



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1990/44/Add.1
31 January 1990

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 22

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Report by the Expert, Mr. Philippe Texier, on Haiti, prepared
in accordance with Commission resolution 1989/73

ADDENDUM

1. On 20 January 1990, public opinion throughout the world learned that General Prosper Avril had just issued two decrees suspending several articles of the 1987 Constitution, introducing a 30-day state of siege and requiring Haitians who wished to leave or enter the country to obtain a visa.
2. Shortly before these measures were announced, information was also received concerning a series of extremely brutal arrests. Censorship of the radio and press was immediately imposed, and only television was allowed to broadcast news.
3. The democratic sector as a whole, opposition parties and certain human rights bodies were affected by a wave of mostly unlawful arrests, whose clear objective was to terrorize the country's democratic forces.

4. The following persons were arrested: Serge Gilles, Georges Verleigh, Philippe Stephenson and Yves Duval, leaders of the Haitian Progressive Revolutionary Nationalist Party (PAMPRA), a member of the Socialist International, together with a pastor, Jackson Noël, all of whom were at the home of Serge Gilles. The circumstances of these arrests are described below.

5. On 20 January 1990 six heavily armed persons in civilian clothes entered the home of Serge Gilles without a warrant but with weapons drawn, threw him to the ground and kicked him several times in the stomach while insulting him, in front of his wife and two young children. They then ransacked several rooms in the house before again kicking Mr. Gilles, handcuffing him and dragging him out, while threatening all the members of PAMPRA.

6. All those present were thrown to the ground, hit with an ashtray and kicked. They were then handcuffed and taken to vehicles belonging to the Inland Revenue, parked in front of the house. Haby Brun, a leader of KONAKOM and Gesner Prudent, who had also been ill-treated, were already in one of the vehicles. (It should be mentioned that Haby Brun, who had clearly been tortured, had undergone an operation a few days previously and was already in poor physical condition.)

7. During the journey the perpetrators of these acts asked Serge Gilles to take them to the homes of Duly Brutus and Arnold Antonin, members of PAMPRA's Executive Secretariat, but he refused to do so.

8. These political figures were then taken to the presidential palace where they were beaten and insulted by a number of soldiers, who mocked their determination to organize democratic elections. Serge Gilles received a violent blow to the ear which burst his left ear-drum. Georges Verleigh was wounded in the head by a blow from a rifle butt; a corporal then intervened to stop the violence.

9. All the persons concerned were then taken to the premises of the anti-gang brigade where they were treated properly and where Major Clerjeune apologized to them. Apologies were also offered by Colonel Romulus, the police chief, and they were then taken back to their homes.

10. Dozens of political opponents were arrested: some of them were released quite quickly, others were imprisoned and yet others expelled from Haiti against their will. For example, Hubert de Ronceray, President of the centrist Mobilization for National Development party (MDN) was expelled to Miami. On Sunday 21 January, Max Bourjolly, deputy leader of the Unified Haitian Communist Party (PUC) was arrested and immediately expelled to Guadeloupe.

11. In all approximately 40 political figures were arrested on 20 and 21 January, including 74-year old Dr. Louis Roy, a person greatly respected by all Haitians and regarded as the father of the 1987 Constitution, who was expelled to the United States of America.

12. E. Prudent, a leader of the Movement for the Establishment of Haitian Democracy (MIDH) was also arrested, as was Dr. Sylvain Jolibois (a member of Rockefeller Guerre's UPN) who refused to allow himself to be expelled and has

remained in detention. Similarly, Dr. Robert Jean-Louis, President of the Association of Haitian Doctors and his wife and Robert Duval, leader of the Association of Former Political Prisoners and his wife fled after military personnel failed to find them at home. Gérald Emile Brun, a member of the National Committee of the Congress of Democratic Movements (KONAKOM) and an official of the Ecumenical Centre for Human Rights, was arrested, tortured and deported. Twenty-eight members of KONAKOM were arrested and tortured before being released.

13. Most leaders of political parties, even the most moderate, have had to leave their homes and are still in hiding.

14. The pretext for these exceptional measures and the wave of arrests was the assassination, on 20 January at dawn, of Lieutenant Colonel André Neptune, an officer in the Presidential Guard responsible for distributing bonuses to soldiers, who was killed together with his wife and a domestic employee, in still unelucidated circumstances.

15. Political leaders who were abroad, such as Victor Benoit (KONAKOM), Louis Dejoie and Jean-Claude Bajoux, are uncertain whether they can return to Haiti. It should be stressed that all democratic political elements were affected by the arrests, including Marc Bazin's party, the MIDH, considered to be a centrist party. Violence was employed as a matter of course in all the arrests. For example, Hubert de Ronceray declared on arrival at Miami that he had been kicked and struck with rifle butts and asserted that a cigarette had been stubbed out in one of his eyes.

