiated by news items and photographs on the internet. See <http://www.newshaiti.com/index.php?mode=single&n=395>, <http://sundial.ccs.yorku.ca/cgi-bin/wa?A2=ind0309&L=lacyork&F=&S=&P=1159>, <http://www.wehaitians.com/once%20again%20haiti%20chief%20bandit%20jean%20bertrand%20aristide.html>.

Further witnesses of the house burnings and violence in Raboteau were interviewed by a delegation member in the United States in late April. The testimony of these persons contradicts the testimony of the anti-Aristide Gonaïves witnesses. The Raboteau houses of these victims' extended families' were all burned and after spending an entire month living in the local prison and suffering daily attacks by members of Buteur's GRF, they were all now (35 members, including children and elderly) in hiding elsewhere in Haiti.

The delegation also interviewed the Hospital Administrator, Gabriel E. Honorat, in Gonaïves, who described numerous persons who had died from burns, 40-60 injuries by gunshot and 14-15 persons died buy gunshot wounds since January. He stated that the most deaths came from Raboteau and that he saw evidence that the police burned persons (by holding a burning plastic bag next to the skin) and then brought them to the hospital in Gonaïves. Honorat stated that Gonaïves used to be full of Lavalas people but after the death of Amiot Metayer, the town turned against Aristide. Now, there were no Lavalas in Gonaïves.

Other interviews supported stories of violence by Aristide supporters prior to the coup.

### Cap-Haïtien

The situation in the north of Haiti is characterized by the absence of any effective governmental presence and the lack of functioning local government. From Gonaïves north to Cap-Haïtien, police buildings are either burned or abandoned and stripped bare of all fixtures and furnishings. In Cap-Haïtien, the armed rebel movement attacked the police stations, burning them to the ground along with a number of vehicles. Multiple witnesses told of the rebels possessing flamethrowers which they used to burn vehicles and buildings. The delegation observed a number of homes that had been burned to the ground, including the home of the Lavalas elected mayor of Cap-Haïtien. The mayor, along with other local elected and appointed officials, remained in hiding as of early April and were unable to visit their offices or carry out their official functions as a result of threats and intimidation from the armed rebel movement in Cap-Haïtien.

Similarly, in the neighboring town of Milot, the Lavalas elected mayor, Jean-Charles Moise, remained in hiding as of early April. The mayor was unable to carry out any official functioning and reported that there was no operating judicial authority in Milot. The mayor stated that he had first been elected in a contested election in 1995 and then reelected in another contested election. His background was in the Milot Peasant Movement (*Mouvman Peyizan Milo*, MPM). He reported widespread concern among peasant farmers that land they had gained during land redistribution struggles over the past decade would be lost as wealthy landowning families returned, backed by the armed rebel movement. The Haitian army has traditionally sided with wealthy landowners to force Haitian peasants from their land.

The presence of the Haitian National Police in Milot was limited to two police officers, who maintained an intermittent presence while in civilian clothes at the abandoned and

looted police station. The elected mayor of Milot reported that he had no contact with the French troops patrolling the area. This included no offer of protection or security for local elected officials or Lavalas party members, as well as a failure by the multi-national forces to solicit any input from local elected officials as to the security needs in the area. The French routinely patrolled the main street through Milot, but did not interact with citizens or actively provide any security other than a visible presence during daytime hours.

The mayor reported that the armed rebels had come to Milot around February 22, 2004, and burned several vehicles, including one belonging to the mayor. Four police officers were killed in or near Milot and seven other officers were killed in Cap-Haïtien. A number of police officers were reported to have cooperated with the rebels while others offered resistance. During the initial stages of the coup, the mayor's bodyguard and a known Lavalas activist, Antonio Lano, was found murdered in the street with a gunshot wound to his face. In addition, several witnesses stated that a number of persons with government jobs had been killed during the early stages of the coup and many others had been kidnapped and held for ransom by the armed rebels. An elected deputy from the area, Gabriel Ducatel, was one official who had been detained, paid money to be released, and had now left the area. This information confirms similar reports from Human Rights Watch that other small towns in the north had armed rebel groups acting as the *de facto* security force. Human Rights Watch also observed other local elected officials from neighboring towns being held in illegal detention by these armed groups.

The delegation concluded that the coup which ousted President Aristide was not limited to change in the national government. Rather, the coup has also resulted in the wholesale displacement of elected officials on a local level and created a power vacuum which is filled by the armed rebel movement. These conclusions are supported by the findings of Human Rights Watch during its March assessment mission to the north of Haiti. Human Rights Watch observed a number of local elected officials being held in illegal detention by the rebel forces and that virtually all local officials linked to President Aristide were in hiding.

Delegation members interviewed the press officer for the French troops at their main base in Cap-Haïtien. The press officer, J.L. Duros, stated the role of the multi-national force was to provide assistance to the Haitian National Police as the police lack legitimacy because of their involvement in the former government and "need to regain the trust of people." He indicated that the French troops are not involved in disarming people but would assist the Police in arresting people who unlawfully possessed weapons. He judged the French mission a success because shops were open in town and the airport was functioning with six to seven flights a day. He stated the French troops did not have any direct contact with armed groups and offered the observation that surely delegation members had not observed armed groups in Cap-Haïtien. The failure of the multi-national forces to disarm the rebel forces, the lack of a police presence, and the *de facto* security role of armed rebel groups was also noted by Human Rights Watch in its March assessment mission to the north of Haiti.

Ten minutes after departing the interview with the press officer, delegation members were interviewing members of the armed rebel movement at the former garrison site for the Haitian Army in Cap-Haïtien. Approximately 120 men were milling around in the former garrison site, all dressed in surplus U.S. camouflage uniforms with lapels saying "U.S. Air Force." Approximately 20 of these men were carrying rifles ranging from old M-1 rifles to modern M-16s. During interviews, citizens in Cap-Haïtien confirmed that the armed rebels continue to move about town while armed and such patrols were also observed by delegation members early one morning. These observations are consistent with the conclusions of a 15-day mission to Haiti by Amnesty International in late March-early April that "a large number of armed groups continue to be active throughout the country."

The armed rebels were led by a Commandant, Michel Dieuseul, a former member of the Haitian military. He stated that his men did not constitute a resistance movement, but rather represented the reconstituted Haitian Army established pursuant to the Constitution. He stated his armed group was not involved in politics but merely wished to restore order to Cap-Haïtien. The reconstituted Army was formed to serve all Haitian people and to protect people from Aristide and his armed thugs. He stated that they needed the support of the American people and particularly of the American government and George Bush. He denied any role in burning private homes or the police stations, stating that those acts were undertaken by angry residents. He denied any role of the reconstituted Army in human rights violations.

Multiple witnesses in Milot stated that a number of the armed rebels were from the local area. Former members of the Haitian military who still lived in the area had been observed traveling to Cap-Haïtien and meeting with the armed rebels.

Delegation members were unable to gather direct evidence of ongoing killings in the Cap-Haïtien area as of early April although there were multiple reports of continuing kidnappings and assassinations during nighttime raids by the armed rebels. The Guild delegation did interview Josephat Augustin, the news director for a community radio station, Peasant Voice of Milot, who had been observed in the custody of the rebels during the Human Rights Watch mission in March. He had narrowly escaped being held in a crowded shipping container along with other prisoners because his sister showed up to pay a bribe to the rebels. He was then ultimately released upon a further ransom payment. He reported that he was released also through the personal intervention of a representative of the Organization of American States. He reported that 27 other persons had died of heat and suffocation in the shipping container on March 3 or 4 and their bodies had been disposed of at sea. The delegation was unable to corroborate this allegation with any direct witness testimony or to obtain the names of any specific persons who were alleged to have died in this incident.

The delegation also interviewed a teacher and director of a primary school. He had been a teacher since 1979 and an administrator since 1982. He supported the Aristide government because the government built more schools and more children were attending school under the Aristide government. He reported that under President

Aristide, both the opposition and supporters of Aristide could state their political positions but that now only the opposition could engage in politics. His desire was that the Haitian Constitution would be respected. He was now in hiding, staying away from his family home, and unable to return to his school to work as an administrator or teacher.

Under President Aristide, his school, the National Saesainté-Phelomene, was running in two shifts and also running an adult literacy program in the evenings. He was responsible for approximately 1,200 students and a teaching staff of 18. He had been arrested by the rebels on March 15, 2004, and accused of providing guns to other Aristide supporters. He was ultimately released through the intervention of the Haitian Workers Federation and upon payment of a ransom by his family. He provided a list to the delegation of over twenty other persons in his educational association who were in hiding and unable to function as teachers and administrators due to their perceived association with the Aristide government. While a prisoner, he was also held on the wharf area in the harbor with at least 22 other prisoners. He confirmed the report that 27 people had died in a shipping container prior to his arrest and confinement. Again, however, the delegation did not obtain corroboration of this allegation although it is widely stated as true by a number of persons. He reported that one radio station opposed to the armed rebels, Radio Atlantic, was still broadcasting but that two other stations had been burned and were not operating.

In general, it appeared that violence levels in the Cap-Haïtien area had declined from the weeks immediately preceding and after the coup. Local fishermen reported that the “sea had become a cemetery” but the delegation did not obtain direct testimony of dates bodies were found in the sea, the conditions of any bodies found, or the names of any persons killed in such a manner. The delegation received persistent credible reports of ongoing kidnappings for payment of ransom, threats, intimidation, and some targeted killings. There were no indications that the Haitian National Police, or the multi-national forces claiming to support the police, were seeking to arrest anybody for the killings of police, the burning of homes and police stations, or the killing, kidnappings, and threats being made against persons associated with support for President Aristide. Lavalas supporters were still entirely unable to engage in any form of political activity and they and their families were suffering greatly from weeks of being in hiding without any income. Until the armed rebel movement is effectively disarmed and governmental authority re-established, the situation will remain extremely fluid and the population will be unable to engage in democratic forms of political activity.