16. Once again, General Avril used the pretext of an attempted coup d'état within the Presidential Guard, which allegedly took place on Friday, 19 January, when he decided to dismiss Sergeant Heubreux, spokesman of the rank and file who had brought him to power in September 1988 and subsequently saved him at the time of the April 1989 coup d'état. The sergeant had been promoted to the rank of lieutenant, and transferred away from the inner circle of power.

17. The violence sparked off unanimous protest. The ambassadors of the member countries of the European Economic Community represented in Haiti issued the following joint communiqué which they transmitted to their respective ministers:

"The Twelve deplore the declaration of a state of siege in Haiti, the suspension of certain articles of the Constitution relating to fundamental freedoms and the arrest, torture and deportation of political opponents as flagrant violations of human rights and a setback for the democratic process.

"When the EEC recently welcomed Haiti into the Lomé Convention, it expressed its interest in the economic development and the consolidation of democracy in the country.

"The Twelve request the Haitian Military Government rapidly to end the state of emergency and to guarantee the renewal of the electoral process to facilitate a smooth transition to democracy."

18. The United States also protested, and the State Department decided not to resume economic assistance; the State Department's spokeswoman, Mrs. Margaret Tutwiler, said in particular that the action taken by the Haitian Government was scandalous and totally indefensible, that it damaged relations between the United States and Haiti and undermined the prospects of future assistance. France also decided to suspend co-operation with Haiti "owing to the extent of human rights violations and the suspension of public freedoms". It cancelled a visit that the Minister of Co-operation was to have made to Haiti during the week beginning 22 January. A protest was also made by Canada.

19. Mr. François Benoit, Haitian Ambassador to the United States, announced his resignation. The Haitian Chamber of Commerce and Industry denounced the "rule of arbitrariness" and the Association of Haitian Industrialists demanded an end to the state of siege and "the return of citizens forced into exile". Lastly, the Haitian church officially protested against the violations of human rights. Mgr. Willy Romelus, Bishop of Jérémie when interviewed by Radio Soleil, the Catholic Church radio station stated: "We protest against the wave of arbitrary arrests, of unlawful imprisonment, against the exile of several political leaders and the ill-treatment meted out to others" and invited the population to pray for "the deliverance of Haiti".

20. On Friday, 26 January 1990, General Avril announced that the state of siege would be lifted on the following Tuesday, i.e. on 30 January, and declared on television that it would be possible to end the "necessary evil that the short-lived state of emergency represented 'in view of' the positive results already achieved by efforts to curb the terrorist onslaught". However, he failed to indicate whether the seven public figures exiled the previous week would be allowed to return, whether the detainees would be released and whether press freedom, the only genuine achievement since February 1986, would be restored.

21. Attention should nevertheless be drawn to the tone of this speech in which political opponents were described as "enemies of the people" or as "anarchists challenging the authority of the State". Even if the state of siege were to be lifted in a few days, which seems likely, the desired objective of intimidation and fear has been achieved, and such an attitude leaves no room for optimism regarding the holding of genuinely democratic elections in normal conditions.

22. For several weeks General Avril has issued declarations in which he expressed a certain amount of reluctance to organize elections as long as the Haitian people was hungry, or as long as insecurity prevailed. At public meetings increasing numbers of individuals have been brandishing - with a questionable degree of spontaneity - banners with slogans such as "Avril for five years" or "Without Avril the country is done for" - disturbing omens for the future of a genuine transition.

23. This was particularly apparent when the Head of State returned from a trip to Taiwan. In a speech at the airport, the President described Haitians who had returned to the country after being exiled as "Stateless". It should be mentioned that, during his trip to Taiwan, part of the opposition had organized a week of protests, and on 12 January the National Rally had put out

a call for a general strike to ensure that "the President remained abroad and did not return to Haiti". Those protests had considerably irritated the Head of State, although they had not been followed by the population.

24. It is quite likely that the state of siege will indeed be lifted within a few days; however, the arrests, torture, ill-treatment and expulsions that have occurred are particularly serious, as they were directed at the non-violent democratic sector as a whole, as well as some human rights organizations, in an attempt to assimilate them to terrorist groups and discredit them should elections be organized.

25. These facts confirm the pessimistic conclusions reached in the report by the Expert (E/CN.4/1990/44) and further support his recommendations, in particular the recommendation that a special rapporteur should be appointed or an effective system of electoral control established, should elections be held.