### Conclusions and Recommendations

The NLG Delegation endorses most of the recommendations of the Quixote Center, as follows:

#### Recommendations

I. We condemn the circumstances of President Jean-Bertrand Aristide’s removal from Haiti on February 29, 2004, which we consider a coup d’etat.

II. During this Bicentennial Anniversary of the successful slave rebellion that gave birth to the Republic of Haiti, we call on all the nations of the world to respect the sovereignty and self-determination of the Haitian Republic.

We call for a full investigation by the United Nations, as requested by CARICOM, and a bipartisan, independent commission of the United States Congress into:

The U.S. role in the removal of President Aristide from Haiti;

U.S. funding to the Group of 184, the Democratic Convergence, and various civil society groups, especially through the United States Agency for International Development (USAID) and its democracy enhancement program;

U.S. ties to FRAPH and former military dealing with financing, weapons and training for them in the Dominican Republic, and coordination of their rebellion. This should include an investigation into the shipment of arms and military equipment by the United States to the Dominican Republic and the subsequent distribution of those supplies;

The role of U.S. agencies and/or operatives in the creation of the Cannibal Army of Gonaives and the Northern Opposition Front of Cap-Haitien;

Whether, as is alleged, there have been serious human rights abuses, including murder, by the foreign occupation forces;

Any and all violations by the U.S., France, and Canada, of international treaties and covenants pertaining to democracy, national sovereignty, human rights, and refugee rights; and

Any and all violations of Haiti's Constitution by the establishment and empowerment of the "interim government."

III. We call for the immediate replacement of the Multinational Force led by the United States with a United Nations Peacekeeping Mission that does not include the U.S., France, or Canada. Pending the removal of U.S. Marines from Haiti, we demand Creole translators for every unit, [and] the immediate removal of helicopters, tanks and artillery. Lastly, we call for the U.S. to adopt France's rules of engagement: to not fire unless fired upon.

IV. We demand that any government claiming legitimacy in Haiti immediately arrest the so-called "rebels", including their leader Guy Philippe, for their violent crimes. We call



for the prompt re-capture and re-imprisonment of convicted criminals, in particular, convicted human rights abusers Jean Pierre Baptiste (alias Jean Tatoune), Jean-Claude Duperval, Carl Dorelien, Prosper Avril, and Louis Jodel Chamblain, who are notorious human rights abusers.

V. With regards to United States foreign policy towards Haiti, we unanimously demand:

That the U.S. respect the sovereignty of the Haitian Republic, including the territorial sovereignty of Mole St. Nicolas;

An immediate end to punitive U.S. policies, including embargos, towards Jamaica, for acting as host to Haitian President Jean-Bertrand Aristide; and

VI. The arrest of convicted human rights violator Emmanuel "Toto" Constant, living in Queens, NY. We condemn human rights abuses committed by all sides and all parties, before and after the events of February 29, 2004, and we call for the establishment of an independent truth commission.

### **Unanimous Statements and Recommendations**

We condemn U.S. treatment of Haitian refugees, and we call for an immediate change in U.S. policy. We demand that Temporary Protective Status (TPS) be granted to all Haitians facing political persecution, including those whose names are read daily on Haitian radio stations.

We condemn the National Coalition for Haitian Rights (NCHR) in Haiti for not maintaining its impartiality as a human rights organization.

We condemn the statement made by the de facto Haitian Prime Minister in Gonaives on March 20, praising Louis Jodel Chamblain, Guy Philippe, Jean Pierre Baptiste alias Jean Tatoune, and other convicted or accused criminals and human rights violators as "freedom fighters." We also condemn the impression of agreement with this statement by OAS Ambassador David Lee who accompanied the Prime Minister and was present with him at the event.

We call for an end to the practice of funding and aid that includes neoliberal conditionalities such as structural adjustment programs because of the disastrous effects these conditions have on developing countries throughout the world. In addition, we call for complete cancellation of the odious debts of Haiti, especially the debts accrued by the Duvalier family dictatorships. Odious debts, according to international law, do not have to be repaid.

We demand an immediate investigation within the Canadian Parliament into the

Canadian role in supporting U.S. policy and the Haitian intervention.

We demand that Haitian President Jean-Bertrand Aristide be free to speak to the press and move freely. In addition, we urge the United Nations to invite President Aristide to address the UN General Assembly as soon as possible.

In order to encourage an environment where human rights are respected, we call for independent, on-the-ground human rights investigators.

We call on the international solidarity community to mobilize for:  
An international day of solidarity and/or prayer for the Haitian people;

Solidarity and support for countries suffering from imperialistic U.S. policies;

Accompaniment programs for the many Haitians who are now in hiding within their own country; and

A renewal of the Haiti solidarity movement in response to U.S., Canadian, and French policies.